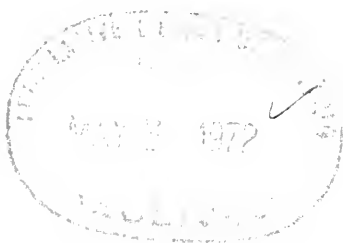




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LEGISLATIVE ASSEMBLY
OF ONTARIO 6614

FOURTH SESSION OF THE TWENTY-EIGHTH
PARLIAMENT

BILLS

AS INTRODUCED IN THE HOUSE
TOGETHER WITH
REPRINTS AND THIRD READINGS

SESSION

MARCH 30th to JULY 28th, 1971

ASSEMBLY DISSOLVED SEPTEMBER 13th, 1971



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4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Wills Act

THE HON. W. G. DAVIS
Prime Minister

EXPLANATORY NOTE

The reference to naval, military or air forces of Canada is changed to coincide with the new name "Canadian Armed Forces" under the *Canadian Forces Reorganization Act*.

BILL 1

1971

An Act to amend The Wills Act

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

1. Subsection 3 of section 13 of *The Wills Act* is amended by striking out "naval, military or air forces of Canada" in the second line and inserting in lieu thereof "Canadian Armed Forces", so that the subsection shall read as follows:

R.S.O. 1960,
c. 433, s. 13,
subs. 3,
amended

(3) In this section, "member of the forces" means a member of the Canadian Armed Forces who, having been placed on active service or called out for training, service or duty, is serving in any of such forces.

Interpre-
tation

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

Royal
Commence-
ment

3. This Act may be cited as *The Wills Amendment Act, 1971*.

Short title

An Act to amend
The Wills Act

1st Reading

March 30th, 1971

2nd Reading

3rd Reading

THE HON. W. G. DAVIS
PRIME MINISTER

(Government Bill)

BILL 1

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Wills Act

THE HON. W. G. DAVIS
Prime Minister

BILL 1

1971

An Act to amend The Wills Act

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

1. Subsection 3 of section 13 of *The Wills Act* is amended by striking out "naval, military or air forces of Canada" in the second line and inserting in lieu thereof "Canadian Armed Forces", so that the subsection shall read as follows:

R.S.O. 1960,
c. 433, s. 13,
subs. 3,
amended

(3) In this section, "member of the forces" means a member of the Canadian Armed Forces who, having been placed on active service or called out for training, service or duty, is serving in any of such forces.

Interpre-
tation

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

Commence-
ment

3. This Act may be cited as *The Wills Amendment Act*, 1971.

Short title

An Act to amend
The Wills Act

1st Reading

March 30th, 1971

2nd Reading

May 3rd, 1971

3rd Reading

May 3rd, 1971

THE HON. W. G. DAVIS
PRIME MINISTER

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Administration of Justice Act, 1968

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

EXPLANATORY NOTES

SECTION 1. The amendment makes it possible to authorize the payment of the expense of an accused person to attend the place of trial even though the offence charged is not indictable.

SECTION 2. The amendment enables fees payable by the Crown or the public for the purposes of various other Acts to be prescribed by one scale under this Act.

BILL 2

1971

**An Act to amend
The Administration of Justice Act, 1968**

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

1. Subsection 3 of section 6 of *The Administration of Justice Act, 1968* is amended by striking out "indictable" in the third line, so that the subsection shall read as follows: 1968, c. 1, s. 6, subs. 3, amended

(3) Where the Director of Public Prosecutions is of the opinion that it is advisable to bring a person charged with an offence from a place out of or in Ontario to the place of trial in Ontario, he may direct that such be done and in every such case the expenses incurred in carrying out the direction shall be paid out of the moneys appropriated by the Legislature for the administration of justice. Payment of expenses of bringing accused to trial

2. Clauses *a* and *b* of section 7 of *The Administration of Justice Act, 1968* are repealed and the following substituted therefor: 1968, c. 1, s. 7, cls. a, b, re-enacted

- (a) requiring the payment of fees for any thing required or authorized under any Act to be done by any person in the administration of justice and prescribing the amounts thereof;
- (b) providing for the payment of fees and allowances by Ontario in connection with services under any Act for the administration of justice and prescribing the amounts thereof.

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

4. This Act may be cited as *The Administration of Justice Amendment Act, 1971*. Short title

An Act to amend
The Administration of
Justice Act, 1968

1st Reading

April 1st, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

(Government Bill)

BILL 2

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Administration of Justice Act, 1968

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

**An Act to amend
The Administration of Justice Act, 1968**

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

1. Subsection 3 of section 6 of *The Administration of Justice Act, 1968* is amended by striking out "indictable" in the third line, so that the subsection shall read as follows:

1968, c. 1,
s. 6, subs. 3,
amended

(3) Where the Director of Public Prosecutions is of the opinion that it is advisable to bring a person charged with an offence from a place out of or in Ontario to the place of trial in Ontario, he may direct that such be done and in every such case the expenses incurred in carrying out the direction shall be paid out of the moneys appropriated by the Legislature for the administration of justice.

Payment of
expenses of
bringing
accused to
trial

2. Clauses *a* and *b* of section 7 of *The Administration of Justice Act, 1968* are repealed and the following substituted therefor:

1968, c. 1,
s. 7,
cls. a, b,
re-enacted

- (a) requiring the payment of fees for any thing required or authorized under any Act to be done by any person in the administration of justice and prescribing the amounts thereof;
- (b) providing for the payment of fees and allowances by Ontario in connection with services under any Act for the administration of justice and prescribing the amounts thereof.

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

4. This Act may be cited as *The Administration of Justice Amendment Act, 1971*.

Short
title

An Act to amend
The Administration of
Justice Act, 1968

1st Reading

April 1st, 1971

2nd Reading

May 3rd, 1971

3rd Reading

May 11th, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The County Judges Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

EXPLANATORY NOTES

SECTIONS 1 AND 2. The amendment authorizes an additional county court judge for the County of Wentworth and three additional judges having jurisdiction anywhere in Ontario.

BILL 3

1971

An Act to amend The County Judges Act

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

1.—(1) Subsection 2 of section 2 of *The County Judges Act*, as re-enacted by subsection 2 of section 1 of *The County Judges Amendment Act, 1968-69*, is amended by striking out “each of the counties of Essex and Wentworth” in the third and fourth lines and inserting in lieu thereof “the County of Essex”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 77, s. 2,
subs. 2
(1968-69,
c. 20, s. 1,
subs. 2),
amended

(2) Two junior judges may be appointed for the county court of The Regional Municipality of Ottawa-Carleton and of the County of Essex. *Idem*

(2) Subsection 3 of the said section 2, as re-enacted by section 1 of *The County Judges Amendment Act, 1968*, is amended by striking out “the county of Middlesex” in the second line and inserting in lieu thereof “each of the counties of Middlesex and Wentworth”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 77, s. 2,
(1968, c. 22,
s. 1), subs. 3,
amended

(3) Three junior judges may be appointed for the county court of each of the counties of Middlesex and Wentworth. *Idem*

2. Subsection 1 of section 3 of *The County Judges Act*, as amended by section 1 of *The County Judges Amendment Act, 1966*, is further amended by striking out “seventeen” in the amendment of 1966 and inserting in lieu thereof “twenty”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 77, s. 3,
subs. 1,
amended

(1) In addition to the judges mentioned in section 1 and the junior judges mentioned in section 2, one or more judges or junior judges, not exceeding twenty in number, may be appointed, *Additional judges*

- (a) for the county or district court of any county or district that the Lieutenant Governor in Council designates; or
- (b) for the county and district courts of the counties and districts of Ontario.

R.S.O. 1960,
c. 77, s. 13,
amended

3. Section 13 of *The County Judges Act* is amended by striking out,

- (a) subsections 3 and 4, as re-enacted by subsection 1 of section 8 of *The County Judges Amendment Act, 1961-62*;
- (b) subsection 5, as re-enacted by subsection 1 of section 8 of *The County Judges Amendment Act, 1961-62* and amended by subsection 1 of section 2 of *The County Judges Amendment Act, 1968*;
- (c) subsection 6, as re-enacted by subsection 1 of section 8 of *The County Judges Amendment Act, 1961-62*,

and inserting in lieu thereof the following:

Fees payable
to court
reporters
1968, c. 1

- (3) Every court reporter shall be paid such fees as are prescribed under *The Administration of Justice Act, 1968*.

Fees retain-
able by
salaried
court
reporters
1961-62,
c. 121

- (4) Every court reporter who is employed under *The Public Service Act, 1961-62* is entitled to take for his own use fees for transcriptions unless he is expressly prohibited from so doing by the terms of his appointment.

Idem

- (5) Where a court reporter is employed under *The Public Service Act, 1961-62* and is by his appointment expressly prohibited from taking for his own use fees for transcriptions, he shall collect the fees for such transcriptions and pay them over to the Treasurer of Ontario.

Fees retain-
able by non-
salaried
court
reporter

- (6) A court reporter who is not employed under *The Public Service Act, 1961-62* may retain for his own use the fees payable for his services prescribed under *The Administration of Justice Act, 1968*.

Commence-
ment

4.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent.

SECTION 3. The Bill provides for prescribing fees for court reporters by regulation under *The Administration of Justice Act, 1968* where the amounts will be made uniform with fees payable in other similar matters.



(2) Section 3 comes into force on a day to be named by the ^{Idem} Lieutenant Governor by his proclamation.

5. This Act may be cited as *The County Judges Amendment Act, 1971*. ^{Short title}

An Act to amend
The County Judges Act

1st Reading

April 1st, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and
Attorney General

(Government Bill)

BILL 3

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The County Judges Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

BILL 3

1971

An Act to amend The County Judges Act

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

1.—(1) Subsection 2 of section 2 of *The County Judges Act*, as re-enacted by subsection 2 of section 1 of *The County Judges Amendment Act, 1968-69*, is amended by striking out “each of the counties of Essex and Wentworth” in the third and fourth lines and inserting in lieu thereof “the County of Essex”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 77, s. 2,
subs. 2
(1968-69,
c. 20, s. 1,
subs. 2),
amended

(2) Two junior judges may be appointed for the county court of The Regional Municipality of Ottawa-Carleton and of the County of Essex.

Idem

(2) Subsection 3 of the said section 2, as re-enacted by section 1 of *The County Judges Amendment Act, 1968*, is amended by striking out “the county of Middlesex” in the second line and inserting in lieu thereof “each of the counties of Middlesex and Wentworth”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 77, s. 2,
(1968, c. 22,
s. 1), subs. 3,
amended

(3) Three junior judges may be appointed for the county court of each of the counties of Middlesex and Wentworth.

Idem

2. Subsection 1 of section 3 of *The County Judges Act*, as amended by section 1 of *The County Judges Amendment Act, 1966*, is further amended by striking out “seventeen” in the amendment of 1966 and inserting in lieu thereof “twenty”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 77, s. 3,
subs. 1,
amended

(1) In addition to the judges mentioned in section 1 and the junior judges mentioned in section 2, one or more judges or junior judges, not exceeding twenty in number, may be appointed,

Additional
judges

- (a) for the county or district court of any county or district that the Lieutenant Governor in Council designates; or
- (b) for the county and district courts of the counties and districts of Ontario.

R.S.O. 1960,
c. 77, s. 13,
amended

3. Section 13 of *The County Judges Act* is amended by striking out,

- (a) subsections 3 and 4, as re-enacted by subsection 1 of section 8 of *The County Judges Amendment Act, 1961-62*;
- (b) subsection 5, as re-enacted by subsection 1 of section 8 of *The County Judges Amendment Act, 1961-62* and amended by subsection 1 of section 2 of *The County Judges Amendment Act, 1968*;
- (c) subsection 6, as re-enacted by subsection 1 of section 8 of *The County Judges Amendment Act, 1961-62*,

and inserting in lieu thereof the following:

Fees payable
to court
reporters
1968, c. 1

- (3) Every court reporter shall be paid such fees as are prescribed under *The Administration of Justice Act, 1968*.

Fees retain-
able by
salaried
court
reporters
1961-62,
c. 121

- (4) Every court reporter who is employed under *The Public Service Act, 1961-62* is entitled to take for his own use fees for transcriptions unless he is expressly prohibited from so doing by the terms of his appointment.

Idem

- (5) Where a court reporter is employed under *The Public Service Act, 1961-62* and is by his appointment expressly prohibited from taking for his own use fees for transcriptions, he shall collect the fees for such transcriptions and pay them over to the Treasurer of Ontario.

Fees retain-
able by non-
salaried
court
reporter

- (6) A court reporter who is not employed under *The Public Service Act, 1961-62* may retain for his own use the fees payable for his services prescribed under *The Administration of Justice Act, 1968*.

Commence-
ment

4.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent.

(2) Section 3 comes into force on a day to be named by the ^{Idem} Lieutenant Governor by his proclamation.

5. This Act may be cited as *The County Judges Amendment Act, 1971*. ^{Short title}



An Act to amend
The County Judges Act

1st Reading

April 1st, 1971

2nd Reading

May 3rd, 1971

3rd Reading

May 3rd, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and
Attorney General

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Crown Witnesses Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

EXPLANATORY NOTE

The amendment provides for prescribing the fees for Crown witnesses by regulation under *The Administration of Justice Act, 1968* where the amounts will be made uniform with fees payable by the Crown in other similar matters.

BILL 4

1971

An Act to amend The Crown Witnesses Act

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

1. Sections 1 and 2 and section 3, as amended by section 1 of *The Crown Witnesses Amendment Act, 1968*, of *The Crown Witnesses Act*, are repealed and the following substituted therefor: R.S.O. 1960, c. 84, ss. 1, 2, re-enacted; s. 3, repealed

1. In this Act,

Interpre-
tation

(a) "trial" means any proceeding in a criminal matter in a court or before a justice of the peace or a grand jury, but does not include a proceeding in a matter arising out of a contravention of a by-law of a municipality or local board thereof;

(b) "witness" means a person who attends at the instance of the Crown to give evidence at a trial.

2.—(1) Witnesses attending trials at the instance of the Crown shall be paid such fees and allowances as are prescribed under *The Administration of Justice Act, 1968*. Fees for Crown witnesses 1968, c. 1

(2) No witness fee or allowance shall be paid under subsection 1 to a member of a police force who attends a trial held in the county or district within which the police force is responsible for policing an area. Exception

(3) The Crown attorney, with the approval of the Director of Public Prosecutions, may order the payment of such sum in addition to the fees and allowances referred to in subsection 1 as he considers reasonable and sufficient to compensate the witness Compensation for preparatory work

for doing any work in preparation for a trial or preparing any document or article for use at a trial.

Increase of fees in special circumstances

- (4) Where the Director of Public Prosecutions is of the opinion that the fees and allowances payable to a witness under subsection 1 are insufficient having regard to special circumstances, he may authorize the payment of such higher fee or allowance as he considers appropriate.

R.S.O. 1960, c. 84, s. 4, amended

2. Section 4 of *The Crown Witnesses Act* is amended by striking out "sections 2 and 3 apply" in the second and third lines and inserting in lieu thereof "section 2 applies", so that the section shall read as follows:

Where no indictment preferred or trial had

4. Where a bill of indictment has not been preferred or where a trial has not been proceeded with, section 2 applies if in the opinion of the Crown attorney a person attended the court in obedience to a recognition or subpoena or at the instance of the Crown.

R.S.O. 1960, c. 84, Sched., repealed

3. The Schedule to *The Crown Witnesses Act* is repealed.

Commencement

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 Crown Witnesses Amendment Act, 1971*.





An Act to amend
The Crown Witnesses Act

1st Reading

April 1st, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

(Government Bill)

BILL 4

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Crown Witnesses Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

BILL 4

1971

An Act to amend The Crown Witnesses Act

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

1. Sections 1 and 2 and section 3, as amended by section 1 of *The Crown Witnesses Amendment Act, 1968*, of *The Crown Witnesses Act*, are repealed and the following substituted therefor:

R.S.O. 1960,
c. 84, ss. 1, 2,
re-enacted;
s. 3,
repealed

1. In this Act,

Interpre-
tation

- (a) "trial" means any proceeding in a criminal matter in a court or before a justice of the peace or a grand jury, but does not include a proceeding in a matter arising out of a contravention of a by-law of a municipality or local board thereof;
- (b) "witness" means a person who attends at the instance of the Crown to give evidence at a trial.

2.—(1) Witnesses attending trials at the instance of the Crown shall be paid such fees and allowances as are prescribed under *The Administration of Justice Act, 1968*.

Fees for
Crown
witnesses

1968, c. 1

(2) No witness fee or allowance shall be paid under subsection 1 to a member of a police force who attends a trial held in the county or district within which the police force is responsible for policing an area.

Exception

(3) The Crown attorney, with the approval of the Director of Public Prosecutions, may order the payment of such sum in addition to the fees and allowances referred to in subsection 1 as he considers reasonable and sufficient to compensate the witness

Compensa-
tion for
preparatory
work

for doing any work in preparation for a trial or preparing any document or article for use at a trial.

Increase of fees in special circumstances

- (4) Where the Director of Public Prosecutions is of the opinion that the fees and allowances payable to a witness under subsection 1 are insufficient having regard to special circumstances, he may authorize the payment of such higher fee or allowance as he considers appropriate.

R.S.O. 1960, c. 84, s. 4, amended

2. Section 4 of *The Crown Witnesses Act* is amended by striking out "sections 2 and 3 apply" in the second and third lines and inserting in lieu thereof "section 2 applies", so that the section shall read as follows:

Where no indictment preferred or trial had

4. Where a bill of indictment has not been preferred or where a trial has not been proceeded with, section 2 applies if in the opinion of the Crown attorney a person attended the court in obedience to a recognition or subpoena or at the instance of the Crown.

R.S.O. 1960, c. 84, Sched., repealed

3. The Schedule to *The Crown Witnesses Act* is repealed.

Commencement

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 Crown Witnesses Amendment Act, 1971*.







AN ACT TO AMEND
The Crown Witnesses Act

1st Reading

April 1st, 1971

2nd Reading

May 3rd, 1971

3rd Reading

May 3rd, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

1971

.....

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Jurors Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

EXPLANATORY NOTES

SECTION 1. Drugless practitioners are added to the persons exempted from jury duty.

SECTIONS 2 TO 5. The amendments provide for prescribing the fees under *The Jurors Act* by regulation under *The Administration of Justice Act, 1968* where the amounts will be made uniform with fees payable in other similar matters.

BILL 5

1971

An Act to amend The Jurors Act

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

1. Paragraph 14 of subsection 1 of section 3 of *The Jurors Act* is amended by inserting after "chemist" in the second line "drugless practitioner", so that the paragraph shall read as follows:

R.S.O. 1960,
c. 199, s. 3,
subs. 1, par. 14,
amended

14. Every physician, surgeon, dental surgeon, pharmaceutical chemist, drugless practitioner and veterinary surgeon actually practising.

2. Subsection 3 of section 49 of *The Jurors Act*, as re-enacted by section 1 of *The Jurors Amendment Act, 1968*, is repealed.

R.S.O. 1960,
c. 199, s. 49,
subs. 3
(1968, c. 60,
s. 1),
repealed

3. Subsection 2 of section 59 of *The Jurors Act*, as re-enacted by section 2 of *The Jurors Amendment Act, 1968*, is repealed.

R.S.O. 1960,
c. 199, s. 59,
subs. 2
(1968, c. 60,
s. 2),
repealed

4. Subsection 7 of section 66 of *The Jurors Act* is repealed.

R.S.O. 1960,
c. 199, s. 66,
subs. 7,
repealed

5. Section 83 of *The Jurors Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 199, s. 83,
re-enacted

83. Such fees and allowances as are prescribed under *The Administration of Justice Act, 1968* shall be paid to,

Fees payable
to jurors,
selectors,
etc.
1968, c. 1

(a) every grand juror attending a sitting of the Supreme Court or of the court of general sessions of the peace and every petit juror attending a sitting of the Supreme Court or of the court of general sessions of the peace or of the county court;

(b) the justice of the peace in attendance for each selection of jurors to be released under

section 49 and for each panel drafted under section 59; and

(c) local and county selectors for the performance of their duties.

Commence-
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short
title

7. This Act may be cited as *The Jurors Amendment Act, 1971*.







An Act to amend
The Jurors Act

1st Reading

April 1st, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Jurors Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

(Reprinted as amended by the Committee of the Whole House)

An Act to amend The Jurors Act

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

1. Paragraph 14 of subsection 1 of section 3 of *The Jurors Act* is amended by inserting after "chemist" in the second line "drugless practitioner, optometrist", so that the paragraph shall read as follows: R.S.O. 1960, c. 199, s. 3, subs. 1, par. 14, amended
14. Every physician, surgeon, dental surgeon, pharmaceutical chemist, drugless practitioner, optometrist and veterinary surgeon actually practising. R.S.O. 1960, c. 199, s. 49, subs. 3 (1968, c. 60, s. 1), repealed
2. Subsection 3 of section 49 of *The Jurors Act*, as re-enacted by section 1 of *The Jurors Amendment Act, 1968*, is repealed. R.S.O. 1960, c. 199, s. 59, subs. 2 (1968, c. 60, s. 2), repealed
3. Subsection 2 of section 59 of *The Jurors Act*, as re-enacted by section 2 of *The Jurors Amendment Act, 1968*, is repealed. R.S.O. 1960, c. 199, s. 66, subs. 7, repealed
4. Subsection 7 of section 66 of *The Jurors Act* is repealed. R.S.O. 1960, c. 199, s. 83, re-enacted
5. Section 83 of *The Jurors Act* is repealed and the following substituted therefor: Fees payable to jurors, selectors, etc. 1968, c. 1
83. Such fees and allowances as are prescribed under *The Administration of Justice Act, 1968* shall be paid to,
- (a) every grand juror attending a sitting of the Supreme Court or of the court of general sessions of the peace and every petit juror attending a sitting of the Supreme Court or of the court of general sessions of the peace or of the county court;
- (b) the justice of the peace in attendance for each selection of jurors to be released under

section 49 and for each panel drafted under section 59; and

(c) local and county selectors for the performance of their duties.

Commence-
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short
title

7. This Act may be cited as *The Jurors Amendment Act, 1971*.







An Act to amend
The Jurors Act

1st Reading

April 1st, 1971

2nd Reading

May 3rd, 1971

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

*(Reprinted as amended by the Committee of
the Whole House)*

BILL 5

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Jurors Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

TORONTO

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BILL 5

1971

An Act to amend The Jurors Act

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

1. Paragraph 14 of subsection 1 of section 3 of *The Jurors Act* is amended by inserting after "chemist" in the second line "drugless practitioner, optometrist", so that the paragraph shall read as follows:

R.S.O. 1960,
c. 199, s. 3,
subs. 1, par. 14,
amended

14. Every physician, surgeon, dental surgeon, pharmaceutical chemist, drugless practitioner, optometrist and veterinary surgeon actually practising.

2. Subsection 3 of section 49 of *The Jurors Act*, as re-enacted by section 1 of *The Jurors Amendment Act, 1968*, is repealed.

R.S.O. 1960,
c. 199, s. 49,
subs. 3
(1968, c. 60,
s. 1),
repealed

3. Subsection 2 of section 59 of *The Jurors Act*, as re-enacted by section 2 of *The Jurors Amendment Act, 1968*, is repealed.

R.S.O. 1960,
c. 199, s. 59,
subs. 2
(1968, c. 60,
s. 2),
repealed

4. Subsection 7 of section 66 of *The Jurors Act* is repealed.

R.S.O. 1960,
c. 199, s. 66,
subs. 7,
repealed

5. Section 83 of *The Jurors Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 199, s. 83,
re-enacted

83. Such fees and allowances as are prescribed under *The Administration of Justice Act, 1968* shall be paid to,

Fees payable
to jurors,
selectors,
etc.
1968, c. 1

(a) every grand juror attending a sitting of the Supreme Court or of the court of general sessions of the peace and every petit juror attending a sitting of the Supreme Court or of the court of general sessions of the peace or of the county court;

(b) the justice of the peace in attendance for each selection of jurors to be released under

section 49 and for each panel drafted under section 59; and

- (c) local and county selectors for the performance of their duties.

Commence-
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short
title

7. This Act may be cited as *The Jurors Amendment Act, 1971*.





An Act to amend
The Jurores Act

1st Reading

April 1st, 1971

2nd Reading

May 3rd, 1971

3rd Reading

May 11th, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Justices of the Peace Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

EXPLANATORY NOTE

The Bill provides for prescribing fees for justices of the peace by regulation under *The Administration of Justice Act, 1968* where the amounts will be made uniform with fees payable in other similar matters. It also provides for the extension of appointing salaried justices of the peace for any part of Ontario.

BILL 6

1971

**An Act to amend
The Justices of the Peace Act**

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

1. Sections 9 and 10 of *The Justices of the Peace Act*, as re-enacted by section 2 of *The Justices of the Peace Amendment Act, 1968*, are repealed and the following substituted therefor:

R.S.O. 1960,
c. 200, s. 9
(1968, c. 61,
s. 2),
re-enacted;
s. 10
(1968, c. 61,
s. 2),
repealed

9.—(1) Subject to subsections 2 and 3, justices of the peace shall be paid such fees, allowances and expenses as are prescribed under *The Administration of Justice Act, 1968*.

Fees

1968, c. 1

(2) The Lieutenant Governor in Council may authorize the payment of a salary to a justice of the peace appointed for Ontario or any part thereof and fix the amount of such salary.

Disposition
of fees

(3) Where a justice of the peace is paid a salary under subsection 2, subsection 1 does not apply in respect of fees payable by Ontario and the justice of the peace shall pay all other fees received by him over to the Treasurer of Ontario.

Idem

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

3. This Act may be cited as *The Justices of the Peace Amendment Act, 1971*.

Short
title

An Act to amend
The Justices of the Peace Act

1st Reading

April 1st, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

(Government Bill)

BILL 6

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Justices of the Peace Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General



BILL 6

1971

**An Act to amend
The Justices of the Peace Act**

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

1. Sections 9 and 10 of *The Justices of the Peace Act*, as re-enacted by section 2 of *The Justices of the Peace Amendment Act, 1968*, are repealed and the following substituted therefor:

R.S.O. 1960,
c. 200, s. 9
(1968, c. 61,
s. 2),
re-enacted;
s. 10
(1968, c. 61,
s. 2),
repealed

9.—(1) Subject to subsections 2 and 3, justices of the peace shall be paid such fees, allowances and expenses as are prescribed under *The Administration of Justice Act, 1968*.

Fees

1968, c. 1

(2) The Lieutenant Governor in Council may authorize the payment of a salary to a justice of the peace appointed for Ontario or any part thereof and fix the amount of such salary.

Disposition
of fees

(3) Where a justice of the peace is paid a salary under subsection 2, subsection 1 does not apply in respect of fees payable by Ontario and the justice of the peace shall pay all other fees received by him over to the Treasurer of Ontario.

Idem

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

3. This Act may be cited as *The Justices of the Peace Amendment Act, 1971*.

Short
title

An Act to amend
The Justices of the Peace Act

1st Reading

April 1st, 1971

2nd Reading

May 3rd, 1971

3rd Reading

May 3rd, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Summary Convictions Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

EXPLANATORY NOTES

SECTION 1. The provision for the combined or uniform traffic ticket is rewritten to permit its use for offences other than traffic offences. The amendment also incorporates procedural improvements.

BILL 7

1971

**An Act to amend
The Summary Convictions Act**

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

1. Section 7 of *The Summary Convictions Act*, as amended R.S.O. 1960, c. 387, s. 7, re-enacted by section 1 of *The Summary Convictions Amendment Act, 1967*, is repealed and the following substituted therefor:

- 7.—(1) In addition to the procedure set out in the *Criminal Code* (Canada) for laying an information and Ticket summons 1953-54, c. 51 (Can.) for issuing a summons, an information may be laid and a summons issued by means of a ticket in accordance with this section for an offence under any provision of an Act or regulation designated by the regulations or of a municipal by-law regulating traffic.
- (2) A ticket under this section shall include provision Form of ticket for the information, summons, report and police record.
- (3) The Lieutenant Governor in Council may make Regulations regulations,
- (a) prescribing the form of the ticket;
 - (b) designating offences under provisions of Acts or regulations for the purposes of this section;
 - (c) authorizing the use on a ticket of any word or expression to designate an offence under any provision of an Act or regulation designated by the regulations or of a municipal by-law regulating traffic;
 - (d) respecting any matter that he considers necessary to provide for the use of the ticket.

Where
payment
out of court

- (4) Where the offence charged in the ticket is one for which the penalty may be paid out of court as determined by the court in which the summons is returnable, the officer issuing the summons may enter the amount of the penalty fixed by the court in the place provided therefor on the ticket, and such entry constitutes the endorsement required by subsection 1 of section 7a.

Sufficiency of
abbreviations

- (5) The use on a ticket of any word or expression authorized by the regulations to designate an offence under any provision of an Act or regulation designated by the regulations or of a municipal by-law regulating traffic is sufficient for all purposes to describe the offence designated by such word or expression.

Delivery of
summons

- (6) Upon completing a ticket, the issuing officer shall affix his signature to the summons portion and shall deliver the summons portion to the person charged with an offence therein and delivery of the ticket summons in accordance herewith shall be deemed to be personal service in compliance with subsection 7 of section 6.

Idem

- (7) Delivery of a ticket summons under subsection 6 may be made on a holiday.

Proof of
delivery

- (8) The issuing officer shall sign the information portion of the ticket and certify that he personally delivered the summons portion of the ticket to the person accused therein and the certification shall be in the following words:—

“I certify that I did personally deliver the summons portion of this ticket to the accused on the date mentioned above.”

Idem

- (9) A certificate of delivery purporting to be signed by the issuing officer shall be received in evidence as sufficient proof of personal service in the absence of evidence to the contrary.

Complaint
signed and
sworn

- (10) Every ticket information shall be,
- (a) signed by the informant and sworn to before a justice; and
 - (b) deposited, together with the ticket report of conviction, with the proper justice.



SECTION 2. The amendment prohibits the officer serving a summons from accepting payment of the amount payable out of court.

SECTION 3. The amendment permits to be done directly what is now practised indirectly, that is, for the accused to arrange for an adjournment to a convenient time and not appear as originally summoned.

(11) The ticket information need not be sworn to before the summons portion is delivered and the informant need not be the same person as issued the ticket summons. Swearing of information

(12) Where a justice makes a conviction on a ticket information in respect of an offence under a provision of an Act, regulation or by-law regulating traffic, he shall complete the ticket report of conviction and forward it to the Registrar of Motor Vehicles and it shall be deemed to be compliance with subsection 1 of section 152 of *The Highway Traffic Act*. Report of conviction
R.S.O. 1960, c. 172

2. Section 7a of *The Summary Convictions Act*, as enacted by section 3 of *The Summary Convictions Amendment Act, 1964*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 387, s. 7a
(1964, c. 113, s. 3),
amended

(3a) The officer or other person delivering the summons endorsed under this section shall not receive payment of the penalty payable out of court, or any part thereof. Payment of penalty

3. *The Summary Convictions Act* is amended by adding thereto the following section: R.S.O. 1960, c. 387,
amended

7b. In addition to its powers set out in subsection 3 of section 710 of the *Criminal Code* (Canada) and notwithstanding subsection 1 thereof, where the defendant does not appear at the time and place appointed for the trial or resumption of the trial, the justice may adjourn the trial to a time and place determined by the justice. Adjournments
1953-54,
c. 51 (Can.)

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

5. This Act may be cited as *The Summary Convictions Amendment Act, 1971*. Short title

An Act to amend
The Summary Convictions Act

1st Reading

April 1st, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Summary Convictions Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The provision for the combined or uniform traffic ticket is rewritten to permit its use for offences other than traffic offences. The amendment also incorporates procedural improvements.

BILL 7

1971

An Act to amend The Summary Convictions Act

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

1. Section 7 of *The Summary Convictions Act*, as amended by section 1 of *The Summary Convictions Amendment Act, 1967*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 387, s. 7,
re-enacted

- 7.—(1) In addition to the procedure set out in the *Criminal Code* (Canada) for laying an information and for issuing a summons, an information may be laid and a summons issued by means of a ticket in accordance with this section for an offence under any provision of an Act or regulation designated by the regulations or of a municipal by-law regulating traffic. Ticket
summons
1953-54,
c. 51 (Can.)
- (2) A ticket under this section shall include provision for the information, summons, report and police record. Form of
ticket
- (3) The Lieutenant Governor in Council may make regulations, Regulations
- (a) prescribing the form of the ticket;
 - (b) designating offences under provisions of Acts or regulations for the purposes of this section;
 - (c) authorizing the use on a ticket of any word or expression to designate an offence under any provision of an Act or regulation designated by the regulations or of a municipal by-law regulating traffic;
 - (d) respecting any matter that he considers necessary to provide for the use of the ticket.

Where
payment
out of court

- (4) Where the offence charged in the ticket is one for which the penalty may be paid out of court as determined by the court in which the summons is returnable, the officer issuing the summons may enter the amount of the penalty fixed by the court in the place provided therefor on the ticket, and such entry constitutes the endorsement required by subsection 1 of section 7a.

Sufficiency of
abbreviations

- (5) The use on a ticket of any word or expression authorized by the regulations to designate an offence under any provision of an Act or regulation designated by the regulations or of a municipal by-law regulating traffic is sufficient for all purposes to describe the offence designated by such word or expression.

Delivery of
summons

- (6) Upon completing a ticket, the issuing officer shall affix his signature to the summons portion and shall deliver the summons portion to the person charged with an offence therein and delivery of the ticket summons in accordance herewith shall be deemed to be personal service in compliance with subsection 7 of section 6.

Idem

- (7) Delivery of a ticket summons under subsection 6 may be made on a holiday.

Proof of
delivery

- (8) The issuing officer shall sign the information portion of the ticket and certify that he personally delivered the summons portion of the ticket to the person accused therein and the certification shall be in the following words:—

“I certify that I did personally deliver the summons portion of this ticket to the accused on the date mentioned above.”

Idem

- (9) A certificate of delivery purporting to be signed by the issuing officer shall be received in evidence as sufficient proof of personal service in the absence of evidence to the contrary.

Complaint
signed and
sworn

- (10) Every ticket information shall be,
- (a) signed by the informant and sworn to before a justice; and
 - (b) deposited, together with the ticket report of conviction, with the proper justice.



SECTION 2. The amendment prohibits the officer serving a summons from accepting payment of the amount payable out of court.

SECTION 3. The amendment permits to be done directly what is now practised indirectly, that is, for the accused to arrange for an adjournment to a convenient time and not appear as originally summoned.

(11) The ticket information need not be sworn to before the summons portion is delivered and the informant need not be the same person as issued the ticket summons. Swearing of information

(12) Where a justice makes a conviction on a ticket information in respect of an offence under a provision of an Act, regulation or by-law regulating traffic, he shall complete the ticket report of conviction and forward it to the Registrar of Motor Vehicles and it shall be deemed to be compliance with subsection 1 of section 152 of *The Highway Traffic Act*. Report of conviction
R.S.O. 1960, c. 172

2. Section 7a of *The Summary Convictions Act*, as enacted by section 3 of *The Summary Convictions Amendment Act, 1964*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 387, s. 7a
(1964, c. 113, s. 3),
amended

(3a) The officer or other person delivering the summons endorsed under this section shall not receive payment of the penalty payable out of court, or any part thereof. Payment of penalty

3. *The Summary Convictions Act* is amended by adding thereto the following section: R.S.O. 1960, c. 387,
amended

7b. In addition to its powers set out in subsection 3 of section 710 of the *Criminal Code* (Canada) and notwithstanding subsection 1 thereof, where the defendant does not appear at the time and place appointed for the trial or resumption of the trial, the justice may adjourn the trial to a time and place determined by the justice. Adjournments
1953-54, c. 51 (Can.)

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent. Commencement

(2) Section 1 comes into force on the 1st day of October, 1971. Idem

5. This Act may be cited as *The Summary Convictions Amendment Act, 1971*. Short title

An Act to amend
The Summary Convictions Act

1st Reading

April 1st, 1971

2nd Reading

May 3rd, 1971

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

*(Reprinted as amended by the Committee of
the Whole House)*

BILL 7

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Summary Convictions Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General



BILL 7

1971

An Act to amend The Summary Convictions Act

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

1. Section 7 of *The Summary Convictions Act*, as amended R.S.O. 1960, c. 387, s. 7, by section 1 of *The Summary Convictions Amendment Act, 1967*, 1953-54, re-enacted is repealed and the following substituted therefor:

- 7.—(1) In addition to the procedure set out in the *Criminal Code* (Canada) for laying an information and Ticket summons for issuing a summons, an information may be laid and a summons issued by means of a ticket in accordance with this section for an offence under any provision of an Act or regulation designated by the regulations or of a municipal by-law regulating traffic. 1953-54, c. 51 (Can.)
- (2) A ticket under this section shall include provision Form of ticket for the information, summons, report and police record.
- (3) The Lieutenant Governor in Council may make Regulations regulations,
- (a) prescribing the form of the ticket;
 - (b) designating offences under provisions of Acts or regulations for the purposes of this section;
 - (c) authorizing the use on a ticket of any word or expression to designate an offence under any provision of an Act or regulation designated by the regulations or of a municipal by-law regulating traffic;
 - (d) respecting any matter that he considers necessary to provide for the use of the ticket.

Where
payment
out of court

- (4) Where the offence charged in the ticket is one for which the penalty may be paid out of court as determined by the court in which the summons is returnable, the officer issuing the summons may enter the amount of the penalty fixed by the court in the place provided therefor on the ticket, and such entry constitutes the endorsement required by subsection 1 of section 7a.

Sufficiency of
abbreviations

- (5) The use on a ticket of any word or expression authorized by the regulations to designate an offence under any provision of an Act or regulation designated by the regulations or of a municipal by-law regulating traffic is sufficient for all purposes to describe the offence designated by such word or expression.

Delivery of
summons

- (6) Upon completing a ticket, the issuing officer shall affix his signature to the summons portion and shall deliver the summons portion to the person charged with an offence therein and delivery of the ticket summons in accordance herewith shall be deemed to be personal service in compliance with subsection 7 of section 6.

Idem

- (7) Delivery of a ticket summons under subsection 6 may be made on a holiday.

Proof of
delivery

- (8) The issuing officer shall sign the information portion of the ticket and certify that he personally delivered the summons portion of the ticket to the person accused therein and the certification shall be in the following words:—

“I certify that I did personally deliver the summons portion of this ticket to the accused on the date mentioned above.”

Idem

- (9) A certificate of delivery purporting to be signed by the issuing officer shall be received in evidence as sufficient proof of personal service in the absence of evidence to the contrary.

Complaint
signed and
sworn

- (10) Every ticket information shall be,
- (a) signed by the informant and sworn to before a justice; and
 - (b) deposited, together with the ticket report of conviction, with the proper justice.

(11) The ticket information need not be sworn to before the summons portion is delivered and the informant need not be the same person as issued the ticket summons. Swearing of information

(12) Where a justice makes a conviction on a ticket information in respect of an offence under a provision of an Act, regulation or by-law regulating traffic, he shall complete the ticket report of conviction and forward it to the Registrar of Motor Vehicles and it shall be deemed to be compliance with subsection 1 of section 152 of *The Highway Traffic Act*. Report of conviction
R.S.O. 1960, c. 172

2. Section 7a of *The Summary Convictions Act*, as enacted by section 3 of *The Summary Convictions Amendment Act, 1964*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 387, s. 7a
(1964, c. 113, s. 3), amended

(3a) The officer or other person delivering the summons endorsed under this section shall not receive payment of the penalty payable out of court, or any part thereof. Payment of penalty

3. *The Summary Convictions Act* is amended by adding thereto the following section: R.S.O. 1960, c. 387, amended

7b. In addition to its powers set out in subsection 3 of section 710 of the *Criminal Code* (Canada) and notwithstanding subsection 1 thereof, where the defendant does not appear at the time and place appointed for the trial or resumption of the trial, the justice may adjourn the trial to a time and place determined by the justice. Adjournments
1953-54, c. 51 (Can.)

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent. Commencement

(2) Section 1 comes into force on the 1st day of October, 1971. Idem

5. This Act may be cited as *The Summary Convictions Amendment Act, 1971*. Short title





An Act to amend
The Summary Convictions Act

1st Reading

April 1st, 1971

2nd Reading

May 3rd, 1971

3rd Reading

May 11th, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to provide for the Appointment of a Commissioner
to investigate Administrative Decisions and Acts of Officials
of the Government of Ontario and its Agencies, and to
define the Commissioner's Powers and Duties**

MR. SINGER

Am. A.
to the
of the

BILL 8

1971

An Act to provide for the Appointment of a Commissioner to investigate Administrative Decisions and Acts of Officials of the Government of Ontario and its Agencies, and to define the Commissioner's Powers and Duties

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) "agency" means an agency of the Government of Ontario;
- (b) "Commissioner" means the Commissioner of the Legislature appointed under this Act;
- (c) "department" means a department of the Government of Ontario;
- (d) "minister" means a member of the Executive Council.

2. There shall be appointed by the Lieutenant Governor in <sup>Appoint-
ment</sup> Council on the recommendation of the Assembly as an officer of the Legislature a commissioner, to be called the Commissioner of the Legislature, who shall exercise the powers and perform the duties specified in this Act.

3. The Commissioner shall not be a member of the Assembly and shall not hold any office of trust or profit, <sup>To hold
no other
office</sup> other than his office as Commissioner, or engage in any occupation for reward outside the duties of his office.

4.—(1) The recommendation for the appointment of the <sup>Term of
office</sup> Commissioner shall be made in the first session of every Legislature.

**Re-appoint-
ment**

(2) Unless his office sooner becomes vacant, every person appointed as Commissioner shall hold office until his successor is appointed, and every such person may from time to time be re-appointed.

Resignation

(3) The Commissioner may at any time resign his office by a writing addressed to the Speaker of the Assembly or, if there is no Speaker or if the Speaker is absent from Ontario, to the Clerk of the Assembly.

**Removal
from office**

5.—(1) The Commissioner may at any time be removed or suspended from his office by the Lieutenant Governor in Council on the recommendation of the Assembly for disability, neglect of duty, misconduct or upon a bankruptcy.

**Suspension
when
Legislature
not in
session**

(2) At any time when the Legislature is not in session, the Commissioner may be suspended from his office by the Lieutenant Governor in Council for disability, neglect of duty, misconduct or upon a bankruptcy proved to the satisfaction of the Lieutenant Governor in Council, but any such suspension shall not continue in force beyond the end of the next ensuing session of the Legislature.

**Filling of
vacancy**

6.—(1) If the Commissioner dies, retires, resigns or is removed from office, the vacancy thereby created shall be filled in accordance with this section.

**When
Legislature
in session**

(2) If a vacancy in the office of Commissioner occurs at any time while the Legislature is in session, it shall be filled by the appointment of a Commissioner by the Lieutenant Governor in Council on the recommendation of the Assembly, but, if the vacancy occurs less than one month before the end of that session and no such recommendation is made in that session, subsection 3 applies as if the vacancy had occurred while the Legislature was not in session.

**When
Legislature
not in
session**

(3) If such a vacancy occurs at any time while the Legislature is not in session, the Lieutenant Governor in Council may appoint a Commissioner to fill the vacancy, and the person so appointed shall, unless his office sooner becomes vacant, hold office until his appointment is confirmed by the Assembly, and, if the appointment is not so confirmed within two months after the commencement of the next ensuing session, the appointment lapses, and there shall be deemed to be another vacancy in the office of Commissioner.

**Oath of
office**

7.—(1) Before entering upon his duties, the Commissioner shall take an oath that he will faithfully and impartially perform the duties of his office and that he will not, except in accordance with subsection 3 of section 16, divulge any information received by him under this Act.

(2) The oath shall be administered by the Speaker of the ^{Idem} Assembly or by the Clerk of the Assembly.

8.—(1) Subject to subsection 2, the Commissioner may ^{Staff} appoint such officers and employees as may be necessary for the efficient carrying out of his functions under this Act.

(2) The number of persons that may be appointed under ^{Idem} this section, whether generally or in respect of any specified duties or class of duties, shall from time to time be determined by the Lieutenant Governor in Council.

9.—(1) The principal function of the Commissioner is to ^{Functions} investigate any decision or recommendation made, including any recommendation made to a minister, or any act done or omitted, relating to a matter of administration and affecting any person or body of persons in his or its personal capacity, in or by any department or agency, or by any officer, employee or member thereof in the exercise of any power or function conferred on him by any Act.

(2) The Commissioner may make any such investigation ^{Initiation of investigation} either on a complaint made to him by any person or of his own motion, and he may commence any such investigation notwithstanding that the complaint may not on its face be against any such decision, recommendation, act or omission as aforesaid.

(3) Without limiting subsection 1, any committee of the ^{Referrals by committees} Assembly may at any time refer to the Commissioner, for investigation and report by him, any petition that is before that committee for consideration or any matter to which the petition relates, and, in any such case, the Commissioner shall, subject to any special directions of the committee, investigate the matters so referred to him so far as they are within his jurisdiction and make such report to the committee as he thinks fit, but nothing in section 12, 17 or 18 applies in respect of any investigation or report made under this subsection.

(4) The powers and duties conferred on the Commissioner ^{Powers and duties paramount} by this Act may be exercised and performed notwithstanding any provision in any Act to the effect that any decision, recommendation, act or omission mentioned in subsection 1 is final, or that no appeal lies in respect thereof, or that no proceeding or decision of the person or organization whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question.

(5) Nothing in this Act authorizes the Commissioner to ^{Areas outside jurisdiction} investigate,

- (a) any decision, recommendation, act or omission in respect of which there is under any Act a right of appeal or objection or a right to apply for a review on the merits of the case to any court or to any tribunal constituted by or under any Act, whether or not that right of appeal or objection or application has been exercised in the particular case and whether or not any time prescribed for the exercise of that right has expired; or
- (b) any decision, recommendation, act or omission of any person acting as a solicitor for the Crown or acting as counsel for the Crown in relation to any proceedings.

Determina-
tion of
jurisdiction

(6) If any question arises as to whether the Commissioner has jurisdiction to investigate any case or class of cases under this Act, he may, if he thinks fit, apply to the Supreme Court for a declaratory order determining the question.

Guide
rules

10.—(1) The Assembly may from time to time, if it thinks fit, make general rules for the guidance of the Commissioner in the exercise of his functions, and may at any time in like manner revoke or vary any such rules.

Publication
of reports

(2) Any such rules may authorize the Commissioner from time to time, in the public interest or in the interests of any person or department or agency, to publish reports relating generally to the exercise of his functions under this Act or to any particular case or cases investigated by him, whether or not the matters to be dealt with in any such report have been the subject of a report to the Assembly under this Act.

Publication
of rules

(3) All such rules shall be printed and published.

Mode of
complaint

11.—(1) Every complaint to the Commissioner shall be made in writing.

Letters
to be
forwarded

(2) Notwithstanding any Act, where a letter written by any person in custody on a charge or after conviction of any offence, or by any inmate of any private sanitarium within the meaning of *The Private Sanitaria Act* or an institution within the meaning of *The Mental Hospitals Act*, is addressed to the Commissioner, it shall be immediately forwarded, unopened, to the Commissioner by the person for the time being in charge of the place or institution where the writer of the letter is detained or of which he is an inmate.

R.S.O. 1960,
cc. 307, 236

Commis-
sioner may
refuse to
investigate
complaint

12.—(1) If in the course of the investigation of any complaint it appears to the Commissioner,

- (a) that under the law or existing administrative practice there is an adequate remedy, other than the right to petition the Legislature, for the complainant, whether or not he has availed himself of it; or
- (b) that, having regard to all the circumstances of the case, any further investigation is unnecessary,

he may in his discretion refuse to investigate the matter further.

(2) Without limiting the generality of the powers conferred on the Commissioner by this Act, the Commissioner may in his discretion decide not to investigate, or, as the case may require, not to further investigate, any complaint if it relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than twelve months before the complaint is received by the Commissioner, or if in his opinion,

- (a) the subject-matter of the complaint is trivial;
- (b) the complaint is frivolous or vexatious or is not made in good faith; or
- (c) the complainant has not a sufficient personal interest in the subject-matter of the complaint.

(3) In any case where the Commissioner decides not to investigate or further investigate a complaint, he shall inform the complainant of his decision, and he may, if he thinks fit, state his reasons therefor.

13.—(1) Before investigating any matter under this Act, the Commissioner shall inform the deputy minister of the department affected, or, as the case may require, the administrative head of the agency affected, of his intention to make the investigation.

(2) Every investigation by the Commissioner under this Act shall be conducted in private.

(3) The Commissioner may hear or obtain information from such persons as he thinks fit, and he may make such inquiries as he thinks fit.

(4) It is not necessary for the Commissioner to hold any hearing and no person is entitled as of right to be heard by the Commissioner, but, if at any time during the course of an investigation it appears to the Commissioner that there

may be sufficient grounds for his making a report or recommendation that may adversely affect any department, agency or person, he shall give to that department, agency or person an opportunity to be heard, and at any such hearing the department, agency or person is entitled to counsel.

Consultations

(5) The Commissioner may in his discretion, at any time during or after any investigation, consult any minister who is concerned in the matter of the investigation.

Idem

(6) On the request of any minister in relation to an investigation or in any case where an investigation relates to any recommendation made to a minister, the Commissioner shall consult that minister after making the investigation and before forming a final opinion on any of the matters referred to in subsection 1 or 2 of section 17.

Misconduct

(7) If, during or after any investigation, the Commissioner is of opinion that there is evidence of any breach of duty or misconduct on the part of any officer or employee of any department or agency, he shall refer the matter to the appropriate authority.

Regulation of procedure

(8) Subject to this Act and any rules made under section 10, the Commissioner may regulate his procedure in such manner as he thinks fit.

Evidence

14.—(1) Subject to this section and section 15, the Commissioner may from time to time require any person who in his opinion is able to give any information relating to any matter that is being investigated by him to furnish to him any such information and to produce any such document, paper or thing that in his opinion relates to any such matter and that may be in the possession or under the control of such person, whether or not such person is an officer, employee or member of a department or agency, and whether or not such document, paper or thing is in the custody or under the control of any such department or agency.

Power to take evidence on oath

(2) The Commissioner may summon before him and examine on oath,

(a) any person who is an officer or employee or member of any department or agency and who in the Commissioner's opinion is able to give any information mentioned in subsection 1;

(b) any complainant; or

(c) with the prior approval of the Minister of Justice

and Attorney General in each case, any other person who in the Commissioner's opinion is able to give such information,

and for that purpose may administer an oath.

(3) Subject to subsection 4, no person who is bound by any Act to maintain secrecy in relation to, or not to disclose, any matter shall be required to supply any information to or answer any question put by the Commissioner in relation to that matter, or to produce to the Commissioner any document, paper or thing relating to it, if compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure. Duty to maintain secrecy paramount

(4) With the prior consent in writing of a complainant, any person to whom subsection 3 applies may be required by the Commissioner to supply information or answer any question or produce any document, paper or thing relating only to the complainant, and it is duty of the person to comply with such requirement. Idem

(5) Every person has the same privileges in relation to the giving of information, the answering of questions and the production of documents, papers and things under this Act as witnesses have in any court. Privilege

(6) Except on the trial of a person for perjury, no statement made or answer given by that or any other person in the course of any inquiry by or any proceedings before the Commissioner is admissible in evidence against any person in any court or at any inquiry or in any other proceedings, and no evidence in respect of proceedings before the Commissioner shall be given against any person. Evidence not admissible elsewhere

(7) No person is liable to prosecution for an offence against any Act by reason of his compliance with any requirement of the Commissioner under this section. No prosecution

15.—(1) Where the Minister of Justice and Attorney General certifies that the giving of any information or the answering of any question or the production of any document, paper or thing might involve the disclosure of, Disclosure of certain matters not to be required

(a) the deliberations of the Executive Council; or

(b) proceedings of the Executive Council, or any committee thereof, relating to matters of a secret or confidential nature, and would be injurious to the public interest,

the Commissioner shall not require the information or answer to be given or, as the case may be, the document, paper or thing to be produced, but shall report the giving of such a certificate to the Legislature.

Rule as to privileged documents, etc., does not apply

(2) Subject to subsection 1, the rule of law that authorizes or requires the withholding of any document, paper or thing, or the refusal to answer any question, on the ground that the disclosure of the document, paper or thing or the answering of the question would be injurious to the public interest, does not apply in respect of any investigation by or proceedings before the Commissioner.

Secrecy

16.—(1) The Commissioner and every person holding any office or appointment under him shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their functions.

Oath

(2) Every person holding any office or appointment under the Commissioner shall, before he begins to perform his duties under this Act, take an oath, to be administered by the Commissioner, that he will not divulge any information received by him under this Act except for the purpose of giving effect to this Act.

Exception

(3) Notwithstanding subsection 1, the Commissioner may disclose in any report made by him under this Act such matters as in his opinion ought to be disclosed in order to establish grounds for his conclusions and recommendations.

Procedure after investigation

17.—(1) This section applies in every case where, after making any investigation under this Act, the Commissioner is of opinion that the decision, recommendation, act or omission that was the subject-matter of the investigation,

(a) appears to have been contrary to law;

(b) was unreasonable, unjust, oppressive, improperly discriminatory or was, in accordance with a rule of law or a provision of any Act or a practice that is or may be unreasonable, unjust, oppressive or improperly discriminatory;

(c) was based wholly or partly on a mistake of law or fact; or

(d) was wrong.

Idem

(2) This section also applies in any case where the Commissioner is of opinion that in the making of the decision or

recommendation, or in the doing or omission of the act, a discretionary power has been exercised for an improper purpose or on irrelevant grounds or on the taking into account of irrelevant considerations, or that, in the case of a decision made in the exercise of any discretionary power, reasons should have been given for the decision.

(3) If in any case to which this section applies the Commissioner is of opinion, Opinion, etc., to be reported to department

- (a) that the matter should be referred to the appropriate authority for further consideration ;
- (b) that the omission should be rectified ;
- (c) that the decision should be cancelled or varied ;
- (d) that any practice on which the decision, recommendation, act or omission was based should be altered ;
- (e) that any law on which the decision, recommendation, act or omission was based should be reconsidered ;
- (f) that reasons should have been given for the decision ;
or
- (g) that any other steps should be taken,

the Commissioner shall report his opinion and his reasons therefor to the appropriate minister and to the department or agency concerned, and may make such recommendations as he thinks fit, and in any such case he may request the department or agency to notify him, within a specified time, of the steps, if any, that it proposes to take to give effect to his recommendations.

(4) If within a reasonable time after the report is made no action is taken that seems to the Commissioner to be adequate and appropriate, the Commissioner, in his discretion, after considering the comments, if any, made by or on behalf of the department or agency affected, may send a copy of the report and recommendations to the Lieutenant Governor in Council and may thereafter make such report to the Legislature on the matter as he thinks fit. Report to Cabinet and Assembly

(5) The Commissioner shall attach to every report sent or made under subsection 4 a copy of any comments made by or on behalf of the department or agency concerned. Idem

Comment
adverse
to person

(6) Notwithstanding anything in this section, the Commissioner shall not, in any report made under this Act, make any comment that is adverse to any person unless the person has been given an opportunity to be heard.

Complainant
to be
informed of
result of
investigation

18.—(1) Where on any investigation under this Act the Commissioner makes a recommendation under subsection 3 of section 17 and no action that seems to the Commissioner to be adequate and appropriate is taken thereon within a reasonable time, the Commissioner shall inform the complainant of his recommendation and make such comments on the matter as he thinks fit.

Idem

(2) The Commissioner shall in any case inform the complainant, in such manner and at such time as he thinks proper, of the result of the investigation.

Private
clause

19. No proceedings of the Commissioner shall be held bad for want of form and, except on the ground of lack of jurisdiction, no proceedings or decision of the Commissioner shall be challenged, reviewed, quashed or called in question in any court.

Proceedings
privileged

20.—(1) No proceedings lie against the Commissioner or against any person holding any office or appointment under the Commissioner for anything he may do or report or say in the course of the exercise or intended exercise of his functions under this Act, unless it is shown that he acted in bad faith.

Not
compellable
as witnesses

(2) Neither the Commissioner nor any person holding any office or appointment under the Commissioner shall be called upon to give evidence in any court or in any proceedings of a judicial nature in respect of anything coming to his knowledge in the exercise of his functions under this Act.

Privilege

(3) Anything said or any information supplied or any document, paper or thing produced by any person in the course of any inquiry by or proceedings before the Commissioner under this Act is privileged in the same manner as if the inquiry or proceedings were proceedings in a court.

Idem
R.S.O. 1960,
c. 211

(4) For the purposes of *The Libel and Slander Act*, any report made by the Commissioner under this Act shall be deemed to be privileged, and a fair and accurate report in a newspaper or a broadcast shall be deemed to be privileged.

Power
to enter
premises

21.—(1) For the purposes of this Act but subject to this section, the Commissioner may at any time enter upon any premises occupied by any department or agency and inspect the premises and, subject to sections 14 and 15, carry out therein any investigation that is within his jurisdiction.

(2) Before entering upon any such premises, the Commissioner shall notify the deputy minister of the department or, as the case may require, the administrative head of the agency that occupies the premises of his intention so to do. ^{Notice}

22.—(1) With the prior approval of the Lieutenant Governor in Council, the Commissioner may from time to time, by writing under his hand, delegate to any person holding any office under him any of his powers under this Act, except this power of delegation and the power to make any report under this Act. ^{Delegation of powers}

(2) Any such delegation may be made to a specified person or to the holder for the time being of a specified office or to the holders of offices of a specified class. ^{To whom powers may be delegated}

(3) Every such delegation is revocable at will, and no such delegation prevents the exercise of any power by the Commissioner. ^{Delegations revocable}

(4) Any such delegation may be made subject to such restrictions and conditions as the Commissioner thinks fit, and may be made either generally or in relation to any particular case or class of cases. ^{Scope of delegations}

(5) Until any such delegation is revoked, it continues in force according to its tenor and, in the event of the Commissioner by whom it was made ceasing to hold office, continues to have effect as if made by his successor. ^{Life of delegations}

(6) Any person purporting to exercise any power of the Commissioner by virtue of such a delegation shall, when required to do so, produce evidence of his authority to exercise the power. ^{Evidence of delegated powers}

23. Without limiting his right to report at any other time, but subject to subsection 6 of section 17 and to any rules made under section 10, the Commissioner shall in each year make a report to the Legislature on the exercise of his functions under this Act. ^{Annual report}

24. Every person commits an offence against this Act and is liable on summary conviction to a fine of not more than \$500 who, ^{Offences}

- (a) without lawful justification or excuse, wilfully obstructs, hinders or resists the Commissioner or any other person in the exercise of his powers under this Act;

- (b) without lawful justification or excuse, refuses or wilfully fails to comply with any lawful requirement of the Commissioner or any other person under this Act; or
- (c) wilfully makes any false statement to or misleads or attempts to mislead the Commissioner or any other person in the exercise of his powers under this Act.

Provisions
are in
addition
to other
laws

25. The provisions of this Act are in addition to the provisions of any other Act or any rule of law under which any remedy or right of appeal or objection is provided for any person or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act limits or affects any such remedy or right of appeal or objection or procedure.

Short title

26. This Act may be cited as *The Commissioner of the Legislature Act, 1971*.



An Act to provide for the Appointment of a Commissioner to investigate Administrative Decisions and Acts of Officials of the Government of Ontario and its Agencies, and to define the Commissioner's Powers and Duties

1st Reading

April 1st, 1971

2nd Reading

3rd Reading

MR. SINGER

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to provide for the
Control and Regulation of Snowmobiles**

MR. SHULMAN

EXPLANATORY NOTES

The purpose of the Bill is to regulate the operation of snowmobiles.

The Bill prohibits the operation of a snowmobile on the travelled portion of a highway except for the purpose of crossing the highway and prohibits the operation of a snowmobile in a manner dangerous to the public.

The Bill also provides for the holding of snowmobile races or derbies within municipalities.

BILL 9

1971

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.—(1) No person shall operate a snowmobile upon a highway. Snowmobiles
prohibited
on highways

(2) Notwithstanding subsection 1, a snowmobile may be driven across a highway that is not divided into more than three lanes for traffic provided that the snowmobile is brought to a complete stop before crossing any of the lanes for traffic and the driver of the snowmobile yields the right-of-way to all traffic on the highway that might constitute a hazard. May be
driven
across
highway

(3) Notwithstanding subsection 1, a snowmobile may be driven on any part of a highway that is separated from the lanes for traffic by a drainage ditch provided that the highway is not divided into more than three lanes for traffic. May be
driven
outside
ditch

(4) When driven across a highway or on any part of a highway under subsection 2 or 3 from one-half hour after Lights on
snowmobiles

sunset to one-half hour before sunrise every snowmobile shall carry a lighted lamp on the front that shall cast a white light only, and one on the back that shall cast a red light only.

**Snowmobile
derbies**

3.—(1) A municipality may temporarily close a highway within the municipality in order to permit the holding of a snowmobile race or derby.

**Not to
affect
King's
Highway**

(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.

Notice

(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.

**Contents
of 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.

**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.—(1) No person under the age of twelve years shall drive a snowmobile across a highway.

Idem

(2) Notwithstanding subsection 1, no person under the age of sixteen years shall drive a snowmobile across any part of the King's Highway or any highway that intersects or runs into the King's 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.

6. No person shall use a snowmobile for the purpose of driving or pursuing any deer or bear or wolf. ^{Hunting}

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. ^{Permitting operation by impaired person prohibited}

8. No person shall drive a snowmobile, ^{Offences}

- (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.

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. ^{Penalty}

10. No snowmobile may be operated at a noise level greater than 86 decibels measured at 50 feet from the machine. ^{Noise level}

11. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commencement}

12. This Act may be cited as *The Snowmobile Regulation Act, 1971*. ^{Short title}





An Act to provide for
the Control and Regulation of Snowmobiles

1st Reading

April 1st, 1971

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Farm Products Marketing Act, 1971

THE HON. WM. A. STEWART
Minister of Agriculture and Food

EXPLANATORY NOTE

The amendment authorizes The Farm Products Marketing Board to make regulations vesting in any local board the power to make regulations respecting seizure and detention of a regulated product and in respect thereof prescribes powers and duties of local boards and their officers.

BILL 10

1971

**An Act to amend
The Farm Products Marketing Act, 1971**

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

1. *The Farm Products Marketing Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 137,
amended

12b.—(1) The Board may make regulations vesting in any local board the power to make regulations, Regulations
vesting
power
in local
board to
make
regulations

- (a) providing for the seizure and detention of the whole or any part of any regulated product or any class, variety, grade or size thereof by any person appointed pursuant to clause *e* of subsection 1 of section 4 where the person believes on reasonable grounds an offence against the Act or the regulations has been committed in respect of the regulated product;
- (b) providing for the release from detention of the whole or any part of any regulated product or any class, variety, grade or size thereof where the local board is satisfied that the owner of the regulated product that has been seized and detained complies with the Act and the regulations respecting the regulated product;
- (c) providing for the disposal of the whole or any part of any regulated product or any class, variety, grade or size thereof that has been seized and detained and providing for the administration and disposition of any moneys derived from any such disposal; and

(d) prescribing the manner in which the regulated product shall be seized, detained, released and disposed of.

Regulated product seized and detained at use and expense of owner
Notice

- (2) Any regulated product seized and detained under this section is seized and detained at the risk and expense of the owner.
- (3) Where any regulated product is seized and detained under this section, the local board shall forthwith notify the owner or person who had possession of the regulated product of the seizure and detention, any release from detention and any disposal of the regulated product.

Powers of inspector

- (4) Where the local board makes a regulation under subsection 1, a person appointed pursuant to clause e of subsection 1 of section 4 may,
- (a) enter any vessel, boat, car, truck or other conveyance or any premises, other than a dwelling, used for the producing, marketing or processing of the regulated product and inspect any of the regulated product found therein;
- (b) stop any conveyance that he believes to contain any of the regulated product and inspect the conveyance and any of the regulated product found therein; and
- (c) obtain a sample of any of the regulated product at the expense of the owner for the purpose of making an inspection thereof.

Marketing of detained product prohibited

- (5) No person shall, without approval in writing by the local board, market a regulated product that is under detention.

Approval by Board

- (6) No regulation made by a local board under subsection 1 comes into force until it has been approved by the Board.

Commencement

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

Short title

3. This Act may be cited as *The Farm Products Marketing Amendment Act, 1971*.





An Act to amend
The Farm Products Marketing Act

1st Reading

April 5th, 1971

2nd Reading

3rd Reading

THE HON. WM. A. STEWART
Minister of Agriculture and Food

(Government Bill)

BILL 10.

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Farm Products Marketing Act

THE HON. WM. A. STEWART
Minister of Agriculture and Food

BILL 10

1971

**An Act to amend
The Farm Products Marketing Act, 1971**

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

1. *The Farm Products Marketing Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 137,
amended

12b.—(1) The Board may make regulations vesting in any local board the power to make regulations, Regulations
vesting
power
in local
board to
make
regulations

- (a) providing for the seizure and detention of the whole or any part of any regulated product or any class, variety, grade or size thereof by any person appointed pursuant to clause *e* of subsection 1 of section 4 where the person believes on reasonable grounds an offence against the Act or the regulations has been committed in respect of the regulated product;
- (b) providing for the release from detention of the whole or any part of any regulated product or any class, variety, grade or size thereof where the local board is satisfied that the owner of the regulated product that has been seized and detained complies with the Act and the regulations respecting the regulated product;
- (c) providing for the disposal of the whole or any part of any regulated product or any class, variety, grade or size thereof that has been seized and detained and providing for the administration and disposition of any moneys derived from any such disposal; and

- (d) prescribing the manner in which the regulated product shall be seized, detained, released and disposed of.

Regulated product seized and detained at use and expense of owner
Notice

- (2) Any regulated product seized and detained under this section is seized and detained at the risk and expense of the owner.
- (3) Where any regulated product is seized and detained under this section, the local board shall forthwith notify the owner or person who had possession of the regulated product of the seizure and detention, any release from detention and any disposal of the regulated product.

Powers of inspector

- (4) Where the local board makes a regulation under subsection 1, a person appointed pursuant to clause e of subsection 1 of section 4 may,
- (a) enter any vessel, boat, car, truck or other conveyance or any premises, other than a dwelling, used for the producing, marketing or processing of the regulated product and inspect any of the regulated product found therein;
- (b) stop any conveyance that he believes to contain any of the regulated product and inspect the conveyance and any of the regulated product found therein; and
- (c) obtain a sample of any of the regulated product at the expense of the owner for the purpose of making an inspection thereof.

Marketing of detained product prohibited

- (5) No person shall, without approval in writing by the local board, market a regulated product that is under detention.

Approval by Board

- (6) No regulation made by a local board under subsection 1 comes into force until it has been approved by the Board.

Commencement

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

Short title

3. This Act may be cited as *The Farm Products Marketing Amendment Act, 1971*.







An Act to amend
The Farm Products Marketing Act

1st Reading

April 5th, 1971

2nd Reading

April 15th, 1971

3rd Reading

April 15th, 1971

THE HON. WM. A. STEWART
Minister of Agriculture and Food

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The University of Toronto Act, 1947

MR. BEN

171A

Art Not to be mixed
The form: Position, Marking, Art

BILL 11

1971

**An Act to amend
The University of Toronto Act, 1947**

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

1. *The University of Toronto Act, 1947* is amended by adding thereto the following sections:

3a. Notwithstanding any other provision of this Act, the provisions of *The Ontario Human Rights Code, 1961-62* apply to the University and its officers, servants and employees.

3b. The University and every university federated with the University shall recognize the pluralistic nature of the social structure in Ontario.

2.—(1) Subsection 1 of section 7 of *The University of Toronto Act, 1947* is repealed and the following substituted therefor:

(1) No religious test shall be required of any professor, lecturer, teacher, officer or servant of the University, University College or any university federated with the University, or of any student thereof or therein, nor shall religious observances according to the forms of any religious denomination or sect be imposed on them or any of them.

(2) Subsection 2 of the said section 7 is repealed.

3. Section 18 of *The University of Toronto Act, 1947* is repealed and the following substituted therefor:

18. No person is ineligible for appointment as a member of the Board because of race, creed or colour, provided that he is a Canadian citizen and his customary place of residence is in Ontario.

1947, c. 112,
s. 31, cl. b,
subcl. i,
repealed

4. Subclause i of clause b of section 31 of *The University of Toronto Act, 1947* is repealed.

1947, c. 112,
s. 32, cl. a
(1959, c. 103,
s. 6, subs. 1),
amended

5.—(1) Clause a of section 32 of *The University of Toronto Act, 1947*, as re-enacted by subsection 1 of section 6 of *The University of Toronto Amendment Act, 1959*, is amended by striking out “and their tenure of office or employment, which, unless otherwise provided, shall be during the pleasure of the Board” in the thirteenth, fourteenth and fifteenth lines, so that the clause shall read as follows:

Appointment
of President,
deans,
professors,
etc.

(a) appoint the President, the Vice-President, the Vice-President (Administration), the deans of all the faculties, the Librarian, the Registrar, the Comptroller, the Secretary of the Board and the Superintendent of the University, the Principal and the Registrar of University College, the professors, teachers and instructors of and in the University and in University College, and all such officers, clerks, employees and servants as the Board may deem necessary for the purposes of the University and University College, or either of them, and fix their salaries or remuneration and define their duties, except those of the Librarian; but no person shall be appointed as Principal of University College, or as a dean of any faculty, or as a member of the teaching staff of the University, or of any faculty or school thereof, or of University College, unless he has been first nominated by the President, and no dean of a faculty or member of the teaching staff of the University, or of any faculty or school thereof, or of University College shall be promoted, and no Principal of University College or dean of a faculty or member of such teaching staff shall be removed from office, except upon the recommendation of the President, but this provision shall not apply where there is a vacancy in the office of President.

1947, c. 112,
s. 32,
amended

(2) The said section 32, as amended by section 6 of *The University of Toronto Amendment Act, 1959*, is further amended by striking out “and” at the end of clause v and by adding thereto the following clauses:

Power to
require
reports by
consultants

(x) cause to be reported annually by all members of the teaching staff of the University to the Office of Research Administration information as to their activities as consultants to persons who are not members of the teaching staff, setting out,

(i) the names of clients, except private patients,

- (ii) the subject-matter of consultation or investigation, and
- (iii) the total time spent or money earned, or both as the guidelines established by the Research Board or its successor may require, in the year under report; and

(y) alone establish or terminate new institutions or structures that lie outside the traditional departmental and faculty organizations of the University. Power to establish or terminate new institutions

6. *The University of Toronto Act, 1947* is amended by adding 1947, c. 112, amended thereto the following section:

32a.—(1) Notwithstanding any other provisions of this Act, the Board shall, in the interest of the preservation and dissemination of Canadian cultural values, maintain the following guidelines in its hiring policies and shall report in writing to the Minister of University Affairs not later than the 31st day of December, 1975, as to its compliance with the guidelines: Guidelines for hiring policies

1. Not later than the 31st day of December, 1973, a majority of the teaching staff of the Canadian History, Canadian Literature, Canadian Political Science and Canadian Studies programs shall be Canadian citizens.
2. Not later than the 31st day of December, 1974, a majority of the teaching staff of each department of the University shall be Canadian citizens.
3. Not later than the 31st day of December, 1975, two-thirds of the teaching staff of the Canadian History, Canadian Literature, Canadian Political Science and Canadian Studies programs shall be Canadian citizens.

(2) Notwithstanding any other provisions of this Act, the Board shall not acquire, hold, use or develop any right or interest in relation to artifacts or processes of chemical or biological warfare, weapons of military offence or intelligence, including military espionage satellites, their component parts or launch vehicles, or materials detrimental to ecological balance or human survival. Board not to acquire or develop military weapons

Research records

- (3) The Office of Research Administration of the University shall keep records of the activities of staff of the University in research in order that a complete, accurate and current picture of research in the University is available for distribution at all times, setting out for each item of research,
- (i) the name of the funding agency and the amount of the grant,
 - (ii) the subject-matter of the research, and
 - (iii) the name of the principal investigator and the department of which he is a member,

and the records shall be available for public inspection and distribution, but the Research Board, or its successor, of the University may for cause, and by majority vote, impose restrictions on the public inspection and distribution of the records as to any item of research.

1947, c. 112,
s. 33,
amended

7. Section 33 of *The University of Toronto Act, 1947*, as amended by section 2 of *The University of Toronto Amendment Act, 1955*, is further amended by adding thereto the following subsection:

Council and committee meetings to be open

- (2) The Board shall cause all meetings of councils and committees of the University to be open to the public, provided that the members of a council or committee may, after a statement of the reasons therefor and upon majority vote of the members present at the meeting, hold the whole or part of any meeting *in camera*.

1947, c. 112,
s. 34,
subs. 1-3,
re-enacted

8.—(1) Subsections 1, 2 and 3 of section 34 of *The University of Toronto Act, 1947* are repealed and the following substituted therefor:

Representation of students

- (1) The Board shall make provision for enabling the students of the University, University College and the federated universities and federated colleges to elect representatives to all decision-making bodies of the University community, on the basis of parity formulae acceptable to the University community as a whole.

Communication between students and Board

- (2) Communication between students and the Board shall be achieved through the full and equal

participation of the student body in the decision-making processes and structures of the University community.

- (3) The Board shall cause to be set up departmental mechanisms and other means whereby the improved sense of community within the University envisioned by the Commission on the Government of the University of Toronto, 1970, shall become effective; and, saving individual rights, nothing shall take away or impair the right of any student to make written complaint directly to the Board on any matter as to which he may deem himself entitled to complain and the Board shall give consideration to such complaints and furnish a written reply thereto within a reasonable period of time. Departmental mechanisms

(2) Subsection 4 of the said section 34 is amended by adding at the end thereof "except that similar principles of equity shall apply". 1947, c. 112, s. 34, subs. 4, amended

9. Section 35 of *The University of Toronto Act, 1947* is amended by adding thereto the following subsection: 1947, c. 112, s. 35, amended

- (3) The Board shall, on behalf of the University community, refuse any bequest or endowment whose terms or conditions contravene the principles or spirit of *The Ontario Human Rights Code, 1961-62*. Refusal of endowment
1961-62, c. 93

10.—(1) Clause *c* of section 48 of *The University of Toronto Act, 1947* is repealed. 1947, c. 112, s. 48, cl. c, repealed

(2) Clause *t* of the said section 48 is amended by adding at the end thereof "and the recommendations of the Commission on the Government of the University of Toronto, 1970, including the transition process whereby the Senate shall give place to a unicameral body by integration with the Board to form the Governing Council envisaged by the Commission not later than the 31st day of December, 1975", so that the clause shall read as follows: 1947, c. 112, s. 48, cl. t, amended

- (*t*) make such recommendations to the Board as may be deemed proper for promoting the interests of the University and of University College, or for carrying out the objects and provisions of this Act and the recommendations of the Commission on the Government of the University of Toronto, 1970, including the transition process whereby the Senate shall give place to a unicameral body by integration with Recommendations to Board

the Board to form the Governing Council envisaged by the Commission not later than the 31st day of December, 1975.

1947, c. 112,
s. 62
(1955, c. 90,
s. 4),
subs. 2,
re-enacted

11. Subsection 2 of section 62 of *The University of Toronto Act, 1947*, as re-enacted by section 4 of *The University of Toronto Amendment Act, 1955* and amended by subsection 1 of section 10 of *The University of Toronto Amendment Act, 1959*, is repealed and the following substituted therefor:

Who
eligible

- (2) No person shall be ineligible to occupy the office of Chancellor because of his race, creed or colour, provided that he is a Canadian citizen by birth or naturalization and his customary place of residence is in Ontario.

1947, c. 112,
s. 68,
re-enacted

12. Section 68 of *The University of Toronto Act, 1947* is repealed and the following substituted therefor:

The Council
of the
Faculty of
Arts and
Science

- 68.—(1) There shall be a council to be known as “The Council of the Faculty of Arts and Science”, referred to in this section as “the Council”.

Composition,
size and
membership

- (2) The composition, size and membership of the Council shall be determined by the University community on the basis of equity and in accordance with the recommendations of the Commission on the Government of the University of Toronto, 1970.

Effective
date

- (3) The Council shall supersede The Council of the Faculty of Arts on or before the 31st day of December, 1975.

Other
councils

- (4) Councils shall be established in the other faculties of the University on or before the 31st day of December, 1975, in a manner that is compatible with the recommendations of the Commission referred to in subsection 2.

1947, c. 112,
s. 79, subs. 1,
amended

13.—(1) Subsection 1 of section 79 of *The University of Toronto Act, 1947* is amended by adding at the end thereof “in accordance with the principles of equity and due process”, so that the subsection shall read as follows:

Disciplinary
jurisdiction
of governing
bodies

- (1) The Council of University College, and the governing bodies of the federated universities and colleges, shall, respectively, have disciplinary jurisdiction over and entire responsibility for the conduct of their students in respect of all matters arising or

occurring in or upon their respective college buildings and grounds, including residences in accordance with the principles of equity and due process.

(2) Subsection 3 of the said section 79 is amended by ^{1947, c. 112, s. 79, subs. 3, amended} striking out "or by general regulation" in the fifth line, so that the subsection shall read as follows:

- (3) In all other cases, as respects all students of the ^{Disciplinary jurisdiction of Caput} University, University College and the federated universities and colleges, disciplinary jurisdiction shall be vested in the Caput, but the Caput may delegate its authority in any particular case to the council or other governing body of the university, college, faculty or school to which the student belongs.

14. Subsection 1 of section 80 of *The University of Toronto Act, 1947* is amended by striking out "to impose fines" in the ^{1947, c. 112, s. 80, subs. 1, amended} second line, so that the subsection shall read as follows:

- (1) Disciplinary jurisdiction under section 79 shall include ^{Punishments} power to suspend and to recommend to the Senate the withholding of degrees, diplomas, certificates or academic standing.

15. Section 82 of *The University of Toronto Act, 1947* is repealed and the following substituted therefor: ^{1947, c. 112, s. 82, re-enacted}

82. A student shall have the right to appeal to the Board ^{Right of appeal} from any punishment awarded against him; and shall not, by virtue of his being a student of the University, surrender any further civil or other rights which he may enjoy under law to proceed with due process for the redress of any damage against his person, property or future career, or any other matter.

16. Section 83 of *The University of Toronto Act, 1947* is repealed. ^{1947, c. 112, s. 83, repealed}

17. Subsection 3 of section 119 of *The University of Toronto Act, 1947*, as re-enacted by section 12 of *The University of Toronto Amendment Act, 1959*, is amended by inserting after "students" in the first line "including extension students", ^{1947, c. 112, s. 119 (1959, c. 103, s. 12), subs. 3, amended} so that the subsection shall read as follows:

- (3) All occasional and graduate students including ^{Occasional, graduate and extension students} extension students shall also be registered in the University.

18. *The University of Toronto Act, 1947* is amended by ^{1947, c. 112, amended} adding thereto the following section:

Department
of Extension
dissolved

123.—(1) Effective the 1st day of September, 1975, the Department of Extension is dissolved and the extension and day students shall be members of the University community without distinction between them.

Extension
students

(2) A student who is enrolled in the Department of Extension on the 31st day of August, 1975,

(a) shall not be compelled to leave the University because of shortage of space or teaching staff; and

(b) upon graduation shall be granted the appropriate degree of the University.

Commence-
ment and
repeal

19. This Act comes into force on the day it receives Royal Assent and is repealed on the 31st day of March, 1976.

Short title

20. This Act may be cited as *The University of Toronto Amendment Act, 1971*.



An Act to amend
The University of Toronto Act, 1947

1st Reading

April 5th, 1971

2nd Reading

3rd Reading

MR. BEN

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Highway Traffic Act

MR. YOUNG

EXPLANATORY NOTE

The Bill provides for various bumper standards that are to be introduced into the automobile industry by the 1st day of January, 1975.

BILL 12

1971

An Act to amend The Highway Traffic Act

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

1. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 172,
amended

46a.—(1) Every passenger motor vehicle that is sold in Ontario and manufactured or assembled after the 1st day of January, 1973, shall when sold, be equipped with front and rear bumpers such that it can be driven either forward or in reverse directly into an appropriate test barrier at a speed up to and including five miles per hour without causing bodily injury to any occupant or damage to the passenger motor vehicle. Bumper
require-
ments

(2) Every passenger motor vehicle that is sold in Ontario and manufactured or assembled after the 1st day of January, 1975, shall when sold, be equipped with front and rear bumpers such that it can be driven either forward or in reverse directly into an appropriate test barrier at a speed up to and including ten miles per hour without causing bodily injury to any occupant or damage to the passenger motor vehicle. Idem

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

3. This Act may be cited as *The Highway Traffic Amendment Act, 1971*. Short title

An Act to amend
The Highway Traffic Act

1st Reading

April 5th, 1971

2nd Reading

3rd Reading

MR. YOUNG

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Landlord and Tenant Act

MR. REID (Scarborough East)

EXPLANATORY NOTE

The purpose of the Bill is to prohibit landlords of residential premises from shutting off the supply of electricity to their tenants.

BILL 13

1971

**An Act to amend
The Landlord and Tenant Act**

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

1. *The Landlord and Tenant Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 206,
amended

85a. No landlord and no person acting under the control of a landlord shall shut off, disconnect or interfere with the supply of electricity to residential premises occupied by a tenant. Landlord
not to
disconnect
electricity

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

3. This Act may be cited as *The Landlord and Tenant Amendment Act, 1971*. Short
title

An Act to amend
The Landlord and Tenant Act

1st Reading

April 7th, 1971

2nd Reading

3rd Reading

MR. REID (Scarborough East)

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Public Utilities Act

MR. REID (Scarborough East)

EXPLANATORY NOTE

The purpose of the Bill is to add to the Act the provision that a corporation supplying electrical power cannot permit a landlord to shut off the supply of electrical power to residential premises occupied by a tenant.

BILL 14

1971

An Act to amend The Public Utilities Act

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

1. *The Public Utilities Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 335,
amended

55a.—(1) In this section, “landlord”, “residential premises” and “tenant” mean landlord, residential premises and tenant, respectively, as defined in *The Landlord and Tenant Act*. Interpre-
tation
R.S.O. 1960,
c. 206

(2) A corporation shall not permit or agree to permit a landlord or any person acting under the control of a landlord to shut off, disconnect or interfere with the supply of electrical power to residential premises occupied by a tenant. Corporation
not to permit
landlord
shut off
electricity

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

3. This Act may be cited as *The Public Utilities Amendment Act, 1971*. Short title

An Act to amend
The Public Utilities Act

1st Reading

April 7th, 1971

2nd Reading

3rd Reading

MR. REID (Scarborough East)

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Landlord and Tenant Act

MR. DEANS

EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment provides for a standard form of lease that cannot be departed from.

Subsection 2. The amendment provides for a Rental Review Board with power to determine the amount of rent in individual cases where an increase is demanded.

BILL 15

1971

An Act to amend The Landlord and Tenant Act

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

1.—(1) Part IV of *The Landlord and Tenant Act*, as enacted by section 3 of *The Landlord and Tenant Amendment Act, 1968-69*, is amended by adding thereto the following section: R.S.O. 1960,
c. 206,
Part IV
(1968-69,
c. 58, s. 3),
amended

81a.—(1) The Lieutenant Governor in Council shall prescribe by regulation the form of tenancy agreement for residential premises and every tenancy agreement shall be deemed to be in the form so prescribed. Standard
form of
tenancy
agreement

(2) Any terms in a tenancy agreement, other than those contained or permitted to be inserted in the form prescribed under subsection 1, shall be deemed to be void and of no effect. Additional
terms
prohibited

(2) The said Part IV is further amended by adding thereto the following sections: R.S.O. 1960,
c. 206,
Part IV
(1968-69,
c. 58, s. 3),
amended

110.—(1) There shall be a board to be known as the Rental Review Board. Rental
Review
Board
established

(2) The Lieutenant Governor in Council shall appoint such number of members to the Rental Review Board as he considers adequate and shall appoint one of such members as chairman and one or more other such members as vice-chairmen. Composition
of Board

(3) At least three members of the Board, one of whom shall be the chairman or vice-chairman, constitute a quorum. Quorum

Duties of
chairman

- (4) The chairman shall have general supervision and direction over the conduct of the affairs of the Board, and shall arrange the sittings of the Board and assign members to conduct hearings as circumstances require.

Site of
hearings

- (5) The Rental Review Board shall hold its hearings,
- (a) in the city, metropolitan municipality or regional municipality in which the rented premises are situate; or
 - (b) where the rented premises are not situate in a municipality mentioned in clause *a*, in the county or district in which the rented premises are situate.

Application
to Board

- 111.—(1) Where a tenant is in possession of residential premises and his continuing in possession is subject to the payment of an increased rent, the tenant may apply to the Rental Review Board for a review of the amount of the rent.

Notice of
hearing

- (2) The Board shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Idem

- (3) The notice of hearing shall contain,
- (a) a statement of the time and place of the hearing;
 - (b) a statement identifying the subject-matter of the application;
 - (c) a reference to the rules of procedure applicable to the hearing;
 - (d) a statement that, if a party who has been duly notified does not attend at the hearing, the Board may proceed in his absence and he is not entitled to notice of any further proceedings.

Parties

- (4) The landlord, the tenant and any other person specified by the Board are parties to the hearing.

Failure to
attend

- (5) If a person who has been duly notified of a hearing does not attend, the Board may proceed in his absence.

- (6) A hearing may be adjourned from time to time by ^{Adjournment} the Board on reasonable grounds,
- (a) on its own motion; or
 - (b) on the motion of any party to the hearing.
- (7) The Board may, in the prescribed form, command ^{Subpoenas} the attendance before it of any person as a witness.
- (8) The Board may require any person, Oaths
- (a) to give evidence on oath at a hearing; and
 - (b) to produce such documents and things as the Board requires.
- (9) The Board may admit evidence not given under ^{Idem} oath.
- (10) Any person who, without lawful excuse, Offences
- (a) on being duly summoned as a witness before the Board makes default in attending; or
 - (b) being in attendance as a witness before the Board refuses to take an oath legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or
 - (c) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,
- is guilty of an offence punishable under subsection 11.
- (11) The Board may certify an offence under subsection 10 ^{Enforcement} to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

- Right of party to counsel (12) Any party may be represented before the Board by counsel or agent.
- Right of witness to counsel (13) Any witness may be represented before the Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.
- Exclusion of counsel (14) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence.
- Right of parties at hearing (15) At a hearing before the Board, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.
- Hearings to be open to public; exceptions (16) All hearings shall be open to the public except where the Board finds that intimate financial or personal circumstances of any person may be disclosed, in which case the Board shall hold the hearing as to any such matters *in camera*.
- Idem (17) Notwithstanding the exceptions mentioned in subsection 16, the Board may, if in its opinion the public interest so requires, proceed without regard to such exceptions.
- Release of exhibits (18) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.
- Specialized knowledge (19) The Board may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence.
- Notice (20) The Board shall notify all parties to a proceeding of any facts or information referred to in subsection 19 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information.
- Contents and service of notice (21) The Board shall cause a notice containing a statement of such facts or information to be served upon all the parties.
- Order of Board 112.—(1) The Rental Review Board shall, after a hearing, determine the amount of rent that is reasonable in all the circumstances and may order that the rental

agreement be continued at the rental mentioned in the order.

- (2) A landlord shall not terminate a rental agreement except for cause while an application to the Rental Review Board under this section is pending. Termination of tenancy while application pending
- (3) In the case of a weekly or monthly tenancy, the Board may order that the landlord shall not terminate the tenancy, except for cause, for a period named in the order, not exceeding one year. Termination of periodic tenancy after order
- (4) The Board shall serve upon the parties written reasons for its decisions. Reasons

2. Subsection 1 of section 1 applies to tenancy agreements entered into or renewed after the 1st day of July, 1971. Application of section 1, subsection 1

3.—(1) This Act, except subsection 2 of section 1, comes into force on the day it receives Royal Assent. Commencement

(2) Subsection 2 of section 1 comes into force on the 1st day of July, 1971. Idem

4. This Act may be cited as *The Landlord and Tenant Amendment Act, 1971*. Short title

An Act to amend
The Landlord and Tenant Act

1st Reading

April 7th, 1971

2nd Reading

3rd Reading

MR. DEANS

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Public Health Act

MR. DEANS

EXPLANATORY NOTE

The Bill requires that drugs and medicines be sold only in child-proof containers.

BILL 16

1971

An Act to amend The Public Health Act

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

1. *The Public Health Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 321,
amended

CHILD-PROOF CONTAINERS

79.—(1) No person shall sell or offer for sale a drug to which *The Pharmacy Act* applies or a medicine registered under the *Proprietary or Patent Medicine Act* (Canada) that is not contained in a container that bears the mark of approval of a testing organization under subsection 2. Sale of
drugs and
medicines in
approved
containers
R.S.O. 1960,
c. 295
R.S.C. 1952,
c. 220

(2) The Lieutenant Governor in Council may make regulations designating an organization to test and approve the types, designs and specifications of containers suitable to make the contents inaccessible to small children and providing for the affixing of a mark of approval on containers manufactured in accordance with the approved type, design and specifications. Regulations

2. This Act comes into force on the 1st day of July, 1971. Commence-
ment

3. This Act may be cited as *The Public Health Amendment Act, 1971*. Short title

An Act to amend
The Public Health Act

1st Reading

April 7th, 1971

2nd Reading

3rd Reading

MR. DEANS

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to control The Administration of Medicine in Schools

MR. BEN

TORONTO

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

EXPLANATORY NOTE

The purpose of the Bill is to control the giving of medicine to children in schools.

The Bill requires that certain conditions precedent be met before a pupil is given medicine in a school and requires that a record of the giving of medicine be kept in each school.

The Bill also provides for control of experimental drug programs in schools and requires a public hearing before such a program is commenced.

BILL 17

1971

An Act to control The Administration of Medicine in Schools

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

1. In this Act,

Interpre-
tation

- (a) "board" means a school board or board of education;
- (b) "Department" means the Department of Education;
- (c) "Minister" means the Minister of Education;
- (d) "pupil" means a child in attendance at an elementary or secondary school;
- (e) "teacher" means a person employed to teach in an elementary or secondary school.

2.—(1) A teacher shall not give medicine to a pupil unless directed to do so by the principal of the school in which the teacher is employed.

When
teacher
may give
medicine

(2) A principal shall not direct a teacher to give medicine to a pupil unless,

Conditions
precedent
to giving
of medicine

- (a) one of the parents of the pupil requests that a teacher give the medicine to the pupil;
- (b) a legally qualified medical practitioner states to the principal that it is necessary or advisable that a teacher give the medicine to the pupil;
- (c) the services of a nurse are not available in the school; and
- (d) the principal informs the teacher of the parent's request and the medical practitioner's statement.

- Exception (3) Notwithstanding that the services of a nurse are available in the school, but subject to clauses *a*, *b* and *d* of subsection 2, a principal may direct a teacher to give medicine to a pupil if the medical practitioner referred to in clause *b* of subsection 1 states that the medicine must be given to the pupil at a specified time of day.
- Medicine record **3.** The principal of every elementary or secondary school shall maintain in a book kept for that purpose a record of,
- (a) the name, residence address and telephone number of each pupil who is given medicine in the school by a nurse or teacher; and
- (b) every statement made by a medical practitioner referred to in clause *b* of subsection 2 of section 2.
- Experimental drug programs **4.—(1)** In this section, “experimental program” means an experimental program involving the administration of a drug or placebo to groups of pupils.
- Approval of Minister required (2) No experimental program shall be commenced unless the Minister gives his certificate of approval for the program.
- Referral to Department (3) A board that is requested to permit the conduct of an experimental program shall refer the request to the Department.
- Consultation by Minister (4) The Minister shall consult with the Addiction Research Foundation and the Clarke Institute of Psychiatry concerning every request to conduct an experimental program.
- Public notice and hearing (5) Where the Minister proposes to give his certificate of approval for an experimental program he shall, before so doing,
- (a) cause notice of the proposed experimental program to be published in *The Ontario Gazette* not less than six months before the proposed date of commencement of the program; and
- (b) refer the request to the Standing Committee on Human Resources, or to such other standing committee of the Assembly as he considers proper, for consideration by the committee.
- Idem (6) Notice shall be given to the proper officer of the Addiction Research Foundation and of the Clarke Institute of Psychiatry of the date, time and place of every meeting

of the standing committee at which a request for approval of an experimental program will be considered.

(7) At every meeting of the standing committee at which an experimental program is considered, ^{Representation}

- (a) the Minister or the officer designated by him under this section shall attend;
- (b) a representative of the Addiction Research Foundation shall attend;
- (c) a representative of the Clarke Institute of Psychiatry may attend; and
- (d) interested members of the public may attend,

and they may severally make representations to the standing committee.

(8) The Minister may designate an officer of the Department to exercise any of the powers conferred and perform any of the duties imposed upon him under this section. ^{Designation by Minister}

(9) An experimental program shall not be commenced during a period when the Legislature is not in session. ^{When program not to commence}

5. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

6. This Act may be cited as *The Medicine in Schools Control Act, 1971*. ^{Short title}



An Act to control
The Administration of Medicine
in Schools

1st Reading

April 7th, 1971

2nd Reading

3rd Reading

MR. BEN

(Private Member's Bill)

BILL 18

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to provide for
the Regulation of Driver Training Schools**

MR. BURR

EXPLANATORY NOTE

The purpose of the Bill is to provide for the regulation of the driving school industry in order to improve service to the public.

Provision is made for the registration of operators of driving schools and the licensing of driving instructors. Provision is also made for the setting of minimum standards for such schools, the instructors and the instruction given.

BILL 18

1971

An Act to provide for the Regulation of Driver Training Schools

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) "driver training school" means any school or place wherein persons are taught to operate motor vehicles or taught or instructed in preparation for examination for licences to operate motor vehicles on a highway;
- (b) "driving instructor" means a person who teaches persons to operate motor vehicles or teaches or instructs persons in preparation for examination for licences to operate motor vehicles on a highway and receives compensation therefor;
- (c) "motor vehicle" means a motor vehicle under R.S.O. 1960.
The Highway Traffic Act;
- (d) "Registrar" means the Registrar of Motor Vehicles appointed under *The Highway Traffic Act*;
- (e) "regulations" means the regulations made under this Act.

2. No person shall operate a driver training school unless Registration required he is registered under this Act.

3. No person shall act as a driving instructor unless he is Licence required the holder of a driving instructor's licence issued under this Act.

4. Every person who desires to operate a driver training Registration school shall make application in writing for registration to the Registrar in accordance with this Act and the regulations.

Conditions
of
registration

5. The Registrar may register an applicant as the operator of a driver training school and may issue a certificate accordingly upon the applicant satisfying the Registrar that the applicant,

- (a) is a fit and proper person to be registered as the operator of a driver training school having regard to his character and integrity;
- (b) is of the full age of twenty-one years;
- (c) is the holder of a driving instructor's licence issued under this Act;
- (d) maintains classroom and office facilities with sufficient space and equipment to properly operate a driving training school; and
- (e) complies with such other requirements as may be designated by the regulations.

Licence

6. Every person who desires to act as a driving instructor shall make application in writing for a driving instructor's licence to the Registrar in accordance with this Act and the regulations.

Conditions
of licence

7. The Registrar may issue a driving instructor's licence to an applicant upon the applicant satisfying the Registrar that the applicant,

- (a) is a fit and proper person to be licensed as a driving instructor having regard to his character and integrity;
- (b) is of the full age of twenty-one years;
- (c) is the holder of a chauffeur's licence issued under *The Highway Traffic Act* and has been so licensed for a period of at least one year immediately preceding the date of his application;
- (d) has the ability to instruct persons in the safe operation of motor vehicles; and
- (e) complies with such other requirements as may be designated by the regulations.

R.S.O. 1960,
c. 172

Renewal

8. Every applicant for renewal of registration and every applicant for renewal of a licence under this Act shall, on or before the 1st day of December in each year, apply to the

Registrar for the renewal of the registration or licence upon the prescribed form, which shall be accompanied by the prescribed fees.

9.—(1) The Registrar may refuse to grant a registration ^{Refusal of registration} or renewal of registration where, in his opinion, the registration or renewal should not be granted.

(2) The Registrar may refuse to issue or renew a licence ^{Refusal of licence} where, in his opinion, such licence should not be issued or renewed.

10. If any holder of a licence under this Act ceases to be ^{Expiry of licence} the holder of a chauffeur's licence under *The Highway Traffic Act*, his driving instructor's licence expires on the date he ceases to be such holder. ^{R.S.O. 1960, c. 172}

11.—(1) The Registrar, or any person authorized by him ^{Inspection} in writing, may inspect any driver training school at any time,

- (a) to determine the safety of the premises;
- (b) to observe the method of instruction given therein;
- (c) to inspect the business books and records;
- (d) to inspect any circulars, pamphlets and other material used for advertising the driver training school; or
- (e) generally for the purposes of this Act or the regulations.

(2) Every person who, Offence

- (a) obstructs the Registrar or authorized person in making any inspection or observation; or
- (b) refuses or neglects to produce any business book or record upon demand by the Registrar or authorized person,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

12.—(1) If, as the result of any inspection of any driver ^{Cancellation of registration} training school, the Registrar is satisfied,

- (a) that a driver training school is insufficiently provided with the means of instruction;

- (b) that a driver training school is not safe;
- (c) that the charges made for the instruction given are unreasonable; or
- (d) that any regulation pursuant to this Act is not observed therein,

he may cancel the registration, and thereupon the registration and the certificate thereof are void.

Cancellation of licence

(2) If, as the result of any inspection of any driver training school or observation of any driving instructor, the Registrar is satisfied that a driving instructor,

- (a) is not a fit and proper person to be licensed as a driving instructor having regard to his character and integrity; or
- (b) does not have sufficient ability to instruct in the safe operation of a motor vehicle,

he may cancel the licence of such driving instructor and thereupon the licence is void.

Offences

13. Every person who,

- (a) operates a driver training school when he is not registered pursuant to this Act as the operator of that driver training school;
- (b) acts as a driving instructor when he is not licensed pursuant to this Act; or
- (c) is knowingly responsible for the contravention of any of the provisions of this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 for a first offence and not more than \$2,000 for a second or subsequent offence.

Regulations

14. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the security to be provided by the operator of any driver training school for the due performance of his contracts and providing for the forfeiture of such security or a part thereof and for the disposition of the proceeds;

- (b) respecting applications for registration and renewals of registration;
- (c) respecting applications for licences and renewals of licences;
- (d) prescribing the accommodations, materials and equipment required by driver training schools and the means of instruction to be used;
- (e) respecting the qualifications of driving instructors;
- (f) requiring the approval of the Registrar respecting courses of instruction, methods of instruction and premises and equipment used, in connection with a driver training school;
- (g) fixing the fees that shall be payable on applications for registration or renewal of registration;
- (h) fixing the fees that shall be payable on applications for issuance or renewal of a licence;
- (i) generally as to the conduct, operation and management of driver training schools; and
- (j) generally as to the qualifications and training of driving instructors.

15. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

16. This Act may be cited as *The Driver Training School Act, 1971*. Short title

An Act to provide
for the Regulation of Driver
Training Schools

1st Reading

April 7th, 1971

2nd Reading

3rd Reading

MR. BURR

(Private Member's Bill)

**4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971**

**An Act to amend
The Real Estate and Business Brokers Act**

**THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs**

EXPLANATORY NOTE

The restrictions upon registration of a corporation as a broker now contain certain exceptions relating to trust companies. The amendments extend these exceptions to loan corporations also registered under *The Loan and Trust Corporations Act*.

BILL 19

1971

An Act to amend The Real Estate and Business Brokers Act

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

1. Clause *cc* of section 1 of *The Real Estate and Business Brokers Act*, as enacted by subsection 1 of section 1 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is amended by adding at the end thereof "or loan corporation", so that the clause shall read as follows:

R.S.O. 1960,
c. 344, s. 1,
cl. cc
(1968-69,
c. 105, s. 1,
subs. 1),
amended

(cc) "officer" means the chairman or vice-chairman of the board of directors, president, vice-president, secretary, treasurer or secretary-treasurer or general manager of a corporation or a partner or general manager of a partnership and includes the manager of the real estate department of a trust company or loan corporation.

2.—(1) Clause *a* of subsection 1 of section 7 of *The Real Estate and Business Brokers Act*, as re-enacted by section 2 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is amended by striking out "a trust company" in the sixth line, so that the clause shall read as follows:

R.S.O. 1960,
c. 344, s. 7
(1968-69,
c. 105, s. 2),
subs. 1, cl. a,
amended

(a) unless the persons holding shares carrying at least 51 per cent of the voting rights attached to all shares of the corporation for the time being outstanding are registered brokers, but this clause does not apply to a corporation that is registered under *The Loan and Trust Corporations Act*.

R.S.O. 1960,
c. 222

(2) Clause *b* of subsection 1 of the said section 7 is amended by striking out "a trust company" in the seventh line, so that the clause shall read as follows:

R.S.O. 1960,
c. 344, s. 7
(1968-69,
c. 105, s. 2),
subs. 1, cl. b,
amended

- (b) if any broker holding voting shares of the corporation acts as broker in respect of any other business registered as a broker or holds voting shares in any other corporation registered as a broker, but this clause does not apply to the holding of voting shares of a corporation that is registered under *The Loan and Trust Corporations Act* where the shares held do not give the holder a substantial interest; or

R.S.O. 1960,
c. 222

R.S.O. 1960,
c. 344, s. 7
(1968-69,
c. 105, s. 2),
subs. 2,
amended

- (3) Subsection 2 of the said section 7 is amended by striking out "a trust company" in the second line and by striking out "trust company" in the fifth and sixth lines and inserting in lieu thereof "corporation", so that the subsection shall read as follows:

Exception

- (2) Clause *b* of subsection 1 does not apply to a corporation that is registered under *The Loan and Trust Corporations Act* in which a broker holds voting shares amounting to a substantial interest where the shares were held and the corporation was registered under this Act immediately before *The Real Estate and Business Brokers Amendment Act, 1968-69* came into force.

1968-69,
c. 105

R.S.O. 1960,
c. 344, s. 7
(1968-69,
c. 105, s. 2),
subs. 4, cl. *a*,
amended

- (4) Clause *a* of subsection 4 of the said section 7 is amended by striking out "a trust company" in the fifth and sixth lines, so that the clause shall read as follows:

- (a) acquire shares of a corporation registered as a broker unless the shares are acquired while he is a salesman for the corporation, but this clause does not apply to the acquisition of shares of a corporation that is registered under *The Loan and Trust Corporations Act*.

R.S.O. 1960,
c. 344, s. 7
(1968-69,
c. 105, s. 2),
subs. 4, cl. *b*,
amended

- (5) Clause *b* of subsection 4 of the said section 7 is amended by striking out "a trust company" in the third and fourth lines, so that the clause shall read as follows:

- (b) hold shares in more than one corporation registered as brokers, at the same time, other than shares of a corporation that is registered under *The Loan and Trust Corporations Act*; or

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

4. This Act may be cited as *The Real Estate and Business* ^{Short title}
Brokers Amendment Act, 1971.





An Act to amend
The Real Estate and Business Brokers Act

1st Reading

April 15th, 1971

2nd Reading

3rd Reading

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Human Tissue Act, 1962-63

MR. BURR

EXPLANATORY NOTES

SECTION 1. The amendment permits the use of a donor's body without the authorization of next of kin where he dies outside a hospital.

SECTIONS 2 and 3. The amendments permit the use of a body of a person who is not a donor to be authorized by the nearest class of next of kin who are available, notwithstanding that persons in a closer relationship exist but are not available.

BILL 20

1971

**An Act to amend
The Human Tissue Act, 1962-63**

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 Human Tissue Act, 1962-63* is repealed and the following substituted therefor: 1962-63,
c. 59, s. 3,
re-enacted
 3. Where a donor dies in a place other than a hospital, the first person who has knowledge of the death and also that the deceased is a donor shall immediately notify the coroner who may authorize and require that the body be handed over to such hospital or other institution as the coroner designates as appropriate for the purposes of the donor's request. Death
outside
hospital
2. Section 4 of *The Human Tissue Act, 1962-63* is amended by adding thereto the following subsection: 1962-63,
c. 59, s. 4,
amended
 - (2) Where the person required to give the authorization referred to in subsection 1 is not available within the time necessary for effective use of the body, the next succeeding person referred to in subsection 1 who is available may give the authorization. Where not
available
3. Section 4a of *The Human Tissue Act, 1962-63*, as enacted by section 1 of *The Human Tissue Amendment Act, 1967*, is amended by adding thereto the following subsection: 1962-63,
c. 59, s. 4a
(1967, c. 38,
s. 1),
amended
 - (3) Where the person required to give the authorization referred to in subsection 1 is not available within the time necessary for effective use of the body, the next succeeding person referred to in subsection 1 who is available may give the authorization. Where not
available
4. This Act comes into force on the day it receives Royal Assent. Commence-
ment
5. This Act may be cited as *The Human Tissue Amendment Act, 1971*. Short title

An Act to amend
The Human Tissue Act, 1962-63

1st Reading

April 15th, 1971

2nd Reading

3rd Reading

MR. BURR

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to provide for the Control of Eavesdropping

MR. SHULMAN

EXPLANATORY NOTES

The purpose of the Bill is to control wiretapping and all other forms of electronic overhearing of conversations.

Except in cases involving national security or organized crime, and then only for periods of time not exceeding forty-eight hours, no person may engage in "eavesdropping" without a court order.

The Bill provides that a court order may only be granted on the application of the Minister of Justice and Attorney General or a Crown Attorney and specifies the information that must be given to the court on such an application.

BILL 21

1971

An Act to provide for the Control of Eavesdropping

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) "eavesdropping" means wiretapping and all other forms of electronic overhearing of conversations and "eavesdrop" has a corresponding meaning; and
- (b) "wiretapping" means the unauthorized use, interference with or connection to any telephone instrument, wiring or equipment for the purpose of acquiring knowledge of any conversation passing over a telephone line.

2. No person shall eavesdrop except under the authority of an order made under this Act.

Order
required to
eavesdrop

3.—(1) The Minister of Justice and Attorney General or a Crown Attorney may apply *ex parte* to a judge of the Supreme Court for an order authorizing eavesdropping.

Application
for order

(2) An order granting authority to eavesdrop shall not be made except upon the application of the Minister of Justice and Attorney General or a Crown Attorney.

Who may
apply for
order

(3) An order under this Act shall not grant authority to eavesdrop unless the applicant by affidavit discloses to the judge,

Affidavit
in support
of applica-
tion

- (a) the applicant's name and official position;
- (b) the name of the person against whom the eavesdropping will be directed;

- (c) the nature and location of the premises against which the eavesdropping will be directed;
- (d) full particulars of the offence under investigation;
- (e) a description of the type of conversation that the applicant seeks to overhear;
- (f) particulars of any other alternative investigative procedures and the reasons for the applicant's belief that such procedures have not or will not be sufficient;
- (g) the period of time during which the applicant believes the eavesdropping is necessary;
- (h) full particulars of all previous applications under this Act with respect to the person or the place set out in clauses *b* and *c* and the order made by the judge on each of the applications; and
- (i) that the applicant believes that the eavesdropping is necessary in the particular circumstances.

Limitation
as to time

(4) An order made under this section shall,

- (a) limit the time during which the eavesdropping is authorized to a period of not more than thirty days; and
- (b) terminate the authority to eavesdrop as soon as the conversation set out in clause *e* of subsection 3 is overheard.

Additional
conversations

(5) Notwithstanding clause *b* of subsection 4, where the judge is satisfied by the information disclosed in the affidavit required by subsection 3 that the applicant has reasonable cause to believe that further conversations of a type similar to that set out in clause *e* of subsection 3 are likely to occur, the order made under this section need not terminate the authority when that conversation is overheard.

Extension
of time

4.—(1) Where an order is made under section 3, an application may be made to a judge of the Supreme Court for a further order extending the authority to eavesdrop for an additional period of not more than thirty days from the date of the expiration of the authority.

Provisions
of s. 3
apply

(2) The provisions of section 3 apply *mutatis mutandis* to an application and an order made under this section.

(3) An order made under this section shall not extend the period of time of the authority to eavesdrop unless the applicant discloses by affidavit to the judge, Additional information by affidavit

- (a) the information obtained by the exercise of the authority and the progress of the investigation resulting from the information obtained; and
- (b) the reason why the period of time of the authority under the order made under section 3 was not sufficient.

5. On an application under section 4 or section 5, the applicant shall submit by affidavit such additional information as the judge may require. Judge may require additional information

6.—(1) Where an order is made under section 3 granting authority to eavesdrop, the applicant for the order shall, not later than ninety days after the termination of the authority, serve upon the person named in the application as the person against whom the eavesdropping is directed, notice of the eavesdropping. Notice

(2) Where the period of time of the authority to eavesdrop is extended by an order made under section 4, the notice required under subsection 1 shall be served not later than ninety days after the termination of the extension of the authority. Idem

(3) The notice shall set out,

Particulars of notice

- (a) the name of the person against whom the eavesdropping was directed;
- (b) the location of the premises against which the eavesdropping was directed;
- (c) the dates on which the eavesdropping occurred; and
- (d) the authority under which the eavesdropping occurred.

(4) The notice required by this section shall be in writing and shall be served personally or by registered mail addressed to the person at his residence or place of business and if served by registered mail it shall be deemed to be served on the third day after it is mailed. Service of notice

(5) A judge of the Supreme Court may make an order dispensing with service of the notice required by this section where on an application to the judge the applicant Dispensing with notice

discloses by affidavit facts that establish good cause for dispensing with service of the notice.

Recording to be made available to judge

7. Upon the expiration of the authority to eavesdrop granted under an order made under section 3 or section 4, as the case may be, the applicant for the order shall forthwith make available to the judge who made the order a copy of the recording of every conversation recorded during the eavesdropping.

Nature of offence

8. An order made under this Act shall not grant authority to eavesdrop unless the offence under investigation is one that is an indictable offence within the meaning of the *Criminal Code* (Canada) or is an offence that under the law of Canada or Ontario is punishable by imprisonment for more than one year.

1953-54, c. 51 (Can.)

Exception in the case of national security or organized crime

9. Notwithstanding any other provision of this Act, where the offence under investigation is likely to endanger the safety, security or defence of Canada or involves the activities of persons organized for criminal purposes, eavesdropping may be directed against any person or place for a period of not more than forty-eight hours without the authority of an order under this Act.

Offence

10. Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than two years, or to both.

Commencement

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

Short title

12. This Act may be cited as *The Control of Eavesdropping Act, 1971*.

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An Act to provide for
the Control of Eavesdropping

1st Reading

April 16th, 1971

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act respecting the Financial Accounts of Universities

MR. REID (Scarborough East)

TORONTO

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

EXPLANATORY NOTE

The Bill would make available to the Legislature detailed audited financial statements of the universities and permit regulation of accounting standards in universities.

BILL 22

1971

An Act respecting the Financial Accounts of Universities

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) "Minister" means the Minister of University Affairs;
- (b) "university" means a corporation incorporated as a university or college.

2. Every university that receives a grant of public money from Ontario in a year, shall, before the 1st day of March in the following year, file with the Minister a financial statement prepared in the form prescribed by the regulations and audited by a person licensed under *The Public Accountancy Act*.

Financial
statements

R.S.O. 1960,
c. 317

3. The Minister shall, before the 1st day of April in each year, lay the financial statements received under section 2 before the Assembly if it is in session, or if not, at the next ensuing session.

Tabling of
financial
statements

4. The Lieutenant Governor in Council may make regulations,

Regulations

- (a) prescribing the form and content of financial statements required by section 2;
- (b) governing the financial accounts to be kept by universities including their form, content and procedure;
- (c) respecting the appointment of auditors by universities.

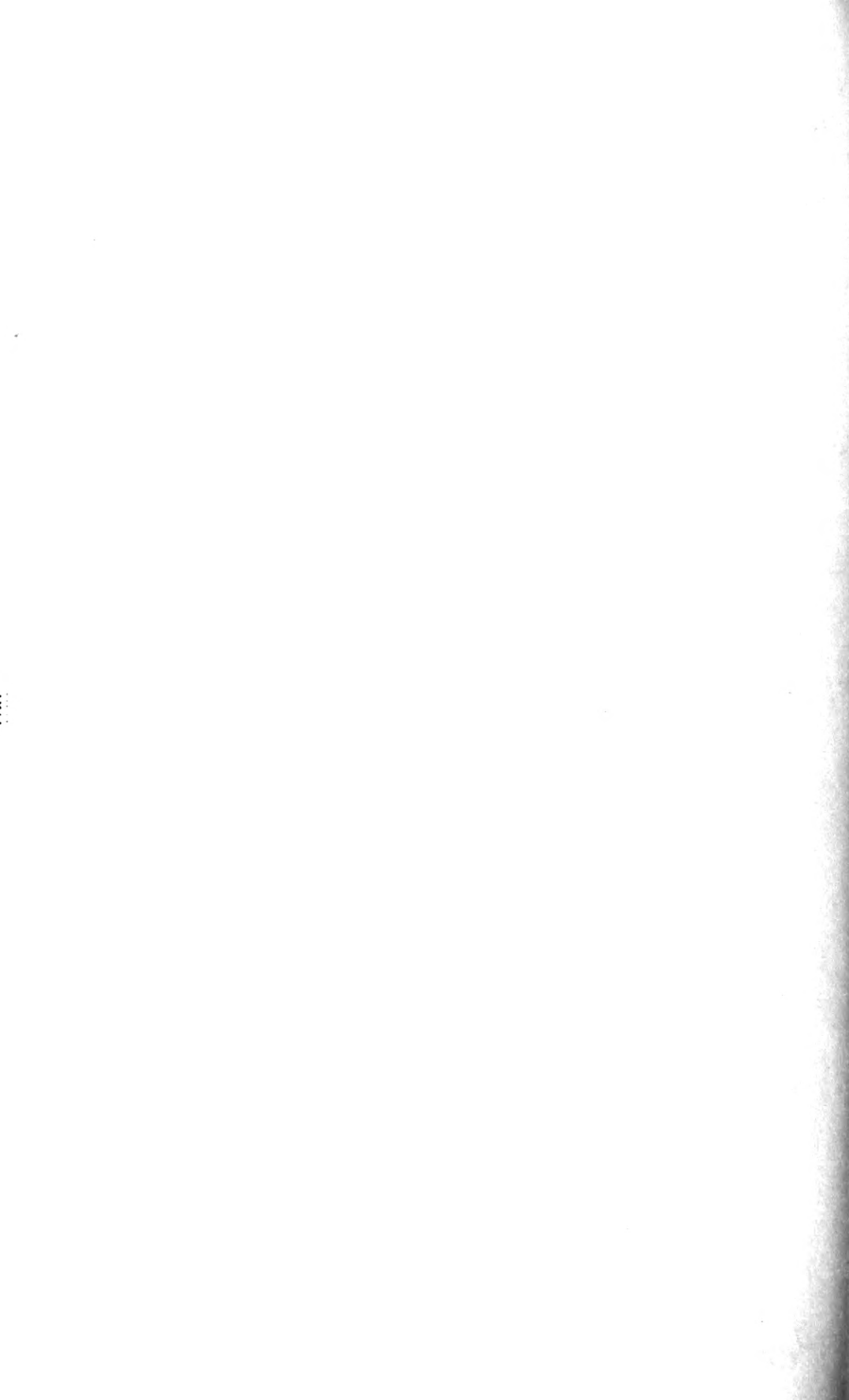
Commence-
ment

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

Short title

6. This Act may be cited as *The University Accounts Act, 1971*.







An Act respecting
the Financial Accounts of Universities

1st Reading

April 16th, 1971

2nd Reading

3rd Reading

MR. REID (Scarborough East)

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to provide for the Control of Credit Reporting
Agencies, the Collection of Credit Information and
Credit Reporting**

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs

EXPLANATORY NOTES

The Bill regulates credit reporting agencies. The principal provisions are for:

1. registration of credit reporting agencies ;
2. controlling the information that may or may not be stored for credit reporting or included in a credit report ;
3. requiring the use of a credit report to be disclosed upon request and the disclosure of the information upon which it is based ;
4. requiring the credit information to be stored in Ontario ;
5. correcting credit information by order of the Registrar.

BILL 23

1971

An Act to provide for the Control of Credit Reporting Agencies, the Collection of Credit Information and Credit Reporting

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) "consumer" means a natural person seeking or obtaining credit for personal, family or household purposes;
- (b) "credit information" means information collected or stored for the purpose of assessing the credit rating of consumers;
- (c) "credit report" means a report of credit information or of a credit rating based on credit information, supplied by a credit reporting agency;
- (d) "credit reporting agency" means a person who is engaged in providing credit reports to any other person, whether for remuneration or otherwise;
- (e) "Director" means the Director of the Consumer Protection Division of the Department;
- (f) "Minister" means the Minister of Financial and Commercial Affairs;
- (g) "person" means an individual, an association of individuals, a partnership or a corporation;
- (h) "Registrar" means the Registrar of Credit Reporting Agencies;
- (i) "regulations" means the regulations made under this Act;

- 1966, c. 41 (j) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*.
- Registrar 2.—(1) There shall be a Registrar of Credit Reporting Agencies who shall be appointed by the Lieutenant Governor in Council.
- Duties (2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director.
- Registration of credit reporting agencies 3. No person shall conduct or act as a credit reporting agency unless he is registered by the Registrar under this Act.
- Registration 4.—(1) An applicant is entitled to registration or renewal of registration by the Registrar except where,
- (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or
 - (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or
 - (c) the applicant is a corporation and,
 - (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or
 - (ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or
 - (d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.
- Conditions of registration (2) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations.

5.—(1) Subject to section 6, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 4. Refusal to register

(2) Subject to section 6, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 4 if he were an applicant, or where the registrant is in breach of a term or condition of the registration. Refusal to renew, suspension and revocation

6.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant. Notice of proposal to refuse or revoke

(2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration. Voluntary cancellation

(3) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to require a hearing by the Tribunal if he mails or delivers notice in writing to the Registrar and the Tribunal within fifteen days after the notice under subsection 1 is served on him. Notice of right to hearing

(4) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1. Powers of Registrar where no hearing

(5) Where the Registrar refuses to renew a registration, the applicant shall be deemed to continue to be registered until an order is made by the Tribunal or until the time for requiring a hearing by the Tribunal expires, whichever occurs first. Stay of refusal to renew

(6) Where an applicant or registrant requires a hearing by the Tribunal, the Tribunal shall appoint a time for and hold the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed. Powers of Tribunal where hearing

(7) The notice of hearing shall contain, Idem

(a) a statement of the time and place of the hearing;

(b) a statement of the statutory power under which the hearing is being held;

(c) a reference to the rules of procedure applicable to the hearing;

(d) a concise statement of the issues ; and

(e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings.

Parties 7.—(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.

Failure to attend (2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence.

Adjournment 8.—(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,

(a) on its own motion ; or

(b) on the motion of any party to the hearing.

Subpoenas (2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.

Oaths (3) The Tribunal may require any person,

(a) to give evidence on oath at a hearing ; and

(b) to produce such documents and things as the Tribunal requires.

Objection re self-incrimination (4) An applicant or registrant giving evidence under oath before the Tribunal shall be advised of his right to object to answer any question under section 9 of *The Evidence Act* and section 5 of the *Canada Evidence Act*.

R.S.O. 1960,
c. 125

R.S.C. 1952,
c. 307

Idem (5) The Tribunal may admit evidence not given under oath.

Offences (6) Any person who, without lawful excuse,

(a) on being duly summoned as a witness before the Tribunal, makes default in attending ; or

(b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer ; or

(c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 7.

(7) The Tribunal may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. Enforcement

9. Any party may be represented before the Tribunal by counsel or agent. Right of party to counsel

10.—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. Right of witness to counsel

(2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. Exclusion of counsel

11. At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. Right of parties at hearing

12.—(1) All hearings shall be open to the public except where the Tribunal finds that, Hearings to be open to public: exceptions

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.

(2) Notwithstanding the exceptions mentioned in clauses *a* ^{Idem} and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions.

13. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. Release of exhibits

Specialized
knowledge

14.—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence.

Notice

(2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information.

Contents
and service
of notice

(3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties.

Record

15. All oral evidence received by the Tribunal shall be taken down in writing and together with,

- (a) the notice of hearing;
- (b) any rulings or orders made in the course of the proceedings of the Tribunal;
- (c) any written submissions received by the Tribunal;
and
- (d) the decision and the reasons therefor,

form the record.

Decision of
Tribunal

16.—(1) On the application of the Registrar at the hearing, the Tribunal may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions
of order

(2) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Decision
to be in
writing

(3) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Contents of
reasons for
decision

- (4) The reasons for the final decision shall contain,
- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
 - (b) any agreed findings of facts; and

(c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

(5) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal. Notice of decision

17. A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such. Enforcement of decisions

18.—(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. Appeal to Court of Appeal

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. Counsel

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. Decision of court

19. An order of the Tribunal refusing to renew or suspending or revoking a registration shall take effect immediately but the Tribunal may grant a stay until the order becomes final. Stay

20. A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. Further applications

21.—(1) Subject to subsection 2, a credit reporting agency shall not collect, store or report information other than, Credit information

(a) the name, sex, age, place of residence and marital status of a person and his place of employment, previous place of employment, estimated income, family responsibility, outstanding debt obligations and record of paying performance;

- (b) information as to judgments or judicial proceedings for the recovery of money owing for goods or services or based upon default under a conditional sale contract or mortgage on chattels or realty;
- (c) information as to bankruptcies;
- (d) information as to accounts unpaid after three months after they become due;
- (e) information as to the payment or non-payment of taxes or lawfully imposed fines;
- (f) information as to convictions for crimes, provided such information shall be deleted and not reported if at any time it is learned that after a conviction a full pardon has been granted;
- (g) any other information prescribed by the regulations.

Idem

- (2) A credit reporting agency shall not retain or report,
 - (a) information under clause *b* of subsection 1 after seven years after the judgment was given, unless the creditor confirms in writing that it remains unpaid in whole or in part, or information in respect of a judgment fully paid;
 - (b) information under clause *c* of subsection 1 after fourteen years from the date of assignment or petition in the most recent bankruptcy;
 - (c) information under clause *d* of subsection 1 after six years after the account became due unless it is accompanied by evidence that recovery is not barred by *The Limitations Act*;
 - (d) information under clause *e* of subsection 1 as to the non-payment of taxes or fines after seven years; and
 - (e) information under clause *f* of subsection 1 after seven years from the date of the conviction.

R.S.O. 1960,
c. 214

Idem

(3) A credit reporting agency shall not collect, store, retain or report any information that is incapable of corroboration from another source.

Form of
collected
information

(4) A credit reporting agency shall not include in a credit report any information other than information stored in a form capable of being produced under section 24.

22. A credit reporting agency shall not use credit information or rating unless the information is stored or collected in a repository located in Ontario. Repository in Ontario

23. Where for any reason the credit risk of a person is assessed, the person assessing the credit risk shall, upon request, inform the person whether or not a credit report is referred to for the purpose of such assessment and of the name and address of the credit reporting agency supplying the report. Disclosure of use of credit report

24.—(1) Each credit reporting agency shall, upon the request of any person, and without charge, Disclosure of information

- (a) disclose to such person whether or not it has collected or retains credit information respecting him;
- (b) produce for examination the contents of all such credit information; and
- (c) produce for examination a copy of any written report made on him to any other person or where the report was oral make oral disclosure as to the content of such oral report.

(2) The credit reporting agency shall permit a person to whom credit information is disclosed under subsection 1 to make a copy thereof. Copies

25.—(1) The Registrar may order a credit reporting agency to amend or delete any credit information, or by order restrict or prohibit the use of any credit information, that in his opinion is inaccurate or that does not comply with the provisions of this Act or the regulations and section 6 applies, *mutatis mutandis*, in the same manner as to a decision by the Registrar to revoke the registration of the credit reporting agency, except that the order may be issued and take effect immediately, but the Tribunal may grant a stay until the order becomes final. Order by Registrar re credit information

(2) A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such. Enforcement of order

26. Every credit reporting agency shall, within five days after the event, notify the Registrar in writing of, Notice of material changes

- (a) any change in its address for service;

- (b) any change in the officers in the case of a corporation or of the members in the case of a partnership; and
- (c) in the case of a corporation, any change in the ownership of its shares.

Investi-
gation of
complaints

27.—(1) Where the Registrar receives a complaint in respect of a credit reporting agency and so requests in writing, the credit reporting agency shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

Idem

(2) The request under subsection 1 shall indicate the nature of the inquiry involved.

Idem

(3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may on notice at any reasonable time enter upon the business premises of the credit reporting agency to make an inspection in relation to the complaint.

Investi-
gation by
Director

28.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has,

(a) contravened any of the provisions of this Act or the regulations; or

1953-54,
c. 51 (Can.)

(b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for registration under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

Powers of
investigation

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

(a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation; and

- (b) inquire into negotiations, transactions or agreements — that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation may, in the prescribed form, command the attendance before him of any person as a witness and subsections 2 to 7 of section 8 and section 10 apply to the investigator and witness in the same manner as to the Tribunal and witnesses before it.

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation. ^{Obstruction of investigator}

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are, in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night. ^{Search warrant}

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated. ^{Removal of books, etc.}

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, pro- ^{Idem}

ceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment
of expert

(7) The Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Matters
confidential

29.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or investigation under section 27 or 28 shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

Testimony
in civil
suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

Service

30.—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department of Financial and Commercial Affairs.

When service
deemed made

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Restraining
order

31.—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may

have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

(2) An appeal lies to the Court of Appeal from an order made under subsection 1. Appeal

32.—(1) Every person who, Offences

(a) knowingly, furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;

(b) fails to comply with any order, direction or other requirement made under this Act; or

(c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. Corporations

(3) No proceedings under this section shall be instituted except with the consent of the Minister. Consent of Minister

(4) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director. Limitation

(5) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose. Idem

33. A statement as to, Certificate as evidence

(a) the registration or non-registration of any person;

(b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;

- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Regulations **34.** The Lieutenant Governor in Council may make regulations,

- (a) exempting any class of persons from this Act or the regulations or any provision thereof;
- (b) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;
- (c) requiring the payment of fees on application for registration or renewal of registration, and prescribing the amounts thereof;
- (d) requiring registered credit reporting agencies to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (e) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (f) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal, and prescribing the amounts thereof;
- (g) requiring and governing the books, accounts and records that shall be kept by credit reporting agencies;
- (h) prescribing additional information that may be collected, stored, or reported by a credit reporting agency;
- (i) prescribing information that must be contained in a credit report;

- (j) requiring credit reporting agencies to make returns and furnish information to the Registrar;
- (k) prescribing forms for the purposes of this Act and providing for their use;
- (l) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

35. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commence-}
^{ment}

36. This Act may be cited as *The Consumer Credit Reporting Act, 1971*. ^{Short title}



THE UNIVERSITY OF CHICAGO
LIBRARY

An Act to provide for the
Control of Credit Reporting
Agencies, the Collection of
Credit Information and
Credit Reporting

1st Reading

April 22nd, 1971

2nd Reading

3rd Reading

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to amalgamate the Department of Highways
and the Department of Transport**

THE HON. C. MACNAUGHTON
Minister of Highways and Minister of Transport

EXPLANATORY NOTE

The Bill provides for the amalgamation of the Department of Highways and the Department of Transport to form the Department of Transportation and Communications.

BILL 24

1971

**An Act to amalgamate
the Department of Highways and
the Department of Transport**

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) "Department" means the Department of Transportation and Communications;
- (b) "Minister" means the Minister of Transportation and Communications.

2.—(1) The departments of the public service heretofore known as the Department of Highways and as the Department of Transport are amalgamated and continued as a department of the public service under the name of the Department of Transportation and Communications.

Depart-
ments
amal-
gamated

(2) The Minister shall preside over and have charge of the Department.

Minister to
have charge

(3) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are required from time to time for the proper conduct of the business of the Department.

Staff
1961-62,
c. 121

3. The Minister is responsible for the administration of this Act and any other Acts that are assigned to him by the provisions thereof or by the Lieutenant Governor in Council.

Duties of
Minister

4. The Minister, with the approval of the Lieutenant Governor in Council, may delegate any of the powers relating to the operation of the Department conferred upon him by or under this or any other Act to any official of the Department designated by the Minister.

Delegation
of powers

References
to Minister,
etc.

5. Any mention of or reference to the Minister or Deputy Minister of Highways or the Minister or Deputy Minister of Transport or to the Department of Highways or the Department of Transport in any Act or regulation shall be deemed to be a mention of or reference to the Minister or Deputy Minister of Transportation and Communications or the Department of Transportation and Communications, as the case may be.

Application
to existing
proceedings

6. Where the Minister of Highways or the Minister of Transport is a party to any action or proceeding before any court, board or other tribunal, the Minister of Transportation and Communications shall, for the purposes of such action or proceeding, be deemed to be the party in the place of the Minister of Highways or the Minister of Transport, as the case may be.

Enforce-
ment of
contracts

7. Contracts respecting any work or property under the control of the Department that are entered into by the Minister or by any other person duly authorized to enter into them enure to the benefit of the Crown and may be enforced as if entered into with the Crown

Possession
of maps,
etc., relat-
ing to
highways

8. The Minister may require a person having possession of a map, plan, specification, estimate, report or other paper, book, drawing, instrument, model, contract, document, record or thing relating to a work under the control of the Department, and not being private property, to deliver it without delay to the Department.

Provincial
agreements
re licensing
and fees of
commercial
motor
vehicles,
etc.

9.—(1) The Government of Ontario, represented by the Minister, may make reciprocal arrangements and enter into agreements with the government or governments of any province or provinces of Canada,

- (a) providing for the licensing of public commercial vehicles and public vehicles, for the registration of commercial motor vehicles and trailers, and for exemptions from such licensing and registration;
- (b) prescribing the fees to be paid therefor and providing for the payment and apportionment of such fees; and
- (c) providing for such other related matters as are considered necessary.

Acts subject
to
agreement

R.S.O. 1960,
cc. 172, 319,
337

(2) The provisions of *The Highway Traffic Act*, *The Public Commercial Vehicles Act* and *The Public Vehicles Act* and regulations made thereunder, with respect to licensing and registration of vehicles, are subject to any agreement entered into under this section.

(3) A public commercial vehicle licence issued for a commercial motor vehicle or trailer by a province with which an agreement has been entered into under this section with respect to such a licence shall be deemed for the purposes of *The Public Commercial Vehicles Act* to be a public commercial vehicle licence under that Act.

Public
commercial
vehicles

R.S.O. 1960,
c. 319

(4) A public vehicle licence issued for a public vehicle by a province with which an agreement has been entered into under this section with respect to such a licence shall be deemed for the purposes of *The Public Vehicles Act* to be a public vehicle licence under that Act.

Public
vehicles

R.S.O. 1960,
c. 337

(5) A permit for the registration of a commercial motor vehicle or trailer issued by a province with which an agreement has been entered into under this section with respect to such a permit shall be deemed for the purposes of *The Highway Traffic Act* to be a permit for the registration of such vehicle under that Act.

Commercial
motor
vehicles

R.S.O. 1960,
c. 172

(6) Where a licence or permit issued by a province with which an agreement has been entered into under this section is deemed for the purposes of any Act of the Legislature to be a licence or permit under such Act, the provisions of such Act with respect to suspension or cancellation of such a licence or permit apply in so far as the licence or permit is effective in Ontario.

Suspension
of licences
or permits

(7) Any arrangement or agreement made or entered into under section 6 of *The Department of Transport Act* that is in effect on the day this Act comes into force shall be deemed to be an arrangement or agreement made or entered into under this section.

Arrange-
ment, etc.,
made under
R.S.O. 1960,
c. 102

10. The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Department and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Annual
Report

11. *The Department of Highways Act* and *The Department of Transport Act* are repealed.

Repeal
R.S.O. 1960,
cc. 96, 102

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

Commence-
ment

13. This Act may be cited as *The Department of Transportation and Communications Act, 1971*.

Short title

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the Department of Highways and
the Department of Transport

1st Reading

April 22nd, 1971

2nd Reading

3rd Reading

THE HON. C. MACNAUGHTON
Minister of Highways and
Minister of Transport

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to amalgamate the Department of Highways
and the Department of Transport**

THE HON. C. MACNAUGHTON
Minister of Highways and Minister of Transport

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The Bill provides for the amalgamation of the Department of Highways and the Department of Transport to form the Department of Transportation and Communications.

BILL 24

1971

**An Act to amalgamate
the Department of Highways and
the Department of Transport**

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) "Department" means the Department of Transportation and Communications;
- (b) "Minister" means the Minister of Transportation and Communications.

2.—(1) The departments of the public service heretofore known as the Department of Highways and as the Department of Transport are amalgamated and continued as a department of the public service under the name of the Department of Transportation and Communications.

Depart-
ments
amal-
gamated

(2) The Minister shall preside over and have charge of the Department.

Minister to
have charge

(3) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are required from time to time for the proper conduct of the business of the Department.

Staff
1961-62,
c. 121

3. The Minister is responsible for the administration of this Act and any other Acts that are assigned to him by the provisions thereof or by the Lieutenant Governor in Council.

Duties of
Minister

4. The Minister, with the approval of the Lieutenant Governor in Council, may delegate any of the powers relating to the operation of the Department conferred upon him by or under this or any other Act to any official of the Department designated by the Minister.

Delegation
of powers

References to Minister, etc.

5. Any mention of or reference to the Minister or Deputy Minister of Highways or the Minister or Deputy Minister of Transport or to the Department of Highways or the Department of Transport in any Act or regulation shall be deemed to be a mention of or reference to the Minister or Deputy Minister of Transportation and Communications or the Department of Transportation and Communications, as the case may be.

Application to existing proceedings

6. Where the Minister of Highways or the Minister of Transport is a party to any action or proceeding before any court, board or other tribunal, the Minister of Transportation and Communications shall, for the purposes of such action or proceeding, be deemed to be the party in the place of the Minister of Highways or the Minister of Transport, as the case may be.

Enforcement of contracts

7. Contracts respecting any work or property under the control of the Department that are entered into by the Minister or by any other person duly authorized to enter into them enure to the benefit of the Crown and may be enforced as if entered into with the Crown

Possession of maps, etc., relating to highways

8. The Minister may require a person having possession of a map, plan, specification, estimate, report or other paper, book, drawing, instrument, model, contract, document, record or thing relating to a work under the control of the Department, and not being private property, to deliver it without delay to the Department.

Provincial agreements re licensing and fees of commercial motor vehicles, etc.

9.—(1) The Minister, with the approval of the Lieutenant Governor in Council, may make reciprocal arrangements and enter into agreements with the government or governments of any province or provinces of Canada,

- (a) providing for the licensing of public commercial vehicles and public vehicles, for the registration of commercial motor vehicles and trailers, and for exemptions from such licensing and registration;
- (b) prescribing the fees to be paid therefor and providing for the payment and apportionment of such fees; and
- (c) providing for such other related matters as are considered necessary.

Acts subject to agreement

R.S.O. 1960, cc. 172, 319, 337

(2) The provisions of *The Highway Traffic Act*, *The Public Commercial Vehicles Act* and *The Public Vehicles Act* and regulations made thereunder, with respect to licensing and registration of vehicles, are subject to any agreement entered into under this section.

(3) A public commercial vehicle licence issued for a commercial motor vehicle or trailer by a province with which an agreement has been entered into under this section with respect to such a licence shall be deemed for the purposes of *The Public Commercial Vehicles Act* to be a public commercial vehicle licence under that Act. Public commercial vehicles
R.S.O. 1960, c. 319

(4) A public vehicle licence issued for a public vehicle by a province with which an agreement has been entered into under this section with respect to such a licence shall be deemed for the purposes of *The Public Vehicles Act* to be a public vehicle licence under that Act. Public vehicles
R.S.O. 1960, c. 337

(5) A permit for the registration of a commercial motor vehicle or trailer issued by a province with which an agreement has been entered into under this section with respect to such a permit shall be deemed for the purposes of *The Highway Traffic Act* to be a permit for the registration of such vehicle under that Act. Commercial motor vehicles
R.S.O. 1960, c. 172

(6) Where a licence or permit issued by a province with which an agreement has been entered into under this section is deemed for the purposes of any Act of the Legislature to be a licence or permit under such Act, the provisions of such Act with respect to suspension or cancellation of such a licence or permit apply in so far as the licence or permit is effective in Ontario. Suspension of licences or permits

(7) Any arrangement or agreement made or entered into under section 6 of *The Department of Transport Act* that is in effect on the day this Act comes into force shall be deemed to be an arrangement or agreement made or entered into under this section. Arrangement, etc., made under
R.S.O. 1960, c. 102

10. The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Department and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Annual Report

11. *The Department of Highways Act* and *The Department of Transport Act* are repealed. Repeal
R.S.O. 1960, cc. 96, 102

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

13. This Act may be cited as *The Department of Transportation and Communications Act, 1971*. Short title

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An Act to amalgamate
the Department of Highways and
the Department of Transport

1st Reading

April 22nd, 1971

2nd Reading

May 11th, 1971

3rd Reading

THE HON. C. MACNAUGHTON
Minister of Highways and
Minister of Transport

*(Reprinted as amended by
the Committee of the Whole House)*

BILL 24

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amalgamate the Department of Highways and the Department of Transport

THE HON. C. MACNAUGHTON
Minister of Highways and Minister of Transport



BILL 24

1971

**An Act to amalgamate
the Department of Highways and
the Department of Transport**

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) "Department" means the Department of Transportation and Communications;
- (b) "Minister" means the Minister of Transportation and Communications.

2.—(1) The departments of the public service heretofore known as the Department of Highways and as the Department of Transport are amalgamated and continued as a department of the public service under the name of the Department of Transportation and Communications.

Depart-
ments
amal-
gamated

(2) The Minister shall preside over and have charge of the Department.

Minister to
have charge

(3) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are required from time to time for the proper conduct of the business of the Department.

Staff
1961-62,
c. 121

3. The Minister is responsible for the administration of this Act and any other Acts that are assigned to him by the provisions thereof or by the Lieutenant Governor in Council.

Duties of
Minister

4. The Minister, with the approval of the Lieutenant Governor in Council, may delegate any of the powers relating to the operation of the Department conferred upon him by or under this or any other Act to any official of the Department designated by the Minister.

Delegation
of powers

References to Minister, etc.

5. Any mention of or reference to the Minister or Deputy Minister of Highways or the Minister or Deputy Minister of Transport or to the Department of Highways or the Department of Transport in any Act or regulation shall be deemed to be a mention of or reference to the Minister or Deputy Minister of Transportation and Communications or the Department of Transportation and Communications, as the case may be.

Application to existing proceedings

6. Where the Minister of Highways or the Minister of Transport is a party to any action or proceeding before any court, board or other tribunal, the Minister of Transportation and Communications shall, for the purposes of such action or proceeding, be deemed to be the party in the place of the Minister of Highways or the Minister of Transport, as the case may be.

Enforcement of contracts

7. Contracts respecting any work or property under the control of the Department that are entered into by the Minister or by any other person duly authorized to enter into them enure to the benefit of the Crown and may be enforced as if entered into with the Crown

Possession of maps, etc., relating to highways

8. The Minister may require a person having possession of a map, plan, specification, estimate, report or other paper, book, drawing, instrument, model, contract, document, record or thing relating to a work under the control of the Department, and not being private property, to deliver it without delay to the Department.

Provincial agreements re licensing and fees of commercial motor vehicles, etc.

9.—(1) The Minister, with the approval of the Lieutenant Governor in Council, may make reciprocal arrangements and enter into agreements with the government or governments of any province or provinces of Canada,

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- (b) prescribing the fees to be paid therefor and providing for the payment and apportionment of such fees; and
- (c) providing for such other related matters as are considered necessary.

Acts subject to agreement

R.S.O. 1960, cc. 172, 319, 337

(2) The provisions of *The Highway Traffic Act*, *The Public Commercial Vehicles Act* and *The Public Vehicles Act* and regulations made thereunder, with respect to licensing and registration of vehicles, are subject to any agreement entered into under this section.

(3) A public commercial vehicle licence issued for a commercial motor vehicle or trailer by a province with which an agreement has been entered into under this section with respect to such a licence shall be deemed for the purposes of *The Public Commercial Vehicles Act* to be a public commercial vehicle licence under that Act. Public commercial vehicles
R.S.O. 1960, c. 319

(4) A public vehicle licence issued for a public vehicle by a province with which an agreement has been entered into under this section with respect to such a licence shall be deemed for the purposes of *The Public Vehicles Act* to be a public vehicle licence under that Act. Public vehicles
R.S.O. 1960, c. 337

(5) A permit for the registration of a commercial motor vehicle or trailer issued by a province with which an agreement has been entered into under this section with respect to such a permit shall be deemed for the purposes of *The Highway Traffic Act* to be a permit for the registration of such vehicle under that Act. Commercial motor vehicles
R.S.O. 1960, c. 172

(6) Where a licence or permit issued by a province with which an agreement has been entered into under this section is deemed for the purposes of any Act of the Legislature to be a licence or permit under such Act, the provisions of such Act with respect to suspension or cancellation of such a licence or permit apply in so far as the licence or permit is effective in Ontario. Suspension of licences or permits

(7) Any arrangement or agreement made or entered into under section 6 of *The Department of Transport Act* that is in effect on the day this Act comes into force shall be deemed to be an arrangement or agreement made or entered into under this section. Arrangement, etc., made under
R.S.O. 1960, c. 102

10. The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Department and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Annual Report

11. *The Department of Highways Act* and *The Department of Transport Act* are repealed. Repeal
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the Department of Highways and
the Department of Transport

1st Reading

April 22nd, 1971

2nd Reading

May 11th, 1971

3rd Reading

May 20th, 1971

THE HON. C. MACNAUGHTON
Minister of Highways and
Minister of Transport

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Mining Tax Act

THE HON. LEO. BERNIER
Minister of Mines and Northern Affairs

EXPLANATORY NOTES

SECTION 1. Subsections 1, 2 and 3. The changes reflect the new departmental name.

Subsection 4. The definition of "output" is changed to correspond with current administrative practice.

Subsection 5. Complementary to section 3 of the Bill.

BILL 25

1971

An Act to amend The Mining 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) Clause *a* of section 1 of *The Mining Tax Act* is amended by adding at the end thereof “and Northern Affairs”. R.S.O. 1960,
c. 242, s. 1,
cl. *a*,
amended

(2) Clause *b* of the said section 1 is amended by adding at the end thereof “and Northern Affairs”. R.S.O. 1960,
c. 242, s. 1,
cl. *b*,
amended

(3) Clause *g* of the said section 1 is amended by adding at the end thereof “and Northern Affairs”. R.S.O. 1960,
c. 242, s. 1,
cl. *g*,
amended

(4) Clause *i* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 242, s. 1,
cl. *i*,
re-enacted

(i) “output”, when used in reference to a mine, means all mineral substances raised, taken or gained from any mine or land in Ontario which have been sold, or have been incorporated in a manufacturing process, or have been treated or partially treated at any mill, smelter or refinery on or off the mining premises from which they were taken, and the product thereof has been sold.

(5) Clause *k* of the said section 1 is amended by striking out “and in the case of an individual, partnership, syndicate or corporation engaged in the production of natural gas, calendar year” in the fourth, fifth, sixth and seventh lines, so that the clause shall read as follows: R.S.O. 1960,
c. 242, s. 1,
cl. *k*,
amended

(*k*) “taxation year” means, in the case of a mining corporation, fiscal year, and in the case of an individual, partnership or syndicate engaged in mining operations, calendar year.

R.S.O. 1960,
c. 242, s. 2,
subs. 1,
re-enacted

2.—(1) Subsection 1 of section 2 of *The Mining Tax Act* is repealed and the following substituted therefor:

When taxes
accrue and
when payable

(1) The taxes imposed under this Act accrue on the last day of the taxation year and the estimated amount thereof is payable to the Minister and must be in the hands of the Department not later than two months following the close of the taxation year.

R.S.O. 1960,
c. 242, s. 2,
subs. 2,
amended

(2) Subsection 2 of the said section 2 is amended by striking out "or section 19, as the case may be" in the fourth line, so that the subsection shall read as follows:

Payment of
balance

(2) Every person liable to pay a tax under this Act shall pay the amount, if any, by which any tax payable as estimated by him to be payable in the return required to be delivered by section 6 exceeds the amount paid under subsection 1, at the time of making such return.

R.S.O. 1960,
c. 242, Pt. II
(ss. 15-22)
repealed

3.—(1) Part II of *The Mining Tax Act*, as amended by section 7 of *The Mining Tax Amendment Act, 1968-69*, is repealed.

Saving

(2) Notwithstanding the repeal of Part II of *The Mining Tax Act*, as enacted by subsection 1, the provisions of *The Mining Tax Act*, as they existed immediately prior to the day this section comes into force, continue to apply in respect of the assessment and collection of taxes on natural gas accruing due for the 1969 taxation year.

R.S.O. 1960,
c. 242, s. 23,
subs. 1, 2,
re-enacted

4. Subsections 1 and 2 of section 23 of *The Mining Tax Act* are repealed and the following substituted therefor:

Interest on
unpaid tax

(1) Where the amount of tax paid under subsection 1 of section 2 is less than the amount payable as shown in the notice of assessment issued under subsection 1 of section 11, the person liable to pay the tax shall pay interest, at such rate per annum as is established by the Lieutenant Governor in Council, on any outstanding balance of tax, from the date set out under subsection 1 of section 2 to the date such balance is paid, provided such interest charge shall be suspended for the period from the date that all information, as required by the mine assessor so that he may complete the assessment, has been submitted to him in writing, to the date one month following the mailing of the notice of assessment.

SECTION 2. Subsection 1. The amendment is to make it clear that the amount of the estimated tax must be actually received by the Department not later than the expiry of the time stated.

Subsection 2. Complementary to section 3 of the Bill.

SECTION 3. The Part repealed imposed an annual tax on every person producing natural gas and provided for its computation and payment.

SECTION 4. Subsection 1. The amendment clarifies the manner in which interest on overdue taxes is to be calculated and changes the interest rate from 6 per cent per annum to a rate established by the Lieutenant Governor in Council; provision is made for the payment of interest to a person who overpays the amount of taxes due.

SECTIONS 5, 6, 7, 8 and 9. Complementary to section 3 of the Bill.

- (1a) If any such balance is not in the hands of the ^{Penalty} Department within one month of the mailing of the notice of assessment, a penalty as provided for under subsection 3 shall be added to the amount of tax outstanding, and the person liable to pay the tax shall pay such interest on that amount from the date, one month following the mailing of the notice of assessment, to the date final payment is in the hands of the Department.
- (2) Where the amount of tax paid under sections 2, 6 and 11 is more than the amount shown on the notice of ^{Interest on overpayment of tax} assessment issued under subsection 1 of section 11 or more than the amount finally determined where an appeal is taken under section 10, interest at such rate per annum as is established by the Lieutenant Governor in Council shall be paid to the person liable for such tax from the date that all information as required by the mine assessor so that he may complete the assessment has been submitted to him in writing, or from the date payment of any additional tax as required by the notice of assessment referred to herein is made to the date the amount of the tax has been assessed under section 11 or has been determined under section 10, as the case may be.

5. Section 24 of *The Mining Tax Act* is amended by ^{R.S.O. 1960, c. 242, s. 24, amended} striking out "or to furnish a statement under section 19" in the second line, by striking out "or furnish the statement, as the case may be" in the third and fourth lines and by striking out "\$20" in the fourth line and inserting in lieu thereof "\$50", so that the section shall read as follows:

24. Every person who is required to deliver a return ^{Penalty for failure to comply with s. 6} under section 6 shall, in case of failure to deliver the return, incur a penalty of \$50 per day for each day during which the default continues, which penalty shall be added to and become part of the tax payable under this Act, and every such person is also liable to pay a tax of double the amount otherwise payable, and any such penalty and double tax shall be recovered from any person liable therefor in an action brought in the name of the Minister to be tried by a jury without a jury.

6. Section 25 of *The Mining Tax Act* is repealed.

R.S.O. 1960, c. 242, s. 25, repealed

R.S.O. 1960,
c. 242, s. 26,
amended

7. Section 26 of *The Mining Tax Act*, as amended by section 8 of *The Mining Tax Amendment Act, 1968-69*, is further amended by striking out "the gas well or wells and" in the fifth line and by striking out "or gas well or wells" in the seventh line, so that the section shall read as follows:

Special lien
and priority
of the tax

26. All taxes, double taxes, added percentages, penalties and costs payable under this Act are a special lien on the mine and upon the leases of and rights respecting the same and upon all machinery upon or connected with the mine in priority to every claim, privilege, lien or encumbrance of any person, whether the right or title of such person has accrued before or accrues after the attaching of such lien, and its priority shall not be lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration, and such lien may be realized by action for sale of any or all property, leases and rights subject to such lien.

R.S.O. 1960,
c. 242, s. 27,
amended

8. Section 27 of *The Mining Tax Act* is amended by striking out "or well" in the fifth line, so that the section shall read as follows:

Action to
recover tax

27. If any tax imposed under this Act is not paid when due, the same, together with all additions of percentage, double tax, penalties and costs payable under this Act, may be recovered from the owner, lessee, tenant, occupier or operator of the mine by an action at the suit of the Minister in any court of competent jurisdiction, together with the costs of the action.

R.S.O. 1960,
c. 242, s. 28,
subs. 1,
amended

9.—(1) Subsection 1 of section 28 of *The Mining Tax Act* is amended by striking out "or natural gas, or to prevent or restrict mining operations or the production or waste of natural gas, or to provide for such operations or production upon such terms and conditions as seem proper" in the eleventh, twelfth, thirteenth, fourteenth and fifteenth lines and inserting in lieu thereof "or to prevent or restrict mining operations or to provide for such operations upon such terms and conditions as seem proper", so that the subsection shall read as follows:

Injunction
or receiver

(1) In addition to any other remedy for the recovery of any tax imposed under this Act, an injunction or an order in the nature of an injunction or the appointment of a receiver with all necessary powers, or such other relief or remedy as seems necessary or expedient for securing payment of the tax, may, in any case where any tax under this Act is overdue



SECTION 10. The amendment increases the penalty for furnishing false or incorrect information to the Department or keeping false or incorrect books from \$200 to not more than \$2000; intent to deceive is no longer a necessary ingredient of the offence.

SECTION 11. The penalty for shipping any mineral substance from a mine before notifying the Department it is in operation or for disclosing confidential information is increased from \$50 to \$1000.

SECTION 12. Complementary to section 4 of the Bill.

or where the payment of any accrued or future tax seems endangered, be obtained in the Supreme Court or county or district court at the instance and in the name of the Minister to prevent the removal, transportation or transmission of any ore, mineral or mineral-bearing substance, or to prevent or restrict mining operations or to provide for such operations upon such terms and conditions as seem proper.

(2) Subsection 2 of the said section 28 is repealed.

R.S.O. 1960,
c. 242, s. 28,
subs. 2,
repealed

10. Section 31 of *The Mining Tax Act* is amended by striking out "with intent to deceive" in the seventh and eighth lines and by striking out "\$200" in the ninth line and inserting in lieu thereof "not more than \$2,000", so that the section shall read as follows:

R.S.O. 1960,
c. 242, s. 31,
amended

31. Every person knowingly making or signing any false statement or furnishing any false or incorrect information to the Department or a mine assessor or giving any other false or incorrect information to any officer or person in respect to any other matter or thing required under this Act, or keeping or causing to be kept any false or incorrect book or accounts regarding anything required under this Act is, in addition to any other liability, guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

Offence, false
information

11. Section 32 of *The Mining Tax Act* is amended by striking out "\$50" in the fourth line and inserting in lieu thereof "\$1,000", so that the section shall read as follows:

R.S.O. 1960,
c. 242, s. 32,
amended

32. Every person contravening section 5 and every person contravening section 9 by communicating or disclosing any information contrary to the provisions thereof is guilty of an offence and on summary conviction is liable to a fine of \$1,000.

Offence,
disclosing
information,
etc.

12. *The Mining Tax Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 242,
amended

33. The Lieutenant Governor in Council may make regulations prescribing rates of interest for the purposes of this Act.

Regula-
tions

13. Subsections 1 and 2 of section 23 of *The Mining Tax Act*, as re-enacted by section 4, apply with respect to taxation years ending in 1971 and subsequent taxation years.

Application
of Act
R.S.O. 1960,
c. 242

- Commence-
ment** **14.**—(1) This Act, except section 3, comes into force on the day it receives Royal Assent.
- Idem** (2) Section 3 shall be deemed to have come into force on the 1st day of January, 1970.
- Short title** **15.** This Act may be cited as *The Mining Tax Amendment Act, 1971*.





The Mining Tax Act

1st Reading

April 25th, 1971

2nd Reading

3rd Reading

THE HON. LEO BERNIER
Minister of Mines and
Northern Affairs

(Government Bill)

BILL 25

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Mining Tax Act

THE HON. LEO. BERNIER
Minister of Mines and Northern Affairs

TORONTO

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



BILL 25

1971

An Act to amend The Mining 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) Clause *a* of section 1 of *The Mining Tax Act* is amended by adding at the end thereof “and Northern Affairs”. R.S.O. 1960,
c. 242, s. 1,
cl. a,
amended

(2) Clause *b* of the said section 1 is amended by adding at the end thereof “and Northern Affairs”. R.S.O. 1960,
c. 242, s. 1,
cl. b,
amended

(3) Clause *g* of the said section 1 is amended by adding at the end thereof “and Northern Affairs”. R.S.O. 1960,
c. 242, s. 1,
cl. g,
amended

(4) Clause *i* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 242, s. 1,
cl. i,
re-enacted

(i) “output”, when used in reference to a mine, means all mineral substances raised, taken or gained from any mine or land in Ontario which have been sold, or have been incorporated in a manufacturing process, or have been treated or partially treated at any mill, smelter or refinery on or off the mining premises from which they were taken, and the product thereof has been sold.

(5) Clause *k* of the said section 1 is amended by striking out “and in the case of an individual, partnership, syndicate or corporation engaged in the production of natural gas, calendar year” in the fourth, fifth, sixth and seventh lines, so that the clause shall read as follows: R.S.O. 1960,
c. 242, s. 1,
cl. k,
amended

(*k*) “taxation year” means, in the case of a mining corporation, fiscal year, and in the case of an individual, partnership or syndicate engaged in mining operations, calendar year.

R.S.O. 1960,
c. 242, s. 2,
subs. 1,
re-enacted

2.—(1) Subsection 1 of section 2 of *The Mining Tax Act* is repealed and the following substituted therefor:

When taxes
accrue and
when payable

(1) The taxes imposed under this Act accrue on the last day of the taxation year and the estimated amount thereof is payable to the Minister and must be in the hands of the Department not later than two months following the close of the taxation year.

R.S.O. 1960,
c. 242, s. 2,
subs. 2,
amended

(2) Subsection 2 of the said section 2 is amended by striking out "or section 19, as the case may be" in the fourth line, so that the subsection shall read as follows:

Payment of
balance

(2) Every person liable to pay a tax under this Act shall pay the amount, if any, by which any tax payable as estimated by him to be payable in the return required to be delivered by section 6 exceeds the amount paid under subsection 1, at the time of making such return.

R.S.O. 1960,
c. 242, Pt. II
(ss. 15-22)
repealed

3.—(1) Part II of *The Mining Tax Act*, as amended by section 7 of *The Mining Tax Amendment Act, 1968-69*, is repealed.

Saving

(2) Notwithstanding the repeal of Part II of *The Mining Tax Act*, as enacted by subsection 1, the provisions of *The Mining Tax Act*, as they existed immediately prior to the day this section comes into force, continue to apply in respect of the assessment and collection of taxes on natural gas accruing due for the 1969 taxation year.

R.S.O. 1960,
c. 242, s. 23,
subss. 1, 2,
re-enacted

4. Subsections 1 and 2 of section 23 of *The Mining Tax Act* are repealed and the following substituted therefor:

Interest on
unpaid tax

(1) Where the amount of tax paid under subsection 1 of section 2 is less than the amount payable as shown in the notice of assessment issued under subsection 1 of section 11, the person liable to pay the tax shall pay interest, at such rate per annum as is established by the Lieutenant Governor in Council, on any outstanding balance of tax, from the date set out under subsection 1 of section 2 to the date such balance is paid, provided such interest charge shall be suspended for the period from the date that all information, as required by the mine assessor so that he may complete the assessment, has been submitted to him in writing, to the date one month following the mailing of the notice of assessment.

- (1a) If any such balance is not in the hands of the ^{Penalty} Department within one month of the mailing of the notice of assessment, a penalty as provided for under subsection 3 shall be added to the amount of tax outstanding, and the person liable to pay the tax shall pay such interest on that amount from the date, one month following the mailing of the notice of assessment, to the date final payment is in the hands of the Department.
- (2) Where the amount of tax paid under sections 2, 6 and 11 is more than the amount shown on the notice of assessment issued under subsection 1 of section 11 or more than the amount finally determined where an appeal is taken under section 10, interest at such rate per annum as is established by the Lieutenant Governor in Council shall be paid to the person liable for such tax from the date that all information as required by the mine assessor so that he may complete the assessment has been submitted to him in writing, or from the date payment of any additional tax as required by the notice of assessment referred to herein is made to the date the amount of the tax has been assessed under section 11 or has been determined under section 10, as the case may be. ^{Interest on overpayment of tax}

5. Section 24 of *The Mining Tax Act* is amended by ^{R.S.O. 1960, c. 242, s. 24, amended} striking out "or to furnish a statement under section 19" in the second line, by striking out "or furnish the statement, as the case may be" in the third and fourth lines and by striking out "\$20" in the fourth line and inserting in lieu thereof "\$50", so that the section shall read as follows:

24. Every person who is required to deliver a return under section 6 shall, in case of failure to deliver the return, incur a penalty of \$50 per day for each day during which the default continues, which penalty shall be added to and become part of the tax payable under this Act, and every such person is also liable to pay a tax of double the amount otherwise payable, and any such penalty and double tax shall be recovered from any person liable therefor in an action brought in the name of the Minister to be tried by a judge without a jury. ^{Penalty for failure to comply with s. 6}

6. Section 25 of *The Mining Tax Act* is repealed.

^{R.S.O. 1960, c. 242, s. 25, repealed}

R.S.O. 1960,
c. 242, s. 26,
amended

7. Section 26 of *The Mining Tax Act*, as amended by section 8 of *The Mining Tax Amendment Act, 1968-69*, is further amended by striking out "the gas well or wells and" in the fifth line and by striking out "or gas well or wells" in the seventh line, so that the section shall read as follows:

Special lien
and priority
of the tax

26. All taxes, double taxes, added percentages, penalties and costs payable under this Act are a special lien on the mine and upon the leases of and rights respecting the same and upon all machinery upon or connected with the mine in priority to every claim, privilege, lien or encumbrance of any person, whether the right or title of such person has accrued before or accrues after the attaching of such lien, and its priority shall not be lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration, and such lien may be realized by action for sale of any or all property, leases and rights subject to such lien.

R.S.O. 1960,
c. 242, s. 27,
amended

8. Section 27 of *The Mining Tax Act* is amended by striking out "or well" in the fifth line, so that the section shall read as follows:

Action to
recover tax

27. If any tax imposed under this Act is not paid when due, the same, together with all additions of percentage, double tax, penalties and costs payable under this Act, may be recovered from the owner, lessee, tenant, occupier or operator of the mine by an action at the suit of the Minister in any court of competent jurisdiction, together with the costs of the action.

R.S.O. 1960,
c. 242, s. 28,
subs. 1,
amended

9.—(1) Subsection 1 of section 28 of *The Mining Tax Act* is amended by striking out "or natural gas, or to prevent or restrict mining operations or the production or waste of natural gas, or to provide for such operations or production upon such terms and conditions as seem proper" in the eleventh, twelfth, thirteenth, fourteenth and fifteenth lines and inserting in lieu thereof "or to prevent or restrict mining operations or to provide for such operations upon such terms and conditions as seem proper", so that the subsection shall read as follows:

Injunction
or receiver

(1) In addition to any other remedy for the recovery of any tax imposed under this Act, an injunction or an order in the nature of an injunction or the appointment of a receiver with all necessary powers, or such other relief or remedy as seems necessary or expedient for securing payment of the tax, may, in any case where any tax under this Act is overdue

or where the payment of any accrued or future tax seems endangered, be obtained in the Supreme Court or county or district court at the instance and in the name of the Minister to prevent the removal, transportation or transmission of any ore, mineral or mineral-bearing substance, or to prevent or restrict mining operations or to provide for such operations upon such terms and conditions as seem proper.

(2) Subsection 2 of the said section 28 is repealed.

R.S.O. 1960,
c. 242, s. 28,
subs. 2,
repealed

10. Section 31 of *The Mining Tax Act* is amended by striking out "with intent to deceive" in the seventh and eighth lines and by striking out "\$200" in the ninth line and inserting in lieu thereof "not more than \$2,000", so that the section shall read as follows:

R.S.O. 1960,
c. 242, s. 31,
amended

31. Every person knowingly making or signing any false statement or furnishing any false or incorrect information to the Department or a mine assessor or giving any other false or incorrect information to any officer or person in respect to any other matter or thing required under this Act, or keeping or causing to be kept any false or incorrect book or accounts regarding anything required under this Act is, in addition to any other liability, guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

Offence, false
information

11. Section 32 of *The Mining Tax Act* is amended by striking out "\$50" in the fourth line and inserting in lieu thereof "\$1,000", so that the section shall read as follows:

R.S.O. 1960,
c. 242, s. 32,
amended

32. Every person contravening section 5 and every person contravening section 9 by communicating or disclosing any information contrary to the provisions thereof is guilty of an offence and on summary conviction is liable to a fine of \$1,000.

Offence,
disclosing
information,
etc.

12. *The Mining Tax Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 242,
amended

33. The Lieutenant Governor in Council may make regulations prescribing rates of interest for the purposes of this Act.

Regula-
tions

13. Subsections 1 and 2 of section 23 of *The Mining Tax Act*, as re-enacted by section 4, apply with respect to taxation years ending in 1971 and subsequent taxation years.

Application
of Act
R.S.O. 1960,
c. 242

- Commence-
ment** **14.—(1)** This Act, except section 3, comes into force on the day it receives Royal Assent.
- Idem** (2) Section 3 shall be deemed to have come into force on the 1st day of January, 1970.
- Short title** **15.** This Act may be cited as *The Mining Tax Amendment Act, 1971*.





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An Act to amend
The Mining Tax Act

1st Reading

April 22nd, 1971

2nd Reading

May 13th, 1971

3rd Reading

May 20th, 1971

THE HON. LEO BERNIER
Minister of Mines and
Northern Affairs

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Corporations Tax Act

THE HON. E. A. WINKLER
Minister of Revenue

EXPLANATORY NOTES

SECTION 1. The new section 4a will allow a corporation which purchases machinery and equipment in the period between April 26, 1971 and March 31, 1973 to deduct from its income tax payable an amount equal to 5 per cent of the cost to it of the machinery and equipment. The deduction will be allowed for the fiscal year in which the machinery and equipment is acquired and used and there is provision to carry forward any unused portion. Corporations having a net loss may carry the credit forward to April 1, 1974, while corporations having taxable income between April 26, 1971 and March 31, 1973 may carry the credit forward to April 1, 1973.

BILL 26

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. *The Corporations Tax Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 73,
amended

4a.—(1) In this section, Interpre-
tation

- (a) “machinery and equipment” means machinery and equipment prescribed by the regulations, but does not include automobiles and trucks, any property that is described in the corporation’s inventory or that part of any property in respect of which a loan is made under *The Ontario Development Corporation Act, 1966* ^{c. 100} or *The Northern Ontario Development Corporation Act, 1970*; ^{c. 77}
- (b) “net loss” means the amount, if any, by which the business losses exceed the incomes of a corporation for the fiscal years ending between the 26th day of April, 1971, and the 1st day of April, 1973, except that,
- (i) where the provisions of subsection 4 apply with respect to the first fiscal year of the corporation ending after the 31st day of March, 1973, in determining the net loss for the purpose of this section there shall be included that portion of the business loss or income for that fiscal year that the number of days in that fiscal year prior to the 1st day of April, 1973, bears to 365, and

(ii) where, for the purposes of section 4, part of the taxable income of a corporation for a fiscal year is deemed to have been earned by the corporation in a jurisdiction outside Ontario, or, where a loss is incurred for that fiscal year and, for the purposes of section 5, part of the taxable paid-up capital is deemed to have been used in a jurisdiction outside Ontario, the business loss or income for that fiscal year shall, in determining the net loss for the purpose of this section, be reduced in the same ratio that the tax payable under section 4 or 5, as the case may be, is reduced for that fiscal year;

(c) "tax otherwise payable" means the tax for the fiscal year otherwise payable by the corporation under section 4 after making any deduction applicable under subsection 2 of section 4.

Deduction
allowed

(2) There may be deducted from the tax otherwise payable for a fiscal year by a corporation an amount equal to 5 per cent of the cost of machinery and equipment acquired and used in that fiscal year by the corporation which machinery and equipment is acquired pursuant to an agreement entered into after the 26th day of April, 1971, and which shall be used by the corporation solely in Ontario prior to the 1st day of April, 1973, for the purpose of earning income.

Tax credit
carried
forward

(3) Any amount which may be deducted under subsection 2 may be deducted in subsequent fiscal years to the extent that the deduction allowed under subsection 2 exceeds the tax otherwise payable by the corporation in the previous fiscal years and, except as herein provided, no deduction shall be allowed in any fiscal year of the corporation ending after the 31st day of March, 1973, except that with respect to the first fiscal year of the corporation ending after the 31st day of March, 1973, the amount which may be deducted from the tax otherwise payable for that fiscal year shall not exceed that portion of the tax otherwise payable for that fiscal year that the number of days in that fiscal year prior to the 1st day of April, 1973, bears to 365.



SECTION 2. The amendment will permit a corporation which borrows money to purchase shares in other corporations to deduct from its income the interest paid on the borrowed money.

SECTION 3. The amendment is to correct a reference in the 1970 amendments to the Act.

- (4) Notwithstanding subsection 3, where a corporation ^{Idem} has a net loss, any amount which may be deducted under subsection 2 may be deducted in subsequent fiscal years to the extent that the deduction allowed under subsection 2 exceeds the tax otherwise payable by the corporation in the previous fiscal years and, except as herein provided, no deduction shall be allowed in any fiscal year of the corporation ending after the 31st day of March, 1974, except that with respect to the first fiscal year of the corporation ending after the 31st day of March, 1974 the amount which may be deducted from the tax otherwise payable for that fiscal year shall not exceed the portion of the tax otherwise payable for that fiscal year that the number of days in that fiscal year prior to the 1st day of April, 1974, bears to 365.

2. Clause *a* of subsection 1 of section 22 of *The Corporations Tax Act*, as amended by subsection 1 of section 11 of *The Corporations Tax Amendment Act, 1968* and subsection 1 of section 6 of *The Corporations Tax Amendment Act, 1970*, is further amended by striking out "or" at the end of subclause ii, by adding "or" at the end of subclause iii and by adding thereto the following subclause: ^{R.S.O. 1960, c. 73, s. 22, subs. 1, cl. a, amended}

- (iv) borrowed money used for the purpose of purchasing shares of a corporation,

3. Subsection 2 of section 21 of *The Corporations Tax Amendment Act, 1970* is repealed and the following substituted therefor: ^{1970, c. 69, s. 21, subs. 2, re-enacted}

- (2) Subsection 1 of section 1, subsection 1 of section 2, ^{Idem} sections 6, 10, 11 and 12, subsection 2 of section 16 and section 17 apply with respect to the 1969 and subsequent fiscal years.

4. This Act shall be deemed to have come into force on ^{Commence-} the 26th day of April, 1971. ^{ment}

5. This Act may be cited as *The Corporations Tax Amendment Act, 1971*. ^{Short title}

An Act to amend
The Corporations Tax Act

1st Reading

April 26th, 1971

2nd Reading

3rd Reading

THE HON. E. A. WINKLER
Minister of Revenue

BILL 26

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Corporations Tax Act

THE HON. E. A. WINKLER
Minister of Revenue

BILL 26

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. *The Corporations Tax Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 73,
amended

4a.—(1) In this section, Interpre-
tation

- (a) “machinery and equipment” means machinery and equipment prescribed by the regulations, but does not include automobiles and trucks, any property that is described in the corporation’s inventory or that part of any property in respect of which a loan is made under *The Ontario Development Corporation Act, 1966* ^{1966, c. 100} or *The Northern Ontario Development Corporation Act, 1970* ^{1970, c. 77};
- (b) “net loss” means the amount, if any, by which the business losses exceed the incomes of a corporation for the fiscal years ending between the 26th day of April, 1971, and the 1st day of April, 1973, except that,
- (i) where the provisions of subsection 4 apply with respect to the first fiscal year of the corporation ending after the 31st day of March, 1973, in determining the net loss for the purpose of this section there shall be included that portion of the business loss or income for that fiscal year that the number of days in that fiscal year prior to the 1st day of April, 1973, bears to 365, and

(ii) where, for the purposes of section 4, part of the taxable income of a corporation for a fiscal year is deemed to have been earned by the corporation in a jurisdiction outside Ontario, or, where a loss is incurred for that fiscal year and, for the purposes of section 5, part of the taxable paid-up capital is deemed to have been used in a jurisdiction outside Ontario, the business loss or income for that fiscal year shall, in determining the net loss for the purpose of this section, be reduced in the same ratio that the tax payable under section 4 or 5, as the case may be, is reduced for that fiscal year;

(c) "tax otherwise payable" means the tax for the fiscal year otherwise payable by the corporation under section 4 after making any deduction applicable under subsection 2 of section 4.

Deduction
allowed

(2) There may be deducted from the tax otherwise payable for a fiscal year by a corporation an amount equal to 5 per cent of the cost of machinery and equipment acquired and used in that fiscal year by the corporation which machinery and equipment is acquired pursuant to an agreement entered into after the 26th day of April, 1971, and which shall be used by the corporation solely in Ontario prior to the 1st day of April, 1973, for the purpose of earning income.

Tax credit
carried
forward

(3) Any amount which may be deducted under subsection 2 may be deducted in subsequent fiscal years to the extent that the deduction allowed under subsection 2 exceeds the tax otherwise payable by the corporation in the previous fiscal years and, except as herein provided, no deduction shall be allowed in any fiscal year of the corporation ending after the 31st day of March, 1973, except that with respect to the first fiscal year of the corporation ending after the 31st day of March, 1973, the amount which may be deducted from the tax otherwise payable for that fiscal year shall not exceed that portion of the tax otherwise payable for that fiscal year that the number of days in that fiscal year prior to the 1st day of April, 1973, bears to 365.

- (4) Notwithstanding subsection 3, where a corporation ^{Idem} has a net loss, any amount which may be deducted under subsection 2 may be deducted in subsequent fiscal years to the extent that the deduction allowed under subsection 2 exceeds the tax otherwise payable by the corporation in the previous fiscal years and, except as herein provided, no deduction shall be allowed in any fiscal year of the corporation ending after the 31st day of March, 1974, except that with respect to the first fiscal year of the corporation ending after the 31st day of March, 1974 the amount which may be deducted from the tax otherwise payable for that fiscal year shall not exceed the portion of the tax otherwise payable for that fiscal year that the number of days in that fiscal year prior to the 1st day of April, 1974, bears to 365.

2. Clause *a* of subsection 1 of section 22 of *The Corporations Tax Act*, as amended by subsection 1 of section 11 of *The Corporations Tax Amendment Act, 1968* and subsection 1 of section 6 of *The Corporations Tax Amendment Act, 1970*, is further amended by striking out "or" at the end of subclause ii, by adding "or" at the end of subclause iii and by adding thereto the following subclause: ^{R.S.O. 1960, c. 73, s. 22, subs. 1, cl. a, amended}

- (iv) borrowed money used for the purpose of purchasing shares of a corporation,

.

3. Subsection 2 of section 21 of *The Corporations Tax Amendment Act, 1970* is repealed and the following substituted therefor: ^{1970, c. 69, s. 21, subs. 2, re-enacted}

- (2) Subsection 1 of section 1, subsection 1 of section 2, sections 6, 10, 11 and 12, subsection 2 of section 16 and section 17 apply with respect to the 1969 and subsequent fiscal years. ^{Idem}

4. This Act shall be deemed to have come into force on the 26th day of April, 1971. ^{Commencement}

5. This Act may be cited as *The Corporations Tax Amendment Act, 1971*. ^{Short title}

An Act to amend
The Corporations Tax Act

1st Reading

April 26th, 1971

2nd Reading

May 6th, 1971

3rd Reading

May 13th, 1971

THE HON. E. A. WINKLER
Minister of Revenue

4TH SESSION, 28TH 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

EXPLANATORY NOTES

SECTION 1. The amendment increases the exemption for non-commutable annuities from \$1,200 to \$10,000.

SECTION 2. Subsection 1. The effect of the amendment is to exempt preferred beneficiaries from duty on estates valued up to \$100,000. The previous level was \$50,000.

Subsection 2. The amendment removes the surtax payable by preferred beneficiaries.

Subsection 3. The amendment is consequential upon the amendment contained in subsection 1.

BILL 27

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. Clause *h* of subsection 1 of section 5 of *The Succession Duty Act*, as amended by subsection 5 of section 3 of *The Succession Duty Amendment Act, 1970*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *h*,
re-enacted

(*h*) any non-commutable annuity, income or periodic payment effected in any manner other than by will or testamentary instrument and paid for by the deceased during his lifetime, and paid to or enjoyed by the spouse or dependent father or mother or any dependent brother, sister or child of the deceased after the death of the deceased, to the extent of \$10,000 per annum in the aggregate.

2.—(1) Clauses *a*, *b*, *aa* and *bb* of subsection 1 of section 7 of *The Succession Duty Act* are repealed.

R.S.O. 1960,
c. 386, s. 7,
subs. 1, cls. *a*,
b, *aa*, *bb*,
repealed

(2) Subsection 6 of the said section 7 is amended by striking out "of 15 per cent of the amount ascertained according to subsection 1" in the first and second lines, so that the subsection shall read as follows:

R.S.O. 1960,
c. 386, s. 7,
subs. 6,
amended

(6) A surtax of 20 per cent of the amount ascertained according to subsection 4 and of 25 per cent of the amount ascertained according to subsection 5, shall be levied, added to and paid with such respective amounts as duty.

Surtax

(3) Subclause *i* of clause *c* of subsection 7 of the said section 7 is amended by striking out "\$50,000" in the second line and inserting in lieu thereof "\$100,000", so that the subclause shall read as follows:

R.S.O. 1960,
c. 386, s. 7,
subs. 7, cl. *c*,
subcl. *i*,
amended

- (i) multiplying the amount by which the aggregate value exceeds \$100,000 by the sum of the amount of the value of such property so passing to him and of such dispositions made to him, and

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. b,
subcl. i
(1970, c. 51,
s. 4, subs. 3),
amended

(4) Subclause i of clause *b* of subsection 8 of the said section 7, as re-enacted by subsection 3 of section 4 of *The Succession Duty Amendment Act, 1970*, is amended by striking out "\$125,000" in the second line and inserting in lieu thereof "\$250,000", so that the subclause shall read as follows:

- (i) where the deceased is survived by a spouse and no dependent children, \$250,000.

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. b,
subcl. ii
(1970, c. 51,
s. 4, subs. 3),
amended

(5) Subclause ii of clause *b* of subsection 8 of the said section 7, as re-enacted by subsection 3 of section 4 of *The Succession Duty Amendment Act, 1970*, is amended by striking out "\$125,000" in the third line and inserting in lieu thereof "\$250,000", so that the subclause shall read as follows:

- (ii) where the deceased is survived by a spouse and a dependent child or children, an amount equal to the sum of \$250,000 and \$15,000 for each dependent child.

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. d,
subcl. i
(1970, c. 51,
s. 4, subs. 6),
amended

(6) Subclause i of clause *d* of subsection 8 of the said section 7, as re-enacted by subsection 6 of section 4 of *The Succession Duty Amendment Act, 1970*, is amended by striking out "\$125,000" and inserting in lieu thereof "\$250,000", so that the subclause shall read as follows:

- (i) in the case of the spouse of the deceased, \$250,000.

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. *da*
(1962-63,
c. 135, s. 3,
subs. 6),
re-enacted

(7) Clause *da* of subsection 8 of the said section 7, as enacted by subsection 6 of section 3 of *The Succession Duty Amendment Act, 1962-63*, is repealed and the following substituted therefor:

- (*da*) "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 5 per cent.

Subsection 4. The exemption for a spouse of the deceased is increased from \$125,000 to \$250,000.

Subsections 5 and 6. The amendments are consequential upon the amendment contained in subsection 4.

Subsection 7. The amendment is consequential upon the amendment contained in subsection 1.

THE UNIVERSITY OF CHICAGO

3. This Act shall be deemed to have come into force on the 26th day of April, 1971. ^{Commence-}
^{ment}

4. This Act may be cited as *The Succession Duty Amendment Act, 1971*. ^{Short title}

The Succession Duty Act

1st Reading

April 26th, 1971

2nd Reading

3rd Reading

THE HON. E. A. WINKLER
Minister of Revenue

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Succession Duty Act

THE HON. E. A. WINKLER
Minister of Revenue

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The amendment increases the exemption for non-commutable annuities from \$1,200 to \$10,000.

SECTION 2. Subsection 1. The effect of the amendment is to exempt preferred beneficiaries from duty on estates valued up to \$100,000. The previous level was \$50,000.

Subsection 2. The amendment removes the surtax payable by preferred beneficiaries.

Subsection 3. The amendment is consequential upon the amendment contained in subsection 1.

BILL 27

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. Clause *h* of subsection 1 of section 5 of *The Succession Duty Act*, as amended by subsection 5 of section 3 of *The Succession Duty Amendment Act, 1970*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *h*,
re-enacted

- (*h*) any non-commutable annuity, income or periodic payment effected in any manner other than by will or testamentary instrument and paid for by the deceased during his lifetime, and paid to or enjoyed by the spouse or dependent father or mother or any dependent brother, sister or child of the deceased after the death of the deceased, to the extent of \$10,000 per annum in the aggregate.

2.—(1) Clauses *a*, *b*, *aa* and *bb* of subsection 1 of section 7 of *The Succession Duty Act* are repealed.

R.S.O. 1960,
c. 386, s. 7,
subs. 1, cls. *a*,
b, *aa*, *bb*,
repealed

(2) Subsection 6 of the said section 7 is amended by striking out "of 15 per cent of the amount ascertained according to subsection 1" in the first and second lines, so that the subsection shall read as follows:

R.S.O. 1960,
c. 386, s. 7,
subs. 6,
amended

- (6) A surtax of 20 per cent of the amount ascertained according to subsection 4 and of 25 per cent of the amount ascertained according to subsection 5, shall be levied, added to and paid with such respective amounts as duty.

Surtax

(3) Subclause *i* of clause *c* of subsection 7 of the said section 7 is amended by striking out "\$50,000" in the second line and inserting in lieu thereof "\$100,000", so that the subclause shall read as follows:

R.S.O. 1960,
c. 386, s. 7,
subs. 7, cl. *c*,
subcl. *i*,
amended

- (i) multiplying the amount by which the aggregate value exceeds \$100,000 by the sum of the amount of the value of such property so passing to him and of such dispositions made to him, and

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. b,
subcl. i
(1970, c. 51,
s. 4, subs. 3),
amended

(4) Subclause i of clause b of subsection 8 of the said section 7, as re-enacted by subsection 3 of section 4 of *The Succession Duty Amendment Act, 1970*, is amended by striking out "\$125,000" in the second line and inserting in lieu thereof "\$250,000", so that the subclause shall read as follows:

- (i) where the deceased is survived by a spouse and no dependent children, \$250,000.

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. b,
subcl. ii
(1970, c. 51,
s. 4, subs. 3),
amended

(5) Subclause ii of clause b of subsection 8 of the said section 7, as re-enacted by subsection 3 of section 4 of *The Succession Duty Amendment Act, 1970*, is amended by striking out "\$125,000" in the third line and inserting in lieu thereof "\$250,000", so that the subclause shall read as follows:

- (ii) where the deceased is survived by a spouse and a dependent child or children, an amount equal to the sum of \$250,000 and \$15,000 for each dependent child.

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. d,
subcl. i
(1970, c. 51,
s. 4, subs. 6),
amended

(6) Subclause i of clause d of subsection 8 of the said section 7, as re-enacted by subsection 6 of section 4 of *The Succession Duty Amendment Act, 1970*, is amended by striking out "\$125,000" and inserting in lieu thereof "\$250,000", so that the subclause shall read as follows:

- (i) in the case of the spouse of the deceased, \$250,000.

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. da
(1962-63,
c. 135, s. 3,
subs. 6),
re-enacted

(7) Clause da of subsection 8 of the said section 7, as enacted by subsection 6 of section 3 of *The Succession Duty Amendment Act, 1962-63*, is repealed and the following substituted therefor:

- (da) "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 5 per cent.

Subsection 4. The exemption for a spouse of the deceased is increased from \$125,000 to \$250,000.

Subsections 5 and 6. The amendments are consequential upon the amendment contained in subsection 4.

Subsection 7. The amendment is consequential upon the amendment contained in subsection 1.



3. This Act shall be deemed to have come into force on the ^{Commence-}
27th day of April, 1971. _{ment}

4. This Act may be cited as *The Succession Duty Amendment* ^{Short title}
Act, 1971.

An Act to amend
The Succession Duty Act

1st Reading

April 26th, 1971

2nd Reading

May 6th, 1971

3rd Reading

THE HON. E. A. WINKLER
Minister of Revenue

*(Reprinted as amended by
the Committee of the Whole House)*

BILL 27

4TH SESSION, 28TH 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

BILL 27

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. Clause *h* of subsection 1 of section 5 of *The Succession Duty Act*, as amended by subsection 5 of section 3 of *The Succession Duty Amendment Act, 1970*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *h*,
re-enacted

(*h*) any non-commutable annuity, income or periodic payment effected in any manner other than by will or testamentary instrument and paid for by the deceased during his lifetime, and paid to or enjoyed by the spouse or dependent father or mother or any dependent brother, sister or child of the deceased after the death of the deceased, to the extent of \$10,000 per annum in the aggregate.

2.—(1) Clauses *a*, *b*, *aa* and *bb* of subsection 1 of section 7 of *The Succession Duty Act* are repealed.

R.S.O. 1960,
c. 386, s. 7,
subs. 1, cls. *a*,
b, *aa*, *bb*,
repealed

(2) Subsection 6 of the said section 7 is amended by striking out "of 15 per cent of the amount ascertained according to subsection 1" in the first and second lines, so that the subsection shall read as follows:

R.S.O. 1960,
c. 386, s. 7,
subs. 6,
amended

(6) A surtax of 20 per cent of the amount ascertained according to subsection 4 and of 25 per cent of the amount ascertained according to subsection 5, shall be levied, added to and paid with such respective amounts as duty.

Surtax

(3) Subclause *i* of clause *c* of subsection 7 of the said section 7 is amended by striking out "\$50,000" in the second line and inserting in lieu thereof "\$100,000", so that the subclause shall read as follows:

R.S.O. 1960,
c. 386, s. 7,
subs. 7, cl. *c*,
subcl. *i*,
amended

- (i) multiplying the amount by which the aggregate value exceeds \$100,000 by the sum of the amount of the value of such property so passing to him and of such dispositions made to him, and

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. b,
subcl. i
(1970, c. 51,
s. 4, subs. 3),
amended

(4) Subclause i of clause *b* of subsection 8 of the said section 7, as re-enacted by subsection 3 of section 4 of *The Succession Duty Amendment Act, 1970*, is amended by striking out "\$125,000" in the second line and inserting in lieu thereof "\$250,000", so that the subclause shall read as follows:

- (i) where the deceased is survived by a spouse and no dependent children, \$250,000.

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. b,
subcl. ii
(1970, c. 51,
s. 4, subs. 3),
amended

(5) Subclause ii of clause *b* of subsection 8 of the said section 7, as re-enacted by subsection 3 of section 4 of *The Succession Duty Amendment Act, 1970*, is amended by striking out "\$125,000" in the third line and inserting in lieu thereof "\$250,000", so that the subclause shall read as follows:

- (ii) where the deceased is survived by a spouse and a dependent child or children, an amount equal to the sum of \$250,000 and \$15,000 for each dependent child.

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. d,
subcl. i
(1970, c. 51,
s. 4, subs. 6),
amended

(6) Subclause i of clause *d* of subsection 8 of the said section 7, as re-enacted by subsection 6 of section 4 of *The Succession Duty Amendment Act, 1970*, is amended by striking out "\$125,000" and inserting in lieu thereof "\$250,000", so that the subclause shall read as follows:

- (i) in the case of the spouse of the deceased, \$250,000.

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. da
(1962-63,
c. 135, s. 3,
subs. 6),
re-enacted

(7) Clause *da* of subsection 8 of the said section 7, as enacted by subsection 6 of section 3 of *The Succession Duty Amendment Act, 1962-63*, is repealed and the following substituted therefor:

- (*da*) "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 5 per cent.

3. This Act shall be deemed to have come into force on the 27th day of April, 1971. ^{Commence-}
_{ment}

4. This Act may be cited as *The Succession Duty Amendment Act, 1971*. ^{Short title}

THE UNIVERSITY OF CHICAGO



1st Reading

April 26th, 1971

2nd Reading

May 6th, 1971

3rd Reading

May 20th, 1971

THE HON. E. A. WINKLER
Minister of Revenue

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Planning Act

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

TORONTO

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

EXPLANATORY NOTES

SECTION 1. Subsection 1. The amendment deems the fee in abutting lands to be retained where simultaneous conveyances, etc., are made.

Subsection 2. The period of time at the expiry of which a consent given by the Minister, a committee of adjustment or land division committee will lapse is enlarged from one year to two years.

BILL 28

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.—(1) Section 26 of *The Planning Act*, as re-enacted by section 1 of *The Planning Amendment Act, 1970*, is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 296, s. 26
(1970, c. 72,
s.1),
amended

(5a) Where a person conveys land or grants, assigns or exercises a power of appointment with respect to land, or mortgages or charges land, or enters into an agreement of sale and purchase of land, or enters into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more by way of simultaneous conveyances of abutting lands or by way of other simultaneous dealings with abutting lands, the person so conveying or otherwise dealing with the lands shall be deemed for the purposes of subsections 2 and 4 to retain, as the case may be, the fee or the equity of redemption in, or the power or right to grant, assign or exercise a power of appointment with respect to, land abutting the land that is being conveyed or otherwise dealt with.

Simultaneous
conveyances,
etc., of
abutting
lands

(2) Subsection 6 of the said section 26 is amended by striking out "one year" in the third line and in the sixth and seventh lines and inserting in lieu thereof in each instance "two years", so that the first nine lines of the subsection shall read as follows:

R.S.O. 1960,
c. 296, s. 26
(1970, c. 72,
s. 1), subs. 6,
amended

(6) Any consent mentioned in subsection 2 or 4 shall lapse, in the case of a consent given by the Minister, at the expiration of two years after the date upon which the consent was granted, and in the case of a consent given by the committee of adjustment or the

Consent to
lapse after
two years

land division committee, at the expiration of two years after the date of the certificate given under subsection 19 of section 32*b*, unless within such period,

R.S.O. 1960,
c. 296, s. 26*a*
(1970, c. 72,
s. 2),
amended

2.—(1) Section 26*a* of *The Planning Act*, as enacted by section 2 of *The Planning Amendment Act, 1970*, is amended by adding thereto the following subsection:

Quorum

(3*a*) Where a land division committee is composed of three members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum.

R.S.O. 1960,
c. 296, s. 26*a*
(1970, c. 72,
s. 2), subs. 4,
amended

(2) Subsection 4 of the said section 26*a* is amended by striking out "subsections 4 to 12" in the first line and inserting in lieu thereof "subsections 4, 5 and 7 to 12", so that the subsection shall read as follows:

Application
of s. 32*a*,
subs. 4, 5,
7-12,
s. 32*b*,
subs. 2*a*-19,
to committee,
power to
grant
consents

(4) The provisions of subsections 4, 5 and 7 to 12 of section 32*a* and subsections 2*a* to 19 of section 32*b* apply *mutatis mutandis* to the land division committee, but the land division committee does not have jurisdiction to grant consents in respect of land situate in a municipality that has a committee of adjustment constituted prior to the 15th day of June, 1970, or constituted on or after the 15th day of June, 1970, if the municipality has an official plan approved by the Minister, unless the council of such municipality passes a by-law authorizing the land division committee to grant such consents and the time provided for in subsection 5 has elapsed, or unless the committee of adjustment is dissolved.

R.S.O. 1960,
c. 296, s. 28,
amended

3.—(1) Section 28 of *The Planning Act*, as amended by section 5 of *The Planning Amendment Act, 1961-62*, section 8 of *The Planning Amendment Act, 1962-63*, section 2 of *The Planning Amendment Act, 1965* and section 4 of *The Planning Amendment Act, 1968-69*, is further amended by adding thereto the following subsection:

Draft
approval
to lapse
after
three
years

(11*a*) Where the Minister has not given his approval to a final plan for registration within three years after the date upon which approval to the draft plan was given, the approval of the draft plan shall, unless such approval has prior thereto been withdrawn pursuant to subsection 11, thereupon lapse, but the Minister may at any time during such three year period extend

SECTION 2, Subsection 1. The amendment will permit two members of a land division committee to hear applications where the committee is composed of three members and will permit three members to hear applications if the committee is composed of any number in excess of three. Formerly a majority of members was required in all cases to constitute a quorum.

Subsection 2. Complementary to subsection 1.

SECTION 3. The amendment provides for an automatic termination of draft plan approvals of plans of subdivision.

SECTION 4. The new subsection will provide the Minister with notice that a committee of adjustment is being established. This is significant having regard to the jurisdiction for granting consents.

SECTION 5. The maximum amount of the fee prescribed to be payable on an application to a committee of adjustment and to a land division committee is increased from \$25 to \$50.

the duration of the approval and may from time to time thereafter, prior to the lapsing of the approval, further extend the duration of approval.

(2) Notwithstanding subsection 1, but subject to subsection 11 of section 26 of *The Planning Act*, where the Minister has given his approval to a draft plan of subdivision prior to the day this section comes into force, the approval of the draft plan shall not lapse until the 1st day of July, 1974, but the Minister may at any time prior to that date extend the duration of the approval and may from time to time thereafter, prior to the lapsing of the approval, further extend the duration of approval.

Draft approval re certain plans to lapse July 1st, 1974

4. Section 32a of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1961-62* and amended by section 11 of *The Planning Amendment Act, 1962-63*, section 4 of *The Planning Amendment Act, 1966*, section 4 of *The Planning Amendment Act, 1968* and section 4 of *The Planning Amendment Act, 1970*, is further amended by adding thereto the following subsection:

R.S.O. 1960, c. 296, s. 32a (1961-62, c. 104, s. 8), amended

(1a) A by-law passed under subsection 1 does not come into effect until thirty days after a certified copy thereof has been sent to the Minister by registered mail by the clerk of the municipality.

5. Subsection 5 of section 32b of *The Planning Act* as re-enacted by subsection 1 of section 12 of *The Planning Amendment Act, 1962-63*, is amended by striking out "\$25" in the fifth line and inserting in lieu thereof "\$50".

R.S.O. 1960, c. 296, s. 32b, subs. 5 (1962-63, c. 105, s. 12, subs. 1), amended

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

Commencement

7. This Act may be cited as *The Planning Amendment Act, 1971*.

Short title 1971.

An Act to amend
The Planning Act

1st Reading

April 26th, 1971

2nd Reading

3rd Reading

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

(Government Bill)

BILL 28

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

Bill 28 amended at 2nd reading
but not printed.

An Act to amend The Planning Act

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

TORONTO

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



BILL 28

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.—(1) Section 26 of *The Planning Act*, as re-enacted by section 1 of *The Planning Amendment Act, 1970*, is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 296, s. 26
(1970, c. 72,
s.1),
amended

(5a) Where a person conveys land or grants, assigns or exercises a power of appointment with respect to land, or mortgages or charges land, or enters into an agreement of sale and purchase of land, or enters into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more by way of simultaneous conveyances of abutting lands or by way of other simultaneous dealings with abutting lands, the person so conveying or otherwise dealing with the lands shall be deemed for the purposes of subsections 2 and 4 to retain, as the case may be, the fee or the equity of redemption in, or the power or right to grant, assign or exercise a power of appointment with respect to, land abutting the land that is being conveyed or otherwise dealt with.

Simultaneous
conveyances,
etc., of
abutting
lands

(2) Subsection 6 of the said section 26 is amended by striking out "one year" in the third line and in the sixth and seventh lines and inserting in lieu thereof in each instance "two years", so that the first nine lines of the subsection shall read as follows:

R.S.O. 1960,
c. 296, s. 26
(1970, c. 72,
s. 1), subs. 6,
amended

(6) Any consent mentioned in subsection 2 or 4 shall lapse, in the case of a consent given by the Minister, at the expiration of two years after the date upon which the consent was granted, and in the case of a consent given by the committee of adjustment or the

Consent to
lapse after
two years

land division committee, at the expiration of two years after the date of the certificate given under subsection 19 of section 32*b*, unless within such period,

R.S.O. 1960,
c. 296, s. 26*a*
(1970, c. 72,
s. 2),
amended

2.—(1) Section 26*a* of *The Planning Act*, as enacted by section 2 of *The Planning Amendment Act, 1970*, is amended by adding thereto the following subsection:

Quorum

(3*a*) Where a land division committee is composed of three members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum.

R.S.O. 1960,
c. 296, s. 26*a*
(1970, c. 72,
s. 2), subs. 4,
amended

(2) Subsection 4 of the said section 26*a* is amended by striking out "subsections 4 to 12" in the first line and inserting in lieu thereof "subsections 4, 5 and 7 to 12", so that the subsection shall read as follows:

Application
of s. 32*a*,
subs. 4, 5,
7-12,
s. 32*b*,
subs. 2*a*-19,
to committee,
power to
grant
consents

(4) The provisions of subsections 4, 5 and 7 to 12 of section 32*a* and subsections 2*a* to 19 of section 32*b* apply *mutatis mutandis* to the land division committee, but the land division committee does not have jurisdiction to grant consents in respect of land situate in a municipality that has a committee of adjustment constituted prior to the 15th day of June, 1970, or constituted on or after the 15th day of June, 1970, if the municipality has an official plan approved by the Minister, unless the council of such municipality passes a by-law authorizing the land division committee to grant such consents and the time provided for in subsection 5 has elapsed, or unless the committee of adjustment is dissolved.

R.S.O. 1960,
c. 296, s. 28,
amended

3.—(1) Section 28 of *The Planning Act*, as amended by section 5 of *The Planning Amendment Act, 1961-62*, section 8 of *The Planning Amendment Act, 1962-63*, section 2 of *The Planning Amendment Act, 1965* and section 4 of *The Planning Amendment Act, 1968-69*, is further amended by adding thereto the following subsection:

Draft
approval
to lapse
after
three
years

(11*a*) Where the Minister has not given his approval to a final plan for registration within three years after the date upon which approval to the draft plan was given, the approval of the draft plan shall, unless such approval has prior thereto been withdrawn pursuant to subsection 11, thereupon lapse, but the Minister may at any time during such three year period extend

the duration of the approval and may from time to time thereafter, prior to the lapsing of the approval, further extend the duration of approval.

(2) Notwithstanding subsection 1, but subject to subsection 11 of section 28 of *The Planning Act*, where the Minister has given his approval to a draft plan of subdivision prior to the day this section comes into force, the approval of the draft plan shall not lapse until the 1st day of July, 1974, but the Minister may at any time prior to that date extend the duration of the approval and may from time to time thereafter, prior to the lapsing of the approval, further extend the duration of approval.

Draft approval re certain plans to lapse July 1st, 1974

4. Section 32a of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1961-62* and amended by section 11 of *The Planning Amendment Act, 1962-63*, section 4 of *The Planning Amendment Act, 1966*, section 4 of *The Planning Amendment Act, 1968* and section 4 of *The Planning Amendment Act, 1970*, is further amended by adding thereto the following subsection:

R.S.O. 1960, c. 296, s. 32a (1961-62, c. 104, s. 8), amended

(1a) A by-law passed under subsection 1 does not come into effect until thirty days after a certified copy thereof has been sent to the Minister by registered mail by the clerk of the municipality.

When by-law in force

5. Subsection 5 of section 32b of *The Planning Act* as re-enacted by subsection 1 of section 12 of *The Planning Amendment Act, 1962-63*, is amended by striking out "\$25" in the fifth line and inserting in lieu thereof "\$50".

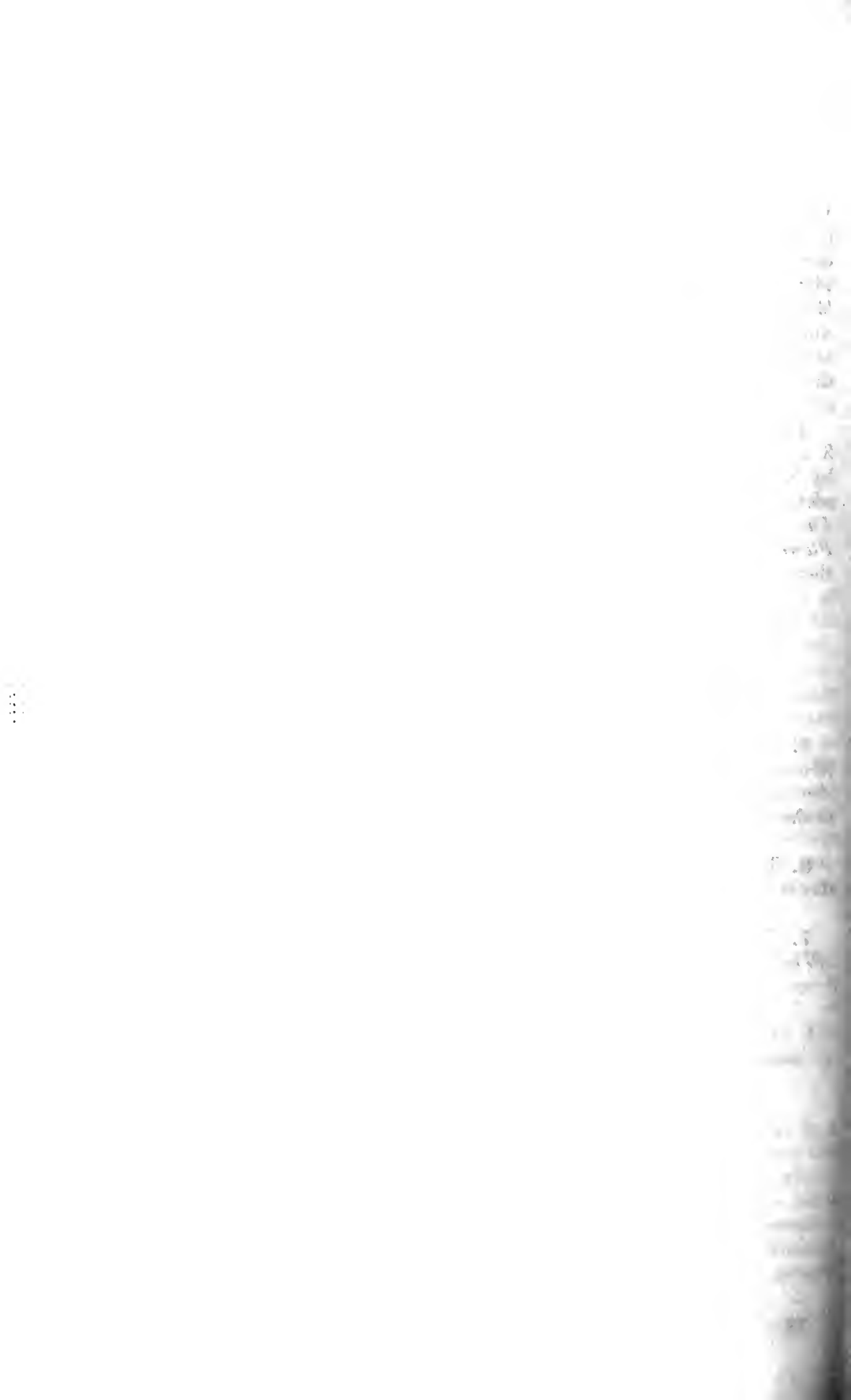
R.S.O. 1960, c. 296, s. 32b, subs. 5 (1962-63, c. 105, s. 12, subs. 1), amended

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

Commencement

7. This Act may be cited as *The Planning Amendment Act, 1971*.

Short title





An Act to amend
The Planning Act

1st Reading

April 26th, 1971

2nd Reading

April 27th, 1971

3rd Reading

April 27th, 1971

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

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Provincial Parks Act

THE HON. RENE BRUNELLE
Minister of Lands and Forests

TORONTO

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

EXPLANATORY NOTE

The new section provides for stop signs at entrances to and intersections in provincial parks.

**An Act to amend
The Provincial Parks Act**

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

1. *The Provincial Parks Act* is amended by adding thereto the following section:

11a.—(1) In this section, "road" includes a trail.

R.S.O. 1960,
c. 314,
amended

Interpre-
tation

(2) The district forester or superintendent in charge of a provincial park may erect at the entrance to the provincial park or at the intersection of any roads therein a stop sign conforming with the regulations under *The Highway Traffic Act*.

Stop
signs

R.S.O. 1960,
c. 172

(3) The driver or operator of a vehicle, upon approaching a stop sign at the entrance to a provincial park, shall bring the vehicle to a full stop at a clearly marked stop line or, if none, then immediately before proceeding past the stop sign.

Stop at
entrances

(4) The driver or operator of a vehicle,

Stop at
through
road

(a) upon approaching a stop sign at an intersection in a provincial park, shall bring the vehicle to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection; and

(b) upon entering the intersection, shall yield the right of way to traffic in the intersection or approaching the intersection on another road so closely that it constitutes an immediate hazard and having so yielded the right of way may proceed with caution and the traffic approaching the intersection on another road shall yield the right of way to the vehicle so proceeding in the intersection.

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 Provincial Parks Amendment Act, 1971*.





An Act to amend
The Provincial Parks Act

1st Reading

April 27th, 1971

2nd Reading

3rd Reading

THE HON. RENE BRUNELLE
Minister of Lands and Forests

(Government Bill)

BILL 29

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Provincial Parks Act

THE HON. RENE BRUNELLE
Minister of Lands and Forests

T O R O N T O

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

BILL 29

1971

An Act to amend The Provincial Parks Act

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

1. *The Provincial Parks Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 314,
amended

11a.—(1) In this section, “road” includes a trail. Interpre-
tation

(2) The district forester or superintendent in charge of a provincial park may erect at the entrance to the provincial park or at the intersection of any roads therein a stop sign conforming with the regulations under *The Highway Traffic Act*. Stop
signs

R.S.O. 1960,
c. 172

(3) The driver or operator of a vehicle, upon approaching a stop sign at the entrance to a provincial park, shall bring the vehicle to a full stop at a clearly marked stop line or, if none, then immediately before proceeding past the stop sign. Stop at
entrances

(4) The driver or operator of a vehicle, Stop at
through
road

(a) upon approaching a stop sign at an intersection in a provincial park, shall bring the vehicle to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection; and

(b) upon entering the intersection, shall yield the right of way to traffic in the intersection or approaching the intersection on another road so closely that it constitutes an immediate hazard and having so yielded the right of way may proceed with caution and the traffic approaching the intersection on another road shall yield the right of way to the vehicle so proceeding in the intersection.

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 Provincial Parks Amendment Act, 1971*.







The Provincial Parks Act

1st Reading

April 27th, 1971

2nd Reading

May 27th, 1971

3rd Reading

May 27th, 1971

THE HON. RENE BRUNELLE
Minister of Lands and Forests

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Forestry Act

THE HON. RENE BRUNELLE
Minister of Lands and Forests

EXPLANATORY NOTE

The amendment provides for supplementary agreements and the term of any supplementary agreement heretofore or hereafter made.

BILL 30

1971

An Act to amend The Forestry Act

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

1. Section 2 of *The Forestry Act*, as amended by section 2 of ^{R.S.O. 1960, c. 153, s. 2,} *The Forestry Amendment Act, 1967*, is further amended by ^{amended} adding thereto the following subsection:

(2a) Every agreement heretofore or hereafter entered ^{Supple-} into under subsection 2 may provide for entry into ^{mentary} supplementary agreements and, notwithstanding sub- ^{agreements} section 2, any supplementary agreement heretofore or hereafter entered into may be for a term not exceeding the unexpired term of the agreement being supplemented.

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

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

1st Reading

April 27th, 1971

2nd Reading

3rd Reading

THE HON. RENE BRUNELLE
Minister of Lands and Forests

(Government Bill)

BILL 30

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Forestry Act

THE HON. RENE BRUNELLE
Minister of Lands and Forests



BILL 30

1971

An Act to amend The Forestry Act

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

1. Section 2 of *The Forestry Act*, as amended by section 2 of ^{R.S.O. 1960, c. 153, s. 2,} *The Forestry Amendment Act, 1967*, is further amended by ^{amended} adding thereto the following subsection:

(2a) Every agreement heretofore or hereafter entered ^{Supple-} into under subsection 2 may provide for entry into ^{mentary} supplementary agreements and, notwithstanding sub- ^{agreements} section 2, any supplementary agreement heretofore or hereafter entered into may be for a term not exceeding the unexpired term of the agreement being supplemented.

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

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

1st Reading

April 27th, 1971

2nd Reading

May 27th, 1971

3rd Reading

May 27th, 1971

THE HON. RENE BRUNELLE
Minister of Lands and Forests

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Gananoque Lands Act, 1961-62

THE HON. RENE BRUNELLE
Minister of Lands and Forests

EXPLANATORY NOTE

The new section provides an alternative method of disposal of the ungranted part of the lands described in the Schedule to the Act.

BILL 31

1971

**An Act to amend
The Gananoque Lands Act, 1961-62**

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

1. *The Gananoque Lands Act, 1961-62* is amended by adding thereto the following section: 1961-62,
c. 49,
amended

- 3a. The Minister of Lands and Forests may dispose of any part of the lands described in the Schedule hereto that is not granted under section 2 or 3 before this section comes into force for such consideration and subject to such terms and conditions as he may determine. Idem

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

3. This Act may be cited as *The Gananoque Lands Amendment Act, 1971*. Short title

1st Reading

April 27th, 1971

2nd Reading

3rd Reading

THE HON. RENE BRUNELLE
Minister of Lands and Forests

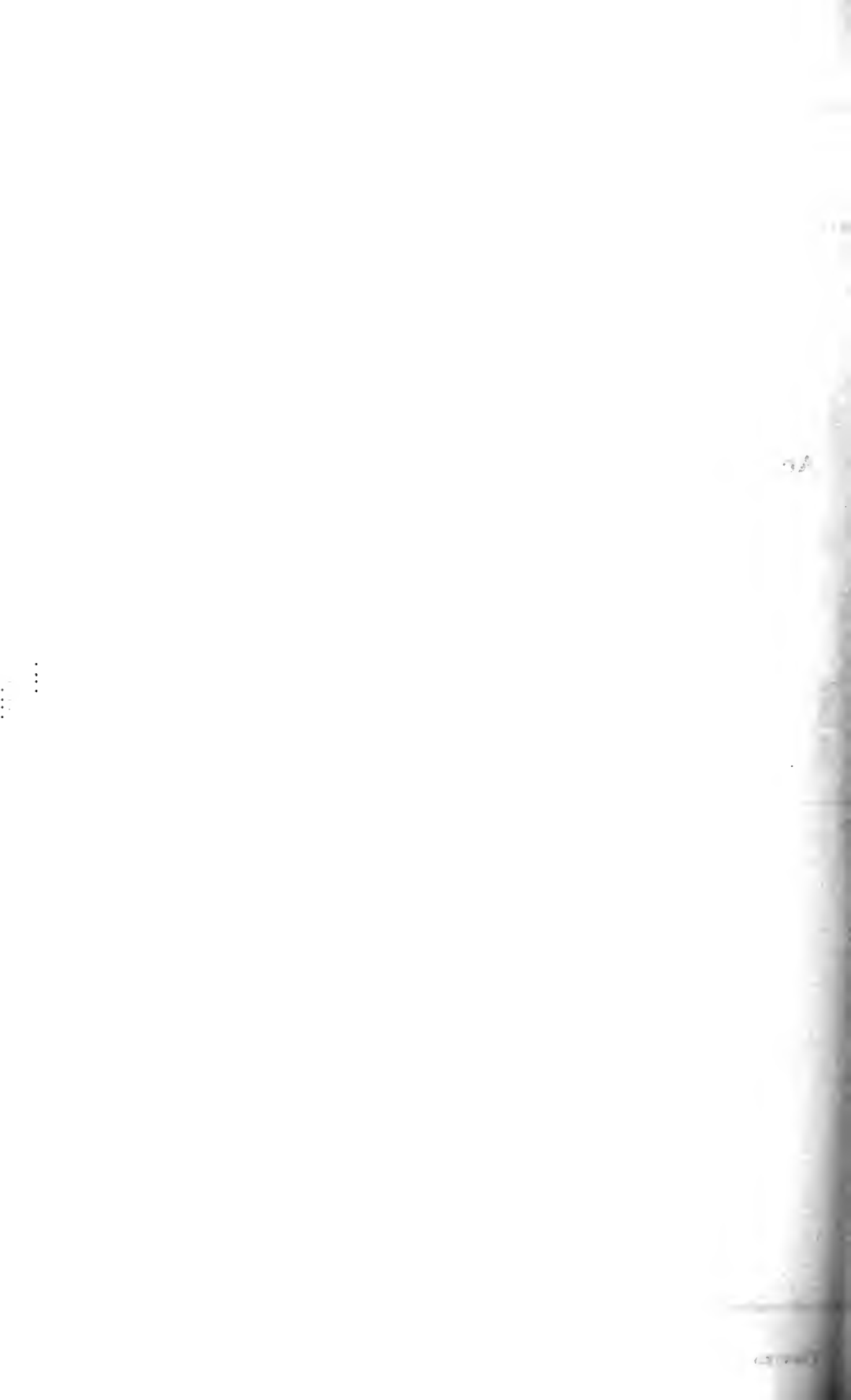
(Government Bill)

BILL 31

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Gananoque Lands Act, 1961-62

THE HON. RENE BRUNELLE
Minister of Lands and Forests



BILL 31

1971

**An Act to amend
The Gananoque Lands Act, 1961-62**

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

1. *The Gananoque Lands Act, 1961-62* is amended by adding thereto the following section: 1961-62,
c. 49,
amended

3a. The Minister of Lands and Forests may dispose of any part of the lands described in the Schedule hereto that is not granted under section 2 or 3 before this section comes into force for such consideration and subject to such terms and conditions as he may determine. Idem

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

3. This Act may be cited as *The Gananoque Lands Amendment Act, 1971*. Short title

1st Reading

April 27th, 1971

2nd Reading

May 27th, 1971

3rd Reading

May 27th, 1971

THE HON. RENE BRUNELLE
Minister of Lands and Forests

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Fish Inspection Act

THE HON. RENE BRUNELLE
Minister of Lands and Forests

TORONTO

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

EXPLANATORY NOTE

The amendments create uniformity with provisions of the *Fish Inspection Act* (Canada).

BILL 32

1971

An Act to amend The Fish Inspection 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 *a* of section 1 of *The Fish Inspection Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 150, s. 1,
cl. *a*,
re-enacted

(a) “container” means any type of receptacle, package, wrapper or confining band used in holding, storing, packing or marketing fish.

(2) Clause *d* of the said section 1, as re-enacted by section 1 of *The Fish Inspection Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 150, s. 1,
cl. *d*
(1968-69,
c. 39, s. 1),
re-enacted

(d) “inspector” means a person appointed by the Minister as an inspector under this Act or a person declared to be an inspector, *ex-officio*, under this Act and includes a conservation officer appointed under section 7 of *The Game and Fish Act, 1961-62*.

1961-62,
c. 48

(3) Clause *g* of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 150, s. 1,
cl. *g*,
re-enacted

(g) “processing” includes cleaning, filleting, icing, packing, canning, freezing, smoking, salting, cooking, pickling, drying or preparing fish for market in any other way.

2. Subsection 1 of section 6 of *The Fish Inspection Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 150, s. 6,
subs. 1,
re-enacted

(1) No person shall sell, offer for sale, or hold in possession for sale, any fish intended for human consumption that is tainted, decomposed or unwholesome.

Fish for sale
to be fit for
human
consumption

R.S.O. 1960,
c. 150, s. 13,
subs. 1,
amended

3.—(1) Subsection 1 of section 13 of *The Fish Inspection Act*, as amended by subsection 1 of section 1 of *The Fish Inspection Amendment Act, 1961-62* and section 3 of *The Fish Inspection Amendment Act, 1968-69*, is further amended by adding thereto the following clause:

(ab) defining for the purposes of section 6, the expressions “tainted”, “decomposed” and “unwholesome”.

R.S.O. 1960,
c. 150, s. 13,
subs. 1, cl. d,
re-enacted

(2) Clause *d* of subsection 1 of the said section 13 is repealed and the following substituted therefor:

(d) requiring and governing the issue, form, renewal, transfer, refusal and cancellation of licences for establishments and persons handling, processing, storing, grading, transporting or marketing fish, prescribing their duration, territorial limitations and terms and conditions and exempting classes of establishments and persons.

R.S.O. 1960,
c. 150, s. 13,
subs. 1, cl. f,
re-enacted

(3) Clause *f* of subsection 1 of the said section 13 is repealed and the following substituted therefor:

(f) governing the requirements for the equipment and sanitary operation of establishments, and of vehicles used in connection with an establishment or in connection with fishing or the marketing of fish.

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 Fish Inspection Amendment Act, 1971*.



... ..



An Act to amend
The Fish Inspection Act

1st Reading

April 27th, 1971

2nd Reading

3rd Reading

THE HON. RENE BRUNELLE
Minister of Lands and Forests

(Government Bill)

BILL 32

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Fish Inspection Act

THE HON. RENE BRUNELLE
Minister of Lands and Forests

TORONTO

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



BILL 32

1971

An Act to amend The Fish Inspection 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 *a* of section 1 of *The Fish Inspection Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 150, s. 1,
cl. *a*,
re-enacted

(*a*) “container” means any type of receptacle, package, wrapper or confining band used in holding, storing, packing or marketing fish.

(2) Clause *d* of the said section 1, as re-enacted by section 1 of *The Fish Inspection Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 150, s. 1,
cl. *d*
(1968-69,
c. 39, s. 1),
re-enacted

(*d*) “inspector” means a person appointed by the Minister as an inspector under this Act or a person declared to be an inspector, *ex-officio*, under this Act and includes a conservation officer appointed under section 7 of *The Game and Fish Act, 1961-62*.

1961-62,
c. 48

(3) Clause *g* of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 150, s. 1,
cl. *g*,
re-enacted

(*g*) “processing” includes cleaning, filleting, icing, packing, canning, freezing, smoking, salting, cooking, pickling, drying or preparing fish for market in any other way.

2. Subsection 1 of section 6 of *The Fish Inspection Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 150, s. 6,
subs. 1,
re-enacted

(1) No person shall sell, offer for sale, or hold in possession for sale, any fish intended for human consumption that is tainted, decomposed or unwholesome.

Fish for sale
to be fit for
human
consumption

R.S.O. 1960,
c. 150, s. 13,
subs. 1,
amended

3.—(1) Subsection 1 of section 13 of *The Fish Inspection Act*, as amended by subsection 1 of section 1 of *The Fish Inspection Amendment Act, 1961-62* and section 3 of *The Fish Inspection Amendment Act, 1968-69*, is further amended by adding thereto the following clause:

(ab) defining for the purposes of section 6, the expressions “tainted”, “decomposed” and “unwholesome”.

R.S.O. 1960,
c. 150, s. 13,
subs. 1, cl. d,
re-enacted

(2) Clause *d* of subsection 1 of the said section 13 is repealed and the following substituted therefor:

(d) requiring and governing the issue, form, renewal, transfer, refusal and cancellation of licences for establishments and persons handling, processing, storing, grading, transporting or marketing fish, prescribing their duration, territorial limitations and terms and conditions and exempting classes of establishments and persons.

R.S.O. 1960,
c. 150, s. 13,
subs. 1, cl. f,
re-enacted

(3) Clause *f* of subsection 1 of the said section 13 is repealed and the following substituted therefor:

(f) governing the requirements for the equipment and sanitary operation of establishments, and of vehicles used in connection with an establishment or in connection with fishing or the marketing of fish.

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 Fish Inspection Amendment Act, 1971*.





1st Reading

April 27th, 1971

2nd Reading

May 27th, 1971

3rd Reading

May 27th, 1971

THE HON. RENE BRUNELLE
Minister of Lands and Forests

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Election Act, 1968-69

MR. YOUNG

TORONTO

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

EXPLANATORY NOTE

The purpose of this Bill is to reduce the age of persons who may vote at provincial elections from twenty-one years to eighteen years.

An Act to amend The Election Act, 1968-69

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

1. Clause *a* of subsection 1 of section 9 of *The Election Act, 1968-69*, is amended by striking out "twenty-one" and inserting in lieu thereof "eighteen".
1968-69,
c. 33, s. 9,
subs. 1,
cl. a,
amended
2. This Act comes into force on the day it receives Royal Assent.
Commence-
ment
3. This Act may be cited as *The Election Amendment Act, 1971*.
Short title

1st Reading

April 27th, 1971

2nd Reading

3rd Reading

MR. YOUNG

(Private Member's Bill)

1971

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to amend
The Municipal Franchise Extension Act**

MR. KENNEDY

TORONTO

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

EXPLANATORY NOTE

The purpose of the Bill is to permit persons on the resident voters' list, as for example persons residing in mobile homes, to vote at elections for members of local boards.

**An Act to amend
The Municipal Franchise Extension Act**

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

1. Section 6 of *The Municipal Franchise Extension Act*, R.S.O. 1960, c. 254, s. 6, amended as amended by section 1 of *The Municipal Franchise Extension Amendment Act, 1965*, is further amended by inserting after "council" in the third line "and at elections for members of local boards as defined in *The Department of Municipal Affairs Act*", so that the section shall read as follows:

6. The certified resident voters' list is final and conclusive evidence that every person named thereon is entitled to vote at municipal elections for members of council and at elections for members of local boards as defined in *The Department of Municipal Affairs Act* and on questions upon which the opinion of the electors is to be obtained where no expenditure of funds would result from an affirmative vote, except,

- (a) persons not resident in the municipality on the day of polling; and
- (b) persons guilty of corrupt practices at or in respect of the election in question, or since the list was certified.

2. This Act comes into force on the day it receives Royal Assent. Effect of certified list Commencement

3. This Act may be cited as *The Municipal Franchise Extension Amendment Act, 1971*. Short title

Extension Act

1st Reading

April 29th, 1971

2nd Reading

3rd Reading

MR. KENNEDY

(Private Member's Bill)

1971

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to amend
The Municipality of Metropolitan Toronto Act**

THE HON. DALTON A. BALES
Minister of Municipal Affairs

TORONTO

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

EXPLANATORY NOTES

SECTION 1. Complementary to section 3 of the Bill.

SECTION 2. Self-explanatory.

SECTION 3. The \$50,000 limit on annual expenses for the entertainment of visitors and travel as provided in section 410 of *The Municipal Act* is removed.

SECTION 4. Self-explanatory.

BILL 35

1971

**An Act to amend
The Municipality of Metropolitan Toronto Act**

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

1. Subsection 3 of section 2 of *The Municipality of Metropolitan Toronto Act* is repealed. R.S.O. 1960,
c. 260, s. 2,
subs. 3,
repealed

2. Section 223 of *The Municipality of Metropolitan Toronto Act*, as amended by section 9 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

(1a) In addition to the powers that may be exercised under subsection 1, the Council has power to let from year to year, or for any time not exceeding ten years the right to sell, subject to *The Liquor Licence Act*, spirituous, fermented or intoxicating liquors within metropolitan parks under such regulations as the Council may prescribe. Sale of
spirituous,
etc.,
liquors in
parks
R.S.O. 1960,
c. 218

3. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 260,
amended

256a. The Metropolitan Council may, by a vote of three-fourths of the members of the Council present and voting, expend in any year such sum as it may determine for the purposes set out in section 410 of *The Municipal Act*. Expenses for
entertaining
guests and
for travelling
on civic
business
R.S.O. 1960,
c. 249

4.—(1) The Metropolitan Council may pass by-laws for establishing that part of Yonge Street between the south limit of Albert Street and the north limit of Adelaide Street or any part or parts thereof in the City of Toronto solely or principally as a pedestrian promenade for one seven-day period in the year 1971, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and Pedestrian
promenade.
Yonge St.

for such period or periods as may be specified and for permitting the use of the said part of Yonge Street and the obstruction thereof by such persons and in such manner and to such extent as the Metropolitan Council may consider desirable.

Right to damages by reason of creation of promenade

(2) Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation of any nature whatsoever from the Metropolitan Corporation or The Corporation of the City of Toronto arising from the exercise by the Metropolitan Corporation of its powers under this section.

Commencement

5.—(1) This Act, except section 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 4 shall be deemed to have come into force on the 3rd day of May, 1971.

Short title

6. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1971*.







An Act to amend
The Municipality of Metropolitan
Toronto Act

1st Reading

May 3rd, 1971

2nd Reading

3rd Reading

THE HON. DALTON A. BALES
Minister of Municipal Affairs

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to amend
The Municipality of Metropolitan Toronto Act**

THE HON. DALTON A. BALES
Minister of Municipal Affairs

(Reprinted as amended by the Committee of the Whole House)

TORONTO

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

EXPLANATORY NOTES

SECTION 1. Complementary to section 3 of the Bill.

SECTION 2. Self-explanatory.

SECTION 3. The \$50,000 limit on annual expenses for the entertainment of visitors and travel as provided in section 410 of *The Municipal Act* is removed.

SECTION 4. Self-explanatory.

BILL 35

1971

An Act to amend The Municipality of Metropolitan Toronto Act

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

1. Subsection 3 of section 2 of *The Municipality of Metropolitan Toronto Act* is repealed. R.S.O. 1960,
c. 260, s. 2,
subs. 3,
repealed

2. Section 223 of *The Municipality of Metropolitan Toronto Act*, as amended by section 9 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

(1a) In addition to the powers that may be exercised under subsection 1, the Council has power to let from year to year, or for any time not exceeding ten years the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder spirituous, fermented or intoxicating liquors within metropolitan parks under such regulations as the Council may prescribe. Sale of
spirituous,
etc.,
liquors in
parks
R.S.O. 1960,
c. 218

3. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 260,
amended

256a. The Metropolitan Council may, by a vote of three-fourths of the members of the Council present and voting, expend in any year such sum as it may determine for the purposes set out in section 410 of *The Municipal Act*. Expenses for
entertaining
guests and
for travelling
on civic
business
R.S.O. 1960,
c. 249

4.—(1) The Metropolitan Council may pass by-laws for establishing that part of Yonge Street between the south limit of Albert Street and the north limit of Adelaide Street or any part or parts thereof in the City of Toronto solely or principally as a pedestrian promenade for one seven-day period in the year 1971, and for prohibiting the use thereof Pedestrian
promenade,
Yonge St.

by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part of Yonge Street and the obstruction thereof by such persons and in such manner and to such extent as the Metropolitan Council may consider desirable.

Right to damages by reason of creation of promenade

(2) Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from the Metropolitan Corporation or The Corporation of the City of Toronto for loss of business or for loss of access to or from Yonge Street arising from the exercise by the Metropolitan Corporation of its powers under this section.

Commencement

5.—(1) This Act, except section 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 4 shall be deemed to have come into force on the 3rd day of May, 1971.

Short title

6. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1971.*







The Municipality of Metropolitan
Toronto Act

1st Reading

May 3rd, 1971

2nd Reading

May 4th, 1971

3rd Reading

THE HON. DALTON A. BALES
Minister of Municipal Affairs

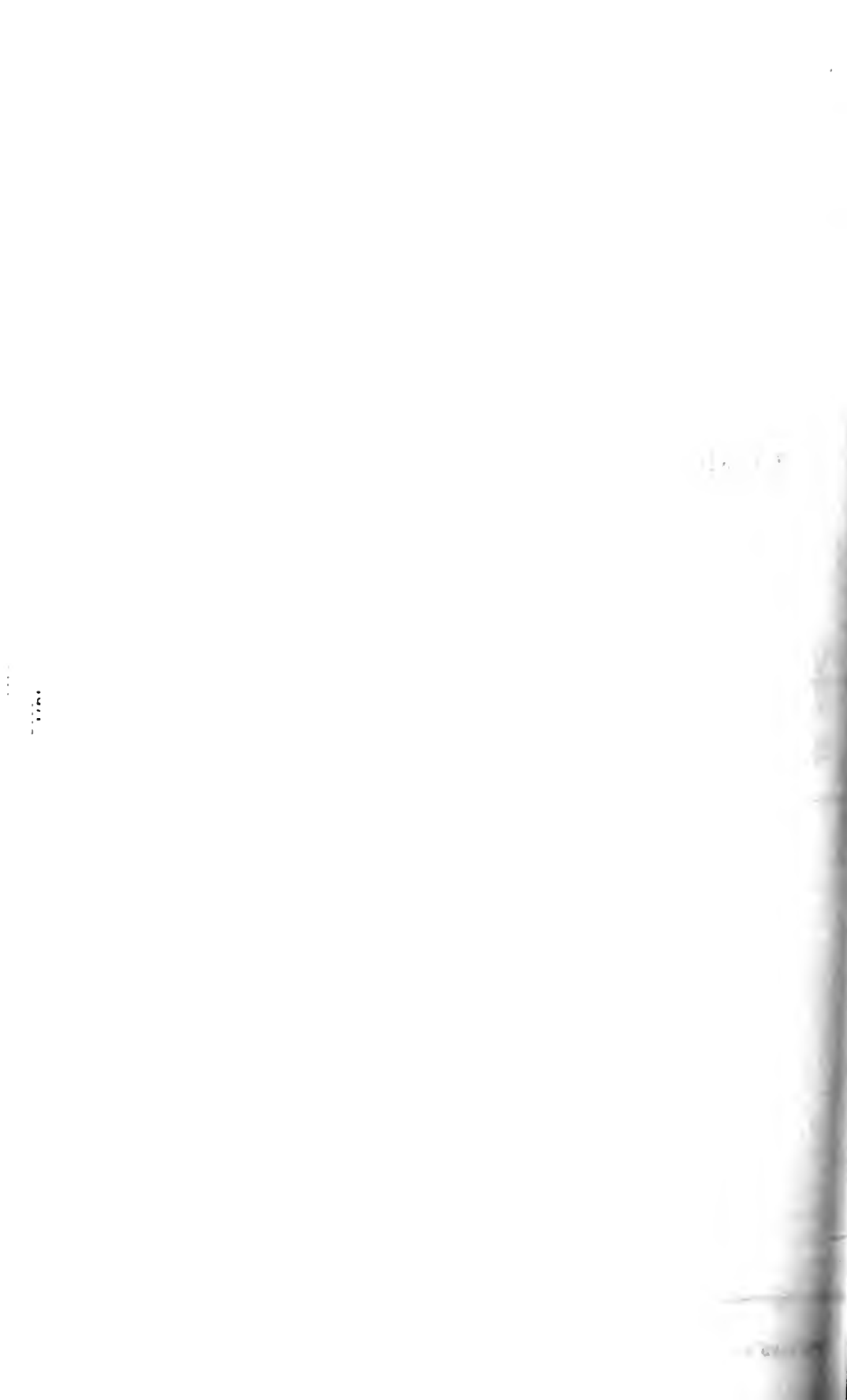
*(Reprinted as amended by the Committee
of the Whole House)*

BILL 35

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to amend
The Municipality of Metropolitan Toronto Act**

THE HON. DALTON A. BALES
Minister of Municipal Affairs



BILL 35

1971

**An Act to amend
The Municipality of Metropolitan Toronto Act**

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

1. Subsection 3 of section 2 of *The Municipality of Metropolitan Toronto Act* is repealed. R.S.O. 1960,
c. 260, s. 2,
subs. 3,
repealed

2. Section 223 of *The Municipality of Metropolitan Toronto Act*, as amended by section 9 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

(1a) In addition to the powers that may be exercised under subsection 1, the Council has power to let from year to year, or for any time not exceeding ten years the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder spirituous, fermented or intoxicating liquors within metropolitan parks under such regulations as the Council may prescribe. Sale of
spirituous,
etc.,
liquors in
parks
R.S.O. 1960,
c. 218

3. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 260,
amended

256a. The Metropolitan Council may, by a vote of three-fourths of the members of the Council present and voting, expend in any year such sum as it may determine for the purposes set out in section 410 of *The Municipal Act*. Expenses for
entertaining
guests and
for travelling
on civic
business
R.S.O. 1960,
c. 249

4.—(1) The Metropolitan Council may pass by-laws for establishing that part of Yonge Street between the south limit of Albert Street and the north limit of Adelaide Street or any part or parts thereof in the City of Toronto solely or principally as a pedestrian promenade for one seven-day period in the year 1971, and for prohibiting the use thereof Pedestrian
promenade,
Yonge St.

by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part of Yonge Street and the obstruction thereof by such persons and in such manner and to such extent as the Metropolitan Council may consider desirable.

Right to
damages
by reason
of creation
of promenade

(2) Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from the Metropolitan Corporation or The Corporation of the City of Toronto for loss of business or for loss of access to or from Yonge Street arising from the exercise by the Metropolitan Corporation of its powers under this section.

Commence-
ment

5.—(1) This Act, except section 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 4 shall be deemed to have come into force on the 3rd day of May, 1971.

Short title

6. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1971*.







1st Reading

May 3rd, 1971

2nd Reading

May 4th, 1971

3rd Reading

May 4th, 1971

THE HON. DALTON A. BALES
Minister of Municipal Affairs

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Expropriations Act, 1968-69

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

T O R O N T O

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

EXPLANATORY NOTES

SECTION 1. The amendment ensures that the Metropolitan Toronto School Board is an approving authority in the same manner as other school boards.

SECTIONS 2 AND 3. The amendments permit costs to be determined by a taxing officer of the Supreme Court.

BILL 36

1971

An Act to amend The Expropriations Act, 1968-69

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

1. Section 5 of *The Expropriations Act, 1968-69* is amended by adding thereto the following subsection: 1968-69,
c. 36, s. 5,
amended

(1a) For the purposes of clause *b* of subsection 1, the Metropolitan Toronto School Board shall be deemed to be an elected school board. Idem.
Metropolitan
Toronto
School
Board

2. Section 33 of *The Expropriations Act, 1968-69* is repealed and the following substituted therefor: 1968-69,
c. 36, s. 33,
re-enacted

33.—(1) Where the amount to which an owner is entitled upon an expropriation or claim for injurious affection is determined by the Board and the amount awarded by the Board is 85 per cent, or more, of the amount offered by the statutory authority, the Board shall make an order directing the statutory authority to pay the reasonable legal, appraisal and other costs actually incurred by the owner for the purposes of determining the compensation payable, and may fix the costs in a lump sum or may order that the determination of the amount of such costs be referred to a taxing officer of the Supreme Court who shall tax and allow the costs in accordance with this subsection and the tariffs and rules prescribed under clause *d* of section 45. Costs

(2) Where the amount to which an owner is entitled upon an expropriation or claim for injurious affection is determined by the Board and the amount awarded by the Board is less than 85 per cent of the amount offered by the statutory authority, the Board may make such order, if any, for the payment of costs as it considers appropriate, and may fix the costs in a Idem

lump sum or may order that the determination of the amount of such costs be referred to a taxing officer of the Supreme Court who shall tax and allow the costs in accordance with the order and the tariffs and rules prescribed under clause *d* of section 45 in like manner to the taxation of costs awarded on a party and party basis.

1968-69,
c. 36, s. 45,
amended

3. Section 45 of *The Expropriations Act, 1968-69* is amended by adding thereto the following clause:

(*d*) prescribing tariffs of costs and rules to be applied by taxing officers for the purposes of section 33.

1968-69,
c. 36, s. 46,
amended

4. Section 46 of *The Expropriations Act, 1968-69* is amended by adding thereto the following subsections:

Jurisdiction
of tribunals

(3) Notwithstanding subsections 1 and 2, on and after the 1st day of December, 1970 the Land Compensation Board appointed under section 28 has jurisdiction, and on and after the 1st day of April, 1971 has sole jurisdiction, to determine compensation by arbitration in respect of every expropriation whether commenced under this or any other Act, except that where a tribunal under this or any other Act, has heard any evidence in a proceeding to determine compensation by arbitration, such tribunal retains jurisdiction for the purpose of completing the proceedings and for the purpose of dealing with matters referred to it under clause *a* of subsection 3 of section 32.

Transmission
of material

(4) Where a notice of arbitration or an application for arbitration under this or any other Act was filed before the 1st day of April, 1971 with a tribunal other than the Land Compensation Board and no evidence has been heard in respect of the arbitration, the notice or application and any documents relating thereto shall be deemed to have been filed with the Land Compensation Board.

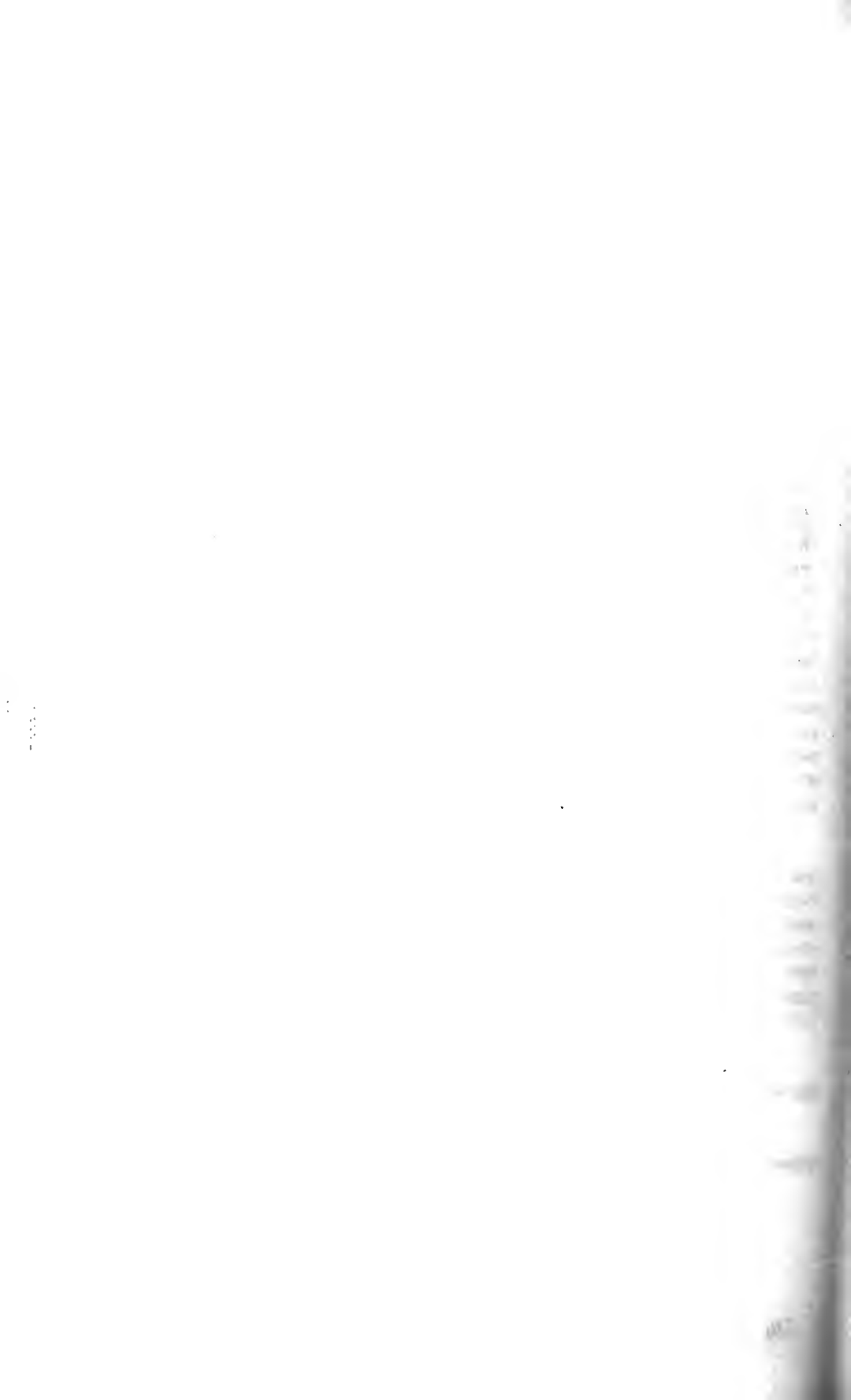
Commence-
ment

5. This Act shall be deemed to have come into force on the 1st day of April, 1971.

Short title

6. This Act may be cited as *The Expropriations Amendment Act, 1971*.

SECTION 4. Under the present Act, the old, uncompleted expropriations are continued before the tribunals provided for in *The Expropriation Procedures Act, 1962-63*. These are the Ontario Municipal Board, official arbitrators and county court judges. The new provision would have the new Land Compensation Board act as arbitrator in all these cases except where hearings have actually commenced.





1st Reading

May 3rd, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

(Government Bill)

1971

BILL 36

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Expropriations Act, 1968-69

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

100A

BILL 36

1971

**An Act to amend
The Expropriations Act, 1968-69**

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

1. Section 5 of *The Expropriations Act, 1968-69* is amended by adding thereto the following subsection: 1968-69,
c. 36, s. 5,
amended

(1a) For the purposes of clause *b* of subsection 1, the Metropolitan Toronto School Board shall be deemed to be an elected school board. Idem.
Metropolitan
Toronto
School
Board

2. Section 33 of *The Expropriations Act, 1968-69* is repealed and the following substituted therefor: 1968-69,
c. 36, s. 33,
re-enacted

33.—(1) Where the amount to which an owner is entitled upon an expropriation or claim for injurious affection is determined by the Board and the amount awarded by the Board is 85 per cent, or more, of the amount offered by the statutory authority, the Board shall make an order directing the statutory authority to pay the reasonable legal, appraisal and other costs actually incurred by the owner for the purposes of determining the compensation payable, and may fix the costs in a lump sum or may order that the determination of the amount of such costs be referred to a taxing officer of the Supreme Court who shall tax and allow the costs in accordance with this subsection and the tariffs and rules prescribed under clause *d* of section 45. Costs

(2) Where the amount to which an owner is entitled upon an expropriation or claim for injurious affection is determined by the Board and the amount awarded by the Board is less than 85 per cent of the amount offered by the statutory authority, the Board may make such order, if any, for the payment of costs as it considers appropriate, and may fix the costs in a Idem

lump sum or may order that the determination of the amount of such costs be referred to a taxing officer of the Supreme Court who shall tax and allow the costs in accordance with the order and the tariffs and rules prescribed under clause *d* of section 45 in like manner to the taxation of costs awarded on a party and party basis.

1968-69,
c. 36, s. 45,
amended

3. Section 45 of *The Expropriations Act, 1968-69* is amended by adding thereto the following clause:

(*d*) prescribing tariffs of costs and rules to be applied by taxing officers for the purposes of section 33.

1968-69,
c. 36, s. 46,
amended

4. Section 46 of *The Expropriations Act, 1968-69* is amended by adding thereto the following subsections:

Jurisdiction
of tribunals

(3) Notwithstanding subsections 1 and 2, on and after the 1st day of December, 1970 the Land Compensation Board appointed under section 28 has jurisdiction, and on and after the 1st day of April, 1971 has sole jurisdiction, to determine compensation by arbitration in respect of every expropriation whether commenced under this or any other Act, except that where a tribunal under this or any other Act, has heard any evidence in a proceeding to determine compensation by arbitration, such tribunal retains jurisdiction for the purpose of completing the proceedings and for the purpose of dealing with matters referred to it under clause *a* of subsection 3 of section 32.

Transmission
of material

(4) Where a notice of arbitration or an application for arbitration under this or any other Act was filed before the 1st day of April, 1971 with a tribunal other than the Land Compensation Board and no evidence has been heard in respect of the arbitration, the notice or application and any documents relating thereto shall be deemed to have been filed with the Land Compensation Board.

Commence-
ment

5. This Act shall be deemed to have come into force on the 1st day of April, 1971.

Short title

6. This Act may be cited as *The Expropriations Amendment Act, 1971*.



THE UNIVERSITY OF CHICAGO
LIBRARY



1st Reading

May 3rd, 1971

2nd Reading

May 11th, 1971

3rd Reading

May 11th, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Wages 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

EXPLANATORY NOTES

SECTION 1—Subsection 1. The portion repealed ensured that the 70 per cent exemption from seizure by court attachment would leave at least \$2.50 per day out of wages.

Subsection 2. The provision repealed lifts the exemption from seizure where the debt is for board or lodging or where the debtor has no dependents.

Subsection 3. The prohibition against wage assignments enacted in 1968 did not apply to those previously given. The amendment invalidates all wage assignments including those now outstanding.

An Act to amend The Wages Act

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

1.—(1) Subsection 1 of section 7 of *The Wages Act* is amended by striking out “and provided further that this section applies only where the amount of such exemption exceeds the sum of \$2.50 for each working day represented by the wages seized or attached and that a portion of such debtor’s wages not exceeding the sum of \$2.50 for each working day represented by the wages seized or attached is in all cases exempt from seizure or attachment” in the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth lines, so that the subsection shall read as follows:

R.S.O. 1960,
c. 421, s. 7,
subs. 1,
amended

(1) Seventy per cent of any debt due or accruing due to any mechanic, workman, labourer, servant, clerk or employee for or in respect of his wages is exempt from seizure or attachment, provided that if a creditor of any such mechanic, workman, labourer, servant, clerk or employee, who has initiated proceedings by way of seizure or attachment of the wages of any such mechanic, workman, labourer, servant, clerk or employee, desires to contend that having regard to the nature of the debt and the circumstances of the debtor, it is unreasonable that as much as 70 per cent of such debtor’s wages should be exempt, the judge may in any particular case, upon a hearing of the matter, reduce such percentage of exemption.

Extent of
exemption
from seizure
or attach-
ment

(2) Subsection 2 of the said section 7 is repealed.

R.S.O. 1960,
c. 421, s. 7,
subs. 2,
repealed

(3) Subsection 6 of the said section 7, as re-enacted by section 1 of *The Wages Amendment Act, 1968*, is amended by inserting after “debt” in the second line “whether heretofore or hereafter given”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 421, s. 7,
subs. 6
(1968, c. 142,
s. 1), amended

Wage
assignments

(6) Subject to subsection 7, an assignment of wages or any portion thereof to secure payment of a debt whether heretofore or hereafter given is invalid.

1968, c. 142,
s. 2, repealed

2. Section 2 of *The Wages Amendment Act, 1968* is repealed.

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 Wages Amendment Act, 1971*.

SECTION 2. Complementary to subsection 3 of section 1.





1st Reading

May 3rd, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and
Attorney General

(Government Bill)

BILL 37

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Wages Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

An Act to amend The Wages Act

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

1.—(1) Subsection 1 of section 7 of *The Wages Act* is amended by striking out “and provided further that this section applies only where the amount of such exemption exceeds the sum of \$2.50 for each working day represented by the wages seized or attached and that a portion of such debtor’s wages not exceeding the sum of \$2.50 for each working day represented by the wages seized or attached is in all cases exempt from seizure or attachment” in the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth lines, so that the subsection shall read as follows:

R.S.O. 1960,
c. 421, s. 7,
subs. 1,
amended

(1) Seventy per cent of any debt due or accruing due to any mechanic, workman, labourer, servant, clerk or employee for or in respect of his wages is exempt from seizure or attachment, provided that if a creditor of any such mechanic, workman, labourer, servant, clerk or employee, who has initiated proceedings by way of seizure or attachment of the wages of any such mechanic, workman, labourer, servant, clerk or employee, desires to contend that having regard to the nature of the debt and the circumstances of the debtor, it is unreasonable that as much as 70 per cent of such debtor’s wages should be exempt, the judge may in any particular case, upon a hearing of the matter, reduce such percentage of exemption.

Extent of
exemption
from seizure
or attach-
ment

(2) Subsection 2 of the said section 7 is repealed.

R.S.O. 1960,
c. 421, s. 7,
subs. 2,
repealed

(3) Subsection 6 of the said section 7, as re-enacted by section 1 of *The Wages Amendment Act, 1968*, is amended by inserting after “debt” in the second line “whether heretofore or hereafter given”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 421, s. 7,
subs. 6
(1968, c. 142,
s. 1), amended

- Wage assignments (6) Subject to subsection 7, an assignment of wages or any portion thereof to secure payment of a debt whether heretofore or hereafter given is invalid.
- 1968, c. 142, s. 2, repealed 2. Section 2 of *The Wages Amendment Act, 1968* is repealed.
- Commencement 3. This Act comes into force on the day it receives Royal Assent.
- Short title 4. This Act may be cited as *The Wages Amendment Act, 1971*.







1st Reading

May 3rd, 1971

2nd Reading

May 11th, 1971

3rd Reading

May 20th, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and
Attorney General

1971
.....
.....

4TH SESSION 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to prohibit the Use of Non-Returnable Bottles

MR. GAUNT

EXPLANATORY NOTE

Self-explanatory.

BILL 38

1971

An Act to prohibit the Use of Non-Returnable Bottles

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) "non-returnable bottle" means a breakable container used or designed for use as a container of a fluid beverage that is sold on the condition that it is not redeemable for money or money's worth on its return when emptied of its contents.
2. No person shall manufacture, import into Ontario, sell or offer for sale any fluid beverage that is contained in a non-returnable bottle. Use of
non-
returnable
bottles
prohibited
3. Every person who contravenes section 2 is guilty of an offence and is liable on summary conviction to a fine of not less than \$25 and not more than \$500. Offence
4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment
5. This Act may be cited as *The Non-Returnable Bottles Act, 1971*. Short title

An Act to promote
the Use of Non-Returnable Bottles

1st Reading

May 3rd, 1971

2nd Reading

3rd Reading

MR. GAUNT

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Highway Traffic Act

MR. BREITHAAPT

EXPLANATORY NOTE

Self-explanatory.

BILL 39

1971

An Act to amend The Highway Traffic Act

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

1. Section 62 of *The Highway Traffic Act*, as amended by section 47 of *The Highway Traffic Amendment Act, 1968-69*, is further amended by adding thereto the following subsections:

R.S.O. 1960,
c. 172, s. 62,
amended

- (2) Where the Lieutenant Governor in Council has made regulations prescribing a higher rate of speed upon a highway that is designated as a controlled-access highway under *The Highway Improvement Act* than the rate of speed prescribed in this Act, subject to subsection 3, no person shall drive a motor vehicle on such highway at a lesser rate of speed than 40 miles per hour.
- (3) Where because of the gradient, its load or mechanical trouble a commercial motor vehicle cannot maintain the minimum speed prescribed by subsection 2, such vehicle shall while proceeding at such lower rate of speed be driven at all times in the outer or curb lane and shall have four emergency flasher lights in operation during the whole of the time it is proceeding at such lower rate of speed.

Minimum
speed on
controlled-
access
highways
R.S.O. 1960,
c. 171

When
minimum
speed can-
not be
maintained

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

Commence-
ment

3. This Act may be cited as *The Highway Traffic Amendment Act, 1971*.

Short title

1st Reading

May 3rd, 1971

2nd Reading

3rd Reading

MR. BREITHAUPT

(Private Member's Bill)

1971

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to amend
The Private Investigators and Security Guards Act, 1965**

MR. BREITHAUPT

EXPLANATORY NOTE

The repealed clause exempted from the Act the activities of credit bureaus and other commercial reporting agencies.

BILL 40

1971

**An Act to amend
The Private Investigators and Security
Guards Act, 1965**

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

1. Clause *b* of section 2 of *The Private Investigators and Security Guards Act, 1965* is repealed. 1965, c. 102,
s. 2, cl. b,
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Private Investigators and Security Guards Amendment Act, 1971*. Short title

The Private Investigators and
Security Guards Act, 1965

1st Reading

May 3rd, 1971

2nd Reading

3rd Reading

MR. BREITHAUPT

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Workmen's Compensation Act

MR. DE MONTE

TORONTO

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

EXPLANATORY NOTES

The Bill provides for monthly payments to the widow of a workman killed in an industrial accident of 70 per cent of the average earnings of the workman.

The Bill further provides for minimum compensation to an injured workman of at least 85 per cent of his average weekly earnings during a time of temporary total disability.

BILL 41

1971

An Act to amend The Workmen's Compensation Act

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

1.—(1) Clauses *c* and *d* of subsection 1 of section 37 of *The Workmen's Compensation Act*, as re-enacted by subsection 1 of section 7 of *The Workmen's Compensation Amendment Act, 1968*, are repealed and the following substituted therefor:

- (c) where the widow or an invalid husband is the sole dependant, a monthly payment of 70 per cent of the average monthly earnings of the workman;
- (d) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of 70 per cent of the average monthly earnings of the workman, with an additional monthly payment of \$50 to be increased upon the death of the widow or invalid husband to \$60 for each child under the age of sixteen years.

(2) Clause *b* of subsection 3 of the said section 37, as re-enacted by subsection 2 of section 7 of *The Workmen's Compensation Amendment Act, 1968*, is amended by striking out "not exceeding in the whole \$275" in the sixth and seventh lines.

(3) Clause *c* of subsection 3 of the said section 37, as re-enacted by subsection 2 of section 7 of *The Workmen's Compensation Amendment Act, 1968*, is amended by striking out "not exceeding in the whole \$275" in the second line.

2. Section 40 of *The Workmen's Compensation Act*, as re-enacted by section 8 of *The Workmen's Compensation Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 437, s. 37,
subs. 1
(1968, c. 143,
s. 7, subs. 1),
cls. c, d,
re-enacted

R.S.O. 1960,
c. 437, s. 37,
subs. 3
(1968, c. 143,
s. 7, subs. 2),
cl. b,
amended

R.S.O. 1960,
c. 437, s. 37,
subs. 3
(1968, c. 143,
s. 7, subs. 2),
cl. c,
amended

R.S.O. 1960,
c. 437, s. 40
(1968, c. 143,
s. 8),
re-enacted

Temporary
total dis-
ability

40. Where temporary total disability results from the injury, the compensation shall be a minimum weekly payment of at least 85 per cent of the workman's average weekly earnings, such sum to be determined by the Board, and payable so long as the disability lasts.

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 Workmen's Compensation Amendment Act, 1971*.





1st Reading

May 4th, 1971

2nd Reading

3rd Reading

MR. DE MONTE

(Private Member's Bill)

1971

1971

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Used Car Dealers Act, 1968-69

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs

TORONTO

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

EXPLANATORY NOTE

The Used Car Dealers Act, 1968-69 is extended to include new car dealers and the title of the Act is changed to correspond.

**An Act to amend
The Used Car Dealers Act, 1968-69**

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

1. The long title of *The Used Car Dealers Act, 1968-69* is repealed and the following substituted therefor:

1968-69.
c. 136,
long title,
re-enacted

The Motor Vehicle Dealers Act, 1968-69

2.—(1) Section 1 of *The Used Car Dealers Act, 1968-69* is amended by adding thereto the following clauses:

1968-69.
c. 136, s. 1,
amended

(ca) "motor vehicle" means an automobile, truck or other vehicle propelled or driven otherwise than by muscular power, including a motorcycle, but not including a motorized snow vehicle or a farm tractor or other self-propelled machinery primarily intended for farming or construction purposes;

(cb) "motor vehicle dealer" means a person who carries on the business of buying or selling motor vehicles, whether for his own account or the account of any other person, or who holds himself out as carrying on the business of buying or selling motor vehicles.

(2) Clauses *f*, *h*, *j* and *k* of the said section 1 are repealed and the following substituted therefor:

1968-69.
c. 136, s. 1.
cls. *f*, *h*,
re-enacted;
cls. *j*, *k*,
repealed

(f) "Registrar" means the Registrar of Motor Vehicle Dealers and Salesmen;

(h) "salesman" means a person employed, appointed or authorized by a dealer to buy or sell motor vehicles on the dealer's behalf.

1968-69,
c. 136, s. 2,
subs. 1,
re-enacted

3. Subsection 1 of section 2 of *The Used Car Dealers Act, 1968-69* is repealed and the following substituted therefor:

Registrar

(1) There shall be a Registrar of Motor Vehicle Dealers and Salesmen who shall be appointed by the Lieutenant Governor in Council.

Amendment
of references
to "used
car", "used
car dealer"
or "used car
salesman"

4. *The Used Car Dealers Act, 1968-69* is amended by striking out "used car", "used car dealer" and "used car salesman", and their plural forms, wherever they occur and inserting in lieu thereof in each instance "motor vehicle", "motor vehicle dealer" or "motor vehicle salesman" or its plural form, respectively.

1968-69,
c. 136, s. 38,
re-enacted

5.—(1) Section 38 of *The Used Car Dealers Act, 1968-69* is repealed and the following substituted therefor:

Short title

38. This Act may be cited as *The Motor Vehicle Dealers Act, 1968-69*.

Amendment
of references
to *The Used
Car Dealers
Act, 1968-69*

(2) Unless the context otherwise requires, a reference to *The Used Car Dealers Act, 1964* or *The Used Car Dealers Act, 1968-69* in any statute, regulation or document shall be deemed to be a reference to *The Motor Vehicle Dealers Act, 1968-69*.

Commence-
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

7. This Act may be cited as *The Used Car Dealers Amendment Act, 1971*.



1871



1st Reading

May 6th, 1971

2nd Reading

3rd Reading

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

(Government Bill)

BILL 42

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Used Car Dealers Act, 1968-69

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs

TORONTO

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

4

BILL 42

1971

**An Act to amend
The Used Car Dealers Act, 1968-69**

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

1. The long title of *The Used Car Dealers Act, 1968-69* is ^{1968-69, c. 136,} repealed and the following substituted therefor: _{long title, re-enacted}

The Motor Vehicle Dealers Act, 1968-69

2.—(1) Section 1 of *The Used Car Dealers Act, 1968-69* is ^{1968-69, c. 136, s. 1,} amended by adding thereto the following clauses: _{amended}

(ca) "motor vehicle" means an automobile, truck or other vehicle propelled or driven otherwise than by muscular power, including a motorcycle, but not including a motorized snow vehicle or a farm tractor or other self-propelled machinery primarily intended for farming or construction purposes;

(cb) "motor vehicle dealer" means a person who carries on the business of buying or selling motor vehicles, whether for his own account or the account of any other person, or who holds himself out as carrying on the business of buying or selling motor vehicles.

(2) Clauses *f, h, j* and *k* of the said section 1 are repealed and the following substituted therefor: ^{1968-69, c. 136, s. 1,} _{cls. *f, h,* re-enacted; cls. *j, k,* repealed}

(f) "Registrar" means the Registrar of Motor Vehicle Dealers and Salesmen;

(h) "salesman" means a person employed, appointed or authorized by a dealer to buy or sell motor vehicles on the dealer's behalf.

1968-69,
c. 136, s. 2,
subs. 1,
re-enacted

3. Subsection 1 of section 2 of *The Used Car Dealers Act, 1968-69* is repealed and the following substituted therefor:

Registrar

(1) There shall be a Registrar of Motor Vehicle Dealers and Salesmen who shall be appointed by the Lieutenant Governor in Council.

Amendment
of references
to "used
car", "used
car dealer"
or "used car
salesman"

4. *The Used Car Dealers Act, 1968-69* is amended by striking out "used car", "used car dealer" and "used car salesman", and their plural forms, wherever they occur and inserting in lieu thereof in each instance "motor vehicle", "motor vehicle dealer" or "motor vehicle salesman" or its plural form, respectively.

1968-69,
c. 136, s. 38,
re-enacted

5.—(1) Section 38 of *The Used Car Dealers Act, 1968-69* is repealed and the following substituted therefor:

Short title

38. This Act may be cited as *The Motor Vehicle Dealers Act, 1968-69*.

Amendment
of references
to *The Used
Car Dealers
Act, 1968-69*

(2) Unless the context otherwise requires, a reference to *The Used Car Dealers Act, 1964* or *The Used Car Dealers Act, 1968-69* in any statute, regulation or document shall be deemed to be a reference to *The Motor Vehicle Dealers Act, 1968-69*.

Commence-
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

7. This Act may be cited as *The Used Car Dealers Amendment Act, 1971*.



...the ... of ...



1st Reading

May 6th, 1971

2nd Reading

May 27th, 1971

3rd Reading

May 27th, 1971

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Crown Timber Act

THE HON. RENE BRUNELLE
Minister of Lands and Forests

TORONTO

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

EXPLANATORY NOTES

SECTION 1. The amendment provides for the inclusion in Crown management units of private lands on which the timber is vested in the Crown.

SECTION 2. The Minister is authorized to direct licensees to offer to mill owners or operators the first opportunity to purchase timber.

SECTION 3. Complementary to section 2 and provides penalties for failure to comply with a direction of the Minister.

An Act to amend The Crown Timber Act

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

1. Section 4 of *The Crown Timber Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 83, s. 4, re-enacted
4. The Minister, with the approval of the Lieutenant Governor in Council, may designate any public lands and other lands on which trees are vested in Her Majesty in right of Ontario as a Crown management unit and enter into agreement with any person for the supply of Crown timber to such person from such unit for such term of years and in such manner as they agree upon. Crown management units
2. *The Crown Timber Act* is amended by adding thereto the following section: R.S.O. 1960, c. 83, amended
- 15a.—(1) The Minister, by written notice containing such provisions as he considers proper, may direct a licensee to offer to the owner or operator of the mill specified therein the first opportunity to purchase the kind or class of timber produced from time to time by the licensee. Supplying mills with timber
- (2) The Minister may by written notice amend, vary or revoke any notice issued pursuant to subsection 1. Amendment of notice
3. Subsection 1 of section 47 of *The Crown Timber Act*, as amended by section 12 of *The Crown Timber Amendment Act, 1964* and section 9 of *The Crown Timber Amendment Act, 1966*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 83, s. 47, subs. 1, amended
- (k) fails to comply with a written notice issued under section 15a is liable to a penalty of not less than \$25 and not more than \$1,000 for the first failure

to comply and not less than \$50 and not more than \$5,000 for each subsequent failure to comply.

R.S.O. 1960,
c. 83,
amended

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

Regulations
may be
limited

53. Any regulation may be limited territorially or as to time or otherwise.

Commence-
ment

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

Short title

6. This Act may be cited as *The Crown Timber Amendment Act, 1971*.

SECTION 4. Self-explanatory.





1st Reading

May 6th, 1971

2nd Reading

3rd Reading

THE HON. RENE BRUNELLE
Minister of Lands and Forests

(Government Bill)

BILL 43

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Crown Timber Act

THE HON. RENE BRUNELLE
Minister of Lands and Forests



BILL 43

1971

An Act to amend The Crown Timber Act

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

1. Section 4 of *The Crown Timber Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 83, s. 4, re-enacted
4. The Minister, with the approval of the Lieutenant Governor in Council, may designate any public lands and other lands on which trees are vested in Her Majesty in right of Ontario as a Crown management unit and enter into agreement with any person for the supply of Crown timber to such person from such unit for such term of years and in such manner as they agree upon. Crown management units
2. *The Crown Timber Act* is amended by adding thereto the following section: R.S.O. 1960, c. 83, amended
- 15a.—(1) The Minister, by written notice containing such provisions as he considers proper, may direct a licensee to offer to the owner or operator of the mill specified therein the first opportunity to purchase the kind or class of timber produced from time to time by the licensee. Supplying mills with timber
- (2) The Minister may by written notice amend, vary or revoke any notice issued pursuant to subsection 1. Amendment of notice
3. Subsection 1 of section 47 of *The Crown Timber Act*, as amended by section 12 of *The Crown Timber Amendment Act, 1964* and section 9 of *The Crown Timber Amendment Act, 1966*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 83, s. 47, subs. 1, amended
- (k) fails to comply with a written notice issued under section 1 a is liable to a penalty of not less than \$25 and not more than \$1,000 for the first failure

to comply and not less than \$50 and not more than \$5,000 for each subsequent failure to comply.

R.S.O. 1960,
c. 83,
amended

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

Regulations
may be
limited

53. Any regulation may be limited territorially or as to time or otherwise.

Commence-
ment

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

Short title

6. This Act may be cited as *The Crown Timber Amendment Act, 1971*.





1st Reading

May 6th, 1971

2nd Reading

May 27th, 1971

3rd Reading

June 17th, 1971

THE HON. RENE BRUNELLE
Minister of Lands and Forests

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to control the Administering of Lie-Detector Tests

MR. TROTTER

EXPLANATORY NOTE

The purpose of the Bill is to eliminate the use of lie-detector tests except with the written consent of the person to be tested and the approval of the Minister of Justice and Attorney General.

An Act to control the Administering of Lie-Detector Tests

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, "lie-detector" means a device or means ^{Lie-detector defined} of recording, by polygraph or otherwise, the chemical or biological reaction of a person uttering an intentional falsehood.

2.—(1) No person shall administer a lie-detector test to ^{Administering of tests} another except,

- (a) with the consent in Form 1 of the person to be examined; and
- (b) with the consent of the Minister of Justice and Attorney General.

(2) Clause *b* of subsection 1 does not apply to members ^{Exception} of police forces.

3. No person, directly or indirectly, alone or with another, ^{Consequence of giving or refusal of consent} by himself or by the interposition of another, shall,

- (a) coerce another person to consent to take a lie-detector test or hold out a consequence in the event of refusal;
- (b) draw any inference from a refusal to consent to take a lie-detector test; or
- (c) discriminate against a person who refuses to consent to take a lie-detector test or base any decision or course of action on the giving or refusing of consent.

Penalty

4. Any person who contravenes this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

Short title

5. This Act may be cited as *The Lie-Detector Test Act, 1971.*

FORM 1.

(Section 2 (1) (a))

CONSENT TO SUBMIT TO A LIE-DETECTOR TEST.

I hereby consent to take
(name)

a lie-detector test administered by
(name)

on the day of 19.....

I understand that under *The Lie-Detector Test Act, 1971*, it is my right to refuse without incurring any consequence.

Signed at this day of 19.....

.....
(Witness)

.....
(Signature)





the Administering of
Lie-Detector Tests

1st Reading

May 6th, 1971

2nd Reading

3rd Reading

MR. TROTTER

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Income Tax Act, 1961-62

THE HON. E. A. WINKLER
Minister of Revenue

EXPLANATORY NOTE

The amendment contained in this Bill provides that the tax payable by individuals for the 1972 taxation year shall be 28 per cent of the basic tax payable under the Federal Act for that taxation year.

BILL 45

1971

**An Act to amend
The Income Tax Act, 1961-62**

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

1. Subsection 3 of section 3 of *The Income Tax Act, 1961-62*,^{1961-62, c. 60, s. 3, subs. 3, amended} as amended by section 1 of *The Income Tax Amendment Act, 1965*, subsection 1 of section 2 of *The Income Tax Amendment Act, 1966*, section 2 of *The Income Tax Amendment Act, 1967*, section 1 of *The Income Tax Amendment Act, 1968*, section 1 of *The Income Tax Amendment Act, 1968-69* and section 1 of *The Income Tax Amendment Act, 1970 (No. 2)*, is further amended by striking out "and" at the end of clause *h* in the amendment of 1970, by adding "and" at the end of clause *i* in the amendment of 1970 and by adding thereto the following clause:

(j) 28 per cent in respect of the 1972 taxation year.

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 Income Tax Amendment Act, 1971*.^{Short title}

1st Reading

May 13th, 1971

2nd Reading

3rd Reading

THE HON. E. A. WINKLER
Minister of Revenue

(Government Bill)

BILL 45

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Income Tax Act, 1961-62

THE HON. E. A. WINKLER
Minister of Revenue

TORONTO

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

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BILL 45

1971

**An Act to amend
The Income Tax Act, 1961-62**

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

1. Subsection 3 of section 3 of *The Income Tax Act, 1961-62*,^{1961-62, c. 60, s. 3, subs. 3, amended} as amended by section 1 of *The Income Tax Amendment Act, 1965*, subsection 1 of section 2 of *The Income Tax Amendment Act, 1966*, section 2 of *The Income Tax Amendment Act, 1967*, section 1 of *The Income Tax Amendment Act, 1968*, section 1 of *The Income Tax Amendment Act, 1968-69* and section 1 of *The Income Tax Amendment Act, 1970 (No. 2)*, is further amended by striking out "and" at the end of clause *h* in the amendment of 1970, by adding "and" at the end of clause *i* in the amendment of 1970 and by adding thereto the following clause:

(j) 28 per cent in respect of the 1972 taxation year.

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 Income Tax Amendment Act, 1971*.^{Short title}

1st Reading

May 13th, 1971

2nd Reading

May 27th, 1971

3rd Reading

May 27th, 1971

THE HON. E. A. WINKLER
Minister of Revenue

1971

1971

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

The Noise Pollution Control Act, 1971

MR. BURR

EXPLANATORY NOTE

The purpose of this Act is to establish a means of regulating, controlling and prohibiting excess noise in the surrounding environment.

BILL 46

1971

The Noise Pollution Control Act, 1971

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

1. In this Act,

Interpre-
tation

- (a) "Board" means The Noise Pollution Control Advisory Board;
- (b) "Department" means the Department of Health;
- (c) "Minister" means the Minister of Health;
- (d) "noise pollution" means any level of noise that may cause discomfort to or endanger the health or safety of persons or animal life or that may cause injury or damage to property;
- (e) "provincial officer" means a person who is designated by the Minister as a provincial officer for the purposes of this Act and the regulations;
- (f) "regulations" means the regulations made under this Act.

2. The Minister, for the purposes of the administration and enforcement of this Act and the regulations, may,

Powers and
duties of
Minister

- (a) investigate noise pollution problems;
- (b) conduct research in the field of noise pollution;
- (c) conduct noise studies and monitoring programmes;
- (d) convene conferences, conduct seminars and educational programmes in the field of noise pollution;

(e) publish and disseminate information on noise pollution;

(f) appoint committees to perform such advisory functions as the Minister deems desirable.

Delegation
of powers
to officer

3. The Minister may authorize any officer or officers of the Department to exercise and discharge in his place any of the powers conferred or duties imposed upon him under this Act, except sections 6 and 10, or under the regulations.

Advisory
Board

4.—(1) A board to be known as "The Noise Pollution Control Advisory Board" shall be established consisting of not more than twelve members appointed by the Lieutenant Governor in Council as the regulations prescribe, one of whom may be designated as chairman and one as secretary.

Members

(2) The composition of the Board shall be such as to provide for competent and knowledgeable persons in the engineering, medical, urban planning, industry, agricultural and labour fields and members at large.

Vacancies

(3) Vacancies in the membership of the Board may be filled by the Lieutenant Governor in Council.

Duties of
Board

(4) The Board shall review and report upon the recommendations of a provincial officer and perform such other duties and functions as the Minister may direct.

Provincial
officers

5.—(1) The Minister may designate officers of the Department as provincial officers for the purposes of this Act and the regulations.

Powers of
provincial
officers

(2) A provincial officer may enter in or upon any land or premises at any reasonable time and make or require to be made such examinations, tests and inquiries as may be necessary or advisable for the purposes of this Act or the regulations.

Information

(3) Every operator and owner shall furnish such information as a provincial officer requires for the purposes of this Act or the regulations.

Obstructing
provincial
officer

(4) No person shall obstruct a provincial officer in the exercise of his power under this section.

Power to
review, etc.

6.—(1) Any person who complains that it is not feasible or practicable to comply with a certificate of approval or order issued or made under this Act may request the Minister to

review the certificate or order, and the Minister may review, rescind or alter any such certificate or order.

(2) If after a review by the Minister any person complains that it is still not feasible or practicable to comply with the certificate of approval or order, he may, within fifteen days after receipt of the decision of the Minister, appeal to a judge of the county or district court of the county or district in which the source of noise pollution in respect of which the certificate or order was issued or made is located, and such appeal shall be a hearing *de novo*, and the judge may dismiss the appeal or rescind or alter any such certificate or order and his decision is final.

7.—(1) No person shall construct a source of noise pollution unless he has obtained from the Minister a certificate of approval to the method and devices to be employed to control the emission of any noise from the source and to prevent noise pollution.

(2) An applicant for a certificate of approval shall submit to the Minister such plans, specifications and other information with respect to the source of noise pollution as the Minister may require.

(3) The Minister may issue a certificate of approval subject to such terms and conditions respecting the method and devices to be employed for the control of the emission of any noise from the source of noise pollution, and for the prevention of noise pollution as the Minister deems necessary.

(4) No person shall construct a source of noise pollution except in accordance with the plans, specifications, methods and devices in respect of which the certificate of approval was issued.

(5) A certificate of approval expires one year after it is issued unless the construction in respect of which it was issued has commenced before that time.

8.—(1) A provincial officer may survey from time to time any source of noise pollution and after completing such survey shall report thereon with his recommendations,

(a) respecting the source of noise pollution and such method of operation and devices as may be necessary to prevent or lessen the emission of any noise;

(b) respecting the source of noise pollution where no equipment, apparatus, device, mechanism or struc-

ture is involved and such method of operation as may be necessary to prevent or lessen the emission of any noise.

Report to be sent to Department and operator

(2) The provincial officer shall file his report and recommendations with the Department and shall serve upon the operator or owner of the source of noise pollution a copy thereof.

Review of report and recommendations by Board

(3) Upon receipt of a request in writing of the operator or owner filed with the secretary of the Board not later than fourteen days after the operator or owner received a copy of the report and recommendations, the Board shall review the report and recommendations of the provincial officer and, before it reports thereon with its recommendations, the Board shall provide the Minister and the operator or owner with an opportunity of appearing before it at a hearing to be held not earlier than fourteen days after notice has been served on the Minister and the operator or owner stating the time and place of the hearing.

Counsel

(4) Upon a hearing, the parties are entitled to be present and to be represented by counsel and make such representations as they desire.

Report of Board

(5) The Board shall send its report and recommendations to the Minister and shall forthwith serve a copy thereof upon the operator or owner.

Order of Minister

9.—(1) Upon receipt of the report and recommendations of a provincial officer or, if such a report and recommendations are reviewed by the Board, upon receipt of the report and recommendations of the Board, the Minister may make such order as he deems necessary for prohibiting the operation of the source of noise pollution or requiring changes respecting the source of noise pollution or the method of operation or devices employed to prevent or lessen the emission of any noise or to reduce or control noise pollution.

No order until time for requesting review expires

(2) No order in respect of a source of noise pollution shall be made under subsection 1 until fourteen days have elapsed after the report and recommendations of a provincial officer have been received by the operator or owner of the source of noise pollution.

Where pollution creates serious danger to health

10.—(1) Whenever the Minister, after investigation, is of the opinion that any person is emitting or causing to be emitted any noise that constitutes a serious danger to the health of any persons and that it would be prejudicial to the interests of such persons to delay action to complete a survey

under section 8, he shall notify the person by a written order that he must immediately discontinue the emission of such noise including reasons therefor, whereupon such person shall immediately discontinue such emission.

(2) The Minister shall, as soon as possible thereafter and in any event not later than seven days after giving such notice, provide the person with an opportunity to be heard and to present any evidence that such emission does not constitute a serious danger to the health of any persons. ^{Hearing}

11.—(1) Where a person complains that noise pollution is causing or has caused injury or damage to live stock which may result in economic loss to such person, he may, within fourteen days after the injury or damage becomes apparent, request the Minister to conduct an investigation. ^{Where noise pollution causes damage to live stock}

(2) Upon receipt of a request, the Minister may cause an investigation to be made and a report prepared of the findings of the investigation. ^{Request for investigation}

(3) A copy of the report shall be given to the claimant and to the operator or owner of the source of noise pollution alleged to be the cause of the injury or damage. ^{Report of investigation}

(4) The claimant shall permit the operator or owner of such source of noise pollution or his agent to view the injury or damage. ^{Right of owner to view damage, etc.}

(5) A board of negotiation shall be established consisting of two or more members appointed by the Lieutenant Governor in Council, one of whom may be designated as chairman. ^{Board of negotiation}

(6) Any two members of the board of negotiation constitute a quorum and are sufficient to perform all the functions of the board on behalf of the board. ^{Quorum}

(7) The board of negotiation may sit at any place in Ontario. ^{Place of sitting}

(8) If a complainant who has requested an investigation under subsection 1 desires to have his claim for injury or damage negotiated by the board of negotiation, he shall notify the Minister and the operator or owner of the source of noise pollution alleged to be the cause of the injury or damage of the amount of his claim within a reasonable time after the amount can be determined. ^{Notice of amount of claim}

Notice of
negotiation

(9) If the claimant and the operator or owner are not able to settle the claim within thirty days after notice of the claim is given to the Minister under subsection 8, the claimant or the operator or owner may serve notice of negotiation upon the other of them and upon the board of negotiation stating that he requires a settlement of the claim to be negotiated by the board of negotiation.

Negotiation
proceedings

(10) Upon receipt of a notice of negotiation, the board of negotiation shall assess the injury or damage in respect of which the claim is made and, upon reasonable notice to the claimant and to the operator or owner, shall meet with them and, without prejudice to any subsequent proceedings, proceed in a summary and informal manner to negotiate a settlement of the claim.

Sale of
new motor
vehicles and
engines
contrary to
regulations

12.—(1) No person shall sell, offer or expose for sale a new motor vehicle or new motor vehicle engine of a class or type that is required by the regulations to have installed on or incorporated in it any system or device to prevent or lessen the emission of noise unless such motor vehicle complies with the regulations.

Offence

(2) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500.

Operation
of motor
vehicles
without
effective
system or
device

13.—(1) No person shall operate a motor vehicle of a class or type that is required by the regulations to have installed on or incorporated in it any system or device to prevent or lessen the emission of noise unless such motor vehicle has installed on or incorporated in it such system or device and makes effective use of such system or device.

Offence

(2) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Regulations

14.—(1) The Lieutenant Governor in Council may make regulations,

- (a) classifying sources of noise pollution and exempting any class or classes from the provisions of this Act and the regulations;
- (b) classifying motor vehicles and motor vehicle engines for the purpose of any regulation and exempting any class or type of motor vehicle or motor vehicle engine from any regulation;

- (c) requiring motor vehicles or any class or type thereof and motor vehicle engines or any class or type thereof to have installed thereon or incorporated therein one or more systems or devices to prevent or lessen the emission of noise, prescribing the standards and specifications of any such system or device, prescribing the standards of emission to which any such system or device shall comply and providing for the testing and inspection of any such system or device;
- (d) providing for the issuance by the Minister of certificates of approval of systems or devices proposed to be installed on or incorporated in motor vehicles to prevent or lessen emission of noise;
- (e) defining and designating new motor vehicles and new motor vehicle engines for the purpose of any regulation;
- (f) prohibiting or regulating and controlling the emission of any noise from any source of noise pollution or any class thereof;
- (g) designating the areas in Ontario to which this Act and the regulations are applicable and designating the date on which this Act and the regulations become effective in any area;
- (h) prescribing the composition, quorum and practice and procedure of the Board and the terms of office and remuneration of its members;
- (i) prescribing the noise level of noise criteria to be used in controlling, regulating or prohibiting the emission of any noise and the standards thereof;
- (j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any regulation may be general or particular in its application and may be limited as to time or place or both. ^{Scope of regulations}

15. Notwithstanding any general or special Act, this Act and the regulations apply in such areas in Ontario as designated by the regulations. ^{Application of Act and regulations}

16.—(1) Every person who contravenes any provision of this Act, except section 12 or 13, or of the regulations or any ^{Offences}

order of the Minister made under this Act or the regulations, is guilty of an offence and on summary conviction is liable, if an individual, to a fine of not more than \$2,000, and, if a corporation, on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000.

Idem

(2) Each day that a person contravenes a provision of this Act or the regulations or an order made by the Minister constitutes a separate offence.

Service of reports, orders, etc.

17. Any report, order or notice served under this Act shall be deemed to be sufficiently served if it or a copy thereof is delivered to the operator of the source of noise pollution in respect of which the report, order or notice is served, or is delivered,

- (a) in the case of a municipality, including a district, metropolitan or regional municipality, to the head or clerk of the municipality;
- (b) in the case of any other corporation, to the president, vice-president, manager, treasurer, secretary, clerk or agent of the corporation or of any branch or agency thereof in Ontario;
- (c) in the case of a firm or partnership, to any member thereof, or, at the last known place of abode of any such member, to any adult member of his household, or, at the office or place of business of the firm or partnership, to a clerk employed therein; or
- (d) in the case of an individual, to him, or, at his last known place of abode, to any adult member of his household, or, at his office or place of business, to a clerk employed therein.

Noise pollution control by-laws R.S.O. 1960, c. 249

18. Every noise pollution control by-law of a municipality, including a district, metropolitan or regional municipality, passed under *The Municipal Act*, that is in force immediately before this Act comes into force, shall remain in force until this Act and the regulations become effective in the municipality.

Commencement

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

Short title

20. This Act may be cited as *The Noise Pollution Control Act, 1971*.



1st Reading

May 14th, 1971

2nd Reading

3rd Reading

MR. BURR

(Private Member's Bill)

- 4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Consumer Protection Act, 1966

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs

EXPLANATORY NOTES

SECTION 1. The new provision ensures that an assignee of a conditional sale or other contract is in no higher position than the assignor in respect of the promise to pay in the contract.

SECTION 2. The amendment preserves the implied warranties under *The Sale of Goods Act* in consumer sales from automatic exclusion by standard terms in contract forms.

BILL 47

1971

**An Act to amend
The Consumer Protection Act, 1966**

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

1.—(1) *The Consumer Protection Act, 1966* is amended by ^{1966. c. 23,} adding thereto the following section: ^{amended}

27a.—(1) The assignee of any rights of a lender has no ^{Obligations} greater rights than and is subject to the same ^{of assignee} obligations, liabilities and duties as the assignor, and ^{of lender} the provisions of this Act apply equally to such assignee.

(2) Notwithstanding subsection 1, a borrower shall ^{Idem} not recover from, or be entitled to set off against, an assignee of the lender an amount greater than the balance owing on the contract at the time of the assignment, and, if there have been two or more assignments, the borrower shall not recover from an assignee who no longer holds the benefit of the contract an amount that exceeds the payments made by the borrower to that assignee.

(2) Subsection 1 applies to assignments made after this ^{Application} section comes into force.

2.—(1) *The Consumer Protection Act, 1966* is amended by ^{1966. c. 23,} adding thereto the following section: ^{amended}

29a.—(1) In this section, “consumer sale” means a contract ^{“Consumer} for the sale of goods made in the ordinary course of ^{sale”} business to a purchaser for his consumption or use, ^{defined} but does not include a sale,

(a) to a purchaser for resale;

(b) to a purchaser whose purchase is in the course of carrying on business;

- (c) to an association of individuals, a partnership or a corporation ;
- (d) by a trustee in bankruptcy, a receiver, a liquidator or a person acting under the order of a court.

Implied
warranties
R.S.O. 1960,
c. 358

- (2) The implied conditions and warranties applying to the sale of goods by virtue of *The Sale of Goods Act* apply to goods sold by a consumer sale and any written term or acknowledgement, whether part of the contract of sale or not, that purports to negative or vary any of such implied conditions and warranties is void and, if a term of a contract, is severable therefrom, and such term or acknowledgement shall not be evidence of circumstances showing an intent that any of the implied conditions and warranties are not to apply.

Application

- (2) Subsection 1 applies to contracts for consumer sales entered into after this section comes into force.

Commence-
ment

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

Short title

- 4.** This Act may be cited as *The Consumer Protection Amendment Act, 1971*.



THE UNIVERSITY OF CHICAGO



An Act to amend
The Consumer Protection Act, 1966

1st Reading

May 18th, 1971

2nd Reading

3rd Reading

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

(Government Bill)

BILL 47

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Consumer Protection Act, 1966

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs

TORONTO

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

BILL 47

1971

**An Act to amend
The Consumer Protection Act, 1966**

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

1.—(1) *The Consumer Protection Act, 1966* is amended by ^{1966, c. 23,} adding thereto the following section: ^{amended}

27a.—(1) The assignee of any rights of a lender has no ^{Obligations} greater rights than and is subject to the same ^{of assignee} obligations, liabilities and duties as the assignor, and ^{of lender} the provisions of this Act apply equally to such assignee.

(2) Notwithstanding subsection 1, a borrower shall ^{idem} not recover from, or be entitled to set off against, an assignee of the lender an amount greater than the balance owing on the contract at the time of the assignment, and, if there have been two or more assignments, the borrower shall not recover from an assignee who no longer holds the benefit of the contract an amount that exceeds the payments made by the borrower to that assignee.

(2) Subsection 1 applies to assignments made after this ^{Application} section comes into force.

2.—(1) *The Consumer Protection Act, 1966* is amended by ^{1966, c. 23,} adding thereto the following section: ^{amended}

29a.—(1) In this section, “consumer sale” means a contract ^{“Consumer} for the sale of goods made in the ordinary course of ^{sale”} business to a purchaser for his consumption or use, ^{defined} but does not include a sale,

(a) to a purchaser for resale;

(b) to a purchaser whose purchase is in the course of carrying on business;

(c) to an association of individuals, a partnership or a corporation;

(d) by a trustee in bankruptcy, a receiver, a liquidator or a person acting under the order of a court.

Implied
warranties
R.S.O. 1960.
c. 358

(2) The implied conditions and warranties applying to the sale of goods by virtue of *The Sale of Goods Act* apply to goods sold by a consumer sale and any written term or acknowledgement, whether part of the contract of sale or not, that purports to negative or vary any of such implied conditions and warranties is void and, if a term of a contract, is severable therefrom, and such term or acknowledgement shall not be evidence of circumstances showing an intent that any of the implied conditions and warranties are not to apply.

Application (2) Subsection 1 applies to contracts for consumer sales entered into after this section comes into force.

Commence-
ment

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

4. This Act may be cited as *The Consumer Protection Amendment Act, 1971*.

THE UNIVERSITY OF CHICAGO

1st Reading

May 18th, 1971

2nd Reading

May 27th, 1971

3rd Reading

May 31st, 1971

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

1971

251008

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Corporations Act

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs

TORONTO

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EXPLANATORY NOTES

SECTIONS 1 TO 4. The amendments delete reference to mutual insurance corporations "with or without guarantee capital stock" since there are no mutual insurance corporations with guarantee capital stock. By reason of deposit and licensing requirements under *The Insurance Act* it is no longer considered necessary for such corporations to have guarantee stock.

The amendments also permit mutual insurance corporations to be formed by residents in a county or district rather than by "freeholders" in a municipality.

BILL 48

1971

**An Act to amend
The Corporations 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 150 of *The Corporations Act* is amended by striking out “with guarantee capital stock” in the first and second lines, so that the subsection shall read as follows:

R.S.O. 1960,
c. 71, s. 150,
subs. 1,
amended

(1) A mutual or cash-mutual corporation may be incorporated for the purpose of undertaking and transacting any class of insurance for which a mutual or cash-mutual insurance corporation may be licensed under *The Insurance Act*.

Incorporation
of mutual and
cash-mutual
insurance
corporations
R.S.O. 1960,
c. 190

(2) Subsection 2 of the said section 150 is amended by striking out “without guarantee capital stock” in the first and second lines, so that the subsection shall read as follows:

R.S.O. 1960,
c. 71, s. 150,
subs. 2,
amended

(2) A mutual insurance corporation may be incorporated for the purpose of undertaking contracts of fire insurance on the premium note plan upon agricultural property, weather insurance or live stock insurance.

Idem

(3) Subsection 3 of the said section 150, as enacted by section 7 of *The Corporations Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 71, s. 150,
subs. 3
(1968-69,
c. 16, s. 7),
re-enacted

(3) A mutual insurance corporation, all the members of which are mutual or cash-mutual corporations, may be incorporated for the purpose of reinsuring contracts of insurance entered into by its members, and such a corporation may enter into contracts of re-insurance with any licensed insurer for the purpose of retroceding all or part of reinsurance contracts entered into by it with its members.

Corporation
for re-
insurance

R.S.O. 1960,
c. 71, s. 151,
subs. 1,
re-enacted

2.—(1) Subsection 1 of section 151 of *The Corporations Act* is repealed and the following substituted therefor:

Incorporation
of mutual fire
insurance
corporation

- (1) Ten residents in any county or district may call a meeting of the residents thereof to consider whether it is expedient to establish therein a mutual fire insurance corporation to undertake contracts of fire insurance on the premium note plan upon agricultural property.

R.S.O. 1960,
c. 71, s. 151,
subs. 2,
amended

(2) Subsection 2 of the said section 151 is amended by striking out "in which the municipality is situate" in the fifth and sixth lines, so that the subsection shall read as follows:

Advertise-
ments
calling
meeting

- (2) The meeting shall be called by advertisement, stating the time, place and object of the meeting, and the advertisement shall be published once in *The Ontario Gazette* and at least once a week for three consecutive weeks in a newspaper published in the county or district.

R.S.O. 1960,
c. 71, s. 151,
subs. 3,
amended

(3) Subsection 3 of the said section 151 is amended by striking out "freeholders" in the first line and inserting in lieu thereof "residents", so that the subsection shall read as follows:

Subscription
book

- (3) If thirty residents are present at the meeting and a majority of them determine that it is expedient to establish a mutual fire insurance corporation, they may elect from among themselves three persons to open and keep a subscription book in which owners of real or personal property in Ontario may sign their names and enter the sum for which they respectively bind themselves to effect insurance in the corporation.

R.S.O. 1960,
c. 71, s. 151,
subs. 5,
re-enacted

(4) Subsection 5 of the said section 151 is repealed and the following substituted therefor:

How meeting
to be called

- (5) When the subscription has been completed, any ten of the subscribers may call the first meeting of the proposed corporation at such time and place in the county or district as they determine by sending a printed notice by mail, addressed to each subscriber at his post office address, at least ten days before the day of the meeting, and by advertisement in a newspaper having general circulation in the county or district.

R.S.O. 1960,
c. 71, s. 151,
subs. 7,
amended

(5) Subsection 7 of the said section 151 is amended by striking out "municipality, or in a municipality adjacent

thereto, named" in the fifth and sixth lines and inserting in lieu thereof "county or district", so that the subsection shall read as follows:

(7) At such meeting, or at any adjournment of it, the name and style of the company, which shall include the words "fire" and "mutual", shall be adopted, an acting secretary appointed, a board of directors elected as hereinafter provided and a central and general accessible place in the county or district at which the head office of the company is to be located.

Election of directors

(6) Subsection 13 of the said section 151, as re-enacted by section 8 of *The Corporations Amendment Act, 1968-69*, is amended by striking out "without guarantee capital stock" in the first and second lines and by inserting after "insurance" in the third line "solely", so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1960, c. 71, s. 151, subs. 13 (1968-69, c. 16, s. 8), amended

(13) A mutual insurance corporation incorporated for the purposes of undertaking contracts of fire insurance solely on the premium note plan has and is limited to the power to,

Powers

(7) Subsection 14 of the said section 151, as re-enacted by section 8 of *The Corporations Amendment Act, 1968-69*, is amended by striking out "without guarantee capital stock" in the second line, so that the subsection shall read as follows:

R.S.O. 1960, c. 71, s. 151, subs. 14 (1968-69, c. 16, s. 8), amended

(14) The letters patent of a mutual insurance corporation incorporated for the purposes of undertaking contracts of fire insurance on the premium note plan shall be deemed to include power to undertake all the classes of insurance set out in subsection 13.

Powers deemed in letters patent

3.—(1) Subsection 1 of section 152 of *The Corporations Act* is amended by striking out "municipality" in the first line and inserting in lieu thereof "county or district", so that the subsection shall read as follows:

R.S.O. 1960, c. 71, s. 152, subs. 1, amended

(1) Ten owners of live stock in any county or district may call a meeting of the owners of live stock to consider whether it is expedient to establish a live stock insurance corporation upon the mutual plan.

Incorporation of mutual live stock insurance corporation

(2) Subsection 2 of the said section 152 is repealed and the following substituted therefor:

R.S.O. 1960, c. 71, s. 152, subs. 2, re-enacted

Organization

- (2) The mode of calling such meeting and the proceedings for the formation of the corporation shall be the same *mutatis mutandis* as in the case of the formation of a mutual fire insurance corporation, except that the determination that it is expedient to establish the corporation shall be by thirty residents of the county or district, being owners of live stock in Ontario, and that the meeting for the organization of the corporation shall not be held unless fifty owners of live stock in Ontario have signed their names to the subscription book and bound themselves to effect insurance in the corporation that in the aggregate amounts to \$50,000 or more.

R.S.O. 1960,
c. 71, s. 153,
subs. 1,
amended

4.—(1) Subsection 1 of section 153 of *The Corporations Act* is amended by striking out “municipality” in the second line and inserting in lieu thereof “county or district”, so that the subsection shall read as follows:

Incorporation
of mutual
weather
insurance
corporation

- (1) Ten owners of agricultural property in any county or district may call a meeting of the owners of agricultural property to consider whether it is expedient to establish therein a weather insurance corporation upon the mutual plan.

R.S.O. 1960,
c. 71, s. 153,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 153 is repealed and the following substituted therefor:

Organization

- (2) The mode of calling such meeting and the proceedings for the formation of the corporation shall be the same *mutatis mutandis* as in the case of the formation of a mutual fire insurance corporation, except that the determination that it is expedient to establish the corporation shall be by thirty residents of the county or district, being owners of agricultural property in Ontario, and that the meeting for the organization of the corporation shall not be held unless fifty owners of agricultural property in Ontario have signed their names to the subscription book and bound themselves to effect insurance in the corporation that in the aggregate amounts to \$50,000 or more.

R.S.O. 1960,
c. 71, s. 153,
subs. 3,
amended

(3) Subsection 3 of the said section 153 is amended by striking out “without guarantee capital stock” in the third line, so that the subsection shall read as follows:

Powers

- (3) The letters patent or supplementary letters patent shall limit the powers of a mutual weather insurance corporation incorporated under this section to undertaking contracts of insurance on the premium note



SECTIONS 5 AND 6. Procedures are provided for the incorporation of cash-mutual insurance corporations substantially similar to the procedures required under the Act for the incorporation of other mutual insurance corporations.

Procedures are also provided for a mutual insurance corporation limited to writing insurance on the premium note plan to become a cash-mutual insurance corporation.

The procedures for a mutual or cash-mutual insurance corporation to become a joint stock insurance corporation are revised.

The other sections repealed relate to guarantee capital stock of cash-mutual insurance corporations and their repeal is complementary to the amendments contained in sections 1 to 4 of this Bill.

plan on any kind of agricultural property or property that is not mercantile or manufacturing against loss or injury arising from such atmospheric disturbances, discharges or conditions as the contract of insurance specifies.

5. Sections 154 to 160 of *The Corporations Act* are repealed and the following substituted therefor:

R.S.O. 1960, c. 71, ss. 154-156, re-enacted; ss. 157-160, repealed

154.—(1) Ten residents of any county or district may call a meeting of other residents thereof to consider whether it is expedient to establish a cash-mutual insurance corporation for the purpose of undertaking any class of insurance for which a cash-mutual corporation may be licensed under *The Insurance Act*.

Incorporation of cash-mutual insurance corporations

R.S.O. 1960, c. 190

(2) The mode of calling such meeting and the proceedings for the formation of the corporation shall be the same *mutatis mutandis* as in the case of a mutual fire insurance corporation undertaking contracts of fire insurance under the premium note plan, except that the determination that it is expedient to establish the corporation shall be by thirty residents of the county or district, and that the meeting for the organization of the corporation shall not be held unless fifty residents have signed the subscription book and bound themselves to effect insurance in the corporation that in the aggregate amounts to \$250,000 or more.

Organization

155.—(1) A mutual insurance corporation incorporated for the purposes of undertaking contracts of insurance on the premium note plan that has a net surplus of assets over all liabilities of not less than \$500,000, may apply to the Lieutenant Governor in Council for the issue of supplementary letters patent converting it into a cash-mutual corporation in the manner provided in this Act.

When mutual company writing on the premium note plan may become a cash-mutual corporation

(2) The application shall be authorized by a resolution of three-fourths in number of the directors of the corporation and confirmed by the members of the corporation by vote representing at least 90 per cent of the members present at a special general meeting duly called for that purpose, but the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each member at his latest address as shown on the books of the corporation.

Approval of members

Notice of
application

- (3) Notice of intention to make the application and of the confirmation by the members of the corporation shall be published in at least four consecutive issues of *The Ontario Gazette* and in a newspaper having general circulation in the county or district in which the head office of the corporation is situate at least once a week for four consecutive weeks.

Certain
documents
to be
delivered

- (4) With the application for supplementary letters patent, submitted under this section, the applicants shall produce to the Minister certified as correct under the hands of the chairman and secretary,

(a) a copy of the notice of the special meeting of the members of the corporation and the notices published in *The Ontario Gazette* and the newspaper;

(b) a copy of the minutes of the special meeting of the members, including all resolutions respecting the objects of the proposed corporation, its name and the location of its head office;

(c) a copy of the corporation's audited financial statement made up to a date not more than seven months prior to the date of the application;

(d) a list of the proposed officers and directors of the cash-mutual corporation;

(e) such further information as the Minister may require.

Report by
Super-
intendent

- (5) The Superintendent shall report to the Minister whether the proceedings for supplementary letters patent are in accordance with the provisions of this section and the requirements of *The Insurance Act*.

When cash-
mutual
company
may become
a joint stock
company

- 156.--(1) A mutual or a cash-mutual corporation that has surplus assets, not including premium notes, sufficient to reinsure all its outstanding risks may apply to the Lieutenant Governor for the issue of supplementary letters patent converting it into a joint stock insurance corporation in the manner provided in this Act.

Approval of
members

- (2) The application shall be authorized by a resolution of three-fourths in number of the directors of the corporation and confirmed by the members of the

corporation by vote representing at least 90 per cent of the members present at a special general meeting duly called for that purpose, but the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each member at his latest address as shown on the books of the corporation.

(3) Notice of intention to make the application and of the confirmation by the members of the corporation shall be published in at least four consecutive issues of *The Ontario Gazette* and in a newspaper having general circulation in the county or district in which the head office of the corporation is situate at least once a week for four consecutive weeks. Notice of application

(4) A person who is a member of the corporation on the day of the meeting is entitled to priority in subscribing to the capital stock of the corporation for one month after the opening of the books of subscription in the ratio that the insurance held by him bears to the aggregate of the unexpired risks then in force. Priority of members in subscribing stock

(5) With the application for supplementary letters patent, submitted under this section, the applicants shall produce to the Minister certified as correct under the hands of the chairman and secretary, Certain documents to be delivered

(a) a copy of the notice of the special meeting of the members of the corporation and the notices published in *The Ontario Gazette* and the newspaper;

(b) a copy of the minutes of the special general meeting of members, including all resolutions respecting the objects of the proposed corporation, its name and the location of its head office;

(c) a copy of the corporation's audited financial statement made up to a date not more than seven months prior to the date of the application;

(d) a list of the proposed officers and directors of the cash-mutual corporation;

(e) such further information as the Minister may require.

Report of
Super-
intendent

(6) The Superintendent shall report to the Minister whether the application for supplementary letters patent is in accordance with the provisions of this section and the requirements of *The Insurance Act*.

R.S.O. 1960,
c. 190

R.S.O. 1960,
c. 71, s. 161,
amended

6. Section 161 of *The Corporations Act* is amended by striking out "160" in the first line and inserting in lieu thereof "155 or 156"

R.S.O. 1960,
c. 71, ss. 162-
166,
repealed

7. Sections 162 to 166 of *The Corporations Act* are repealed.

R.S.O. 1960,
c. 71, s. 167,
re-enacted

8. Section 167 of *The Corporations Act* is repealed and the following substituted therefor:

When distri-
bution of
assets among
members
permitted

167. No mutual or cash-mutual insurance corporation that has ceased to do new business shall divide among its members any part of its assets, except income from investments, until it has performed or cancelled its policy obligations and upon proof to the Superintendent that such policy obligations have been performed or cancelled.

R.S.O. 1960,
c. 71, s. 168,
re-enacted

9. Section 168 of *The Corporations Act* is repealed and the following substituted therefor:

Application
of ss. 169-184

168. Sections 169 to 184 apply only to mutual and cash-mutual insurance corporations.

R.S.O. 1960,
c. 71, s. 173,
subs. 1,
re-enacted

10. Subsection 1 of section 173 of *The Corporations Act* is repealed and the following substituted therefor:

Voting of
members of
mutual or
cash-mutual
insurance
corporations

(1) A member of a mutual or cash-mutual insurance corporation who is not in arrear for any assessment or cash payment due by him to the corporation is entitled at all meetings of the corporation to one vote if the amount of premium paid by him annually is in excess of \$25 and no member is entitled to more than one vote.

R.S.O. 1960,
c. 71, s. 175,
subs. 1,
re-enacted

11. Subsection 1 of section 175 of *The Corporations Act* is repealed and the following substituted therefor:

Qualifica-
tions of
directors

(1) No person is eligible to be or shall act as a director unless he is a member of the corporation, insured therein for the time he holds office and entitled to a vote.

R.S.O. 1960,
c. 71, s. 181,
subs. 2,
repealed

12. Subsection 2 of section 181 of *The Corporations Act* is repealed.

SECTIONS 7 AND 8. Complementary to sections 1 to 4 of this Bill.

SECTION 9. The amendment substitutes reference to mutual and cash-mutual corporations generally in place of listing the types.

SECTION 10. The amendment changes the voting rights of members of mutual and cash-mutual insurance corporations and removes the previous schedule of the number of votes of a member being dependent on the amount of insurance held.

SECTION 11. The qualifications of directors of mutual and cash-mutual insurance corporations are amended to remove the requirement as to the amount of insurance a director must hold to qualify. A director must still be a member and insured with the corporation.

SECTION 12. After the 1st day of January, 1973, directors of mutual and cash-mutual insurance corporations will be prevented from receiving fees and applications for insurance. This is consistent with requirements for all classes of insurance.

SECTION 13. The amendment increases the minimum security that a treasurer of a mutual or cash-mutual insurance corporation must provide from \$3,000 to \$5,000 or such additional amount as the by-laws of the corporation or the Superintendent of insurance may require.

SECTION 14. The provisions repealed permit directors to establish reserve funds. These reserve funds are now redundant due to the deposit and licensing requirements of *The Insurance Act*.

13. Subsection 2 of section 185 of *The Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 71, s. 185,
subs. 2,
re-enacted

(2) The security given by the treasurer or other officer having charge of the money of the corporation shall not be less than \$5,000 or such greater amount as may be required by the by-laws of the corporation or by the Superintendent.

Minimum
security

14. Section 187 of *The Corporations Act* is repealed.

R.S.O. 1960,
c. 71, s. 187,
repealed

15.—(1) This Act, except section 12, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Section 12 comes into force on the 1st day of January, 1973.

Idem

16. This Act may be cited as *The Corporations Amendment Act, 1971*.

Short title

1st Reading

May 18th, 1971

2nd Reading

3rd Reading

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

(Government Bill)

1971

1971

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Corporations Act

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTIONS 1 TO 4. The amendments delete reference to mutual insurance corporations "with or without guarantee capital stock" since there are no mutual insurance corporations with guarantee capital stock. By reason of deposit and licensing requirements under *The Insurance Act* it is no longer considered necessary for such corporations to have guarantee stock.

The amendments also permit mutual insurance corporations to be formed by residents in a county or district rather than by "freeholders" in a municipality.

An Act to amend The Corporations 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 150 of *The Corporations Act* is amended by striking out “with guarantee capital stock” in the first and second lines, so that the subsection shall read as follows:

R.S.O. 1960,
c. 71, s. 150,
subs. 1,
amended

(1) A mutual or cash-mutual corporation may be incorporated for the purpose of undertaking and transacting any class of insurance for which a mutual or cash-mutual insurance corporation may be licensed under *The Insurance Act*.

Incorporation
of mutual and
cash-mutual
insurance
corporations
R.S.O. 1960,
c. 190

(2) Subsection 2 of the said section 150 is amended by striking out “without guarantee capital stock” in the first and second lines, so that the subsection shall read as follows:

R.S.O. 1960,
c. 71, s. 150,
subs. 2,
amended

(2) A mutual insurance corporation may be incorporated for the purpose of undertaking contracts of fire insurance on the premium note plan upon agricultural property, weather insurance or live stock insurance.

Idem

(3) Subsection 3 of the said section 150, as enacted by section 7 of *The Corporations Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 71, s. 150,
subs. 3
(1968-69,
c. 16, s. 7),
re-enacted

(3) A mutual insurance corporation, all the members of which are mutual or cash-mutual corporations, may be incorporated for the purpose of reinsuring contracts of insurance entered into by its members, and such a corporation may enter into contracts of re-insurance with any licensed insurer for the purpose of retroceding all or part of reinsurance contracts entered into by it with its members.

Corporation
for re-
insurance

R.S.O. 1960,
c. 71, s. 151,
subs. 1,
re-enacted

2.—(1) Subsection 1 of section 151 of *The Corporations Act* is repealed and the following substituted therefor:

Incorporation
of mutual fire
insurance
corporation

- (1) Ten residents in any county or district may call a meeting of the residents thereof to consider whether it is expedient to establish therein a mutual fire insurance corporation to undertake contracts of fire insurance on the premium note plan upon agricultural property.

R.S.O. 1960,
c. 71, s. 151,
subs. 2,
amended

(2) Subsection 2 of the said section 151 is amended by striking out "in which the municipality is situate" in the fifth and sixth lines, so that the subsection shall read as follows:

Advertise-
ments
calling
meeting

- (2) The meeting shall be called by advertisement, stating the time, place and object of the meeting, and the advertisement shall be published once in *The Ontario Gazette* and at least once a week for three consecutive weeks in a newspaper published in the county or district.

R.S.O. 1960,
c. 71, s. 151,
subs. 3,
amended

(3) Subsection 3 of the said section 151 is amended by striking out "freeholders" in the first line and inserting in lieu thereof "residents", so that the subsection shall read as follows:

Subscription
book

- (3) If thirty residents are present at the meeting and a majority of them determine that it is expedient to establish a mutual fire insurance corporation, they may elect from among themselves three persons to open and keep a subscription book in which owners of real or personal property in Ontario may sign their names and enter the sum for which they respectively bind themselves to effect insurance in the corporation.

R.S.O. 1960,
c. 71, s. 151,
subs. 5,
re-enacted

(4) Subsection 5 of the said section 151 is repealed and the following substituted therefor:

How meeting
to be called

- (5) When the subscription has been completed, any ten of the subscribers may call the first meeting of the proposed corporation at such time and place in the county or district as they determine by sending a printed notice by mail, addressed to each subscriber at his post office address, at least ten days before the day of the meeting, and by advertisement in a newspaper having general circulation in the county or district.

R.S.O. 1960,
c. 71, s. 151,
subs. 7,
amended

(5) Subsection 7 of the said section 151 is amended by striking out "municipality, or in a municipality adjacent

thereto, named" in the fifth and sixth lines and inserting in lieu thereof "county or district", so that the subsection shall read as follows:

(7) At such meeting, or at any adjournment of it, the name and style of the company, which shall include the words "fire" and "mutual", shall be adopted, an acting secretary appointed, a board of directors elected as hereinafter provided and a central and general accessible place in the county or district at which the head office of the company is to be located.

Election of directors

(6) Subsection 13 of the said section 151, as re-enacted by section 8 of *The Corporations Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960, c. 71, s. 151, subs. 13 (1968-69, c. 16, s. 8), re-enacted

(13) A mutual insurance corporation incorporated for the purposes of undertaking contracts of fire insurance solely on the premium note plan has and is limited to the power to,

Powers

(a) undertake contracts of fire insurance upon agricultural property or property that is not mercantile or manufacturing or hazardous, on the premium note plan in accordance with *The Insurance Act*;

R.S.O. 1960, c. 190

(b) in respect of property that it insures against fire, undertake contracts of property damage insurance, theft insurance or any class or classes of insurance set out in section 27 of *The Insurance Act*;

(c) undertake contracts of employers' liability insurance or public liability insurance as defined in *The Insurance Act* in the case of persons whose property it insures against fire, but such insurance shall be limited to liability arising from the use and occupancy of the property insured against fire; and

(d) undertake contracts of hail insurance as defined for the purposes of *The Insurance Act* in the case of persons whose property it insures against fire.

(7) Subsection 14 of the said section 151, as re-enacted by section 8 of *The Corporations Amendment Act, 1968-69*, is amended by striking out "without guarantee capital stock" in the second line, so that the subsection shall read as follows:

R.S.O. 1960, c. 71, s. 151, subs. 14 (1968-69, c. 16, s. 8), amended

Powers
deemed in
letters
patent

- (14) The letters patent of a mutual insurance corporation incorporated for the purposes of undertaking contracts of fire insurance on the premium note plan shall be deemed to include power to undertake all the classes of insurance set out in subsection 13.

R.S.O. 1960,
c. 71, s. 152,
subs. 1,
amended

3.—(1) Subsection 1 of section 152 of *The Corporations Act* is amended by striking out “municipality” in the first line and inserting in lieu thereof “county or district”, so that the subsection shall read as follows:

Incorporation
of mutual live
stock insur-
ance corpora-
tion

- (1) Ten owners of live stock in any county or district may call a meeting of the owners of live stock to consider whether it is expedient to establish a live stock insurance corporation upon the mutual plan.

R.S.O. 1960,
c. 71, s. 152,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 152 is repealed and the following substituted therefor:

Organization

- (2) The mode of calling such meeting and the proceedings for the formation of the corporation shall be the same *mutatis mutandis* as in the case of the formation of a mutual fire insurance corporation, except that the determination that it is expedient to establish the corporation shall be by thirty residents of the county or district, being owners of live stock in Ontario, and that the meeting for the organization of the corporation shall not be held unless fifty owners of live stock in Ontario have signed their names to the subscription book and bound themselves to effect insurance in the corporation that in the aggregate amounts to \$50,000 or more.

R.S.O. 1960,
c. 71, s. 153,
subs. 1,
amended

4.—(1) Subsection 1 of section 153 of *The Corporations Act* is amended by striking out “municipality” in the second line and inserting in lieu thereof “county or district”, so that the subsection shall read as follows:

Incorporation
of mutual
weather
insurance
corporation

- (1) Ten owners of agricultural property in any county or district may call a meeting of the owners of agricultural property to consider whether it is expedient to establish therein a weather insurance corporation upon the mutual plan.

R.S.O. 1960,
c. 71, s. 153,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 153 is repealed and the following substituted therefor:

Organization

- (2) The mode of calling such meeting and the proceedings for the formation of the corporation shall be the same *mutatis mutandis* as in the case of the formation of



SECTIONS 5 AND 6. Procedures are provided for the incorporation of cash-mutual insurance corporations substantially similar to the procedures required under the Act for the incorporation of other mutual insurance corporations.

Procedures are also provided for a mutual insurance corporation limited to writing insurance on the premium note plan to become a cash-mutual insurance corporation.

The procedures for a mutual or cash-mutual insurance corporation to become a joint stock insurance corporation are revised.

The other sections repealed relate to guarantee capital stock of cash-mutual insurance corporations and their repeal is complementary to the amendments contained in sections 1 to 4 of this Bill.

a mutual fire insurance corporation, except that the determination that it is expedient to establish the corporation shall be by thirty residents of the county or district, being owners of agricultural property in Ontario, and that the meeting for the organization of the corporation shall not be held unless fifty owners of agricultural property in Ontario have signed their names to the subscription book and bound themselves to effect insurance in the corporation that in the aggregate amounts to \$50,000 or more.

(3) Subsection 3 of the said section 153 is amended by striking out "without guarantee capital stock" in the third line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 71, s. 153,
subs. 3,
amended

(3) The letters patent or supplementary letters patent shall limit the powers of a mutual weather insurance corporation incorporated under this section to undertaking contracts of insurance on the premium note plan on any kind of agricultural property or property that is not mercantile or manufacturing against loss or injury arising from such atmospheric disturbances, discharges or conditions as the contract of insurance specifies.

Powers

5. Sections 154 to 160 of *The Corporations Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 71, ss. 154-
156,
re-enacted;
ss. 157-160,
repealed

154.—(1) Ten residents of any county or district may call a meeting of other residents thereof to consider whether it is expedient to establish a cash-mutual insurance corporation for the purpose of undertaking any class of insurance for which a cash-mutual corporation may be licensed under *The Insurance Act*.

Incorporation
of cash-
mutual
insurance
corporations

R.S.O. 1960,
c. 190

(2) The mode of calling such meeting and the proceedings for the formation of the corporation shall be the same *mutatis mutandis* as in the case of a mutual fire insurance corporation undertaking contracts of fire insurance under the premium note plan, except that the determination that it is expedient to establish the corporation shall be by thirty residents of the county or district, and that the meeting for the organization of the corporation shall not be held unless fifty residents have signed the subscription book and bound themselves to effect insurance in the corporation that in the aggregate amounts to \$250,000 or more.

Organization

When mutual
company
writing on
the premium
note plan
may become a
cash-mutual
corporation

155.—(1) A mutual insurance corporation incorporated for the purposes of undertaking contracts of insurance

on the premium note plan that has a net surplus of assets over all liabilities of not less than \$500,000, may apply to the Lieutenant Governor in Council for the issue of supplementary letters patent converting it into a cash-mutual corporation in the manner provided in this Act.

Approval of members

- (2) The application shall be authorized by a resolution of three-fourths in number of the directors of the corporation and confirmed by the members of the corporation by vote representing at least 90 per cent of the members present at a special general meeting duly called for that purpose, but the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each member at his latest address as shown on the books of the corporation.

Notice of application

- (3) Notice of intention to make the application and of the confirmation by the members of the corporation shall be published in at least four consecutive issues of *The Ontario Gazette* and in a newspaper having general circulation in the county or district in which the head office of the corporation is situate at least once a week for four consecutive weeks.

Certain documents to be delivered

- (4) With the application for supplementary letters patent, submitted under this section, the applicants shall produce to the Minister certified as correct under the hands of the chairman and secretary,
- (a) a copy of the notice of the special meeting of the members of the corporation and the notices published in *The Ontario Gazette* and the newspaper;
 - (b) a copy of the minutes of the special meeting of the members, including all resolutions respecting the objects of the proposed corporation, its name and the location of its head office;
 - (c) a copy of the corporation's audited financial statement made up to a date not more than seven months prior to the date of the application;
 - (d) a list of the proposed officers and directors of the cash-mutual corporation;
 - (e) such further information as the Minister may require.

- (5) The Superintendent shall report to the Minister whether the proceedings for supplementary letters patent are in accordance with the provisions of this section and the requirements of *The Insurance Act*. Report by Superintendent
R.S.O. 1960, c. 190
- 156.--(1) A mutual or a cash-mutual corporation that has surplus assets, not including premium notes, sufficient to reinsure all its outstanding risks may apply to the Lieutenant Governor for the issue of supplementary letters patent converting it into a joint stock insurance corporation in the manner provided in this Act. When cash-mutual company may become a joint stock company
- (2) The application shall be authorized by a resolution of three-fourths in number of the directors of the corporation and confirmed by the members of the corporation by vote representing at least 90 per cent of the members present at a special general meeting duly called for that purpose, but the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each member at his latest address as shown on the books of the corporation. Approval of members
- (3) Notice of intention to make the application and of the confirmation by the members of the corporation shall be published in at least four consecutive issues of *The Ontario Gazette* and in a newspaper having general circulation in the county or district in which the head office of the corporation is situate at least once a week for four consecutive weeks. Notice of application
- (4) A person who is a member of the corporation on the day of the meeting is entitled to priority in subscribing to the capital stock of the corporation for one month after the opening of the books of subscription in the ratio that the insurance held by him bears to the aggregate of the unexpired risks then in force. Priority of members in subscribing stock
- (5) With the application for supplementary letters patent, submitted under this section, the applicants shall produce to the Minister certified as correct under the hands of the chairman and secretary, Certain documents to be delivered
- (a) a copy of the notice of the special meeting of the members of the corporation and the notices published in *The Ontario Gazette* and the newspaper;

- (b) a copy of the minutes of the special general meeting of members, including all resolutions respecting the objects of the proposed corporation, its name and the location of its head office;
- (c) a copy of the corporation's audited financial statement made up to a date not more than seven months prior to the date of the application;
- (d) a list of the proposed officers and directors of the cash-mutual corporation;
- (e) such further information as the Minister may require.

Report of Superintendent

(6) The Superintendent shall report to the Minister whether the application for supplementary letters patent is in accordance with the provisions of this section and the requirements of *The Insurance Act*.

R.S.O. 1960, c. 190

R.S.O. 1960, c. 71, s. 161, amended

6. Section 161 of *The Corporations Act* is amended by striking out "160" in the first line and inserting in lieu thereof "155 or 156".

R.S.O. 1960, c. 71, ss. 162-166, repealed
R.S.O. 1960, c. 71, s. 167, re-enacted

7. Sections 162 to 166 of *The Corporations Act* are repealed.

8. Section 167 of *The Corporations Act* is repealed and the following substituted therefor:

When distribution of assets among members permitted

167. No mutual or cash-mutual insurance corporation that has ceased to do new business shall divide among its members any part of its assets, except income from investments, until it has performed or cancelled its policy obligations and upon proof to the Superintendent that such policy obligations have been performed or cancelled.

R.S.O. 1960, c. 71, s. 168, re-enacted

9. Section 168 of *The Corporations Act* is repealed and the following substituted therefor:

Application of ss. 169-184

168. Sections 169 to 184 apply only to mutual and cash-mutual insurance corporations.

R.S.O. 1960, c. 71, s. 173, subs. 1, re-enacted

10. Subsection 1 of section 173 of *The Corporations Act* is repealed and the following substituted therefor:

Voting of members of mutual or cash-mutual insurance corporations

(1) A member of a mutual or cash-mutual insurance corporation who is not in arrear for any assessment or cash payment due by him to the corporation is

SECTIONS 7 AND 8. Complementary to sections 1 to 4 of this Bill.

SECTION 9. The amendment substitutes reference to mutual and cash-mutual corporations generally in place of listing the types.

SECTION 10. The amendment changes the voting rights of members of mutual and cash-mutual insurance corporations and removes the previous schedule of the number of votes of a member being dependent on the amount of insurance held.

SECTION 11. The qualifications of directors of mutual and cash-mutual insurance corporations are amended to remove the requirement as to the amount of insurance a director must hold to qualify. A director must still be a member and insured with the corporation.

SECTION 12. After the 1st day of January, 1973, directors of mutual and cash-mutual insurance corporations will be prevented from receiving fees and applications for insurance. This is consistent with requirements for all classes of insurance.

SECTION 13. The amendment increases the minimum security that a treasurer of a mutual or cash-mutual insurance corporation must provide from \$3,000 to \$5,000 or such additional amount as the by-laws of the corporation or the Superintendent of insurance may require.

SECTION 14. The provisions repealed permit directors to establish reserve funds. These reserve funds are now redundant due to the deposit and licensing requirements of *The Insurance Act*.

entitled at all meetings of the corporation to one vote if the amount of premium paid by him annually is in excess of \$25 and no member is entitled to more than one vote.

11. Subsection 1 of section 175 of *The Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 71, s. 175, subs. 1, re-enacted

(1) No person is eligible to be or shall act as a director unless he is a member of the corporation, insured therein for the time he holds office and entitled to a vote. Qualifications of directors

12. Subsection 2 of section 181 of *The Corporations Act* is repealed. R.S.O. 1960, c. 71, s. 181, subs. 2, repealed

13. Subsection 2 of section 185 of *The Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 71, s. 185, subs. 2, re-enacted

(2) The security given by the treasurer or other officer having charge of the money of the corporation shall not be less than \$5,000 or such greater amount as may be required by the by-laws of the corporation or by the Superintendent. Minimum security

14. Section 187 of *The Corporations Act* is repealed. R.S.O. 1960, c. 71, s. 187, repealed

15.—(1) This Act, except section 12, comes into force on the day it receives Royal Assent. Commencement

(2) Section 12 comes into force on the 1st day of January, 1973. Idem

16. This Act may be cited as *The Corporations Amendment Act, 1971*. Short title

1st Reading

May 18th, 1971

2nd Reading

June 10th, 1971

3rd Reading

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

*(Reprinted as amended by the Committee of
the Whole House)*

1971

BILL 48

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Corporations Act

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs

An Act to amend The Corporations 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 150 of *The Corporations Act* is amended by striking out “with guarantee capital stock” in the first and second lines, so that the subsection shall read as follows:

R.S.O. 1960,
c. 71, s. 150,
subs. 1,
amended

(1) A mutual or cash-mutual corporation may be incorporated for the purpose of undertaking and transacting any class of insurance for which a mutual or cash-mutual insurance corporation may be licensed under *The Insurance Act*.

Incorporation
of mutual and
cash-mutual
insurance
corporations
R.S.O. 1960,
c. 190

(2) Subsection 2 of the said section 150 is amended by striking out “without guarantee capital stock” in the first and second lines, so that the subsection shall read as follows:

R.S.O. 1960,
c. 71, s. 150,
subs. 2,
amended

(2) A mutual insurance corporation may be incorporated for the purpose of undertaking contracts of fire insurance on the premium note plan upon agricultural property, weather insurance or live stock insurance.

Idem

(3) Subsection 3 of the said section 150, as enacted by section 7 of *The Corporations Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 71, s. 150,
subs. 3
(1968-69,
c. 16, s. 7),
re-enacted

(3) A mutual insurance corporation, all the members of which are mutual or cash-mutual corporations, may be incorporated for the purpose of reinsuring contracts of insurance entered into by its members, and such a corporation may enter into contracts of re-insurance with any licensed insurer for the purpose of retroceding all or part of reinsurance contracts entered into by it with its members.

Corporation
for re-
insurance

R.S.O. 1960,
c. 71, s. 151,
subs. 1,
re-enacted

2.—(1) Subsection 1 of section 151 of *The Corporations Act* is repealed and the following substituted therefor:

Incorporation
of mutual fire
insurance
corporation

(1) Ten residents in any county or district may call a meeting of the residents thereof to consider whether it is expedient to establish therein a mutual fire insurance corporation to undertake contracts of fire insurance on the premium note plan upon agricultural property.

R.S.O. 1960,
c. 71, s. 151,
subs. 2,
amended

(2) Subsection 2 of the said section 151 is amended by striking out "in which the municipality is situate" in the fifth and sixth lines, so that the subsection shall read as follows:

Advertise-
ments
calling
meeting

(2) The meeting shall be called by advertisement, stating the time, place and object of the meeting, and the advertisement shall be published once in *The Ontario Gazette* and at least once a week for three consecutive weeks in a newspaper published in the county or district.

R.S.O. 1960,
c. 71, s. 151,
subs. 3,
amended

(3) Subsection 3 of the said section 151 is amended by striking out "freeholders" in the first line and inserting in lieu thereof "residents", so that the subsection shall read as follows:

Subscription
book

(3) If thirty residents are present at the meeting and a majority of them determine that it is expedient to establish a mutual fire insurance corporation, they may elect from among themselves three persons to open and keep a subscription book in which owners of real or personal property in Ontario may sign their names and enter the sum for which they respectively bind themselves to effect insurance in the corporation.

R.S.O. 1960,
c. 71, s. 151,
subs. 5,
re-enacted

(4) Subsection 5 of the said section 151 is repealed and the following substituted therefor:

How meeting
to be called

(5) When the subscription has been completed, any ten of the subscribers may call the first meeting of the proposed corporation at such time and place in the county or district as they determine by sending a printed notice by mail, addressed to each subscriber at his post office address, at least ten days before the day of the meeting, and by advertisement in a newspaper having general circulation in the county or district.

R.S.O. 1960,
c. 71, s. 151,
subs. 7,
amended

(5) Subsection 7 of the said section 151 is amended by striking out "municipality, or in a municipality adjacent"

thereto, named" in the fifth and sixth lines and inserting in lieu thereof "county or district", so that the subsection shall read as follows:

(7) At such meeting, or at any adjournment of it, the name and style of the company, which shall include the words "fire" and "mutual", shall be adopted, an acting secretary appointed, a board of directors elected as hereinafter provided and a central and general accessible place in the county or district at which the head office of the company is to be located.

Election of directors

(6) Subsection 13 of the said section 151, as re-enacted by section 8 of *The Corporations Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960, c. 71, s. 151, subs. 13 (1968-69, c. 16, s. 8), re-enacted

(13) A mutual insurance corporation incorporated for the purposes of undertaking contracts of fire insurance solely on the premium note plan has and is limited to the power to,

Powers

(a) undertake contracts of fire insurance upon agricultural property or property that is not mercantile or manufacturing or hazardous, on the premium note plan in accordance with *The Insurance Act*;

R.S.O. 1960, c. 190

(b) in respect of property that it insures against fire, undertake contracts of property damage insurance, theft insurance or any class or classes of insurance set out in section 27 of *The Insurance Act*;

(c) undertake contracts of employers' liability insurance or public liability insurance as defined in *The Insurance Act* in the case of persons whose property it insures against fire, but such insurance shall be limited to liability arising from the use and occupancy of the property insured against fire; and

(d) undertake contracts of hail insurance as defined for the purposes of *The Insurance Act* in the case of persons whose property it insures against fire.

(7) Subsection 14 of the said section 151, as re-enacted by section 8 of *The Corporations Amendment Act, 1968-69*, is amended by striking out "without guarantee capital stock" in the second line, so that the subsection shall read as follows:

R.S.O. 1960, c. 71, s. 151, subs. 14 (1968-69, c. 16, s. 8), amended

Powers deemed in letters patent

- (14) The letters patent of a mutual insurance corporation incorporated for the purposes of undertaking contracts of fire insurance on the premium note plan shall be deemed to include power to undertake all the classes of insurance set out in subsection 13.

R.S.O. 1960, c. 71, s. 152, subs. 1, amended

3.—(1) Subsection 1 of section 152 of *The Corporations Act* is amended by striking out “municipality” in the first line and inserting in lieu thereof “county or district”, so that the subsection shall read as follows:

Incorporation of mutual live stock insurance corporation

- (1) Ten owners of live stock in any county or district may call a meeting of the owners of live stock to consider whether it is expedient to establish a live stock insurance corporation upon the mutual plan.

R.S.O. 1960, c. 71, s. 152, subs. 2, re-enacted

(2) Subsection 2 of the said section 152 is repealed and the following substituted therefor:

Organization

- (2) The mode of calling such meeting and the proceedings for the formation of the corporation shall be the same *mutatis mutandis* as in the case of the formation of a mutual fire insurance corporation, except that the determination that it is expedient to establish the corporation shall be by thirty residents of the county or district, being owners of live stock in Ontario, and that the meeting for the organization of the corporation shall not be held unless fifty owners of live stock in Ontario have signed their names to the subscription book and bound themselves to effect insurance in the corporation that in the aggregate amounts to \$50,000 or more.

R.S.O. 1960, c. 71, s. 153, subs. 1, amended

4.—(1) Subsection 1 of section 153 of *The Corporations Act* is amended by striking out “municipality” in the second line and inserting in lieu thereof “county or district”, so that the subsection shall read as follows:

Incorporation of mutual weather insurance corporation

- (1) Ten owners of agricultural property in any county or district may call a meeting of the owners of agricultural property to consider whether it is expedient to establish therein a weather insurance corporation upon the mutual plan.

R.S.O. 1960, c. 71, s. 153, subs. 2, re-enacted

(2) Subsection 2 of the said section 153 is repealed and the following substituted therefor:

Organization

- (2) The mode of calling such meeting and the proceedings for the formation of the corporation shall be the same *mutatis mutandis* as in the case of the formation of

a mutual fire insurance corporation, except that the determination that it is expedient to establish the corporation shall be by thirty residents of the county or district, being owners of agricultural property in Ontario, and that the meeting for the organization of the corporation shall not be held unless fifty owners of agricultural property in Ontario have signed their names to the subscription book and bound themselves to effect insurance in the corporation that in the aggregate amounts to \$50,000 or more.

(3) Subsection 3 of the said section 153 is amended by striking out "without guarantee capital stock" in the third line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 71, s. 153,
subs. 3,
amended

- (3) The letters patent or supplementary letters patent shall limit the powers of a mutual weather insurance corporation incorporated under this section to undertaking contracts of insurance on the premium note plan on any kind of agricultural property or property that is not mercantile or manufacturing against loss or injury arising from such atmospheric disturbances, discharges or conditions as the contract of insurance specifies.

Powers

5. Sections 154 to 160 of *The Corporations Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 71, ss. 154-
156,
re-enacted;
ss. 157-160,
repealed

154.—(1) Ten residents of any county or district may call a meeting of other residents thereof to consider whether it is expedient to establish a cash-mutual insurance corporation for the purpose of undertaking any class of insurance for which a cash-mutual corporation may be licensed under *The Insurance Act*.

Incorporation
of cash-
mutual
insurance
corporations

R.S.O. 1960,
c. 190

- (2) The mode of calling such meeting and the proceedings for the formation of the corporation shall be the same *mutatis mutandis* as in the case of a mutual fire insurance corporation undertaking contracts of fire insurance under the premium note plan, except that the determination that it is expedient to establish the corporation shall be by thirty residents of the county or district, and that the meeting for the organization of the corporation shall not be held unless fifty residents have signed the subscription book and bound themselves to effect insurance in the corporation that in the aggregate amounts to \$250,000 or more.

Organization

When mutual
company
writing on
the premium
note plan
may become a
cash-mutual
corporation

155.—(1) A mutual insurance corporation incorporated for the purposes of undertaking contracts of insurance

on the premium note plan that has a net surplus of assets over all liabilities of not less than \$500,000, may apply to the Lieutenant Governor in Council for the issue of supplementary letters patent converting it into a cash-mutual corporation in the manner provided in this Act.

Approval of
members

- (2) The application shall be authorized by a resolution of three-fourths in number of the directors of the corporation and confirmed by the members of the corporation by vote representing at least 90 per cent of the members present at a special general meeting duly called for that purpose, but the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each member at his latest address as shown on the books of the corporation.

Notice of
application

- (3) Notice of intention to make the application and of the confirmation by the members of the corporation shall be published in at least four consecutive issues of *The Ontario Gazette* and in a newspaper having general circulation in the county or district in which the head office of the corporation is situate at least once a week for four consecutive weeks.

Certain
documents
to be
delivered

- (4) With the application for supplementary letters patent, submitted under this section, the applicants shall produce to the Minister certified as correct under the hands of the chairman and secretary,
- (a) a copy of the notice of the special meeting of the members of the corporation and the notices published in *The Ontario Gazette* and the newspaper;
 - (b) a copy of the minutes of the special meeting of the members, including all resolutions respecting the objects of the proposed corporation, its name and the location of its head office;
 - (c) a copy of the corporation's audited financial statement made up to a date not more than seven months prior to the date of the application;
 - (d) a list of the proposed officers and directors of the cash-mutual corporation;
 - (e) such further information as the Minister may require.

- (5) The Superintendent shall report to the Minister whether the proceedings for supplementary letters patent are in accordance with the provisions of this section and the requirements of *The Insurance Act*.

Report by Superintendent

R.S.O. 1960, c. 190

- 156.—(1) A mutual or a cash-mutual corporation that has surplus assets, not including premium notes, sufficient to reinsure all its outstanding risks may apply to the Lieutenant Governor for the issue of supplementary letters patent converting it into a joint stock insurance corporation in the manner provided in this Act.

When cash-mutual company may become a joint stock company

- (2) The application shall be authorized by a resolution of three-fourths in number of the directors of the corporation and confirmed by the members of the corporation by vote representing at least 90 per cent of the members present at a special general meeting duly called for that purpose, but the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each member at his latest address as shown on the books of the corporation.

Approval of members

- (3) Notice of intention to make the application and of the confirmation by the members of the corporation shall be published in at least four consecutive issues of *The Ontario Gazette*, and in a newspaper having general circulation in the county or district in which the head office of the corporation is situate at least once a week for four consecutive weeks.

Notice of application

- (4) A person who is a member of the corporation on the day of the meeting is entitled to priority in subscribing to the capital stock of the corporation for one month after the opening of the books of subscription in the ratio that the insurance held by him bears to the aggregate of the unexpired risks then in force.

Priority of members in subscribing stock

- (5) With the application for supplementary letters patent, submitted under this section, the applicants shall produce to the Minister certified as correct under the hands of the chairman and secretary,

Certain documents to be delivered

- (a) a copy of the notice of the special meeting of the members of the corporation and the notices published in *The Ontario Gazette* and the newspaper;

- (b) a copy of the minutes of the special general meeting of members, including all resolutions respecting the objects of the proposed corporation, its name and the location of its head office;
- (c) a copy of the corporation's audited financial statement made up to a date not more than seven months prior to the date of the application;
- (d) a list of the proposed officers and directors of the cash-mutual corporation;
- (e) such further information as the Minister may require.

Report of
Super-
intendent

R.S.O. 1960,
c. 190

- (6) The Superintendent shall report to the Minister whether the application for supplementary letters patent is in accordance with the provisions of this section and the requirements of *The Insurance Act*.

R.S.O. 1960,
c. 71, s. 161,
amended

- 6.** Section 161 of *The Corporations Act* is amended by striking out "160" in the first line and inserting in lieu thereof "155 or 156".

R.S.O. 1960,
c. 71, ss. 162-
166,
repealed
R.S.O. 1960,
c. 71, s. 167,
re-enacted

- 7.** Sections 162 to 166 of *The Corporations Act* are repealed.

- 8.** Section 167 of *The Corporations Act* is repealed and the following substituted therefor:

When distri-
bution of
assets among
members
permitted

- 167. No mutual or cash-mutual insurance corporation that has ceased to do new business shall divide among its members any part of its assets, except income from investments, until it has performed or cancelled its policy obligations and upon proof to the Superintendent that such policy obligations have been performed or cancelled.

R.S.O. 1960,
c. 71, s. 168,
re-enacted

- 9.** Section 168 of *The Corporations Act* is repealed and the following substituted therefor:

Application
of ss. 169-184

- 168. Sections 169 to 184 apply only to mutual and cash-mutual insurance corporations.

R.S.O. 1960,
c. 71, s. 173,
subs. 1,
re-enacted

- 10.** Subsection 1 of section 173 of *The Corporations Act* is repealed and the following substituted therefor:

Voting of
members of
mutual or
cash-mutual
insurance
corporations

- (1) A member of a mutual or cash-mutual insurance corporation who is not in arrear for any assessment or cash payment due by him to the corporation is

entitled at all meetings of the corporation to one vote if the amount of premium paid by him annually is in excess of \$25 and no member is entitled to more than one vote.

11. Subsection 1 of section 175 of *The Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 71, s. 175,
subs. 1,
re-enacted

(1) No person is eligible to be or shall act as a director unless he is a member of the corporation, insured therein for the time he holds office and entitled to a vote. Qualifica-
tions of
directors

12. Subsection 2 of section 181 of *The Corporations Act* is repealed. R.S.O. 1960,
c. 71, s. 181,
subs. 2,
repealed

13. Subsection 2 of section 185 of *The Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 71, s. 185,
subs. 2,
re-enacted

(2) The security given by the treasurer or other officer having charge of the money of the corporation shall not be less than \$5,000 or such greater amount as may be required by the by-laws of the corporation or by the Superintendent. Minimum
security

14. Section 187 of *The Corporations Act* is repealed. R.S.O. 1960,
c. 71, s. 187,
repealed

15.—(1) This Act, except section 12, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 12 comes into force on the 1st day of January, 1973. Idem

16. This Act may be cited as *The Corporations Amendment Act, 1971*. Short title

1st Reading

May 18th, 1971

2nd Reading

June 10th, 1971

3rd Reading

June 17th, 1971

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

BILL 49

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Securities Act, 1966

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs

TORONTO

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

EXPLANATORY NOTES

SECTION 1—Subsection 1. The definition of “associate” is amended to correspond with the definition as enacted in *The Business Corporations Act, 1970*.

Subsections 2, 3 and 4. The word “primary” is deleted from the term “primary distribution” to the public and what constitutes a holding that materially affects control is clarified.

An Act to amend The Securities Act, 1966

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

1.—(1) Paragraph 1a of subsection 1 of section 1 of *The Securities Act, 1966*, as renumbered by subsection 1 of section 1 of *The Securities Amendment Act, 1968-69*, is repealed and the following substituted therefor:

1966, c. 142,
s. 1, subs. 1,
par. 1a
(1968-69, c.
116, s. 1,
subs. 1),
re-enacted

1a. "associate", where used to indicate a relationship with any person or company means,

- i. any company of which such person or company beneficially owns, directly or indirectly, equity shares carrying more than 10 per cent of the voting rights attached to all equity shares of the company for the time being outstanding,
- ii. any partners of that person or company acting by or for the partnership of which they are both partners,
- iii. any trust or estate in which such person or company has a substantial beneficial interest or as to which such person or company serves as trustee or in a similar capacity,
- iv. any spouse, son or daughter of that person, or
- v. any relative of such person or of his spouse, other than a relative referred to in subparagraph iv, who has the same home as such person.

2) Subsection 1 of the said section 1 is amended by adding thereto the following paragraph:

1966, c. 142,
s. 1, subs. 1,
amended

5b. "distribution to the public", used in relation to trading in securities, means,

- i. trades that are made for the purpose of distributing to the public securities issued by a company and not previously distributed to the public, or
- ii. trades in previously issued securities for the purpose of distributing such securities to the public where the securities form all or a part of or are derived from the holdings of any person, company or any combination of persons or companies holding a sufficient number of any of the securities of a company to materially affect the control of such company, but any person, company or any combination of persons or companies holding more than 20 per cent of the outstanding equity shares in a company shall, in the absence of evidence to the contrary, be deemed to materially affect the control of such company,

whether such trades are made directly to the public or indirectly to the public through an underwriter or otherwise, and includes any transaction or series of transactions involving a purchase and sale or a repurchase and resale in the course of or incidental to such distribution.

1966, c. 142,
s. 1, subs. 1,
par. 16,
repealed

(3) Paragraph 16 of subsection 1 of the said section 1 is repealed.

1966, c. 142,
s. 1, subs. 1,
par. 32,
amended

(4) Paragraph 32 of subsection 1 of the said section 1 is amended by striking out "primary" in the fifth line, so that the paragraph shall read as follows:

32. "underwriter" means a person or company who, as principal, purchases securities from a person or company with a view to, or who as agent for a person or company offers for sale or sells securities in connection with, a distribution to the public of such securities, and includes a person or company who has a direct or indirect participation in any such distribution, but does not include a person or company whose interest in the transaction is limited to receiving the usual and customary distributors' or sellers' commission payable by an underwriter.



SECTION 2—Subsection 1. The amendment adds reference to *The Business Corporations Act, 1970* to retain the inclusion of share capital corporations.

Subsections 2 and 3. The amendment clarifies the previous definition aimed at exempting statutory amalgamations, reorganizations and mergers. In addition it provides specific exemptions for the issue of shares for assets valued at \$100,000 or more for or the acquisition of mining claims and the purchase of shares by the promoters.

2.—(1) Paragraph 1 of subsection 1 of section 19 of *The Securities Act, 1966* is amended by inserting after “Act” in the sixth line, “*The Business Corporations Act, 1970*”, so that the paragraph shall read as follows:

1966 c. 142,
s. 19, sub. 1,
par. 1,
amended

1. A trade in a security by an executor, administrator, guardian or committee or by an authorized trustee or assignee, an interim or official receiver or a custodian under the *Bankruptcy Act* (Canada), or by a receiver under *The Judicature Act* or by a liquidator under *The Corporations Act, The Business Corporations Act, 1970*, or the *Winding-up Act* (Canada), or at a judicial sale.

R.S.C. 1952,
cc. 14, 296,
R.S.O. 1960,
cc. 197, 71,
1970, c. 25

(2) Paragraph 9 of subsection 1 of the said section 19 is repealed and the following substituted therefor:

1966, c. 142,
s. 19,
subs. 1,
par. 9,
re-enacted

9. A trade in a security of a company that is exchanged by or for the account of such company or the holders of the securities of such company in connection with,

- (a) a statutory amalgamation or arrangement;
- (b) any statutory procedure under which one company takes title to the assets of the other company which in turn loses its existence by operation of law, or under which the existing companies merge in a new company; or
- (c) a take-over bid as defined in Part IX.

9a. A trade in a security of a company in connection with an offer to purchase shares by way of private agreement with less than fifteen shareholders, or an offer to purchase all of the shares in a private company.

9b. A trade in a security by a company as consideration for a portion of or all of the assets of any person or company if the fair value of the assets so purchased is not less than \$100,000.

9c. A trade by a company in the securities of its own issue to its promoters.

(3) Subsection 2 of the said section 19 is amended by adding thereto the following paragraph:

1966, c. 142,
s. 19,
subs. 2,
amended

12a. Securities issued by a mining company or a mining exploration company as consideration for mining claims where the vendor enters into such escrow or pooling agreement as the Director considers necessary.

1966, c. 142,
s. 26, subs. 1,
amended

3. Subsection 1 of section 26 of *The Securities Act, 1966* is amended by inserting after "Act" where it occurs the first time in the twenty-eighth line, "*The Business Corporations Act, 1970*", so that the subsection shall read as follows:

Order to
hold or
refrain from
dealing
with funds

(1) The Commission may,

- (a) where it is about to order an investigation under section 21 or during or after an investigation under section 21 or 23;
- (b) where it is about to make or has made a direction, decision, order or ruling suspending or cancelling the registration of any person or company or affecting the right of any person or company to trade in securities; or
- (c) where criminal proceedings or proceedings in respect of a contravention of this Act or the regulations are about to be or have been instituted against any person or company, that in the opinion of the Commission are connected with or arise out of any security or any trade therein or out of any business conducted by such person or company,

in writing or by telegram direct any person or company having on deposit or under control or for safekeeping any funds or securities of the person or company referred to in clause *a*, *b* or *c* to hold such funds or securities or direct the person or company referred to in clause *a*, *b* or *c* to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safekeeping or to hold all funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act, 1970*, or the *Winding-up Act* (Canada), or until the Commission in writing revokes the direction or consents to release any particular fund or security from the direction, provided that no such direction applies to funds or securities in a stock exchange clearing house or to securities in process of transfer by a transfer agent unless the direction expressly so states, and in the case of a bank, loan or trust company, the direction applies only to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,
cc. 14, 296,
R.S.O. 1960,
cc. 197, 71,
1970, c. 25



SECTION 4. The amendment requires notice of appeal from the Director's decision to go to the Commission rather than the Director.

SECTIONS 5, 6, 7, 8, 9, 10 and 11. Complementary to subsection 2 of section 1 of this Bill.

SECTION 12—Subsection 1. The amendment makes it clear that the exemptions from the requirement for a prospectus are confined to purchases as principal for the purchaser's own account, preventing the exemptions from being used as a means of avoiding obtaining registration as an underwriter.

4. Subsection 1 of section 28 of *The Securities Act, 1966*, 1966, c. 142, s. 28, subs. 1, as amended by section 10 of *The Securities Amendment Act, 1968*, is further amended by striking out "Director" in the amendment of 1968 and inserting in lieu thereof "Commission", so that the subsection shall read as follows:

(1) Any person or company primarily affected by a direction, decision, order or ruling of the Director may, by notice in writing sent by registered mail to the Commission within thirty days after the mailing of the notice of the direction, decision, order or ruling, request and be entitled to a hearing and review thereof by the Commission. Review by Commission

5. Subsection 1 of section 35 of *The Securities Act, 1966*, 1966, c. 142, s. 35, subs. 1, as amended by subsection 1 of section 13 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the fourth line.

6. Section 37 of *The Securities Act, 1966* is amended by striking out "primary" in the second line. 1966, c. 142, s. 37, amended

7. Section 39 of *The Securities Act, 1966* is amended by striking out "primary" in the seventh line. 1966, c. 142, s. 39, amended

8.—(1) Subsection 1 of section 54 of *The Securities Act, 1966* 1966, c. 142, s. 54, subs. 1, is amended by striking out "primary" in the first line and in the fifth line. amended

(2) Subsection 2 of the said section 54 is amended by striking out "primary" in the third line. 1966, c. 142, s. 54, subs. 2, amended

9. Section 55 of *The Securities Act*, as amended by section 17 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the second line. 1966, c. 142, s. 55, amended

10. Section 56 of *The Securities Act, 1966*, as amended by section 18 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the first line. 1966, c. 142, s. 56, amended

11. Section 57 of *The Securities Act, 1966*, as amended by section 19 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the third line. 1966, c. 142, s. 57, amended

12.—(1) Subsection 1 of section 58 of *The Securities Act, 1966* is repealed and the following substituted therefor: 1966, c. 142, s. 58, subs. 1, re-enacted

(1) Section 35 does not apply to a trade in the course of a distribution to the public where, Where s. 35 does not apply

(a) the purchaser or proposed purchaser is a person or company referred to in paragraph 3 of subsection 1 of section 19 who purchases

as principal for investment only and not with a view to resale or distribution;

- (b) the purchaser or proposed purchaser is a person or company referred to in subsection 3 of section 19 who purchases as principal;
- (c) the trade is one referred to in paragraphs 6, 8, 9, 9a, 9b, 9c and 10 of subsection 1 of section 19; or
- (d) the trade is made from one person or company registered for trading in securities to another person or company registered for trading in securities where the purchasing person or company is acting as principal.

Trades by trust companies as trustees R.S.O. 1960, c. 222

(1a) For the purposes of subsection 1, a trust company registered under *The Loan and Trust Corporations Act* shall be deemed to be acting as principal when it trades as trustee for accounts fully managed by it.

1966, c. 142, s. 58, subs. 2, amended

(2) Subsection 2 of the said section 58 is amended by inserting after "to" in the first line "a distribution to the public of" so that the subsection, exclusive of the clauses, shall read as follows:

Idem

(2) Section 35 does not apply to a distribution to the public of securities,

1966, c. 142, s. 59, re-enacted

13. Section 59 of *The Securities Act, 1966*, as amended by section 21 of *The Securities Amendment Act, 1968*, is repealed and the following substituted therefor:

Trades deemed not a distribution to the public

59.—(1) The Commission, where in its opinion to do so would not be prejudicial to the public interest, upon the application of an interested party may rule that, subject to such terms or conditions as the Commission may impose, a trade or an intended trade in a security shall be deemed not to be a distribution to the public.

Idem

(2) Where the Commission determines under subsection 1 that a trade or an intended trade would not be a distribution to the public of the security, the Commission may rule that registration is not required in respect of such trade.

Determination of whether a primary distribution has concluded

(3) Where doubt exists whether a distribution to the public of any security has been concluded or is currently in progress, the Commission may determine the question and rule accordingly.

Rulings final

(4) A ruling of the Commission under this section is final and there is no appeal therefrom.

Subsection 2. Complementary to subsection 2 of section 1 of this Bill.

SECTION 13. The Commission's power to determine whether a trade is in the course of distribution to the public is revised to give discretion to exempt from section 35 on the basis of public interest and subject to conditions that may be imposed.

SECTION 14. Complementary to subsection 2 of section 1 of this Bill.

SECTION 15. The amendment permits the Director to refuse to issue a receipt for a prospectus where there is not an escrow agreement for securities including those issued for cash consideration.

SECTIONS 16, 17 and 18. Complementary to subsection 2 of section 1 of this Bill.

SECTION 19—Subsection 1. Complementary to subsection 2 of section 1 of this Bill.

Subsections 2 and 3. The words implying that the provision confers a cause of action are changed to more accurately refer to a right conferred by the provision.

14.—(1) Subsection 1 of section 60 of *The Securities Act, 1966* is amended by striking out "primary" in the second line 1966, c. 142, s. 60, subs. 1, amended

(2) Subsection 2 of the said section 60 is amended by striking out "primary" in the second line. 1966, c. 142, s. 60, subs. 2, amended

15. Clause *d* of subsection 1 of section 61 of *The Securities Act*, as amended by subsection 1 of section 1 of *The Securities Amendment Act, 1967*, is repealed and the following substituted therefor: 1966, c. 142, s. 61, subs. 1, cl. d, re-enacted

(*d*) such escrow or pooling agreement as the Director considers necessary or advisable with respect to securities has not been entered into.

16.—(1) Subsection 1 of section 62 of *The Securities Act, 1966* is amended by striking out "primary" in the fifth line 1966, c. 142, s. 62, subs. 1, amended

(2) Subsection 3 of the said section 62, as amended by section 23 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the fourth line, and in the second line of clause *a*. 1966, c. 142, s. 62, subs. 3, amended

17.—(1) Subsection 1 of section 62*a* of *The Securities Act*, as enacted by section 2 of *The Securities Amendment Act, 1967*, is amended by striking out "primary" in the first line. 1966, c. 142, s. 62*a* (1967 c. 92, s. 2), subs. 1, amended

(2) Subsection 2 of the said section 62*a* is amended by striking out "primary" in the fourth line. 1966, c. 142, s. 62*a* (1967, c. 92, s. 2), subs. 2, amended

18. Subsection 1 of section 63 of *The Securities Act, 1966* is amended by striking out "primary" in the third line. 1966, c. 142, s. 63, subs. 1, amended

19.—(1) Subsection 1 of section 64 of *The Securities Act, 1966* is amended by striking out "primary" in the third line. 1966, c. 142, s. 64, subs. 1, amended

(2) Subsection 2 of the said section 64 is repealed and the following substituted therefor: 1966, c. 142, s. 64, subs. 2, re-enacted

(2) No action shall be commenced to enforce the right of rescission conferred by this section after the expiration of ninety days from the receipt of the prospectus or amended prospectus by the purchaser or from the date of the contract referred to in subsection 1, whichever is later. Period of limitation

(3) Subsection 7 of the said section 64 is amended by striking out "cause of action" in the first line and inserting in lieu thereof "right of rescission", so that the subsection shall read as follows: 1966, c. 142, s. 64, subs. 7, amended

(7) The right of rescission conferred by this section is in addition to and without derogation from any other right the purchaser may have at law. No derogation of rights

1966, c. 142,
s. 65,
amended

20. Section 65 of *The Securities Act, 1966* is amended by striking out "primary" in the second line.

1966, c. 142,
s. 80, cl. b,
re-enacted

21. Clause *b* of section 80 of *The Securities Act, 1966* is repealed and the following substituted therefor:

(b) "exempt offer" means,

- (i) an offer to purchase shares by way of private agreement with fewer than fifteen individual shareholders and not made to shareholders generally,
- (ii) an offer to purchase shares to be effected through the facilities of a stock exchange or in the over-the-counter market, where such purchases are reported in accordance with section 109*a*,
- (iii) an offer to purchase shares in a private company, or
- (iv) an offer exempted by order of the Commission made under section 89.

1966, c. 142,
s. 81,
pars. 3-7,
re-enacted

22. Paragraphs 3, 4, 5, 6 and 7 of section 81 of *The Securities Act, 1966* are repealed and the following substituted therefor:

- 3. Any shares deposited pursuant to a take-over bid may be withdrawn by or on behalf of an offeree at any time until the expiration of seven days from its date, but where the terms of the take-over bid are varied before the expiration thereof the offeree shall have an additional seven days from the date of their receipt of the varied offer to withdraw any shares deposited pursuant to the take-over bid.
- 4. Where a take-over bid is made for less than all the equity shares owned by offerees, shares deposited pursuant thereto shall not be taken up and paid for by an offeror until the expiration of twenty-one days from its date.
- 5. Where a take-over bid is made for less than all the equity shares owned by offerees, the period of time within which shares may be deposited pursuant to the take-over bid, or any extension thereof, shall not exceed thirty-five days from the date of the take-over bid.
- 6. Where a take-over bid is made for less than all the equity shares owned by offerees, shares deposited pursuant to the take-over bid shall be taken up and

SECTION 20. Complementary to subsection 2 of section 1 of this Bill.

SECTION 21. The definition of "exempt offer" is revised to eliminate inconsistencies and to complement sections 25 and 31 of this Bill.

SECTION 22. The amendment gives an offeree an additional seven-day withdrawal period where the terms of the take-over bid are varied before the expiration of the offer and deletes the restrictive words "of a class" so that the offer must be for all of the equity shares if the offeror wishes it to extend longer than 35 days. The amendment also requires certain additional information in the take-over circular and prohibits any conditions to the offer except the right to withdraw if a minimum number of shares is not tendered.

SECTION 23. The provisions for directors' circulars are rewritten to provide for advance notice of the circular and to permit an individual director to recommend acceptance or rejection of the take-over bid.

paid for, if all the terms and conditions thereof not waived by the offeror have been complied with, within fourteen days after the last day within which shares may be deposited pursuant thereto.

7. Where a take-over bid is made for less than all the equity shares owned by offerees and where a greater number of shares is deposited pursuant thereto than the offeror is bound or willing to take up and pay for, the shares taken up by the offeror shall be taken up as nearly as may be *pro rata*, disregarding fractions, according to the number of shares deposited by each offeree.
8. Where the laws applicable to the company provide for a right of appraisal or acquisition, the offeror shall advise the offeree of his rights of appraisal and whether the offeror intends exercising any right of acquisition he may have.
9. Where the offeror intends to purchase securities in the market, his intention shall be set out in the take-over bid circular and, where the take-over bid is made for less than all of the equity shares owned by the offeree, he shall not reduce the number of shares he is bound or willing to take up under paragraph 7 by the number of shares purchased in the market.
10. The offeror shall not attach any conditions to the offer except the right to withdraw the offer if the offerees fail to tender the minimum number of shares the offeror is bound and willing to take up.
11. Where the offer is made for all of the equity shares owned by offerees the offeror shall, at the expiration of thirty-five days from the making of the offer, take up and pay for the shares tendered at that time or abandon his offer.

23. Section 86 of *The Securities Act, 1966* is repealed and the following substituted therefor: 1966, c. 142,
s. 86,
re-enacted

- 86.—(1) Where the board of directors of an offeree company recommends to offerees acceptance or rejection of a take-over bid made to such offerees, the board shall send or cause to be sent to each offeree with this communication a directors' circular, which shall contain the information prescribed by Division D of this Part. Directors'
circular

Advising
shareholders

- (2) Where the board of directors is considering sending a circular under subsection 1, it may advise its shareholders of this fact and may advise them not to tender their shares until a further communication is received from the directors.

Idem

- (3) Where the board of directors elects to send a communication under subsection 2, it shall send a directors' circular at least seven days prior to the expiry of the offer.

Recom-
mendation
by
individual
director or
officer

- (4) An individual director or officer may recommend to offerees acceptance or rejection of a take-over bid made to such offerees if the director or officer sends or causes to be sent to each offeree with this communication a circular containing, *mutatis mutandis*, the information required by section 95 relating to his holdings and interest.

Sending
communi-
cations

- (5) All communications required or permitted by this section shall be sent to each offeree by prepaid mail at his last address as shown on the books of the company.

1966, c. 142,
amended

24. *The Securities Act, 1966* is amended by adding thereto the following section:

Certificate
where
take-over
bid by
company

- 88a.—(1) Subject to subsection 2, where a take-over bid is made by or on behalf of a company the take-over bid circular shall contain a certificate in the following form, signed by the chief executive officer, the chief financial officer and, on behalf of the board of directors, by any two directors of the company other than the foregoing, duly authorized to sign:

“The foregoing constitutes full, true and plain disclosure of all material facts relating to the take-over bid made by this circular as required by Part IX of *The Securities Act, 1966*, and the regulations thereunder.”

Idem

- (2) Where the company has only three directors, two of whom are the chief executive officer and the chief financial officer, the certificate may be signed by all the directors of the company.

Certificate
where
take-over bid
by person

- (3) Where a take-over bid is made by a person, the circular shall be certified in the form set out in subsection 1 by the person making the offer.

Certificate
where
take-over
bid by
undisclosed
principal

- (4) Where the take-over bid is made on behalf of an undisclosed principal, as permitted by section 91, the circular shall be certified in the form set out in subsection 1 by the agent making the offer.

SECTION 24. The take-over bid circular is required to be certified in the same manner as a prospectus and to be subject to the same liabilities.

SECTION 25. At present, offers may be exempted by a judge of the High Court. The amendment gives the Commission this power to exempt, subject to appeal as formerly.

SECTION 26. Self-explanatory.

SECTION 27. The directors' circular is required to be certified in the same way as the take-over bid circular.

SECTION 28. The offerees are given the same right to rescind when the take-over bid circular is misleading as a purchaser has in the case of a misleading prospectus.

25. Section 89 of *The Securities Act, 1966* is repealed and the following substituted therefor: 1966, c. 142,
s. 89,
re-enacted

89. Any person or company may apply to the Commission for an order declaring a take-over bid to be an exempt offer and the Commission may, where in its opinion such an order would not be prejudicial to the public interest, upon such terms or conditions as it may impose, deem the proposed offer to be exempt. Application
to disclose
bid to
be an
exempt
offer

26. Section 91 of *The Securities Act, 1966* is amended by adding thereto the following subsection: 1966, c. 142,
s. 91,
amended

(2) Where a take-over bid is made for less than all of the outstanding equity shares owned by offerees, the identity of the offeror shall be disclosed in the take-over bid circular. Naming of
offeror

27. Section 98 of *The Securities Act, 1966* is repealed and the following substituted therefor: 1966, c. 142,
s. 98,
re-enacted

98.—(1) Subject to subsection 2, where a directors' circular is sent to offerees under subsection 1 of section 86 it shall contain a certificate in the following form, signed by the chief executive officer, the chief financial officer and, on behalf of the board of directors, by any two directors of the company other than the foregoing, duly authorized to sign: Certificate
on directors
circular

“The foregoing constitutes full, true and plain disclosure of all material facts relating to the take-over bid as required by sections 95 to 97 of *The Securities Act, 1966*, and the regulations thereunder.”

(2) Where the company has only three directors, two of whom are the chief executive officers and the chief financial officer, the certificate may be signed by all the directors of the company. Idem

(3) Where a circular is sent out to offerees under subsection 4 of section 86, it shall be certified by the individual director or officer in the form set out in subsection 1. Certificate
of circular
of individual
director or
officer

28. *The Securities Act, 1966* is amended by adding thereto the following section: 1966, c. 142,
amended

RIGHT OF RESCISSION

Grounds for
rescission
by offeree

99a.—(1) An offeree who is a party to a contract resulting from a take-over bid has a right to rescind the contract if the take-over bid circular forwarded in compliance with this Part received by the offeree, as of the date of receipt, contains an untrue statement of a material fact or omits to state a material fact necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it was made.

Limitation
of action

(2) No action shall be commenced to enforce the right of rescission conferred by this section after the expiration of ninety days from the receipt of the take-over bid circular or amended circular or from the date of the contract referred to in subsection 1, whichever is later.

Exceptions

(3) Subsection 1 does not apply to untrue statements of a material fact or an omission to state a material fact,

(a) if the untruth of such statements or the fact of such omission was unknown to the offeror and, in the exercise of reasonable diligence, could not have been known to the offeror; or

(b) if the offeree knew of the untruth of the statement or knew of the omission at the time he tendered his securities to the offeror.

Receipt
by mail

(4) For the purpose of this section, where a take-over bid circular or amended circular is sent by prepaid mail it shall be deemed to be received in the ordinary course of mail by the person or company to whom it was addressed.

Right of
rescission
in addition
to other
rights

(5) The right of rescission conferred by this section is in addition to and without derogation from any other right the offeree may have at law.

Circular
to contain
notice of
right of
rescission

(6) Every take-over bid circular shall contain a statement of the right of rescission provided by this section.

1966, c. 142,
s. 100, cl. a,
subcl. i,
amended

29.—(1) Subclause i of clause a of section 100 of *The Securities Act, 1966* is amended by striking out "primary" in the third line.

SECTION 29—Subsection 1. The amendment adds reference to *The Business Corporations Act, 1970* to retain the inclusion of share capital corporations.

Subsection 2. Complementary to subsection 2 of section 1 of this Bill.

SECTION 30. The purpose of the amendment is to define ownership for the purposes of insider reporting.

SECTION 31. The amendment requires a timely insider report upon the acquisition through market purchases of 20 per cent of the equity shares. A similar report is required on the acquisition of each 5 per cent thereafter.

(2) Subclause iii of clause *a* of the said section 100 is amended by inserting after "Act" in the third line "or *The Business Corporations Act, 1970*", so that the subclause shall read as follows:

1966, c. 142
s. 100 cl. a,
subcl. iii,
amended

(iii) a company incorporated by or under a general or special Act of the Legislature or a company to which Part II of *The Corporations Act* or *The Business Corporations Act, 1970* applies, or

R.S.O. 1960,
c. 71,
1970, c. 25

30. Subsection 2 of section 108 of *The Securities Act, 1966* is amended by striking out "and" at the end of clause *a*, by adding "and" at the end of clause *b* and by adding thereto the following clause:

1966, c. 142,
s. 108,
subs. 2,
amended

(c) for the purpose of reporting under section 109 or 109a, ownership shall be deemed to pass at such time as an offer to sell is accepted by the purchaser or his agent or an offer to buy is accepted by the vendor or his agent.

31. *The Securities Act, 1966* is amended by adding thereto the following section:

1966, c. 142,
amended

109a.—(1) Where an offeror as defined in Part IX becomes an insider and through purchases effected through the facilities of a stock exchange or in the over-the-counter market becomes the beneficial owner, directly or indirectly, of equity shares of a corporation carrying 20 per cent or more of the voting rights attached to all equity shares of the corporation for the time being outstanding such offeror within three days of acquiring such 20 per cent ownership, shall file with the Commission a report as of the day on which he attained such ownership.

Report by
offeror

(2) An offeror required to file a report under subsection 1 shall, within three days of purchasing further equity shares carrying an additional 5 per cent of the voting rights through the facilities of a stock exchange or in the over-the-counter market file with the Commission a report as of the day on which he attained the additional 5 per cent of the voting rights and thereafter each time he acquires a further 5 per cent.

Idem

Idem (3) Where the facts required to be reported by this section are identical to those required under section 109, a separate report under section 109 is not required.

1966, c. 142,
s. 110,
subs. 1,
amended **32.** Subsection 1 of section 110 of *The Securities Act, 1966* is amended by striking out "section 109" in the second line and inserting in lieu thereof "sections 109 and 109a", so that the subsection shall read as follows:

Reports
may be
inspected

(1) All reports filed with the Commission under sections 109 and 109a shall be open to public inspection at the offices of the Commission during normal business hours of the Commission, and any person may make extracts from such reports.

1966, c. 142,
s. 111,
subs. 1,
amended **33.**—(1) Subsection 1 of section 111 of *The Securities Act, 1966* is amended by inserting after "109" in the second line "or 109a", so that the subsection shall read as follows:

Offence

(1) Every person or company that is required to file a report under section 109 or 109a and who fails so to do is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where a company fails to so report, every director or officer of such company who authorized, permitted or acquiesced in such failure is also guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

1966, c. 142,
s. 111,
subs. 2,
amended (2) Subsection 2 of the said section 111 is amended by striking out "subsection 1, 2 or 3 of section 109" in the second line and inserting in lieu thereof "section 109 or 109a", so that the subsection shall read as follows:

Idem

(2) Every person or company who files a report under section 109 or 109a that is false or misleading by reason of the misstatement or omission of any material fact is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where a company files a false or misleading report, every director or officer of such company who authorized, permitted or acquiesced in the filing of such false or misleading report is also guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

1966, c. 142,
s. 115, cl. a,
amended **34.** Clause a of section 115 of *The Securities Act, 1966* is amended by striking out "section 109" in the second line and inserting in lieu thereof "sections 109 and 109a", so that the clause shall read as follows:

SECTIONS 32, 33, 34 and 35. Complementary to section 31 of this Bill.

SECTION 36—Subsection 1. Complementary to section 38 of this Bill.

Subsections 2 and 4. Complementary to subsection 2 of section 1 of this Bill.

Subsection 3. The amendment adds reference to *The Business Corporations Act, 1970* to retain the inclusion of share capital corporation.

- (a) prescribing the form and content of the reports required to be filed under sections 109 and 109a.

35. Subsection 1 of section 116 of *The Securities Act, 1966* 1966, c. 142, s. 116, subs. 1, re-enacted is repealed and the following substituted therefor:

- (1) Upon the application of an interested person or Conflict company, the Commission may,

- (a) if a requirement of section 109 or 109a conflicts with a requirement of the laws of the jurisdiction in which a corporation is incorporated; or
- (b) if the laws of the jurisdiction to which the corporation is subject contain substantially similar requirements as contained in sections 109 and 109a; or
- (c) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing,

make an order on such terms and conditions as seem to the Commission just and expedient exempting, in whole or in part, a person or company from the requirements of sections 109 and 109a.

36.—(1) Subsection 1 of section 118 of *The Securities Act, 1966* 1966, c. 142, s. 118, subs. 1, amended is amended by adding thereto the following clauses:

- (aa) “basic earnings per share” means the amount of income attributable to each outstanding share that carries as an incident of ownership the right to participate in earnings to an unlimited degree, calculated in the manner prescribed by the regulations;

- (c) “fully diluted earnings per share” means the amount of income attributable to each share that would, if all potential conversions, exercises and contingent issuances had occurred during the period, be outstanding and have as an incident of ownership the right to participate in earnings to an unlimited degree, calculated in the manner prescribed by the regulations.

(2) Subclause i of clause b of subsection 1 of the said 1966, c. 142, s. 118, subs. 1, cl. b, subcl. i, amended section 118 is amended by striking out “primary” in the third line.

1966, c. 142
s. 118,
subs. 1, cl.
b subel. iii.
amended

(3) Subclause iii of clause *b* of subsection 1 of the said section 118 is amended by inserting after "Act" in the third line "or *The Business Corporations Act, 1970*", so that the subclause shall read as follows:

(iii) a company incorporated by or under a general or special Act of the Legislature or a company to which Part II of *The Corporations Act* or *The Business Corporations Act, 1970* applies.

R.S.O. 1960,
c. 71,
1970, c. 25

1966, c. 142,
s. 118, subs.
2, (1968,
c. 123, s. 31)
amended

(4) Subsection 2 of the said section 118, as enacted by section 31 of *The Securities Amendment Act, 1968*, is amended by striking out "primary" in the fourth line.

1966, c. 142,
s. 120,
subs. 3, 4,
repealed

37. Subsections 3 and 4 of section 120 of *The Securities Act, 1966* are repealed.

1966, c. 142,
s. 121,
subs. 1,
amended

38.—(1) Subsection 1 of section 121 of *The Securities Act, 1966* is amended by striking out "and" at the end of clause *i* and by adding thereto the following clauses:

(*k*) the basic earnings per share for the current and preceding year for,

(i) income before extraordinary items, and

(ii) net income for the period; and

(*l*) fully diluted earnings per share for the current year for,

(i) income before extraordinary items, and

(ii) net income for the period,

1966, c. 142,
s. 121,
subs. 3,
repealed

(2) Subsection 3 of the said section 121 is repealed.

1966, c. 142,
s. 125,
amended

39. Subsection 3 of section 125 of *The Securities Act, 1966* is amended by adding thereto the following paragraphs:

16. Where the corporation has,

i. in the course of a financial period, carried on business of two or more classes that, in the opinion of its directors, differ substantially from each other and the corporation is not one that has any subsidiaries at the end of that financial period, or if it has one or more

SECTION 37. The provisions repealed are included in the amendment made by section 42 of this Bill.

SECTION 38—Subsection 1. Earnings per share are required to be shown in the financial statement.

Subsection 2. The provision repealed is included in the amendment made by section 42 of this Bill.

SECTION 39. The amendment provides for the break-down by note to the financial statement of certain information in respect of each class of business where the corporation carries on more than one class of business.



— subsidiaries, does not prepare its financial statement in consolidated form in respect of any subsidiary, or

- ii. has one or more subsidiaries at the end of its financial period and prepares its financial statement in consolidated form in respect of any of the subsidiaries, if the corporation and any of the subsidiaries carried on between them in the course of the period business of two or more classes that, in the opinion of the directors of the corporation, differ substantially from each other,

a statement of the proportions in which the amount of sales or gross revenue for that period, so far as stated in the financial statement in respect of that period, is divided among those classes of business but for the purposes of subparagraphs i and ii,

- iii. classes of business that, in the opinion of the directors, do not differ substantially from each other shall be treated as one class, and
 - iv. a corporation having gross sales and revenues exceeding \$25,000,000 need only report in respect of a class of business that contributes 10 per cent or more of the total gross revenue of the corporation and a corporation having gross sales and revenues of \$25,000,000 or less need only report in respect of a class of business that contributes 15 per cent or more of the total gross revenue of the corporation.
17. Where there has been a business combination or acquisition arrived at through private agreements, statutory amalgamations, statutory arrangements or statutory procedures, a take-over bid as defined in Part IX, asset purchases or other methods of materially adding to or combining with an existing business, the details thereof in accordance with the acquisition equation prescribed by the regulations.
 18. Where securities have been issued to acquire assets, the proportion of the total securities outstanding, expressed as a percentage, represented by the securities issued to make the acquisition.
 19. Where the pooling of interest method is used to account for a business combination or acquisition,

an earnings history for at least two years as though the companies were pooled for the years covered by such history, set out alongside the earnings history of the acquiring company.

1966, c. 142,
s. 129,
subs. 1,
cl. b,
amended

40.—(1) Clause *b* of subsection 1 of section 129 of *The Securities Act, 1966* is amended by striking out “and” at the end of subclause iv and by adding thereto the following subclauses:

- (vi) the basic earnings per share for income before extraordinary items and for net income for the period, and
- (vii) fully diluted earnings per share for income before extraordinary items and for net income.

1966, c. 142,
s. 129,
subs. 2,
repealed

(2) Subsection 2 of the said section 129 is repealed.

1966, c. 142,
s. 130,
subs. 4,
re-enacted

41. Subsection 4 of section 130 of *The Securities Act, 1966* is repealed and the following substituted therefor:

Idem

(4) Where a corporation complies with this Part by complying with subsection 1, the financial statements and the auditor’s reports thereon, the interim financial statements and the additional financial information referred to in clauses *a* and *b* of subsection 1 shall be sent to the Commission,

- (a) on the same date as such financial statements are mailed by the corporation to its shareholders; or
- (b) so as to reach the Commission within 170 days of the date to which such financial statements are made up or, in the case of interim financial statements, within sixty days of the date to which the interim financial statements are made up,

whichever is earlier.

1966, c. 142,
s. 131,
subs. 1,
re-enacted

42. Subsection 1 of section 131 of *The Securities Act, 1966* is repealed and the following substituted therefor:

Order of
Commission
relieving
against
certain
requirements

(1) Upon the application of a corporation, the Commission may, where in the opinion of the Commission to do so would not be prejudicial to the public interest, make an order on such terms and conditions as the Commission may impose,

SECTION 40—Subsection 1. The earnings per share are required to be shown on the interim financial statements in the same way as they are required by section 38 of this Bill to be shown on the financial statement.

Subsection 2. The provision repealed is included in the amendment made by section 42 of this Bill.

SECTION 41. The amendment adjusts the period for filing interim financial statements with the Commission.

SECTION 42. The amendment requires the Commission's approval to omit certain information from the financial statement, which at present can be omitted through the use of a note to the financial statement and consolidates in one place the procedure for all similar applications to the Commission.



(a) permitting the omission of,

- (i) financial statements relating separately to the period covered by the financial year next preceding the latest completed financial year referred to in clause *b* of subsection 1 of section 120,
- (ii) sales or gross operating revenue referred to in clause *a* of subsection 1 of section 121 or subclause *i* of clause *b* of subsection 1 of section 129 from the statement of profit and loss or the interim financial statement, as the case may be, where the Commission is satisfied that the disclosure of such information would be unduly detrimental to the interests of the corporation,
- (iii) the basic earnings per share or fully diluted earnings per share referred to in clauses *k* and *l* of subsection 1 of section 121, or in subclauses *vi* and *vii* of clause *b* of subsection 1 of section 129 from the statement of profit and loss or the interim financial statement, as the case may be,
- (iv) the information relating to the comparable period referred to in subsection 1 of section 129;

(b) where, in the opinion of the Commission, the corporation is unable to comply with the requirements of section 123, permitting the corporation to file in lieu thereof, an alternative statement containing such information, if any, as the Commission considers appropriate;

(c) exempting, in whole or in part, the corporation from the requirements of this Part,

- (i) if such a requirement conflicts with a requirement of the laws of the jurisdiction in which a corporation is incorporated, or
- (ii) if the laws of the jurisdiction to which

the corporation is subject contain substantially similar requirements as contained in this Part, or

- (iii) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing.

1966, c. 142,
s. 133,
re-enacted

43. Section 133 of *The Securities Act, 1966* is repealed and the following substituted therefor:

Material
to be filed
by certain
companies
R.S.O. 1960,
c. 71,
1970, c. 25

133.—(1) A company that is subject to sections 82 to 93a of *The Corporations Act* or sections 167 to 185 of *The Business Corporations Act, 1970* shall file with the Commission its financial statements, auditor's reports thereon and interim financial statements that are required to be mailed by the company to its shareholders.

Time of
filing

- (2) The financial statements, auditor's reports thereon and interim financial statements referred to in subsection 1 shall be sent to the Commission on the same date such statements are mailed or required to be mailed by the company to its shareholders, whichever is earlier.

1966, c. 142,
amended

44. *The Securities Act, 1966* is amended by adding thereto the following section:

Con-
sequence of
false state-
ment in
information
circular

141c. Where a circular has been sent to the offerees or the shareholders of an offeree company as required by Part IX, every person or company to whom such circular was sent shall be deemed to have relied upon the statements made in the circular and, if a material false statement is contained in a circular, each person who at the time the circular was signed was a director of the company on whose behalf the circular was signed and each person who was required to sign a certificate under section 88a or section 98 is liable to pay compensation to all shareholders of the company whose shares are the subject of the take-over bid for any loss or damage such shareholders have sustained as a result of such material false statement unless it is proved,

- (a) that the circular was prepared and sent without his knowledge or consent, and that, c

SECTION 43. The amendment to subsection 1 of section 133 of the Act corrects an error in the reference and adds reference to *The Business Corporations Act, 1970* to retain the inclusion of share capital corporations. The amendment to subsection 2 of section 133 adopts the same times for filing material with the Commission as are adopted in section 41 of this Bill.

SECTION 44. The amendment provides similar civil liability and defences in respect of errors in a take-over bid circular as are provided in respect of false statements in a prospectus.

SECTION 45. Complementary to section 36 of this Bill.

becoming aware of its being sent, he forthwith gave reasonable public notice that it was so sent without his knowledge or consent;

- (b) that, before the statement was relied or acted upon, on becoming aware of any false statement therein, he withdrew his consent thereto and gave reasonable public notice of such withdrawal and of the reasons therefor;
- (c) that, with respect to every false statement, he had reasonable grounds to believe and did believe that the statement was true;
- (d) that he had no reasonable grounds to believe that an expert who made a statement in a circular or whose report or valuation was produced or fairly summarized therein was not competent to make such statement, valuation or report; or
- (e) that, with respect to every false statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, it was a correct and fair representation of the statement a copy or extract from the document.

45. Section 144 of *The Securities Act, 1966*, as amended by ^{1966, c. 142,} section 3 of *The Securities Amendment Act, 1967* and section 10 ^{s. 144,} amended of *The Securities Amendment Act, 1968-69*, is further amended by adding thereto the following clause:

- (pa) prescribing the manner of calculating basic earnings per share and fully diluted earnings per share for the purposes of clauses *aa* and *c* of subsection 1 of section 118.

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

47. This Act may be cited as *The Securities Amendment Act, 1971*. ^{Short title}

1st Reading

May 20th, 1971

2nd Reading

3rd Reading

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

1971

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Securities Act, 1966

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs

(Reprinted as amended by the Committee of the Whole House)

TORONTO

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EXPLANATORY NOTES

SECTION 1—Subsection 1. The definition of “associate” is amended to correspond with the definition as enacted in *The Business Corporations Act, 1970*.

Subsections 2, 3 and 4. The word “primary” is deleted from the term “primary distribution” to the public and what constitutes a holding that materially affects control is clarified.

BILL 49

1971

An Act to amend The Securities Act, 1966

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

1.—(1) Paragraph 1a of subsection 1 of section 1 of *The Securities Act, 1966*, as renumbered by subsection 1 of section 1 of *The Securities Amendment Act, 1968-69*, is repealed and the following substituted therefor:

1966, c. 142,
s. 1, subs. 1,
par. 1a
(1968-69, c.
116, s. 1,
subs. 1),
re-enacted

1a. "associate", where used to indicate a relationship with any person or company means,

- i. any company of which such person or company beneficially owns, directly or indirectly, equity shares carrying more than 10 per cent of the voting rights attached to all equity shares of the company for the time being outstanding,
- ii. any partners of that person or company acting by or for the partnership of which they are both partners,
- iii. any trust or estate in which such person or company has a substantial beneficial interest or as to which such person or company serves as trustee or in a similar capacity,
- iv. any spouse, son or daughter of that person, or
- v. any relative of such person or of his spouse, other than a relative referred to in subparagraph iv, who has the same home as such person.

(2) Subsection 1 of the said section 1 is amended by adding thereto the following paragraph:

1966, c. 142,
s. 1, subs. 1,
amended

5b. "distribution to the public", used in relation to trading in securities, means,

- i. trades that are made for the purpose of distributing to the public securities issued by a

company and not previously distributed to the public, or

- ii. trades in previously issued securities for the purpose of distributing such securities to the public where the securities form all or a part of or are derived from the holdings of any person, company or any combination of persons or companies holding a sufficient number of any of the securities of a company to materially affect the control of such company, but any person, company or any combination of persons or companies holding more than 20 per cent of the outstanding equity shares in a company shall, in the absence of evidence to the contrary, be deemed to materially affect the control of such company,

whether such trades are made directly to the public or indirectly to the public through an underwriter or otherwise, and includes any transaction or series of transactions involving a purchase and sale or a repurchase and resale in the course of or incidental to such distribution.

1966, c. 142,
s. 1, subs. 1,
par. 16,
repealed

(3) Paragraph 16 of subsection 1 of the said section 1 is repealed.

1966, c. 142,
s. 1, subs. 1,
par. 32,
amended

(4) Paragraph 32 of subsection 1 of the said section 1 is amended by striking out "primary" in the fifth line, so that the paragraph shall read as follows:

32. "underwriter" means a person or company who, as principal, purchases securities from a person or company with a view to, or who as agent for a person or company offers for sale or sells securities in connection with, a distribution to the public of such securities, and includes a person or company who has a direct or indirect participation in any such distribution, but does not include a person or company whose interest in the transaction is limited to receiving the usual and customary distributors' or sellers' commission payable by an underwriter.

1966, c. 142,
s. 2, subs. 1,
amended

2.—(1) Subsection 1 of section 2 of *The Securities Act, 1966* as amended by section 2 of *The Securities Amendment Act, 1968* is further amended by striking out "five" in the amendment of 1968 and inserting in lieu thereof "seven", so that the subsection shall read as follows:

Commission

(1) The Commission, which shall be responsible for the administration of this Act, shall be composed of Chairman and not more than seven other members one of whom shall be designated as Vice-Chairman.



SECTION 3—Subsection 1. The amendment adds reference to *The Business Corporations Act, 1970* to retain the inclusion of share capital corporations.

Subsections 2 and 3. The amendment clarifies the previous definition aimed at exempting statutory amalgamations, reorganizations and mergers. In addition it provides specific exemptions for the issue of shares for assets valued at \$100,000 or more for or the acquisition of mining claims and the purchase of shares by the promoters.

3.—(1) Paragraph 1 of subsection 1 of section 19 of *The Securities Act, 1966* is amended by inserting after "Act" in the sixth line, "*The Business Corporations Act, 1970*", so that the paragraph shall read as follows:

1966, c. 142,
s. 19, sub. 1,
par. 1,
amended

1. A trade in a security by an executor, administrator, guardian or committee or by an authorized trustee or assignee, an interim or official receiver or a custodian under the *Bankruptcy Act* (Canada), or by a receiver under *The Judicature Act* or by a liquidator under *The Corporations Act, The Business Corporations Act, 1970*, or the *Winding-up Act* (Canada), or at a judicial sale.

R.S.C. 1952,
cc. 14, 296,
R.S.O. 1960,
cc. 197, 71,
1970, c. 25

(2) Paragraph 9 of subsection 1 of the said section 19 is repealed and the following substituted therefor:

1966, c. 142,
s. 19,
subs. 1,
par. 9,
re-enacted

9. A trade in a security of a company that is exchanged by or for the account of such company with another company or the holders of the securities of such company in connection with,

- (a) a statutory amalgamation or arrangement;
- (b) any statutory procedure under which one company takes title to the assets of the other company which in turn loses its existence by operation of law, or under which the existing companies merge in a new company; or
- (c) a take-over bid as defined in Part IX.

9a. A trade in a security of a company in connection with an offer to purchase shares by way of private agreement with fewer than fifteen shareholders, or an offer to purchase all of the shares in a private company.

9b. A trade in a security by a company as consideration for a portion of or all of the assets of any person, other than an individual, or any company who agrees to hold the securities for investment only and not with a view to resale or distribution, if the fair value of the assets so purchased is not less than \$100,000.

9c. A trade by a company in the securities of its own issue to its promoters.

(3) Subsection 2 of the said section 19 is amended by adding thereto the following paragraph:

1966, c. 142,
s. 19,
subs. 2,
amended

12a. Securities issued by a mining company or a mining exploration company as consideration for mining claims where the vendor enters into such escrow or pooling agreement as the Director considers necessary.

1966, c. 142,
s. 26, subs. 1,
amended

4. Subsection 1 of section 26 of *The Securities Act, 1966* is amended by inserting after "Act" where it occurs the first time in the twenty-eighth line, "*The Business Corporations Act, 1970*", so that the subsection shall read as follows:

Order to
hold or
refrain from
dealing
with funds

(1) The Commission may,

- (a) where it is about to order an investigation under section 21 or during or after an investigation under section 21 or 23;
- (b) where it is about to make or has made a direction, decision, order or ruling suspending or cancelling the registration of any person or company or affecting the right of any person or company to trade in securities; or
- (c) where criminal proceedings or proceedings in respect of a contravention of this Act or the regulations are about to be or have been instituted against any person or company, that in the opinion of the Commission are connected with or arise out of any security or any trade therein or out of any business conducted by such person or company,

in writing or by telegram direct any person or company having on deposit or under control or for safekeeping any funds or securities of the person or company referred to in clause *a*, *b* or *c* to hold such funds or securities or direct the person or company referred to in clause *a*, *b* or *c* to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safekeeping or to hold all funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act, 1970*, or the *Winding-up Act* (Canada), or until the Commission in writing revokes the direction or consents to release any particular fund or security from the direction, provided that no such direction applies to funds or securities in a stock exchange clearing house or to securities in process of transfer by a transfer agent unless the direction expressly so states, and in the case of a bank, loan or trust company, the direction applies only to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,
cc. 14, 296,
R.S.O. 1960,
cc. 197, 71,
1970, c. 25



SECTION 5 The amendment requires notice of appeal from the Director's decision to go to the Commission rather than the Director.

SECTIONS 6, 7, 8, 9, 10, 11 and 12. Complementary to subsection 2 of section 1 of this Bill.

SECTION 13—Subsection 1. The amendment makes it clear that the exemptions from the requirement for a prospectus are confined to purchases as principal for the purchaser's own account, preventing the exemptions from being used as a means of avoiding obtaining registration as an underwriter.

5. Subsection 1 of section 28 of *The Securities Act, 1966*, 1966, c. 142, s. 28, subs. 1, amended as amended by section 10 of *The Securities Amendment Act, 1968*, is further amended by striking out "Director" in the amendment of 1968 and inserting in lieu thereof "Commission", so that the subsection shall read as follows:

(1) Any person or company primarily affected by a ^{Review by Commission} direction, decision, order or ruling of the Director may, by notice in writing sent by registered mail to the Commission within thirty days after the mailing of the notice of the direction, decision, order or ruling, request and be entitled to a hearing and review thereof by the Commission.

6. Subsection 1 of section 35 of *The Securities Act, 1966*, 1966, c. 142, s. 35, subs. 1, amended as amended by subsection 1 of section 13 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the fourth line.

7. Section 37 of *The Securities Act, 1966* is amended by 1966, c. 142, s. 37, amended striking out "primary" in the second line.

8. Section 39 of *The Securities Act, 1966* is amended by 1966, c. 142, s. 39, amended striking out "primary" in the seventh line.

9.—(1) Subsection 1 of section 54 of *The Securities Act, 1966* 1966, c. 142, s. 54, subs. 1, amended is amended by striking out "primary" in the first line and in the fifth line.

(2) Subsection 2 of the said section 54 is amended by 1966, c. 142, s. 54, subs. 2, amended striking out "primary" in the third line.

10. Section 55 of *The Securities Act*, as amended by section 17 of *The Securities Amendment Act, 1968*, is further amended 1966, c. 142, s. 55, amended by striking out "primary" in the second line.

11. Section 56 of *The Securities Act, 1966*, as amended by 1966, c. 142, s. 56, amended section 18 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the first line.

12. Section 57 of *The Securities Act, 1966*, as amended by 1966, c. 142, s. 57, amended section 19 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the third line.

13.—(1) Subsection 1 of section 58 of *The Securities Act, 1966* is repealed and the following substituted therefor: 1966, c. 142, s. 58, subs. 1, re-enacted

(1) Section 35 does not apply to a trade in the course of a distribution to the public where, ^{Where s. 35 does not apply}

(a) the purchaser or proposed purchaser is a person or company referred to in paragraph 3 of subsection 1 of section 19 who purchases

as principal for investment only and not with a view to resale or distribution;

- (b) the purchaser or proposed purchaser is a person or company referred to in subsection 3 of section 19 who purchases as principal;
- (c) the trade is one referred to in paragraphs 6, 8, 9, 9a, 9b, 9c and 10 of subsection 1 of section 19; or
- (d) the trade is made from one person or company registered for trading in securities to another person or company registered for trading in securities where the purchasing person or company is acting as principal.

Trades by trust companies as trustees R.S.O. 1960, c. 222

(1a) For the purposes of subsection 1, a trust company registered under *The Loan and Trust Corporations Act* shall be deemed to be acting as principal when it trades as trustee for accounts fully managed by it.

1966, c. 142, s. 58, subs. 2, amended

(2) Subsection 2 of the said section 58 is amended by inserting after "to" in the first line "a distribution to the public of" so that the subsection, exclusive of the clauses, shall read as follows:

Idem

(2) Section 35 does not apply to a distribution to the public of securities,

1966, c. 142, s. 59, re-enacted

14. Section 59 of *The Securities Act, 1966*, as amended by section 21 of *The Securities Amendment Act, 1968*, is repealed and the following substituted therefor:

Trades deemed not a distribution to the public

59.—(1) The Commission, where in its opinion to do so would not be prejudicial to the public interest, upon the application of an interested party may rule that, subject to such terms or conditions as the Commission may impose, a trade or an intended trade in a security shall be deemed not to be a distribution to the public.

Idem

(2) Where the Commission determines under subsection 1 that a trade or an intended trade would not be a distribution to the public of the security, the Commission may rule that registration is not required in respect of such trade.

Determination of whether a primary distribution has concluded

(3) Where doubt exists whether a distribution to the public of any security has been concluded or is currently in progress, the Commission may determine the question and rule accordingly.

Rulings final

(4) A ruling of the Commission under this section is final and there is no appeal therefrom.

Subsection 2. Complementary to subsection 2 of section 1 of this Bill.

SECTION 14. The Commission's power to determine whether a trade is in the course of distribution to the public is revised to give discretion to exempt from section 36 on the basis of public interest and subject to conditions that may be imposed.

SECTION 15. Complementary to subsection 2 of section 1 of this Bill.

SECTION 16. The amendment permits the Director to refuse to issue a receipt for a prospectus where there is not an escrow agreement for securities including those issued for cash consideration.

SECTIONS 17, 18 and 19. Complementary to subsection 2 of section 1 of this Bill.

SECTION 20—Subsection 1. Complementary to subsection 2 of section 1 of this Bill.

Subsections 2 and 3. The words implying that the provision confers a cause of action are changed to more accurately refer to a right conferred by the provision.

15.—(1) Subsection 1 of section 60 of *The Securities Act, 1966* is amended by striking out “primary” in the second line 1966, c. 142, s. 60, subs. 1, amended

(2) Subsection 2 of the said section 60 is amended by striking out “primary” in the second line. 1966, c. 142, s. 60, subs. 2, amended

16. Clause *d* of subsection 1 of section 61 of *The Securities Act*, as amended by subsection 1 of section 1 of *The Securities Amendment Act, 1967*, is repealed and the following substituted therefor: 1966, c. 142, s. 61, subs. 1, cl. d, re-enacted

(*d*) such escrow or pooling agreement as the Director considers necessary or advisable with respect to securities has not been entered into.

17.—(1) Subsection 1 of section 62 of *The Securities Act, 1966* is amended by striking out “primary” in the fifth line. 1966, c. 142, s. 62, subs. 1, amended

(2) Subsection 3 of the said section 62, as amended by section 23 of *The Securities Amendment Act, 1968*, is further amended by striking out “primary” in the fourth line, and in the second line of clause *a*. 1966, c. 142, s. 62, subs. 3, amended

18.—(1) Subsection 1 of section 62*a* of *The Securities Act*, as enacted by section 2 of *The Securities Amendment Act, 1967*, is amended by striking out “primary” in the first line. 1966, c. 142, s. 62*a* (1967 c. 92, s. 2), subs. 1, amended

(2) Subsection 2 of the said section 62*a* is amended by striking out “primary” in the fourth line. 1966, c. 142, s. 62*a* (1967 c. 92, s. 2), subs. 2, amended

19. Subsection 1 of section 63 of *The Securities Act, 1966* is amended by striking out “primary” in the third line. 1966, c. 142, s. 63, subs. 1, amended

20.—(1) Subsection 1 of section 64 of *The Securities Act, 1966* is amended by striking out “primary” in the third line. 1966, c. 142, s. 64, subs. 1, amended

(2) Subsection 2 of the said section 64 is repealed and the following substituted therefor: 1966, c. 142, s. 64, subs. 2, re-enacted

(2) No action shall be commenced to enforce the right of rescission conferred by this section after the expiration of ninety days from the receipt of the prospectus or amended prospectus by the purchaser or from the date of the contract referred to in subsection 1, whichever is later. Period of limitation

(3) Subsection 7 of the said section 64 is amended by striking out “cause of action” in the first line and inserting in lieu thereof “right of rescission”, so that the subsection shall read as follows: 1966, c. 142, s. 64, subs. 7, amended

(7) The right of rescission conferred by this section is in addition to and without derogation from any other right the purchaser may have at law. No derogation of rights

1966, c. 142, s. 65, amended **21.** Section 65 of *The Securities Act, 1966* is amended by striking out "primary" in the second line.

1966, c. 142, s. 80, cl. b, re-enacted **22.** Clause *b* of section 80 of *The Securities Act, 1966* is repealed and the following substituted therefor:

(b) "exempt offer" means,

- (i) an offer to purchase shares by way of private agreement with fewer than fifteen shareholders and not made to shareholders generally,
- (ii) an offer to purchase shares to be effected through the facilities of a stock exchange or in the over-the-counter market, where such purchases are reported in accordance with section 109a,
- (iii) an offer to purchase shares in a private company, or
- (iv) an offer exempted by order of the Commission made under section 89.

1966, c. 142, s. 81, pars. 3-7, re-enacted **23.** Paragraphs 3, 4, 5, 6 and 7 of section 81 of *The Securities Act, 1966* are repealed and the following substituted therefor:

- 3. Any shares deposited pursuant to a take-over bid may be withdrawn by or on behalf of an offeree at any time until the expiration of seven days from its date, but where the terms of the take-over bid are varied before the expiration thereof the offeree shall have an additional seven days from the date of their receipt of the varied offer to withdraw any shares deposited pursuant to the take-over bid.
- 4. Where a take-over bid is made for less than all the equity shares owned by offerees, shares deposited pursuant thereto shall not be taken up and paid for by an offeror until the expiration of twenty-one days from its date.
- 5. Where a take-over bid is made for less than all the equity shares owned by offerees, the period of time within which shares may be deposited pursuant to the take-over bid, or any extension thereof, shall not exceed thirty-five days from the date of the take-over bid.
- 6. Where a take-over bid is made for less than all the equity shares owned by offerees, shares deposited pursuant to the take-over bid shall be taken up and

SECTION 21. Complementary to subsection 2 of section 1 of this Bill.

SECTION 22. The definition of "exempt offer" is revised to eliminate inconsistencies and to complement sections 25 and 31 of this Bill.

SECTION 23. The amendment gives an offeree an additional seven-day withdrawal period where the terms of the take-over bid are varied before the expiration of the offer and deletes the restrictive words "of a class" so that the offer must be for all of the equity shares if the offeror wishes it to extend longer than 35 days. The amendment also requires certain additional information in the take-over circular and prohibits any conditions to the offer except the right to withdraw if a minimum number of shares is not tendered.

SECTION 24. The provisions for directors' circulars are rewritten to provide for advance notice of the circular and to permit an individual director to recommend acceptance or rejection of the take-over bid.

paid for, if all the terms and conditions thereof not waived by the offeror have been complied with, within fourteen days after the last day within which shares may be deposited pursuant thereto.

7. Where a take-over bid is made for less than all the equity shares owned by offerees and where a greater number of shares is deposited pursuant thereto than the offeror is bound or willing to take up and pay for, the shares taken up by the offeror shall be taken up as nearly as may be *pro rata*, disregarding fractions, according to the number of shares deposited by each offeree.
8. Where the laws applicable to the company provide for a right of appraisal or acquisition, the offeror shall advise the offeree of his rights of appraisal and whether the offeror intends exercising any right of acquisition he may have.
9. Where the offeror intends to purchase securities in the market, his intention shall be set out in the take-over bid circular and, where the take-over bid is made for less than all of the equity shares owned by the offeree, he shall not reduce the number of shares he is bound or willing to take up under paragraph 7 by the number of shares purchased in the market.
10. The offeror shall not attach any conditions to the offer except the right to withdraw the offer if the offerees fail to tender the minimum number of shares the offeror is bound and willing to take up or where the action of the board of directors of the offeree company subsequent to the date of the offer materially changes the undertakings, assets or capital of the offeree company.
11. Where the offer is made for all of the equity shares owned by offerees the offeror shall, at the expiration of thirty-five days from the making of the offer, take up and pay for the shares tendered at that time or abandon his offer.

24. Section 86 of *The Securities Act, 1966* is repealed and the following substituted therefor:

1966, c. 142,
s. 86,
re-enacted

- 86.—(1) Where the board of directors of an offeree company recommends to offerees acceptance or rejection of a take-over bid made to such offerees, the board shall send or cause to be sent to each offeree with this communication a directors' circular, which shall contain the information prescribed by Division D of this Part.

Directors'
circular

Advising
shareholders

(2) Where the board of directors is considering sending a circular under subsection 1, it may advise its shareholders of this fact and may advise them not to tender their shares until a further communication is received from the directors.

Idem

(3) Where the board of directors elects to send a communication under subsection 2, it shall send a directors' circular at least seven days prior to the expiry of the offer.

Recommendation
by
individual
director or
officer

(4) An individual director or officer may recommend to offerees acceptance or rejection of a take-over bid made to such offerees if the director or officer sends or causes to be sent to each offeree with this communication a circular containing, *mutatis mutandis*, the information required by section 95 relating to his holdings and interest.

Sending
communications

(5) All communications required or permitted by this section shall be sent to each offeree by prepaid mail at his last address as shown on the books of the company.

1966, c. 142,
amended

25. *The Securities Act, 1966* is amended by adding thereto the following section:

Certificate
where
take-over
bid by
company

88a.—(1) Subject to subsection 2, where a take-over bid is made by or on behalf of a company the take-over bid circular shall contain a certificate in the following form signed by the chief executive officer, the chief financial officer and, on behalf of the board of directors, by any two directors of the company other than the foregoing, duly authorized to sign:

“The foregoing constitutes full, true and plain disclosure of all material facts relating to the take-over bid made by this circular as required by Part IX of *The Securities Act, 1966*, and the regulations thereunder.”

Idem

(2) Where the company has only three directors, two of whom are the chief executive officer and the chief financial officer, the certificate may be signed by all the directors of the company.

Certificate
where
take-over bid
by person

(3) Where a take-over bid is made by a person, the circular shall be certified in the form set out in subsection 1 by the person making the offer.

Certificate
where
take-over
bid by
undisclosed
principal

(4) Where the take-over bid is made on behalf of an undisclosed principal, as permitted by section 91, the circular shall be certified in the form set out in subsection 1 by the agent making the offer.

SECTION 25. The take-over bid circular is required to be certified in the same manner as a prospectus and to be subject to the same liabilities.

SECTION 26. At present, offers may be exempted by a judge of the High Court. The amendment gives the Commission this power to exempt, subject to appeal as formerly.

SECTION 27. Self-explanatory.

SECTION 28. The directors' circular is required to be certified in the same way as the take-over bid circular.

SECTION 29. The offerees are given the same right to rescind when the take-over bid circular is misleading as a purchaser has in the case of a misleading prospectus.

26. Section 89 of *The Securities Act, 1966* is repealed and the following substituted therefor: 1966, c. 142,
s. 89,
re-enacted

89. Any person or company may apply to the Commission for an order declaring a take-over bid to be an exempt offer and the Commission may, where in its opinion such an order would not be prejudicial to the public interest, upon such terms or conditions as it may impose, deem the proposed offer to be exempt. Application
to disclose
bid to
be an
exempt
offer

27. Section 91 of *The Securities Act, 1966* is amended by adding thereto the following subsection: 1966, c. 142,
s. 91,
amended

(2) Where a take-over bid is made for less than all of the outstanding equity shares owned by offerees, the identity of the offeror shall be disclosed in the take-over bid circular. Naming of
offeror

28. Section 98 of *The Securities Act, 1966* is repealed and the following substituted therefor: 1966, c. 142,
s. 98,
re-enacted

98.—(1) Subject to subsection 2, where a directors' circular is sent to offerees under subsection 1 of section 86 it shall contain a certificate in the following form, signed by the chief executive officer, the chief financial officer and, on behalf of the board of directors, by any two directors of the company other than the foregoing, duly authorized to sign: Certificate
on directors
circular

“The foregoing constitutes full, true and plain disclosure of all material facts relating to the take-over bid as required by sections 95 to 97 of *The Securities Act, 1966*, and the regulations thereunder.”

(2) Where the company has only three directors, two of whom are the chief executive officer and the chief financial officer, the certificate may be signed by all the directors of the company. Idem

(3) Where a circular is sent out to offerees under subsection 4 of section 86, it shall be certified by the individual director or officer in the form set out in subsection 1. Certificate
of circular
of individual
director or
officer

29. *The Securities Act, 1966* is amended by adding thereto the following section: 1966, c. 142,
amended

RIGHT OF RESCISSION

Grounds for
rescission
by offeree

99a.—(1) An offeree who is a party to a contract resulting from a take-over bid has a right to rescind the contract if the take-over bid circular forwarded in compliance with this Part received by the offeree, as of the date of receipt, contains an untrue statement of a material fact or omits to state a material fact necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it was made.

Limitation
of action

(2) No action shall be commenced to enforce the right of rescission conferred by this section after the expiration of ninety days from the receipt of the take-over bid circular or amended circular or from the date of the contract referred to in subsection 1, whichever is later.

Exceptions

(3) Subsection 1 does not apply to untrue statements of a material fact or an omission to state a material fact,

(a) if the untruth of such statements or the fact of such omission was unknown to the offeror and, in the exercise of reasonable diligence, could not have been known to the offeror; or

(b) if the offeree knew of the untruth of the statement or knew of the omission at the time he tendered his securities to the offeror.

Receipt
by mail

(4) For the purpose of this section, where a take-over bid circular or amended circular is sent by prepaid mail it shall be deemed to be received in the ordinary course of mail by the person or company to whom it was addressed.

Right of
rescission
in addition
to other
rights

(5) The right of rescission conferred by this section is in addition to and without derogation from any other right the offeree may have at law.

Circular
to contain
notice of
right of
rescission

(6) Every take-over bid circular shall contain a statement of the right of rescission provided by this section.

1966, c. 142,
s. 100, cl. a,
subcl. i,
amended

30.—(1) Subclause i of clause a of section 100 of *The Securities Act, 1966* is amended by striking out "primary" in the third line.

SECTION 30—Subsection 1. The amendment adds reference to *The Business Corporations Act, 1970* to retain the inclusion of share capital corporations.

Subsection 2. Complementary to subsection 2 of section 1 of this Bill.

SECTION 31. The purpose of the amendment is to define ownership for the purposes of insider reporting.

SECTION 32. The amendment requires a timely insider report upon the acquisition through market purchases of 20 per cent of the equity shares. A similar report is required on the acquisition of each 5 per cent thereafter.

(2) Subclause iii of clause *a* of the said section 100 is amended by inserting after "Act" in the third line "or *The Business Corporations Act, 1970*", so that the subclause shall read as follows:

- (iii) a company incorporated by or under a general or special Act of the Legislature or a company to which Part II of *The Corporations Act* or *The Business Corporations Act, 1970* applies, or

31. Subsection 2 of section 108 of *The Securities Act, 1966* is amended by striking out "and" at the end of clause *a*, by adding "and" at the end of clause *b* and by adding thereto the following clause:

- (c) for the purpose of reporting under section 109 or 109*a*, ownership shall be deemed to pass at such time as an offer to sell is accepted by the purchaser or his agent or an offer to buy is accepted by the vendor or his agent.

32. *The Securities Act, 1966* is amended by adding thereto the following section:

109*a*.—(1) Where an offeror as defined in Part IX becomes an insider under this Part or *The Business Corporations Act, 1970* and through purchases effected through the facilities of a stock exchange or in the over-the-counter market becomes the beneficial owner, directly or indirectly, of equity shares of a corporation carrying 20 per cent or more of the voting rights attached to all equity shares of the corporation for the time being outstanding such offeror within three days of acquiring such 20 per cent ownership, shall file with the Commission a report as of the day on which he attained such ownership.

- (2) An offeror required to file a report under subsection 1 shall, within three days of purchasing further equity shares carrying an additional 5 per cent of the voting rights through the facilities of a stock exchange or in the over-the-counter market file with the Commission a report as of the day on which he attained the additional 5 per cent of the voting rights and thereafter each time he acquires a further 5 per cent.

Idem

- (3) Where the facts required to be reported by this section are identical to those required under section 109, a separate report under section 109 is not required.

1966, c. 142,
s. 110,
subs. 1,
amended

33. Subsection 1 of section 110 of *The Securities Act, 1966* is amended by striking out "section 109" in the second line and inserting in lieu thereof "sections 109 and 109a", so that the subsection shall read as follows:

Reports
may be
inspected

- (1) All reports filed with the Commission under sections 109 and 109a shall be open to public inspection at the offices of the Commission during normal business hours of the Commission, and any person may make extracts from such reports.

1966, c. 142,
s. 111,
subs. 1,
amended

34.—(1) Subsection 1 of section 111 of *The Securities Act, 1966* is amended by inserting after "109" in the second line "or 109a", so that the subsection shall read as follows:

Offence

- (1) Every person or company that is required to file a report under section 109 or 109a and who fails so to do is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where a company fails to so report, every director or officer of such company who authorized, permitted or acquiesced in such failure is also guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

1966, c. 142,
s. 111,
subs. 2,
amended

(2) Subsection 2 of the said section 111 is amended by striking out "subsection 1, 2 or 3 of section 109" in the second line and inserting in lieu thereof "section 109 or 109a", so that the subsection shall read as follows:

Idem

- (2) Every person or company who files a report under section 109 or 109a that is false or misleading by reason of the misstatement or omission of any material fact is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where a company files a false or misleading report, every director or officer of such company who authorized, permitted or acquiesced in the filing of such false or misleading report is also guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

1966, c. 142,
s. 115, cl. a,
amended

35. Clause a of section 115 of *The Securities Act, 1966* is amended by striking out "section 109" in the second line and inserting in lieu thereof "sections 109 and 109a", so that the clause shall read as follows:

SECTIONS 33, 34, 35 and 36. Complementary to section 32 of this Bill.

SECTION 37—Subsection 1. Complementary to section 39 of this Bill.

Subsections 2 and 4. Complementary to subsection 2 of section 1 of this Bill.

Subsection 3. The amendment adds reference to *The Business Corporations Act, 1970* to retain the inclusion of share capital corporation.

- (a) prescribing the form and content of the reports required to be filed under sections 109 and 109a.

36. Subsection 1 of section 116 of *The Securities Act, 1966* ^{1966, c. 142, s. 116, subs. 1, re-enacted} is repealed and the following substituted therefor:

- (1) Upon the application of an interested person or company, the Commission may, ^{Conflict}

- (a) if a requirement of section 109 or 109a conflicts with a requirement of the laws of the jurisdiction in which a corporation is incorporated; or
- (b) if the laws of the jurisdiction to which the corporation is subject contain substantially similar requirements as contained in sections 109 and 109a; or
- (c) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing,

make an order on such terms and conditions as seem to the Commission just and expedient exempting, in whole or in part, a person or company from the requirements of sections 109 and 109a.

37.—(1) Subsection 1 of section 118 of *The Securities Act, 1966* ^{1966, c. 142, s. 118, subs. 1, amended} is amended by adding thereto the following clauses:

- (aa) “basic earnings per share” means the amount of income attributable to each outstanding share that carries as an incident of ownership the right to participate in earnings to an unlimited degree, calculated in the manner prescribed by the regulations;

- (c) “fully diluted earnings per share” means the amount of income attributable to each share that would, if all potential conversions, exercises and contingent issuances had occurred during the period, be outstanding and have as an incident of ownership the right to participate in earnings to an unlimited degree, calculated in the manner prescribed by the regulations.

- 2) Subclause i of clause b of subsection 1 of the said section 118 is amended by striking out “primary” in the ^{1966, c. 142, s. 118, subs. 1, cl. b, subcl. i, amended} ~~the~~ line.

1966, c. 142
s. 118,
subs. 1, cl.
b subcl. iii.
amended

(3) Subclause iii of clause *b* of subsection 1 of the said section 118 is amended by inserting after "Act" in the third line "or *The Business Corporations Act, 1970*", so that the subclause shall read as follows:

(iii) a company incorporated by or under a general or special Act of the Legislature or a company to which Part II of *The Corporations Act* or *The Business Corporations Act, 1970* applies.

R.S.O. 1960,
c. 71,
1970, c. 25

1966, c. 142,
s. 118, subs.
2, (1968,
c. 123, s. 31)
amended

(4) Subsection 2 of the said section 118, as enacted by section 31 of *The Securities Amendment Act, 1968*, is amended by striking out "primary" in the fourth line.

1966, c. 142,
s. 120,
subs. 3, 4,
repealed

38. Subsections 3 and 4 of section 120 of *The Securities Act, 1966* are repealed.

1966, c. 142,
s. 121,
subs. 1,
amended

39.—(1) Subsection 1 of section 121 of *The Securities Act, 1966* is amended by striking out "and" at the end of clause *i* and by adding thereto the following clauses:

(*k*) the basic earnings per share for the current and preceding year for,

(i) income before extraordinary items, and

(ii) net income for the period; and

(*l*) fully diluted earnings per share for the current year for,

(i) income before extraordinary items, and

(ii) net income for the period,

.

1966, c. 142,
s. 121,
subs. 3,
repealed

(2) Subsection 3 of the said section 121 is repealed.

1966, c. 142,
s. 125,
amended

40. Subsection 3 of section 125 of *The Securities Act, 1966* is amended by adding thereto the following paragraphs:

16. Where the corporation has,

i. in the course of a financial period, carried on business of two or more classes that, in the opinion of its directors, differ substantially from each other and the corporation is not one that has any subsidiaries at the end of that financial period, or if it has one or more

SECTION 38. The provisions repealed are included in the amendment made by section 43 of this Bill.

SECTION 39—Subsection 1. Earnings per share are required to be shown in the financial statement.

Subsection 2. The provision repealed is included in the amendment made by section 43 of this Bill.

SECTION 40. The amendment provides for the break-down by note to the financial statement of certain information in respect of each class of business where the corporation carries on more than one class of business.



subsidiaries, does not prepare its financial statement in consolidated form in respect of any subsidiary, or

- ii. has one or more subsidiaries at the end of its financial period and prepares its financial statement in consolidated form in respect of any of the subsidiaries, if the corporation and any of the subsidiaries carried on between them in the course of the period business of two or more classes that, in the opinion of the directors of the corporation, differ substantially from each other,

a statement of the proportions in which the amount of sales or gross revenue for that period, so far as stated in the financial statement in respect of that period, is divided among those classes of business but for the purposes of subparagraphs i and ii,

- iii. classes of business that, in the opinion of the directors, do not differ substantially from each other shall be treated as one class, and
- iv. a corporation having gross sales and revenues exceeding \$25,000,000 need only report in respect of a class of business that contributes 10 per cent or more of the total gross revenue of the corporation and a corporation having gross sales and revenues of \$25,000,000 or less need only report in respect of a class of business that contributes 15 per cent or more of the total gross revenue of the corporation.

17. Where there has been a business combination or acquisition arrived at through private agreements, statutory amalgamations, statutory arrangements or statutory procedures, a take-over bid as defined in Part IX, asset purchases or other methods of materially adding to or combining with an existing business, the details thereof in accordance with the acquisition equation prescribed by the regulations.
18. Where securities have been issued to acquire assets, the proportion of the total securities outstanding, expressed as a percentage, represented by the securities issued to make the acquisition.
19. Where the pooling of interest method is used to account for a business combination or acquisition,

an earnings history for at least two years as though the companies were pooled for the years covered by such history, set out alongside the earnings history of the acquiring company.

1966, c. 142,
s. 129,
subs. 1,
cl. b,
amended

41.—(1) Clause *b* of subsection 1 of section 129 of *The Securities Act, 1966* is amended by striking out “and” at the end of subclause iv and by adding thereto the following subclauses:

- (vi) the basic earnings per share for income before extraordinary items and for net income for the period, and
- (vii) fully diluted earnings per share for income before extraordinary items and for net income.

1966, c. 142,
s. 129,
subs. 2,
repealed

(2) Subsection 2 of the said section 129 is repealed.

1966, c. 142,
s. 130,
subs. 4,
re-enacted

42. Subsection 4 of section 130 of *The Securities Act, 1966* is repealed and the following substituted therefor:

Idem

(4) Where a corporation complies with this Part by complying with subsection 1, the financial statements and the auditor's reports thereon, the interim financial statements and the additional financial information referred to in clauses *a* and *b* of subsection 1 shall be sent to the Commission,

(a) on the same date as such financial statements are mailed by the corporation to its shareholders; or

(b) so as to reach the Commission within 170 days of the date to which such financial statements are made up or, in the case of interim financial statements, within sixty days of the date to which the interim financial statements are made up,

whichever is earlier.

1966, c. 142,
s. 131,
subs. 1,
re-enacted

43. Subsection 1 of section 131 of *The Securities Act, 1966* is repealed and the following substituted therefor:

Order of
Commission
relieving
against
certain
requirements

(1) Upon the application of a corporation, the Commission may, where in the opinion of the Commission to do so would not be prejudicial to the public interest, make an order on such terms and conditions as the Commission may impose,

SECTION 41—Subsection 1. The earnings per share are required to be shown on the interim financial statements in the same way as they are required by section 39 of this Bill to be shown on the financial statement.

Subsection 2. The provision repealed is included in the amendment made by section 43 of this Bill.

SECTION 42. The amendment adjusts the period for filing interim financial statements with the Commission.

SECTION 43. The amendment requires the Commission's approval to omit certain information from the financial statement, which at present can be omitted through the use of a note to the financial statement and consolidates in one place the procedure for all similar applications to the Commission.



(a) permitting the omission of,

- (i) financial statements relating separately to the period covered by the financial year next preceding the latest completed financial year referred to in clause *b* of subsection 1 of section 120,
 - (ii) sales or gross operating revenue referred to in clause *a* of subsection 1 of section 121 or subclause *i* of clause *b* of subsection 1 of section 129 from the statement of profit and loss or the interim financial statement, as the case may be, where the Commission is satisfied that the disclosure of such information would be unduly detrimental to the interests of the corporation,
 - (iii) the basic earnings per share or fully diluted earnings per share referred to in clauses *k* and *l* of subsection 1 of section 121, or in subclauses *vi* and *vii* of clause *b* of subsection 1 of section 129 from the statement of profit and loss or the interim financial statement, as the case may be,
 - (iv) the information relating to the comparable period referred to in subsection 1 of section 129;
- (b) where, in the opinion of the Commission, the corporation is unable to comply with the requirements of section 123, permitting the corporation to file in lieu thereof, an alternative statement containing such information, if any, as the Commission considers appropriate;
- (c) exempting, in whole or in part, the corporation from the requirements of this Part,
- (i) if such a requirement conflicts with a requirement of the laws of the jurisdiction in which a corporation is incorporated, or
 - (ii) if the laws of the jurisdiction to which

the corporation is subject contain substantially similar requirements as contained in this Part, or

- (iii) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing.

1966, c. 142,
s. 133,
re-enacted

44. Section 133 of *The Securities Act, 1966* is repealed and the following substituted therefor:

Material
to be filed
by certain
companies
R.S.O. 1960,
c. 71,
1970, c. 25

133.—(1) A company that is subject to sections 82 to 93a of *The Corporations Act* or sections 167 to 185 of *The Business Corporations Act, 1970* shall file with the Commission its financial statements, auditor's reports thereon and interim financial statements that are required to be mailed by the company to its shareholders.

Time of
filing

- (2) The financial statements, auditor's reports thereon and interim financial statements referred to in subsection 1 shall be sent to the Commission on the same date such statements are mailed or required to be mailed by the company to its shareholders, whichever is earlier.

1966, c. 142,
amended

45. *The Securities Act, 1966* is amended by adding thereto the following section:

Con-
sequence of
false state-
ment in
information
circular

141c. Where a circular has been sent to the offerees or the shareholders of an offeree company as required by Part IX, every person or company to whom such circular was sent shall be deemed to have relied upon the statements made in the circular and, if a material false statement is contained in a circular, each person who at the time the circular was signed was a director of the company on whose behalf the circular was signed and each person who was required to sign a certificate under section 88a or section 98 is liable to pay compensation to all shareholders of the company whose shares are the subject of the take-over bid for any loss or damage such shareholders have sustained as a result of such material false statement unless it is proved,

- (a) that the circular was prepared and sent without his knowledge or consent, and that, on

SECTION 44. The amendment to subsection 1 of section 133 of the Act corrects an error in the reference and adds reference to *The Business Corporations Act, 1970* to retain the inclusion of share capital corporations. The amendment to subsection 2 of section 133 adopts the same times for filing material with the Commission as are adopted in section 42 of this Bill.

SECTION 45. The amendment provides similar civil liability and defences in respect of errors in a take-over bid circular as are provided in respect of false statements in a prospectus.

SECTION 46. Complementary to section 37 of this Bill.

becoming aware of its being sent, he forthwith gave reasonable public notice that it was so sent without his knowledge or consent;

- (b) that, before the statement was relied or acted upon, on becoming aware of any false statement therein, he withdrew his consent thereto and gave reasonable public notice of such withdrawal and of the reasons therefor;
- (c) that, with respect to every false statement, he had reasonable grounds to believe and did believe that the statement was true;
- (d) that he had no reasonable grounds to believe that an expert who made a statement in a circular or whose report or valuation was produced or fairly summarized therein was not competent to make such statement, valuation or report; or
- (e) that, with respect to every false statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, it was a correct and fair representation of the statement a copy or extract from the document.

46. Section 144 of *The Securities Act, 1966*, as amended by 1966, c. 142, section 3 of *The Securities Amendment Act, 1967* and section 10^{s. 144} amended of *The Securities Amendment Act, 1968-69*, is further amended by adding thereto the following clause:

- (pa) prescribing the manner of calculating basic earnings per share and fully diluted earnings per share for the purposes of clauses *aa* and *c* of subsection 1 of section 118.

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

48. This Act may be cited as *The Securities Amendment Act, 1971*. ^{Short title}

1st Reading

May 20th, 1971

2nd Reading

June 15th, 1971

3rd Reading

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

(Reprinted as amended by
the Committee of the Whole House)

1971

BILL 49

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Securities Act, 1966

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs



BILL 49

1971

An Act to amend The Securities Act, 1966

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

1.—(1) Paragraph 1a of subsection 1 of section 1 of *The Securities Act, 1966*, as renumbered by subsection 1 of section 1 of *The Securities Amendment Act, 1968-69*, is repealed and the following substituted therefor:

1966, c. 142,
s. 1, subs. 1,
par. 1a
(1968-69, c.
116, s. 1,
subs. 1),
re-enacted

- 1a. "associate", where used to indicate a relationship with any person or company means,
- i. any company of which such person or company beneficially owns, directly or indirectly, equity shares carrying more than 10 per cent of the voting rights attached to all equity shares of the company for the time being outstanding,
 - ii. any partners of that person or company acting by or for the partnership of which they are both partners,
 - iii. any trust or estate in which such person or company has a substantial beneficial interest or as to which such person or company serves as trustee or in a similar capacity,
 - iv. any spouse, son or daughter of that person, or
 - v. any relative of such person or of his spouse, other than a relative referred to in subparagraph iv, who has the same home as such person.

(2) Subsection 1 of the said section 1 is amended by adding hereto the following paragraph:

1966, c. 142,
s. 1, subs. 1,
amended

- 5b. "distribution to the public", used in relation to trading in securities, means,
- i. trades that are made for the purpose of distributing to the public securities issued by a

company and not previously distributed to the public, or

- ii. trades in previously issued securities for the purpose of distributing such securities to the public where the securities form all or a part of or are derived from the holdings of any person, company or any combination of persons or companies holding a sufficient number of any of the securities of a company to materially affect the control of such company, but any person, company or any combination of persons or companies holding more than 20 per cent of the outstanding equity shares in a company shall, in the absence of evidence to the contrary, be deemed to materially affect the control of such company,

whether such trades are made directly to the public or indirectly to the public through an underwriter or otherwise, and includes any transaction or series of transactions involving a purchase and sale or a repurchase and resale in the course of or incidental to such distribution.

1966, c. 142,
s. 1, subs. 1,
par. 16,
repealed

(3) Paragraph 16 of subsection 1 of the said section 1 is repealed.

1966, c. 142,
s. 1, subs. 1,
par. 32,
amended

(4) Paragraph 32 of subsection 1 of the said section 1 is amended by striking out "primary" in the fifth line, so that the paragraph shall read as follows:

32. "underwriter" means a person or company who, as principal, purchases securities from a person or company with a view to, or who as agent for a person or company offers for sale or sells securities in connection with, a distribution to the public of such securities, and includes a person or company who has a direct or indirect participation in any such distribution, but does not include a person or company whose interest in the transaction is limited to receiving the usual and customary distributors' or sellers' commission payable by an underwriter.

1966, c. 142,
s. 2, subs. 1,
amended

2.—(1) Subsection 1 of section 2 of *The Securities Act, 1966*, as amended by section 2 of *The Securities Amendment Act, 1968*, is further amended by striking out "five" in the amendment of 1968 and inserting in lieu thereof "seven", so that the subsection shall read as follows:

Commission

(1) The Commission, which shall be responsible for the administration of this Act, shall be composed of a Chairman and not more than seven other members, one of whom shall be designated as Vice-Chairman.

3.—(1) Paragraph 1 of subsection 1 of section 19 of *The Securities Act, 1966* is amended by inserting after "Act" in the sixth line, "*The Business Corporations Act, 1970*", so that the paragraph shall read as follows:

1966, c. 142,
s. 19, sub. 1,
par. 1,
amended

1. A trade in a security by an executor, administrator, guardian or committee or by an authorized trustee or assignee, an interim or official receiver or a custodian under the *Bankruptcy Act* (Canada), or by a receiver under *The Judicature Act* or by a liquidator under *The Corporations Act, The Business Corporations Act, 1970*, or the *Winding-up Act* (Canada), or at a judicial sale.

R.S.C. 1952,
cc. 14, 296,
R.S.O. 1960,
cc. 197, 71,
1970, c. 25

(2) Paragraph 9 of subsection 1 of the said section 19 is repealed and the following substituted therefor:

1966, c. 142,
s. 19,
subs. 1,
par. 9,
re-enacted

9. A trade in a security of a company that is exchanged by or for the account of such company with another company or the holders of the securities of such company in connection with,

- (a) a statutory amalgamation or arrangement;
- (b) any statutory procedure under which one company takes title to the assets of the other company which in turn loses its existence by operation of law, or under which the existing companies merge in a new company; or
- (c) a take-over bid as defined in Part IX.

9a. A trade in a security of a company in connection with an offer to purchase shares by way of private agreement with fewer than fifteen shareholders, or an offer to purchase all of the shares in a private company.

9b. A trade in a security by a company as consideration for a portion of or all of the assets of any person, other than an individual, or any company who agrees to hold the securities for investment only and not with a view to resale or distribution, if the fair value of the assets so purchased is not less than \$100,000.

9c. A trade by a company in the securities of its own issue to its promoters.

(3) Subsection 2 of the said section 19 is amended by adding thereto the following paragraph:

1966, c. 142,
s. 19,
subs. 2,
amended

12a. Securities issued by a mining company or a mining exploration company as consideration for mining claims where the vendor enters into such escrow or pooling agreement as the Director considers necessary.

1966, c. 142,
s. 26, subs. 1,
amended

4. Subsection 1 of section 26 of *The Securities Act, 1966* is amended by inserting after "Act" where it occurs the first time in the twenty-eighth line, "*The Business Corporations Act, 1970*", so that the subsection shall read as follows:

Order to
hold or
refrain from
dealing
with funds

(1) The Commission may,

- (a) where it is about to order an investigation under section 21 or during or after an investigation under section 21 or 23;
- (b) where it is about to make or has made a direction, decision, order or ruling suspending or cancelling the registration of any person or company or affecting the right of any person or company to trade in securities; or
- (c) where criminal proceedings or proceedings in respect of a contravention of this Act or the regulations are about to be or have been instituted against any person or company, that in the opinion of the Commission are connected with or arise out of any security or any trade therein or out of any business conducted by such person or company,

in writing or by telegram direct any person or company having on deposit or under control or for safekeeping any funds or securities of the person or company referred to in clause *a*, *b* or *c* to hold such funds or securities or direct the person or company referred to in clause *a*, *b* or *c* to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safekeeping or to hold all funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act, 1970*, or the *Winding-up Act* (Canada), or until the Commission in writing revokes the direction or consents to release any particular fund or security from the direction, provided that no such direction applies to funds or securities in a stock exchange clearing house or to securities in process of transfer by a transfer agent unless the direction expressly so states, and in the case of a bank, loan or trust company, the direction applies only to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,
cc. 14, 296,
R.S.O. 1960,
cc. 197, 71,
1970, c. 25

5. Subsection 1 of section 28 of *The Securities Act, 1966*,^{1966, c. 142, s. 28, subs. 1, amended} as amended by section 10 of *The Securities Amendment Act, 1968*, is further amended by striking out "Director" in the amendment of 1968 and inserting in lieu thereof "Commission", so that the subsection shall read as follows:

(1) Any person or company primarily affected by a ^{Review by Commission} direction, decision, order or ruling of the Director may, by notice in writing sent by registered mail to the Commission within thirty days after the mailing of the notice of the direction, decision, order or ruling, request and be entitled to a hearing and review thereof by the Commission.

6. Subsection 1 of section 35 of *The Securities Act, 1966*,^{1966, c. 142, s. 35, subs. 1, amended} as amended by subsection 1 of section 13 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the fourth line.

7. Section 37 of *The Securities Act, 1966* is amended by striking out "primary" in the second line.^{1966, c. 142, s. 37, amended}

8. Section 39 of *The Securities Act, 1966* is amended by striking out "primary" in the seventh line.^{1966, c. 142, s. 39, amended}

9.—(1) Subsection 1 of section 54 of *The Securities Act, 1966*^{1966, c. 142, s. 54, subs. 1, amended} is amended by striking out "primary" in the first line and in the fifth line.

(2) Subsection 2 of the said section 54 is amended by striking out "primary" in the third line.^{1966, c. 142, s. 54, subs. 2, amended}

10. Section 55 of *The Securities Act*, as amended by section 17 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the second line.^{1966, c. 142, s. 55, amended}

11. Section 56 of *The Securities Act, 1966*, as amended by section 18 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the first line.^{1966, c. 142, s. 56, amended}

12. Section 57 of *The Securities Act, 1966*, as amended by section 19 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the third line.^{1966, c. 142, s. 57, amended}

13.—(1) Subsection 1 of section 58 of *The Securities Act, 1966* is repealed and the following substituted therefor:^{1966, c. 142, s. 58, subs. 1, re-enacted}

(1) Section 35 does not apply to a trade in the course of a distribution to the public where, ^{Where s. 35 does not apply}

(a) the purchaser or proposed purchaser is a person or company referred to in paragraph 3 of subsection 1 of section 19 who purchases

as principal for investment only and not with a view to resale or distribution;

- (b) the purchaser or proposed purchaser is a person or company referred to in subsection 3 of section 19 who purchases as principal;
- (c) the trade is one referred to in paragraphs 6, 8, 9, 9a, 9b, 9c and 10 of subsection 1 of section 19; or
- (d) the trade is made from one person or company registered for trading in securities to another person or company registered for trading in securities where the purchasing person or company is acting as principal.

Trades by trust companies as trustees
R.S.O. 1960, c. 222

(1a) For the purposes of subsection 1, a trust company registered under *The Loan and Trust Corporations Act* shall be deemed to be acting as principal when it trades as trustee for accounts fully managed by it.

1966, c. 142, s. 58, subs. 2, amended

(2) Subsection 2 of the said section 58 is amended by inserting after "to" in the first line "a distribution to the public of" so that the subsection, exclusive of the clauses, shall read as follows:

Idem

(2) Section 35 does not apply to a distribution to the public of securities,

.

1966, c. 142, s. 59, re-enacted

14. Section 59 of *The Securities Act, 1966*, as amended by section 21 of *The Securities Amendment Act, 1968*, is repealed and the following substituted therefor:

Trades deemed not a distribution to the public

59.—(1) The Commission, where in its opinion to do so would not be prejudicial to the public interest, upon the application of an interested party may rule that, subject to such terms or conditions as the Commission may impose, a trade or an intended trade in a security shall be deemed not to be a distribution to the public.

Idem

(2) Where the Commission determines under subsection 1 that a trade or an intended trade would not be a distribution to the public of the security, the Commission may rule that registration is not required in respect of such trade.

Determination of whether a primary distribution has concluded

(3) Where doubt exists whether a distribution to the public of any security has been concluded or is currently in progress, the Commission may determine the question and rule accordingly.

Rulings final

(4) A ruling of the Commission under this section is final and there is no appeal therefrom.

15.—(1) Subsection 1 of section 60 of *The Securities Act, 1966* is amended by striking out “primary” in the second line. 1966, c. 142, s. 60, subs. 1, amended

(2) Subsection 2 of the said section 60 is amended by striking out “primary” in the second line. 1966, c. 142, s. 60, subs. 2, amended

16. Clause *d* of subsection 1 of section 61 of *The Securities Act*, as amended by subsection 1 of section 1 of *The Securities Amendment Act, 1967*, is repealed and the following substituted therefor: 1966, c. 142, s. 61, subs. 1, cl. d, re-enacted

(*d*) such escrow or pooling agreement as the Director considers necessary or advisable with respect to securities has not been entered into.

17.—(1) Subsection 1 of section 62 of *The Securities Act, 1966* is amended by striking out “primary” in the fifth line. 1966, c. 142, s. 62, subs. 1, amended

(2) Subsection 3 of the said section 62, as amended by section 23 of *The Securities Amendment Act, 1968*, is further amended by striking out “primary” in the fourth line, and in the second line of clause *a*. 1966, c. 142, s. 62, subs. 3, amended

18.—(1) Subsection 1 of section 62*a* of *The Securities Act*, as enacted by section 2 of *The Securities Amendment Act, 1967*, is amended by striking out “primary” in the first line. 1966, c. 142, s. 62*a* (1967, c. 92, s. 2), subs. 1, amended

(2) Subsection 2 of the said section 62*a* is amended by striking out “primary” in the fourth line. 1966, c. 142, s. 62*a* (1967, c. 92, s. 2), subs. 2, amended

19. Subsection 1 of section 63 of *The Securities Act, 1966* is amended by striking out “primary” in the third line. 1966, c. 142, s. 63, subs. 1, amended

20.—(1) Subsection 1 of section 64 of *The Securities Act, 1966* is amended by striking out “primary” in the third line. 1966, c. 142, s. 64, subs. 1, amended

(2) Subsection 2 of the said section 64 is repealed and the following substituted therefor: 1966, c. 142, s. 64, subs. 2, re-enacted

(2) No action shall be commenced to enforce the right of rescission conferred by this section after the expiration of ninety days from the receipt of the prospectus or amended prospectus by the purchaser or from the date of the contract referred to in subsection 1, whichever is later. Period of limitation

(3) Subsection 7 of the said section 64 is amended by striking out “cause of action” in the first line and inserting in lieu thereof “right of rescission”, so that the subsection shall read as follows: 1966, c. 142, s. 64, subs. 7, amended

(7) The right of rescission conferred by this section is in addition to and without derogation from any other right the purchaser may have at law. No derogation of rights

1966, c. 142, s. 65, amended **21.** Section 65 of *The Securities Act, 1966* is amended by striking out "primary" in the second line.

1966, c. 142, s. 80, cl. b, re-enacted **22.** Clause *b* of section 80 of *The Securities Act, 1966* is repealed and the following substituted therefor:

(b) "exempt offer" means,

- (i) an offer to purchase shares by way of private agreement with fewer than fifteen shareholders and not made to shareholders generally,
- (ii) an offer to purchase shares to be effected through the facilities of a stock exchange or in the over-the-counter market, where such purchases are reported in accordance with section 109*a*,
- (iii) an offer to purchase shares in a private company, or
- (iv) an offer exempted by order of the Commission made under section 89.

1966, c. 142, s. 81, pars. 3-7, re-enacted **23.** Paragraphs 3, 4, 5, 6 and 7 of section 81 of *The Securities Act, 1966* are repealed and the following substituted therefor:

- 3. Any shares deposited pursuant to a take-over bid may be withdrawn by or on behalf of an offeree at any time until the expiration of seven days from its date, but where the terms of the take-over bid are varied before the expiration thereof the offeree shall have an additional seven days from the date of their receipt of the varied offer to withdraw any shares deposited pursuant to the take-over bid.
- 4. Where a take-over bid is made for less than all the equity shares owned by offerees, shares deposited pursuant thereto shall not be taken up and paid for by an offeror until the expiration of twenty-one days from its date.
- 5. Where a take-over bid is made for less than all the equity shares owned by offerees, the period of time within which shares may be deposited pursuant to the take-over bid, or any extension thereof, shall not exceed thirty-five days from the date of the take-over bid.
- 6. Where a take-over bid is made for less than all the equity shares owned by offerees, shares deposited pursuant to the take-over bid shall be taken up and

paid for, if all the terms and conditions thereof not waived by the offeror have been complied with, within fourteen days after the last day within which shares may be deposited pursuant thereto.

7. Where a take-over bid is made for less than all the equity shares owned by offerees and where a greater number of shares is deposited pursuant thereto than the offeror is bound or willing to take up and pay for, the shares taken up by the offeror shall be taken up as nearly as may be *pro rata*, disregarding fractions, according to the number of shares deposited by each offeree.
8. Where the laws applicable to the company provide for a right of appraisal or acquisition, the offeror shall advise the offeree of his rights of appraisal and whether the offeror intends exercising any right of acquisition he may have.
9. Where the offeror intends to purchase securities in the market, his intention shall be set out in the take-over bid circular and, where the take-over bid is made for less than all of the equity shares owned by the offeree, he shall not reduce the number of shares he is bound or willing to take up under paragraph 7 by the number of shares purchased in the market.
10. The offeror shall not attach any conditions to the offer except the right to withdraw the offer if the offerees fail to tender the minimum number of shares the offeror is bound and willing to take up or where the action of the board of directors of the offeree company subsequent to the date of the offer materially changes the undertakings, assets or capital of the offeree company.
11. Where the offer is made for all of the equity shares owned by offerees the offeror shall, at the expiration of thirty-five days from the making of the offer, take up and pay for the shares tendered at that time or abandon his offer.

24. Section 86 of *The Securities Act, 1966* is repealed and the following substituted therefor:

1966, c. 142,
s. 86,
re-enacted

- 86.—(1) Where the board of directors of an offeree company recommends to offerees acceptance or rejection of a take-over bid made to such offerees, the board shall send or cause to be sent to each offeree with this communication a directors' circular, which shall contain the information prescribed by Division D of this Part.

Directors'
circular

Advising
shareholders

- (2) Where the board of directors is considering sending a circular under subsection 1, it may advise its shareholders of this fact and may advise them not to tender their shares until a further communication is received from the directors.

Idem

- (3) Where the board of directors elects to send a communication under subsection 2, it shall send a directors' circular at least seven days prior to the expiry of the offer.

Recom-
mendation
by
individual
director or
officer

- (4) An individual director or officer may recommend to offerees acceptance or rejection of a take-over bid made to such offerees if the director or officer sends or causes to be sent to each offeree with this communication a circular containing, *mutatis mutandis*, the information required by section 95 relating to his holdings and interest.

Sending
communi-
cations

- (5) All communications required or permitted by this section shall be sent to each offeree by prepaid mail at his last address as shown on the books of the company.

1966, c. 142,
amended

25. *The Securities Act, 1966* is amended by adding thereto the following section:

Certificate
where
take-over
bid by
company

- 88a.—(1) Subject to subsection 2, where a take-over bid is made by or on behalf of a company the take-over bid circular shall contain a certificate in the following form, signed by the chief executive officer, the chief financial officer and, on behalf of the board of directors, by any two directors of the company other than the foregoing, duly authorized to sign:

“The foregoing constitutes full, true and plain disclosure of all material facts relating to the take-over bid made by this circular as required by Part IX of *The Securities Act, 1966*, and the regulations thereunder.”

Idem

- (2) Where the company has only three directors, two of whom are the chief executive officer and the chief financial officer, the certificate may be signed by all the directors of the company.

Certificate
where
take-over
bid by
person

- (3) Where a take-over bid is made by a person, the circular shall be certified in the form set out in subsection 1 by the person making the offer.

Certificate
where
take-over
bid by
undisclosed
principal

- (4) Where the take-over bid is made on behalf of an undisclosed principal, as permitted by section 91, the circular shall be certified in the form set out in subsection 1 by the agent making the offer.

26. Section 89 of *The Securities Act, 1966* is repealed and the following substituted therefor: 1966, c. 142,
s. 89,
re-enacted

89. Any person or company may apply to the Commission for an order declaring a take-over bid to be an exempt offer and the Commission may, where in its opinion such an order would not be prejudicial to the public interest, upon such terms or conditions as it may impose, deem the proposed offer to be exempt. Application
to disclose
bid to
be an
exempt
offer

27. Section 91 of *The Securities Act, 1966* is amended by adding thereto the following subsection: 1966, c. 142,
s. 91,
amended

(2) Where a take-over bid is made for less than all of the outstanding equity shares owned by offerees, the identity of the offeror shall be disclosed in the take-over bid circular. Naming of
offeror

28. Section 98 of *The Securities Act, 1966* is repealed and the following substituted therefor: 1966, c. 142,
s. 98,
re-enacted

98.—(1) Subject to subsection 2, where a directors' circular is sent to offerees under subsection 1 of section 86 it shall contain a certificate in the following form, signed by the chief executive officer, the chief financial officer and, on behalf of the board of directors, by any two directors of the company other than the foregoing, duly authorized to sign: Certificate
on directors
circular

"The foregoing constitutes full, true and plain disclosure of all material facts relating to the take-over bid as required by sections 95 to 97 of *The Securities Act, 1966*, and the regulations thereunder."

(2) Where the company has only three directors, two of whom are the chief executive officer and the chief financial officer, the certificate may be signed by all the directors of the company. Idem

(3) Where a circular is sent out to offerees under subsection 4 of section 86, it shall be certified by the individual director or officer in the form set out in subsection 1. Certificate
of circular
of individual
director or
officer

29. *The Securities Act, 1966* is amended by adding thereto the following section: 1966, c. 142,
amended

RIGHT OF RESCISSION

Grounds for
rescission
by offeree

99a.—(1) An offeree who is a party to a contract resulting from a take-over bid has a right to rescind the contract if the take-over bid circular forwarded in compliance with this Part received by the offeree, as of the date of receipt, contains an untrue statement of a material fact or omits to state a material fact necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it was made.

Limitation
of action

(2) No action shall be commenced to enforce the right of rescission conferred by this section after the expiration of ninety days from the receipt of the take-over bid circular or amended circular or from the date of the contract referred to in subsection 1, whichever is later.

Exceptions

(3) Subsection 1 does not apply to untrue statements of a material fact or an omission to state a material fact,

(a) if the untruth of such statements or the fact of such omission was unknown to the offeror and, in the exercise of reasonable diligence, could not have been known to the offeror; or

(b) if the offeree knew of the untruth of the statement or knew of the omission at the time he tendered his securities to the offeror.

Receipt
by mail

(4) For the purpose of this section, where a take-over bid circular or amended circular is sent by prepaid mail it shall be deemed to be received in the ordinary course of mail by the person or company to whom it was addressed.

Right of
rescission
in addition
to other
rights

(5) The right of rescission conferred by this section is in addition to and without derogation from any other right the offeree may have at law.

Circular
to contain
notice of
right of
rescission

(6) Every take-over bid circular shall contain a statement of the right of rescission provided by this section.

1966, c. 142,
s. 100, cl. a,
subcl. i,
amended

30.—(1) Subclause i of clause a of section 100 of *The Securities Act, 1966* is amended by striking out "primary" in the third line.

(2) Subclause iii of clause *a* of the said section 100 is amended by inserting after "Act" in the third line "or *The Business Corporations Act, 1970*", so that the subclause shall read as follows:

1966, c. 142
s. 100 cl. *a*,
subcl. iii,
amended

(iii) a company incorporated by or under a general or special Act of the Legislature or a company to which Part II of *The Corporations Act* or *The Business Corporations Act, 1970* applies, or

R.S.O. 1960,
c. 71,
1970, c. 25

31. Subsection 2 of section 108 of *The Securities Act, 1966* is amended by striking out "and" at the end of clause *a*, by adding "and" at the end of clause *b* and by adding thereto the following clause:

1966, c. 142,
s. 108,
subs. 2,
amended

(c) for the purpose of reporting under section 109 or 109*a*, ownership shall be deemed to pass at such time as an offer to sell is accepted by the purchaser or his agent or an offer to buy is accepted by the vendor or his agent.

32. *The Securities Act, 1966* is amended by adding thereto the following section:

1966, c. 142,
amended

109*a*.—(1) Where an offeror as defined in Part IX becomes an insider under this Part or *The Business Corporations Act, 1970* and through purchases effected through the facilities of a stock exchange or in the over-the-counter market becomes the beneficial owner, directly or indirectly, of equity shares of a corporation carrying 20 per cent or more of the voting rights attached to all equity shares of the corporation for the time being outstanding such offeror within three days of acquiring such 20 per cent ownership, shall file with the Commission a report as of the day on which he attained such ownership.

Report by
offeror
1970, c. 25

(2) An offeror required to file a report under subsection 1 shall, within three days of purchasing further equity shares carrying an additional 5 per cent of the voting rights through the facilities of a stock exchange or in the over-the-counter market file with the Commission a report as of the day on which he attained the additional 5 per cent of the voting rights and thereafter each time he acquires a further 5 per cent.

Idem

Idem (3) Where the facts required to be reported by this section are identical to those required under section 109, a separate report under section 109 is not required.

1966, c. 142, s. 110, subs. 1, amended **33.** Subsection 1 of section 110 of *The Securities Act, 1966* is amended by striking out "section 109" in the second line and inserting in lieu thereof "sections 109 and 109a", so that the subsection shall read as follows:

Reports may be inspected (1) All reports filed with the Commission under sections 109 and 109a shall be open to public inspection at the offices of the Commission during normal business hours of the Commission, and any person may make extracts from such reports.

1966, c. 142, s. 111, subs. 1, amended **34.**—(1) Subsection 1 of section 111 of *The Securities Act, 1966* is amended by inserting after "109" in the second line "or 109a", so that the subsection shall read as follows:

Offence (1) Every person or company that is required to file a report under section 109 or 109a and who fails so to do is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where a company fails to so report, every director or officer of such company who authorized, permitted or acquiesced in such failure is also guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

1966, c. 142, s. 111, subs. 2, amended (2) Subsection 2 of the said section 111 is amended by striking out "subsection 1, 2 or 3 of section 109" in the second line and inserting in lieu thereof "section 109 or 109a", so that the subsection shall read as follows:

Idem (2) Every person or company who files a report under section 109 or 109a that is false or misleading by reason of the misstatement or omission of any material fact is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where a company files a false or misleading report, every director or officer of such company who authorized, permitted or acquiesced in the filing of such false or misleading report is also guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

1966, c. 142, s. 115, cl. a, amended **35.** Clause a of section 115 of *The Securities Act, 1966* is amended by striking out "section 109" in the second line and inserting in lieu thereof "sections 109 and 109a", so that the clause shall read as follows:

- (a) prescribing the form and content of the reports required to be filed under sections 109 and 109a.

36. Subsection 1 of section 116 of *The Securities Act, 1966* ^{1966, c. 142, s. 116, subs. 1, re-enacted} is repealed and the following substituted therefor:

- (1) Upon the application of an interested person or ^{Conflict} company, the Commission may,

- (a) if a requirement of section 109 or 109a conflicts with a requirement of the laws of the jurisdiction in which a corporation is incorporated; or
- (b) if the laws of the jurisdiction to which the corporation is subject contain substantially similar requirements as contained in sections 109 and 109a; or
- (c) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing,

make an order on such terms and conditions as seem to the Commission just and expedient exempting, in whole or in part, a person or company from the requirements of sections 109 and 109a.

37.—(1) Subsection 1 of section 118 of *The Securities Act, 1966* ^{1966, c. 142, s. 118, subs. 1, amended} is amended by adding thereto the following clauses:

- (aa) “basic earnings per share” means the amount of income attributable to each outstanding share that carries as an incident of ownership the right to participate in earnings to an unlimited degree, calculated in the manner prescribed by the regulations;

.

- (c) “fully diluted earnings per share” means the amount of income attributable to each share that would, if all potential conversions, exercises and contingent issuances had occurred during the period, be outstanding and have as an incident of ownership the right to participate in earnings to an unlimited degree, calculated in the manner prescribed by the regulations.

(2) Subclause i of clause b of subsection 1 of the said ^{1966, c. 142, s. 118, subs. 1, cl. b, subcl. i, amended} section 118 is amended by striking out “primary” in the third line.

1966, c. 142
s. 118,
subs. 1, cl.
b subcl. iii.
amended

(3) Subclause iii of clause *b* of subsection 1 of the said section 118 is amended by inserting after "Act" in the third line "or *The Business Corporations Act, 1970*", so that the subclause shall read as follows:

R.S.O. 1960,
c. 71,
1970, c. 25

(iii) a company incorporated by or under a general or special Act of the Legislature or a company to which Part II of *The Corporations Act* or *The Business Corporations Act, 1970* applies.

1966, c. 142,
s. 118, subs.
2, (1968,
c. 123, s. 31)
amended

(4) Subsection 2 of the said section 118, as enacted by section 31 of *The Securities Amendment Act, 1968*, is amended by striking out "primary" in the fourth line.

1966, c. 142,
s. 120,
subs. 3, 4,
repealed

38. Subsections 3 and 4 of section 120 of *The Securities Act, 1966* are repealed.

1966, c. 142,
s. 121,
subs. 1,
amended

39.—(1) Subsection 1 of section 121 of *The Securities Act, 1966* is amended by striking out "and" at the end of clause *i* and by adding thereto the following clauses:

(*k*) the basic earnings per share for the current and preceding year for,

(i) income before extraordinary items, and

(ii) net income for the period; and

(*l*) fully diluted earnings per share for the current year for,

(i) income before extraordinary items, and

(ii) net income for the period,

.

1966, c. 142,
s. 121,
subs. 3,
repealed

(2) Subsection 3 of the said section 121 is repealed.

1966, c. 142,
s. 125,
amended

40. Subsection 3 of section 125 of *The Securities Act, 1966* is amended by adding thereto the following paragraphs:

16. Where the corporation has,

i. in the course of a financial period, carried on business of two or more classes that, in the opinion of its directors, differ substantially from each other and the corporation is not one that has any subsidiaries at the end of that financial period, or if it has one or more

subsidaries, does not prepare its financial statement in consolidated form in respect of any subsidiary, or

- ii. has one or more subsidiaries at the end of its financial period and prepares its financial statement in consolidated form in respect of any of the subsidiaries, if the corporation and any of the subsidiaries carried on between them in the course of the period business of two or more classes that, in the opinion of the directors of the corporation, differ substantially from each other,

a statement of the proportions in which the amount of sales or gross revenue for that period, so far as stated in the financial statement in respect of that period, is divided among those classes of business but for the purposes of subparagraphs i and ii,

- iii. classes of business that, in the opinion of the directors, do not differ substantially from each other shall be treated as one class, and

- iv. a corporation having gross sales and revenues exceeding \$25,000,000 need only report in respect of a class of business that contributes 10 per cent or more of the total gross revenue of the corporation and a corporation having gross sales and revenues of \$25,000,000 or less need only report in respect of a class of business that contributes 15 per cent or more of the total gross revenue of the corporation.

17. Where there has been a business combination or acquisition arrived at through private agreements, statutory amalgamations, statutory arrangements or statutory procedures, a take-over bid as defined in Part IX, asset purchases or other methods of materially adding to or combining with an existing business, the details thereof in accordance with the acquisition equation prescribed by the regulations.
18. Where securities have been issued to acquire assets, the proportion of the total securities outstanding, expressed as a percentage, represented by the securities issued to make the acquisition.
19. Where the pooling of interest method is used to account for a business combination or acquisition,

an earnings history for at least two years as though the companies were pooled for the years covered by such history, set out alongside the earnings history of the acquiring company.

1966, c. 142,
s. 129,
subs. 1,
cl. b,
amended

41.—(1) Clause *b* of subsection 1 of section 129 of *The Securities Act, 1966* is amended by striking out “and” at the end of subclause iv and by adding thereto the following subclauses:

- (vi) the basic earnings per share for income before extraordinary items and for net income for the period, and
- (vii) fully diluted earnings per share for income before extraordinary items and for net income.

1966, c. 142,
s. 129,
subs. 2,
repealed

(2) Subsection 2 of the said section 129 is repealed.

1966, c. 142,
s. 130,
subs. 4,
re-enacted

42. Subsection 4 of section 130 of *The Securities Act, 1966* is repealed and the following substituted therefor:

Idem

(4) Where a corporation complies with this Part by complying with subsection 1, the financial statements and the auditor's reports thereon, the interim financial statements and the additional financial information referred to in clauses *a* and *b* of subsection 1 shall be sent to the Commission,

- (a) on the same date as such financial statements are mailed by the corporation to its shareholders; or
- (b) so as to reach the Commission within 170 days of the date to which such financial statements are made up or, in the case of interim financial statements, within sixty days of the date to which the interim financial statements are made up,

whichever is earlier.

1966, c. 142,
s. 131,
subs. 1,
re-enacted

43. Subsection 1 of section 131 of *The Securities Act, 1966* is repealed and the following substituted therefor:

Order of
Commission
relieving
against
certain
requirements

(1) Upon the application of a corporation, the Commission may, where in the opinion of the Commission to do so would not be prejudicial to the public interest, make an order on such terms and conditions as the Commission may impose,

~~(a)~~ permitting the omission of,

- (i) financial statements relating separately to the period covered by the financial year next preceding the latest completed financial year referred to in clause *b* of subsection 1 of section 120,
 - (ii) sales or gross operating revenue referred to in clause *a* of subsection 1 of section 121 or subclause *i* of clause *b* of subsection 1 of section 129 from the statement of profit and loss or the interim financial statement, as the case may be, where the Commission is satisfied that the disclosure of such information would be unduly detrimental to the interests of the corporation,
 - (iii) the basic earnings per share or fully diluted earnings per share referred to in clauses *k* and *l* of subsection 1 of section 121, or in subclauses *vi* and *vii* of clause *b* of subsection 1 of section 129 from the statement of profit and loss or the interim financial statement, as the case may be,
 - (iv) the information relating to the comparable period referred to in subsection 1 of section 129;
- (b) where, in the opinion of the Commission, the corporation is unable to comply with the requirements of section 123, permitting the corporation to file in lieu thereof, an alternative statement containing such information, if any, as the Commission considers appropriate;
- (c) exempting, in whole or in part, the corporation from the requirements of this Part,
- (i) if such a requirement conflicts with a requirement of the laws of the jurisdiction in which a corporation is incorporated, or
 - (ii) if the laws of the jurisdiction to which

the corporation is subject contain substantially similar requirements as contained in this Part, or

- (iii) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing.

1966, c. 142, s. 133, re-enacted **44.** Section 133 of *The Securities Act, 1966* is repealed and the following substituted therefor:

Material to be filed by certain companies R.S.O. 1960, c. 71, 1970, c. 25

133.—(1) A company that is subject to sections 82 to 93a of *The Corporations Act* or sections 167 to 185 of *The Business Corporations Act, 1970* shall file with the Commission its financial statements, auditor's reports thereon and interim financial statements that are required to be mailed by the company to its shareholders.

Time of filing

(2) The financial statements, auditor's reports thereon and interim financial statements referred to in subsection 1 shall be sent to the Commission on the same date such statements are mailed or required to be mailed by the company to its shareholders, whichever is earlier.

1966, c. 142, amended **45.** *The Securities Act, 1966* is amended by adding thereto the following section:

Consequence of false statement in information circular

141c. Where a circular has been sent to the offerees or the shareholders of an offeree company as required by Part IX, every person or company to whom such circular was sent shall be deemed to have relied upon the statements made in the circular and, if a material false statement is contained in a circular, each person who at the time the circular was signed was a director of the company on whose behalf the circular was signed and each person who was required to sign a certificate under section 88a or section 98 is liable to pay compensation to all shareholders of the company whose shares are the subject of the take-over bid for any loss or damage such shareholders have sustained as a result of such material false statement unless it is proved,

- (a) that the circular was prepared and sent without his knowledge or consent, and that, or

becoming aware of its being sent, he forthwith gave reasonable public notice that it was so sent without his knowledge or consent;

- (b) that, before the statement was relied or acted upon, on becoming aware of any false statement therein, he withdrew his consent thereto and gave reasonable public notice of such withdrawal and of the reasons therefor;
- (c) that, with respect to every false statement, he had reasonable grounds to believe and did believe that the statement was true;
- (d) that he had no reasonable grounds to believe that an expert who made a statement in a circular or whose report or valuation was produced or fairly summarized therein was not competent to make such statement, valuation or report; or
- (e) that, with respect to every false statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, it was a correct and fair representation of the statement a copy or extract from the document.

46. Section 144 of *The Securities Act, 1966*, as amended by 1966, c. 142, section 3 of *The Securities Amendment Act, 1967* and section 10^{s. 144} amended of *The Securities Amendment Act, 1968-69*, is further amended by adding thereto the following clause:

- (pa) prescribing the manner of calculating basic earnings per share and fully diluted earnings per share for the purposes of clauses *aa* and *c* of subsection 1 of section 118.

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

48. This Act may be cited as *The Securities Amendment Short title Act, 1971.*

1st Reading

May 20th, 1971

2nd Reading

June 15th, 1971

3rd Reading

July 8th, 1971

THE HON. АРТНУР А. WISHART

Minister of Financial and

Commercial Affairs

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Statute Labour Act

MR. JACKSON

TORONTO

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

EXPLANATORY NOTES

SECTION 1. The amendment would allow the commissioners elected to take a declaration of office before a justice of the peace or a commissioner for taking affidavits.

SECTION 2. The six days notice has been increased to fourteen to allow a greater length of time for delivery.

SECTION 3. Subsection 1. The salary for the secretary-treasurer has been increased to bring it in line with present wage practices.

Subsection 2. The amendment would allow the secretary-treasurer to take the declaration of office before a justice of the peace or a commissioner for taking affidavits.

BILL 50

1971

An Act to amend The Statute Labour Act

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

1. Section 21 of *The Statute Labour Act* is amended by R.S.O. 1960, c. 382, s. 21, inserting after "peace" in the second line "or a commissioner amended for taking affidavits".

2. Section 30 of *The Statute Labour Act* is amended by R.S.O. 1960, c. 382, s. 30, striking out "six" in the third line and in the sixth line and amended inserting in lieu thereof in each instance "fourteen".

3.—(1) Subsection 1 of section 31 of *The Statute Labour Act* is amended by striking out "\$50" in the eighth line and amended inserting in lieu thereof "\$150".

(2) Subsection 2 of the said section 31 is amended by R.S.O. 1960, c. 382, s. 31, inserting after "peace" in the third line "or a commissioner amended subs. 2, for taking affidavits".

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

5. This Act may be cited as *The Statute Labour Amendment Act, 1971*. Short title

1st Reading
May 20th, 1971

2nd Reading

3rd Reading

MR. JACKSON

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Public Lands Act

THE HON. RENE BRUNELLE
Minister of Lands and Forests

TORONTO

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

EXPLANATORY NOTES

SECTION 1. The amended subsections are made applicable to a person who causes a building or structure to be erected in a restricted area without first obtaining a permit.

SECTION 2. The purpose of the amendment is to clarify the intent of section 27a of the Act.

BILL 51

1971

An Act to amend The Public Lands Act

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

1. Subsections 2 and 3 of section 16 of *The Public Lands Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 324, s. 16,
subss. 2, 3,
re-enacted

(2) Except under the authority of a permit issued under this Act, no person shall erect or cause to be erected any building or structure or make or cause to be made any improvement on any lands in any area in territory without municipal organization that is designated by the Minister as a restricted area.

Permits

(3) Every person who erects or causes to be erected a building or structure or makes or causes to be made any improvement on lands in an area designated by the Minister as a restricted area without a permit therefor and every person who contravenes or causes to be contravened any term or condition of a permit issued under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Offences

2. Section 27a of *The Public Lands Act*, as enacted by section 2 of *The Public Lands Amendment Act, 1960-61*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 324, s. 27a
(1960-61, c. 81,
s. 2),
re-enacted

27a. Every person who without the written consent of the Minister or an officer authorized by the Minister throws or deposits or causes to be deposited any material, substance or thing upon public lands whether or not covered with water or ice, or both, is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Penalty for
unauthorized
filling in,
etc., of
public
lands

R.S.O. 1960,
c. 324, s. 27b
(1960-61, c. 81
s. 2) subss. 1, 2,
re-enacted

3. Subsections 1 and 2 of section 27b of *The Public Lands Act*, as enacted by section 2 of *The Public Lands Amendment Act, 1960-61*, are repealed and the following substituted therefor:

Unauthorized
occupation,
etc., of
posted public
lands

(1) The Department may cause to be erected on any public lands, including a road under the jurisdiction of the Minister, signs prohibiting, controlling or governing,

(a) the possession, occupation or any use or uses thereof; or

(b) the parking of vehicles thereon.

Offences

(2) Every person who possesses, occupies or uses any public lands on which signs have been erected under clause *a* of subsection 1 in contravention of any such sign, or who parks a vehicle on public lands on which signs have been erected under clause *b* of subsection 1 in contravention of any such sign, and who has had a reasonable opportunity of seeing any of such signs, is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

R.S.O. 1960,
c. 324, s. 31,
re-enacted

4. Section 31 of *The Public Lands Act* is repealed and the following substituted therefor:

Cancellation
of erroneous
letters patent

31.—(1) Where letters patent have been issued to or in the name of the wrong person, through mistake, or contain any clerical error or misnomer or a wrong description of the land intended to be granted, the Minister, if there is no adverse claim, may direct the defective letters patent to be cancelled and corrected letters patent to be issued in their stead.

Effect of
corrected
letters patent

(2) The corrected letters patent issued pursuant to subsection 1 shall,

(a) relate back to the date of the defective letters patent cancelled pursuant to subsection 1;

(b) have the same effect as if issued at the date of the defective letters patent cancelled pursuant to subsection 1; and

(c) have the effect of correcting, *mutatis mutandi* every instrument made prior to the date of such corrected letters patent by the patentee or any person claiming through or under him

SECTION 3. Subsection 1. The amendment permits the Department to control and govern the use of public lands by the erection of signs, and not merely to prohibit such use as at present.

Subsection 2. Complementary to subsection 1.

SECTION 4. The purpose of the amendment is to clarify the application and intent of section 31 of the Act. Where defective letters patent are cancelled and corrected letters patent are issued in their stead, the corrected letters patent shall have the effect of correcting every instrument made prior to the date of such corrected letters patent by the patentee or any person claiming under or through him.

SECTION 5. The administration and control of the construction and maintenance of dams is assigned to the Minister of Lands and Forests.

(3) The powers conferred by subsection 1 may be exercised notwithstanding that the land has been registered under *The Land Titles Act*. Land registered under R.S.O. 1960, c. 204

5. *The Public Lands Act* is amended by adding thereto the following Part: R.S.O. 1960, c. 324, amended

PART IV

CONSTRUCTION OF DAMS

- 74. In this Part, "dam" includes a channel, diversion, dock, groyne, light, pier, slide, warning device, wharf or work for the control and regulation of water and any building, road, structure, service or temporary installation necessary or incidental thereto. Interpretation
- 75. The Minister may design, construct, renovate, service, maintain, repair, furnish, equip, manage and administer dams. Construction
- 76. Land or any interest therein may be acquired or expropriated under *The Public Works Act* for the purpose of this Part. Acquisition of land R.S.O. 1960, c. 338
- 77. The Minister may enter into any contract or agreement that he considers advisable to effect the purposes of this Part. Agreements
- 78.—(1) In the event of emergency, as declared by the Lieutenant Governor in Council, respecting the safety of persons or the protection or preservation of public or private property, the Minister or any person authorized by him, may, without the consent of the owner, Power to enter and use
 - (a) enter upon and use any land ;
 - (b) alter in any manner any natural or artificial feature of any land ;
 - (c) construct and use roads on, to and from any land ;
 - (d) construct and use all necessary sidings, water pipes, conduits or tracks in, over or upon any land ; or
 - (e) place upon or remove from any land any substance or structure.

Compensation
1968-69,
c. 36

(2) Any powers referred to in subsection 1 may be exercised immediately notwithstanding any provision of *The Expropriations Act, 1968-69*, and without the filing of a plan and the owner of the land is entitled to compensation in the manner provided in that Act.

Commencement

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

Short title

7. This Act may be cited as *The Public Lands Amendment Act, 1971*.







1st Reading

May 27th, 1971

2nd Reading

3rd Reading

THE HON. RENE BRUNELLE
Minister of Lands and Forests

(Government Bill)

1971

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Public Lands Act

THE HON. RENE BRUNELLE
Minister of Lands and Forests

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The amended subsections are made applicable to a person who causes a building or structure to be erected in a restricted area without first obtaining a permit.

SECTION 2. The purpose of the amendment is to clarify the intent of section 27*a* of the Act.

BILL 51

1971

An Act to amend The Public Lands Act

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

1. Subsections 2 and 3 of section 16 of *The Public Lands Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 324, s. 16,
subss. 2, 3,
re-enacted

(2) Except under the authority of a permit issued under this Act, no person shall erect or cause to be erected any building or structure or make or cause to be made any improvement on any lands in any area in territory without municipal organization that is designated by the Minister as a restricted area.

Permits

(3) Every person who erects or causes to be erected a building or structure or makes or causes to be made any improvement on lands in an area designated by the Minister as a restricted area without a permit therefor and every person who contravenes or causes to be contravened any term or condition of a permit issued under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Offences

2. Section 27a of *The Public Lands Act*, as enacted by section 2 of *The Public Lands Amendment Act, 1960-61*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 324, s. 27a
(1960-61, c. 81,
s. 2),
re-enacted

27a. Every person who without the written consent of the Minister or an officer authorized by the Minister throws or deposits or causes to be deposited any material, substance or thing upon public lands whether or not covered with water or ice, or both, is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Penalty for
unauthorized
filling in,
etc., of
public
lands

R.S.O. 1960,
c. 324, s. 27b
(1960-61, c. 81
s. 2) subss. 1, 2,
re-enacted

3. Subsections 1 and 2 of section 27b of *The Public Lands Act*, as enacted by section 2 of *The Public Lands Amendment Act, 1960-61*, are repealed and the following substituted therefor:

Unauthorized
occupation,
etc., of
posted public
lands

(1) The Department may cause to be erected on any public lands, including a road under the jurisdiction of the Minister, signs prohibiting, controlling or governing,

(a) the possession, occupation or any use or uses thereof; or

(b) the parking of vehicles thereon.

Offences

(2) Every person who possesses, occupies or uses any public lands on which signs have been erected under clause a of subsection 1 in contravention of any such sign, or who parks a vehicle on public lands on which signs have been erected under clause b of subsection 1 in contravention of any such sign, and who has had a reasonable opportunity of seeing any of such signs, is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

R.S.O. 1960,
c. 324, s. 31,
re-enacted

4. Section 31 of *The Public Lands Act* is repealed and the following substituted therefor:

Cancellation
of erroneous
letters patent

31.—(1) Where letters patent have been issued to or in the name of the wrong person, through mistake, or contain any clerical error or misnomer or a wrong description of the land intended to be granted, the Minister, if there is no adverse claim, may direct the defective letters patent to be cancelled and corrected letters patent to be issued in their stead.

Effect of
corrected
letters patent

(2) Corrected letters patent heretofore or hereafter issued shall,

(a) relate back to the date of the defective letters patent cancelled pursuant to subsection 1;

(b) have the same effect as if issued at the date of the defective letters patent cancelled pursuant to subsection 1; and

(c) have the effect of correcting, *mutatis mutandi*, every instrument made prior to the date of such corrected letters patent by the patentee or any person claiming through or under him

SECTION 3. Subsection 1. The amendment permits the Department to control and govern the use of public lands by the erection of signs, and not merely to prohibit such use as at present.

Subsection 2. Complementary to subsection 1.

SECTION 4. The purpose of the amendment is to clarify the application and intent of section 31 of the Act. Where defective letters patent are cancelled and corrected letters patent are issued in their stead, the corrected letters patent shall have the effect of correcting every instrument made prior to the date of such corrected letters patent by the patentee or any person claiming under or through him.

SECTION 5. The administration and control of the construction and maintenance of dams is assigned to the Minister of Lands and Forests.

- (3) The powers conferred by subsection 1 may be exercised notwithstanding that the land has been registered under *The Land Titles Act*. Land registered under R.S.O. 1960, c. 204

5. *The Public Lands Act* is amended by adding thereto the following Part : R.S.O. 1960, c. 324, amended

PART IV

CONSTRUCTION OF DAMS

74. In this Part, "dam" includes a channel, diversion, dock, groyne, light, pier, slide, warning device, wharf or work for the control and regulation of water and any building, road, structure, service or temporary installation necessary or incidental thereto. Interpretation
75. The Minister may design, construct, renovate, service, maintain, repair, furnish, equip, manage and administer dams. Construction
76. Land or any interest therein may be acquired or expropriated under *The Public Works Act* for the purpose of this Part. Acquisition of land R.S.O. 1960, c. 338
77. The Minister may enter into any contract or agreement that he considers advisable to effect the purposes of this Part. Agreements
- 78.—(1) In the event of emergency, as declared by the Lieutenant Governor in Council, respecting the safety of persons or the protection or preservation of public or private property, the Minister or any person authorized by him, may, without the consent of the owner, Power to enter and use
- (a) enter upon and use any land ;
 - (b) alter in any manner any natural or artificial feature of any land ;
 - (c) construct and use roads on, to and from any land ;
 - (d) construct and use all necessary sidings, water pipes, conduits or tracks in, over or upon any land ; or
 - (e) place upon or remove from any land any substance or structure.

Compensa-
tion

1968-69,
c. 36

(2) Any powers referred to in subsection 1 may be exercised immediately notwithstanding any provision of *The Expropriations Act, 1968-69*, and without the filing of a plan and the owner of the land is entitled to compensation in the manner provided in that Act.

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 Public Lands Amendment Act, 1971*.



111



1st Reading

May 27th, 1971

2nd Reading

June 24th, 1971

3rd Reading

THE HON. RENE BRUNELLE
Minister of Lands and Forests

*(Reprinted as amended by
the Committee of the Whole House)*

1971

BILL 51

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Public Lands Act

THE HON. RENE BRUNELLE
Minister of Lands and Forests

TORONTO

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



An Act to amend The Public Lands Act

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

1. Subsections 2 and 3 of section 16 of *The Public Lands Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 324, s. 16,
subss. 2, 3,
re-enacted

(2) Except under the authority of a permit issued under this Act, no person shall erect or cause to be erected any building or structure or make or cause to be made any improvement on any lands in any area in territory without municipal organization that is designated by the Minister as a restricted area.

Permits

(3) Every person who erects or causes to be erected a building or structure or makes or causes to be made any improvement on lands in an area designated by the Minister as a restricted area without a permit therefor and every person who contravenes or causes to be contravened any term or condition of a permit issued under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Offences

2. Section 27a of *The Public Lands Act*, as enacted by section 2 of *The Public Lands Amendment Act, 1960-61*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 324, s. 27a
(1960-61, c. 81,
s. 2),
re-enacted

27a. Every person who without the written consent of the Minister or an officer authorized by the Minister throws or deposits or causes to be deposited any material, substance or thing upon public lands whether or not covered with water or ice, or both, is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Penalty for
unauthorized
filling in,
etc., of
public
lands

R.S.O. 1960,
c. 324, s. 27 b
(1960-61, c. 81
s. 2) subss. 1, 2,
re-enacted

3. Subsections 1 and 2 of section 27b of *The Public Lands Act*, as enacted by section 2 of *The Public Lands Amendment Act, 1960-61*, are repealed and the following substituted therefor:

Unauthorized
occupation,
etc., of
posted public
lands

- (1) The Department may cause to be erected on any public lands, including a road under the jurisdiction of the Minister, signs prohibiting, controlling or governing,
- (a) the possession, occupation or any use or uses thereof; or
 - (b) the parking of vehicles thereon.

Offences

- (2) Every person who possesses, occupies or uses any public lands on which signs have been erected under clause a of subsection 1 in contravention of any such sign, or who parks a vehicle on public lands on which signs have been erected under clause b of subsection 1 in contravention of any such sign, and who has had a reasonable opportunity of seeing any of such signs, is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

R.S.O. 1960,
c. 324, s. 31,
re-enacted

4. Section 31 of *The Public Lands Act* is repealed and the following substituted therefor:

Cancellation
of erroneous
letters patent

- 31.—(1) Where letters patent have been issued to or in the name of the wrong person, through mistake, or contain any clerical error or misnomer or a wrong description of the land intended to be granted, the Minister, if there is no adverse claim, may direct the defective letters patent to be cancelled and corrected letters patent to be issued in their stead.

Effect of
corrected
letters patent

- (2) Corrected letters patent heretofore or hereafter issued shall,
- (a) relate back to the date of the defective letters patent cancelled pursuant to subsection 1;
 - (b) have the same effect as if issued at the date of the defective letters patent cancelled pursuant to subsection 1; and
 - (c) have the effect of correcting, *mutatis mutandis*, every instrument made prior to the date of such corrected letters patent by the patentee or any person claiming through or under him.

(3) The powers conferred by subsection 1 may be exercised notwithstanding that the land has been registered under *The Land Titles Act*. Land registered under R.S.O. 1960, c. 204

5. *The Public Lands Act* is amended by adding thereto the following Part: R.S.O. 1960, c. 324, amended

PART IV

CONSTRUCTION OF DAMS

74. In this Part, "dam" includes a channel, diversion, dock, groyne, light, pier, slide, warning device, wharf or work for the control and regulation of water and any building, road, structure, service or temporary installation necessary or incidental thereto. Interpretation
75. The Minister may design, construct, renovate, service, maintain, repair, furnish, equip, manage and administer dams. Construction
76. Land or any interest therein may be acquired or expropriated under *The Public Works Act* for the purpose of this Part. Acquisition of land R.S.O. 1960, c. 338
77. The Minister may enter into any contract or agreement that he considers advisable to effect the purposes of this Part. Agreements
- 78.—(1) In the event of emergency, as declared by the Lieutenant Governor in Council, respecting the safety of persons or the protection or preservation of public or private property, the Minister or any person authorized by him, may, without the consent of the owner, Power to enter and use
- (a) enter upon and use any land;
 - (b) alter in any manner any natural or artificial feature of any land;
 - (c) construct and use roads on, to and from any land;
 - (d) construct and use all necessary sidings, water pipes, conduits or tracks in, over or upon any land; or
 - (e) place upon or remove from any land any substance or structure.

Compensation
1968-69,
c. 36

(2) Any powers referred to in subsection 1 may be exercised immediately notwithstanding any provision of *The Expropriations Act, 1968-69*, and without the filing of a plan and the owner of the land is entitled to compensation in the manner provided in that Act.

Commencement

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

Short title

7. This Act may be cited as *The Public Lands Amendment Act, 1971*.



1st Reading

May 27th, 1971

2nd Reading

June 24th, 1971

3rd Reading

July 13th, 1971

THE HON. RENE BRUNELLE
Minister of Lands and Forests

1971

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Business Corporations Act, 1970

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs

T O R O N T O

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

EXPLANATORY NOTES

SECTION 1. The amendment amplifies the definition of offering securities to the public.

SECTION 2. The amendment permits the shareholder of a one-man corporation to dispense with the formalities of a meeting where he puts the action to be taken thereat in writing and signs it.

BILL 52

1971

**An Act to amend
The Business Corporations Act, 1970**

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

1. Subsection 9 of section 1 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 1, subs. 9, re-enacted

(9) A body corporate is offering its securities to the public only where, Offering securities to public

(a) in respect of any of its securities a prospectus, statement of material facts or securities exchange take-over bid circular has been filed under *The Securities Act, 1966*, or any predecessor thereof or in respect of which a prospectus has been filed under *The Corporations Information Act*, or any predecessor thereof, so long as any of such securities are outstanding; or 1966, c. 142 R.S.O. 1960, c. 72

(b) any of its shares are listed and posted for trading on any stock exchange in Ontario recognized by the Commission,

except that where, upon the application of a body corporate that has fewer than fifteen shareholders, the Commission is satisfied, in its discretion, that to do so would not be prejudicial to the public interest, the Commission may order, subject to such terms and conditions as the Commission may impose, that the body corporate shall be deemed to have ceased to be offering its securities to the public.

2. Subsection 4 of section 23 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 23, subs. 4, re-enacted

(4) Any by-law, resolution or other action of a corporation Idem that has only one shareholder consented to at any

time during a corporation's existence by the signature of such shareholder is as valid and effective as if passed at a meeting of shareholders duly called, constituted and held for that purpose.

Evidentiary
value of
signatures

- (5) Where a by-law, resolution or other action purports to have been consented to or confirmed under this section by the signatures of all the directors or shareholders, as the case may be, of the corporation, the signatures to the by-law, resolution or other action are admissible in evidence as *prima facie* proof of the signatures of the directors or shareholders, as the case may be, that they purport to represent and are admissible in evidence as *prima facie* proof that the signatories to the by-law, resolution or other action were all the directors or all the shareholders entitled to vote at meetings of shareholders, as the case may be, at the date that the by-law, resolution or other action purports so to have been consented to or confirmed.

1970, c. 25,
s. 25,
amended

3. Section 25 of *The Business Corporations Act, 1970* is amended by adding thereto the following subsection:

Effective
date of an
amendment

- (3) Upon the date set forth in the certificate of filing, the resolution becomes effective and constitutes an amendment to the articles.

1970, c. 25,
s. 27, subs. 1,
cl. g,
re-enacted

4. Clause *g* of subsection 1 of section 27 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

- (g) the purchase for cancellation by the corporation of all or part of the shares of that class by agreement with the holders thereof.

1970, c. 25,
s. 34, subs. 1,
re-enacted

5. Subsection 1 of section 34 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Redemption
of special
shares

- (1) Where the shares of a class of special shares are made redeemable by the articles and part only of the special shares are to be redeemed, the shares to be redeemed shall be selected,

(a) by lot in such manner as the board of directors determines;

(b) as nearly as may be in proportion to the number of special shares of the class registered in the name of each shareholder; or

SECTION 3. This subsection establishes the effective date of an amendment to the articles of the corporation.

SECTION 4. The words deleted from this clause are provided for in section 35 of the Act. (See section 6 of this Bill).

SECTION 5. The amendment widens the choice of methods of selecting special shares to be redeemed.

SECTION 6. The amendment is for clarification.

SECTION 7. The amendment makes clear the power of mutual fund corporations to issue fractional shares.

- (c) in such other manner as the board of directors determines with the consent of the holders of special shares of the class obtained in the manner set out in subsection 2,

but the articles may confine the manner of selection to one or more of those methods set out in clauses a, b and c.

6. Subsection 1 of section 35 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 35, subs. 1, re-enacted

- (1) Where the shares of a class of special shares are made purchasable for cancellation by the articles, then, Purchase of special shares for cancellation
- (a) the shares shall be purchased at the lowest price at which, in the opinion of the directors, the shares are obtainable, but not exceeding an amount stated in or determined by the articles; and
- (b) the shares shall be purchased either,
- (i) on the open market,
- (ii) with the consent of all the holders of the shares of the class, or
- (iii) pursuant to tenders received by the corporation upon request for tenders addressed to all the holders of the shares of the class and the corporation shall accept only the lowest tenders,

but the articles may confine the manner of purchase to one or more of those set out in sub-clauses i, ii and iii.

7. Subsection 1 of section 37 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 37, subs. 1, re-enacted

- (1) Where the only undertaking of a corporation is the business of investing the funds of the corporation, its articles may provide for the issuing of one or more classes of mutual fund shares and fractions or parts thereof that have attached thereto conditions requiring the corporation to accept, at the demand of the holder thereof and at prices determined and payable in accordance with the conditions, the surrender of the shares, or fractions or parts thereof. Surrender of mutual fund shares

1970, c. 25,
s. 39, subs. 5,
re-enacted

8. Subsection 5 of section 39 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Method

- (5) Where a corporation purchases its common shares under subsection 1, the purchase shall be made at the lowest price at which, in the opinion of the directors, such shares are obtainable, and,
- (a) pursuant to tenders received by the corporation upon request for tenders addressed to all the holders of the shares of the class and the corporation shall accept only the lowest tenders; or
 - (b) from *bona fide* full-time employees and former employees of the corporation; or
 - (c) where the corporation is offering its shares to the public, by purchase on the open market.

1970, c. 25,
s. 44, subs. 5,
re-enacted

9. Subsection 5 of section 44 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Idem

- (5) For the purposes of subsection 4 and paragraph 21 of subsection 2 of section 15, a document evidencing indebtedness of the allottee does not constitute property and services shall be past services actually performed for the corporation, and the value of property or services shall be the value the directors determine by express resolution to be in all the circumstances of the transaction the fair equivalent of the cash value.

1970, c. 25,
s. 45, subs. 1,
re-enacted

10. Subsection 1 of section 45 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Commission
on sale
of shares

- (1) A corporation may provide by special by-law for the payment of commissions or allowing discounts to persons in consideration of their subscribing or agreeing to subscribe, whether absolutely or conditionally, for shares in the corporation, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for such shares, but, except in the case of a corporation that carries on as its principal business the business of exploring for minerals, gas or oil or of operating a producing mining, gas or oil property owned and controlled by it or a corporation at least 75 per cent of whose assets are

SECTION 8. The subsection is re-enacted so that it applies only to the purchase of common shares out of surplus as set out in subsection 1 of section 39 of the Act. The subsection also sets out provisions as to price and method of selection in the case of purchase by tender similar to the provisions in the Act dealing with purchase for cancellation.

SECTION 9. The section as amended ensures that the capacity of a corporation to issue shares as consideration for the cancelling of its own debt obligations is not interfered with.

SECTION 10. The amendment is to make clear the intention that the subsection shall apply to mining, gas or oil exploration corporations as well as to producers.

SECTION 11. The word corporation has been changed to body corporate which is the appropriate term to include corporations incorporated outside Ontario.

SECTION 12. The section is re-enacted to amplify what should appear on a share certificate where the corporation has restrictions on the right to transfer shares.

of a wasting character, no such commission or discount shall exceed 25 per cent of the amount of the subscription price.

11. Section 48 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 48, re-enacted

- 48.—(1) Except in the cases mentioned in this section, a corporation shall not be a shareholder of a body corporate that is its holding body corporate, and any allotment or transfer of shares of a corporation to its subsidiary is void. Subsidiaries not to hold shares of holding bodies corporate
- (2) This section does not apply to a subsidiary holding shares as personal representative unless the holding body corporate or a subsidiary thereof is beneficially interested under a trust and is not so interested only by way of security for the purposes of a transaction entered into by it in the ordinary course of a business that includes the lending of money. Application
- (3) This section does not prevent a subsidiary that on the 30th day of April, 1954, held shares of its holding body corporate from continuing to hold such shares, but, subject to subsection 2, the subsidiary has no right to vote at meetings of shareholders of the holding body corporate or at meetings of any class of shareholders thereof. Exception
- (4) Subject to subsection 2, subsections 1 and 3 apply in relation to a nominee for a corporation that is a subsidiary as if the references in subsections 1 and 3 to such a corporation included references to a nominee for it. Nominees

12. Subsection 5 of section 51 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 51, subs. 5, re-enacted

- (5) A share certificate issued for one or more shares the transfer of which is restricted in accordance with the articles shall, Transfer restricted
- (a) legibly state on the certificate or have attached thereto a legible statement of the restrictions on the right to transfer the shares; or
- (b) legibly state on the certificate that there are restrictions on the right to transfer the shares and that a copy of the full text thereof is obtainable on demand and without fee from the corporation.

Idem

- (6) Where a share certificate contains a statement as provided in clause *b* of subsection 5, the corporation shall furnish to the shareholder on demand without fee a copy of the full text of the restrictions on the right to transfer the shares.

1970, c. 25,
s. 56, subs. 3,
re-enacted

13. Subsection 3 of section 56 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Exception

- (3) Subsection 1 does not apply to an instrument filed or registered under any other Act.

1970, c. 25,
s. 57, subs. 3,
re-enacted

14. Subsection 3 of section 57 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Resident trustee

- (3) Every body corporate whose debt obligations are offered to the public in Ontario under a trust indenture and every body corporate whose debt obligations are issued in Ontario under a trust indenture shall have a trustee resident or authorized to do business in Ontario.

1970, c. 25,
s. 63, subs. 1,
amended

15. Subsection 1 of section 63 of *The Business Corporations Act, 1970* is amended by adding thereto the following clauses:

- (fa) "genuine" means free from forgery or counterfeiting;
- (fb) "noted conspicuously" and "appearing conspicuously" mean written in such a way that the person against whom words so noted or appearing are to operate ought reasonably to notice them;
- (j) "unauthorized", when used with reference to a signature or endorsement, means one made without actual, implied or apparent authority and includes a forgery.

1970, c. 25,
s. 76, subs. 1,
re-enacted

16. Subsection 1 of section 76 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Warranties on issue

- (1) A person placing his signature upon a security as authenticating trustee, registrar or transfer agent warrants to a purchaser for value without notice of the particular defect that,

- (a) the security is genuine and in proper form;

SECTION 13. The subsection is re-enacted so as to make it clear that a land charge or mortgage need not be registered under section 56 of the Act.

SECTION 14. The subsection is re-enacted so as to make it clear that the intention that the requirement of a trustee extends only to debt obligations issued under a trust indenture.

SECTION 15. The amendment adds certain definitions taken from the American Bar Association's Uniform Commercial Code.

SECTION 16. The amendment provides for an authenticating trustee, registrar or transfer agent who is an individual as well as a corporation.

SECTION 17. The amendment provides for annual meetings of one-man corporations.

SECTION 18. This section allows the chairman of a meeting to avoid a time-consuming ballot when to his knowledge, less than five per cent of the votes which are in the form of proxies filed are required to be voted against the majority decision on a particular matter.

SECTION 19. The amendment clarifies that the directors' judgment or the best interests of the corporation is taken at the time the action is taken for the purposes of determining directors' liability.

- (b) his own participation in the issue of the security is within his capacity and within the scope of the authorization received by him from the issuer; and
- (c) he has reasonable grounds to believe that the security is in the form and within the amount the issuer is authorized to issue.

17. Section 107 of *The Business Corporations Act, 1970* is amended by adding thereto the following subsection: 1970, c. 25,
s. 107,
amended

- (2) Where a corporation has only one shareholder and, on or before the date the annual meeting is required to be held, the action required to be taken at the annual meeting is completed in accordance with subsection 4 of section 23, the action so completed shall be deemed to have been taken at an annual meeting of the corporation and such annual meeting shall be deemed to have been held on the date of the completion. Idem

18. Section 121 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25,
s. 121,
re-enacted

121. The chairman at a meeting has the right not to conduct a vote by way of ballot on any matter or group of matters in connection with which the form of proxy has provided a means whereby the person whose proxy is solicited may specify how such person wishes the shares registered in his name to be voted unless, Where vote
by ballot
not required

- (a) a poll is demanded by any shareholder present at the meeting in person or represented thereat by proxy; or
- (b) proxies requiring that the shares represented thereby be voted against what would otherwise be the decision of the meeting in relation to such matters or group of matters total more than 5 per cent of all the voting rights attaching to all the shares entitled to be voted and be represented at the meeting.

19. Subsection 4 of section 134 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25,
s. 134, subs. 4,
re-enacted

- (4) If a director has made a declaration and disclosure of his interest in a contract or transaction in Effect of
declaration

compliance with this section and has not voted in respect of the contract or transaction at the meeting of the directors of the corporation, the director, if he was acting honestly and in good faith at the time the contract or transaction was entered into, is not by reason only of his holding the office of director accountable to the corporation or to its shareholders for any profit or gain realized from the contract or transaction, and the contract or transaction, if it was in the best interest of the corporation at the time the contract or transaction was entered into, is not voidable by reason only of the director's interest therein.

1970, c. 25,
s. 137, subs. 1,
cl. c,
re-enacted

20.—(1) Clause *c* of subsection 1 of section 137 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

(c) a loan mentioned in section 146 is authorized,
.
.
.
.

1970, c. 25,
s. 137, subs. 3,
cl. c,
re-enacted

(2) Clause *c* of subsection 3 of the said section 137 is repealed and the following substituted therefor:

(c) a loan mentioned in section 146 is authorized,
.
.
.
.

1970, c. 25,
s. 143,
re-enacted

21. Section 143 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Qualifica-
tions of
chairman
and
president

143. Unless the articles or by-laws otherwise provide, no person shall be the president of a corporation unless he is a director of the corporation, but no other officer except the chairman of the board need be a director.

1970, c. 25,
s. 167, subs. 1,
re-enacted

22. Subsection 1 of section 167 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Exemption
from audit
provisions

(1) Subject to subsection 2, where in a financial year all the shareholders of a corporation that,

(a) is not offering its securities to the public;

(b) has five or fewer shareholders; and

(c) has assets not exceeding \$500,000 and sales or gross operating revenues not exceeding

SECTION 20. The references to guarantees are deleted as section 146 of the Act does not authorize a guarantee.

SECTION 21. The section is amended to make it clear that the chairman of the board must be a director.

SECTION 22. Clause *c* of subsection 1 is amended to permit shareholders to consent to an exemption from certain audit requirements where neither sales nor gross operating revenues exceed \$1,000,000; and to include in the exemptions the report of the auditor to the shareholders.

SECTION 23. The amendment corrects a reference to annual general meetings to read annual meetings.

SECTION 24. The amendment clarifies the meaning of the paragraph to remove any doubts that anything but the corporation's own shares are referred to.

SECTION 25. The amendment includes reference to subsection 2.

SECTION 26. The amendment corrects the references to agree with the matters referred to.

\$1,000,000, as shown on the financial statement of the corporation for the preceding year,

consent in writing, the corporation is exempt from sections 168 and 169, subsections 1 to 4 of section 170, section 171 and clause *c* of subsection 1 and subsection 3 of section 172 in respect of the year in which the consent is given.

23. Subsection 4 of section 171 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 171, subs. 4, re-enacted

- (4) Where facts come to the attention of the officers or directors which, if known prior to the date of the last annual meeting of shareholders, would have required a material adjustment to the financial statement presented to such meeting, the officers or directors shall communicate such facts to the auditor who reported to the shareholders under this section and the directors shall forthwith amend the financial statement and send it to the auditor. Facts discovered after statement

24. Paragraph 27 of subsection 1 of section 177 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 177, subs. 1, par. 27, re-enacted

27. The number of common shares of the corporation purchased and the number of the common shares of the corporation resold since the date of the last preceding balance sheet, giving the date of each such purchase and resale and the price at which each such purchase or resale was made.

25. Subsection 3 of section 184 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 184, subs. 3, re-enacted

- (3) A shareholder of a corporation that is not offering its securities to the public is entitled to be furnished by the corporation on demand with a copy of the documents mentioned in subsections 1 and 2. Financial statement, on demand

26. Subsection 6 of section 186 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 186, subs. 6, re-enacted

- (6) Every director, officer, agent, employee, banker or auditor who refuses to produce any account or record referred to in subsection 3 and every person examined under subsection 4 or subsection 5 who refuses to answer any question related to the affairs and management of the corporation or any affiliate is guilty of an Offences

offence under section 259, in addition to any other liability to which he is subject.

1970, c. 25,
s. 189,
amended

27. Section 189 of *The Business Corporations Act, 1970* is amended by adding thereto the following subsection:

Idem

(3a) Notwithstanding subsection 3, if an amendment under clause *m* of subsection 1 is to provide for the restrictions permitted by subsection 2 of section 47, such amendment shall be authorized by a special resolution.

1970, c. 25,
s. 195, subs. 3,
re-enacted

28. Subsection 3 of section 195 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Effect of
certificate

(3) Upon the date set forth in the certificate of filing, the scheme becomes effective and constitutes an amendment to the articles.

1970, c. 25,
s. 196, subs. 2,
cl. b,
re-enacted

29. Clause *b* of subsection 2 of section 196 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

(b) the objects of the amalgamated corporation.

1970, c. 25,
s. 197, subs. 4,
cl. d,
re-enacted

30. Clause *d* of subsection 4 of section 197 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

(d) the articles of incorporation of each of the amalgamating corporations are amended to the extent necessary to give effect to the terms and conditions of the amalgamation agreement.

1970, c. 25,
s. 198,
re-enacted

31. Section 198 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Certificate of
continuation

198.—(1) A body corporate incorporated under the laws of any jurisdiction other than Ontario may, if it appears to the Minister to be thereunto authorized by the laws of the jurisdiction in which it was incorporated, apply to the Minister for a certificate continuing it as if it had been incorporated under this Act, and the Minister may issue the certificate of continuation on application supported by such material as appears satisfactory, and the certificate may be issued on such terms and subject to such limitations and conditions and contain such provisions as appear to the Minister to be fit and proper.

SECTION 27. An amendment to the articles imposing restrictions on the transfer of shares is required to be authorized by a resolution approved by virtually all the shareholders. The amendment excepts restrictions having to do with retaining status as a Canadian corporation, and in that case requires only a two-thirds majority.

SECTION 28. The commencement date for an amendment to the articles is fixed in the same way as for the issuing of articles.

SECTION 29. The clause deleted refers to amalgamated corporations of limited duration. No provision is made elsewhere in the Act on incorporation for limited duration. The clause substituted provides for the amalgamation agreement to set out objects of the amalgamated corporation.

SECTION. 30. The amendment corrects the reference to the amalgamated corporations to read amalgamating corporations.

SECTIONS 31 AND 32. The sections are amended to change the reference to read body corporate when it refers to corporations incorporated outside Ontario and corporation when incorporated in Ontario.

SECTION 33. Subsection 1. The shareholders now may authorize dissolution by a majority vote but the articles may provide a different percentage. The amendment ensures that the new percentage fixed by the articles will not be less than 50 per cent.

Subsection 2. The reference to the effective date of incorporation is changed to agree with the fixing of the effective date by setting it forth in the certificate.

SECTION 34. The commencement date for articles of dissolution is fixed in the same way as for other articles.

(2) Upon the date set forth in a certificate of continuation issued under subsection 1, this Act applies to the body corporate to the same extent as if it had been incorporated under this Act. Effect of certificate of continuation

32. Section 199 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 199, re-enacted

199.—(1) A corporation may, if authorized by a special resolution, by the Minister and by the laws of any other jurisdiction, apply to the proper officer of that other jurisdiction for an instrument of continuation continuing the corporation as if it had been incorporated under the laws of that other jurisdiction. Transfer of Ontario corporations

(2) The corporation shall file with the Minister a notice of the issue of the instrument of continuation, and on and after the date of the filing of the notice this Act ceases to apply to that corporation. Notice

(3) This section applies only in respect of a jurisdiction that has legislation in force that permits bodies corporate incorporated under its laws to apply for an instrument of continuation under the laws of Ontario. Application

33.—(1) Clause *a* of section 247 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 247, cl. a, re-enacted

(a) a majority of the votes cast at a general meeting of the shareholders of the corporation duly called for the purpose or by such other proportion of the votes cast as the articles provide; but such other proportion shall not be less than 50 per cent of the votes of all the shareholders entitled to vote at the meeting.

(2) Clause *c* of the said section 247 is repealed and the following substituted therefor:

(c) all its incorporators or their personal representatives at any time within two years after the date set forth in its certificate of incorporation where the corporation has not commenced business and has not issued any shares.

34. Clause *b* of subsection 2 of section 248 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 248, subs. 2, cl. b, re-enacted

(b) the date set forth in its certificate of incorporation.

1970, c. 25,
s. 251, subs. 4,
re-enacted

35. Subsection 4 of section 251 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Revival

R.S.O. 1960,
c. 71

- (4) Where a corporation is dissolved under subsection 3, or was dissolved in 1970 under subsection 2 of section 326 of *The Corporations Act*, the Minister, on the application of any interested person immediately before the dissolution, made within two years after the date of dissolution, may in his discretion by order, on such terms and conditions as he sees fit to impose, revive the corporation, and thereupon the corporation, subject to the terms and conditions of the order and to any rights acquired by any person after its dissolution, is restored to its legal position, including all its property, rights, privileges and franchises, and is subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

1970, c. 25,
s. 252, subs. 1,
re-enacted

36. Subsection 1 of section 252 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Suits after
dissolution

- (1) Notwithstanding the dissolution of a corporation under section 249, 250 or 251,
- (a) any action, suit or other proceeding commenced by or against the corporation before its dissolution may be proceeded with as if the corporation had not been dissolved;
- (b) any action, suit or other proceeding may be brought against the corporation within two years after its dissolution as if the corporation had not been dissolved; and
- (c) any property that would have been available to satisfy any judgment, order or other decision if the corporation had not been dissolved remains available for such purpose.

1970, c. 25,
s. 255, subs. 3,
re-enacted

37. Subsection 3 of section 255 of *The Business Corporation Act, 1970* is repealed and the following substituted therefor:

Waiver of
notice and
abridgement
of times

- (3) Where a notice is required by this Act to be given any person, the giving of the notice may be waived or the time for the notice may be waived abridged with the consent in writing of such person whether before or after the time prescribed.

SECTION 35. The amendment makes it clear that corporations dissolved under *The Corporations Act* before the coming into force of the Act, whose time for revival had not run out prior to the 1st of January, 1971 may be revived under subsection 4 of section 251 of the Act.

SECTION 36. The amendment deletes reference to incorporation for limited duration.

SECTION 37. The amendment is for clarification.

SECTION 38. The amendment permits evidence of when facts upon which a prosecution is based first came to the knowledge of the Commission to be proved by certificate of the Commission.

SECTION 39. The amendment deletes a requirement that the Minister publish in *The Ontario Gazette* notice of filing a resolution requiring voluntary winding up. This requirement is already provided for in section 203(4).

SECTION 40. The amendment adds special resolutions to the instruments made before the new Act and continued unaffected. Further amendment ensures part of a by-law may be made invalid without affecting the remainder.

38. Subsection 2 of section 260 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: ^{1970, c. 25, s. 260, subs. 2, re-enacted}

- (2) No proceedings under section 259 for a contra-^{Idem}vention of section 148 shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Commission as certified by the Commission or a member thereof.

39. Clause *d* of section 264 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: ^{1970, c. 25, s. 264, cl. d, re-enacted}

- (*d*) of the filing of a notice by a liquidator under subsection 2 of section 215.

40. Subsection 1 of section 272 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: ^{1970, c. 25, s. 272, subs. 1, re-enacted}

- (1) Any provision in the letters patent, supplementary letters patent or by-laws and any special resolution of a corporation that was valid immediately before this Act comes into force, except a provision that contravenes section 147, continues to be valid and in effect, but any additions or amendments to or deletions from any provision in the letters patent, supplementary letters patent or by-laws of a corporation shall be made in accordance with this Act. ^{Continuance of letters patent, etc.}

41.—(1) This Act, except sections 1, 2, 3, 5, 7, 9 to 11, 13, 14, ^{Commencement} 17, 20 to 24, 28 to 37, 39 and 40, comes into force on the day it receives Royal Assent.

(2) Sections 1, 2, 3, 5, 7, 9 to 11, 13, 14, 17, 20 to 24, 28 to 37, ^{Idem} 39 and 40 shall be deemed to have come into force on the 1st day of January, 1971.

42. This Act may be cited as *The Business Corporations Amendment Act, 1971*. ^{Short title}

1st Reading

June 1st, 1971

2nd Reading

3rd Reading

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

(Government Bill)

1971

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Business Corporations Act, 1970

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 2. The amendment amplifies the definition of offering securities to the public.

**An Act to amend
The Business Corporations Act, 1970**

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 1 of *The Business Corporations Act, 1970* is amended by adding thereto the following paragraphs: 1970, c. 25, s. 1, subs. 1, amended

4a. "basic earnings per share" means the amount of income attributable to each outstanding share that carries as an incident of ownership the right to participate in earnings to an unlimited degree, calculated in the manner prescribed by the regulations;

.

14a. "fully diluted earnings per share" means the amount of income attributable to each share that would, if all potential conversions, exercises and contingent issuances had occurred during the period, be outstanding and have as an incident of ownership the right to participate in earnings to an unlimited degree, calculated in the manner prescribed by the regulations.

2. Subsection 9 of section 1 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 1, subs. 9, re-enacted

(9) A body corporate is offering its securities to the public only where, Offering securities to public

(a) in respect of any of its securities a prospectus, statement of material facts or securities exchange take-over bid circular has been filed under *The Securities Act, 1966*, or any predecessor thereof or in respect of which a prospectus has been filed under *The Corpora-* 1966, c. 142, R.S.O. 1960, c. 72

tions Information Act, or any predecessor thereof, so long as any of such securities are outstanding; or

- (b) any of its shares are listed and posted for trading on any stock exchange in Ontario recognized by the Commission,

except that where, upon the application of a body corporate that has fewer than fifteen shareholders, the Commission is satisfied, in its discretion, that to do so would not be prejudicial to the public interest, the Commission may order, subject to such terms and conditions as the Commission may impose, that the body corporate shall be deemed to have ceased to be offering its securities to the public.

1970, c. 25,
s. 23, subs. 4,
re-enacted

3. Subsection 4 of section 23 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Idem

- (4) Any by-law, resolution or other action of a corporation that has only one shareholder consented to at any time during a corporation's existence by the signature of such shareholder is as valid and effective as if passed at a meeting of shareholders duly called, constituted and held for that purpose.

Evidentiary
value of
signatures

- (5) Where a by-law, resolution or other action purports to have been consented to or confirmed under this section by the signatures of all the directors or shareholders, as the case may be, of the corporation, the signatures to the by-law, resolution or other action are admissible in evidence as *prima facie* proof of the signatures of the directors or shareholders, as the case may be, that they purport to represent and are admissible in evidence as *prima facie* proof that the signatories to the by-law, resolution or other action were all the directors or all the shareholders entitled to vote at meetings of shareholders, as the case may be, at the date that the by-law, resolution or other action purports so to have been consented to or confirmed.

1970, c. 25,
s. 25,
amended

4. Section 25 of *The Business Corporations Act, 1970* amended by adding thereto the following subsection:

Effective
date of an
amendment

- (3) Upon the date set forth in the certificate of filing the resolution becomes effective and constitutes an amendment to the articles.

SECTION 3. The amendment permits the shareholder of a one-man corporation to dispense with the formalities of a meeting where he puts the action to be taken thereat in writing and signs it.

SECTION 4. This subsection establishes the effective date of an amendment to the articles of the corporation.

SECTION 5. The words deleted from this clause are provided for in section 35 of the Act. (See section 7 of this Bill).

SECTION 6. The amendment widens the choice of methods of selecting special shares to be redeemed.

SECTION 7. The amendment is for clarification.

5. Clause *g* of subsection 1 of section 27 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 27, subs. 1, cl. *g*, re-enacted

- (*g*) the purchase for cancellation by the corporation of all or part of the shares of that class by agreement with the holders thereof.

6. Subsection 1 of section 34 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 34, subs. 1, re-enacted

- (1) Where the shares of a class of special shares are made redeemable by the articles and part only of the special shares are to be redeemed, the shares to be redeemed shall be selected, Redemption of special shares

(*a*) by lot in such manner as the board of directors determines;

(*b*) as nearly as may be in proportion to the number of special shares of the class registered in the name of each shareholder; or

(*c*) in such other manner as the board of directors determines with the consent of the holders of special shares of the class obtained in the manner set out in subsection 2,

but the articles may confine the manner of selection to one or more of those methods set out in clauses *a*, *b* and *c*.

7. Subsection 1 of section 35 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 35, subs. 1, re-enacted

- (1) Where the shares of a class of special shares are made purchasable for cancellation by the articles, then, Purchase of special shares for cancellation

(*a*) the shares shall be purchased at the lowest price at which, in the opinion of the directors, the shares are obtainable, but not exceeding an amount stated in or determined by the articles; and

(*b*) the shares shall be purchased either,

(*i*) on the open market,

(*ii*) with the consent of all the holders of the shares of the class, or

(iii) pursuant to tenders received by the corporation upon request for tenders addressed to all the holders of the shares of the class and the corporation shall accept only the lowest tenders,

but the articles may confine the manner of purchase to one or more of those set out in sub-clauses i, ii and iii.

1970, c. 25,
s. 37, subs. 1,
re-enacted

8. Subsection 1 of section 37 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Surrender
of mutual
fund shares

- (1) Where the only undertaking of a corporation is the business of investing the funds of the corporation, its articles may provide for the issuing of one or more classes of mutual fund shares and fractions or parts thereof that have attached thereto conditions requiring the corporation to accept, at the demand of the holder thereof and at prices determined and payable in accordance with the conditions, the surrender of the shares, or fractions or parts thereof.

1970, c. 25,
s. 39, subs. 5,
re-enacted

9. Subsection 5 of section 39 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Method

- (5) Where a corporation purchases its common shares under subsection 1, the purchase shall be made at the lowest price at which, in the opinion of the directors, such shares are obtainable, and,
- (a) pursuant to tenders received by the corporation upon request for tenders addressed to all the holders of the shares of the class and the corporation shall accept only the lowest tenders; or
- (b) from *bona fide* full-time employees and former employees of the corporation; or
- (c) where the corporation is offering its shares to the public, by purchase on the open market.

1970, c. 25,
s. 44, subs. 5,
re-enacted

10. Subsection 5 of section 44 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Idem

- (5) For the purposes of subsection 4 and paragraph 21 of subsection 2 of section 15, a document evidencing indebtedness of the allottee does not constitute property and services shall be past services actually

SECTION 8. The amendment makes clear the power of mutual fund corporations to issue fractional shares.

SECTION 9. The subsection is re-enacted so that it applies only to the purchase of common shares out of surplus as set out in subsection 1 of section 39 of the Act. The subsection also sets out provisions as to price and method of selection in the case of purchase by tender similar to the provisions in the Act dealing with purchase for cancellation.

SECTION 10. The section as amended ensures that the capacity of a corporation to issue shares as consideration for the cancelling of its own debt obligations is not interfered with.

SECTION 11. The amendment is to make clear the intention that the subsection shall apply to mining, gas or oil exploration corporations as well as to producers.

SECTION 12. The word corporation has been changed to body corporate which is the appropriate term to include corporations incorporated outside Ontario.

performed for the corporation, and the value of property or services shall be the value the directors determine by express resolution to be in all the circumstances of the transaction the fair equivalent of the cash value.

11. Subsection 1 of section 45 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 45, subs. 1, re-enacted

- (1) A corporation may provide by special by-law for the payment of commissions or allowing discounts to persons in consideration of their subscribing or agreeing to subscribe, whether absolutely or conditionally, for shares in the corporation, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for such shares, but, except in the case of a corporation that carries on as its principal business the business of exploring for minerals, gas or oil or of operating a producing mining, gas or oil property owned and controlled by it or a corporation at least 75 per cent of whose assets are of a wasting character, no such commission or discount shall exceed 25 per cent of the amount of the subscription price. Commission on sale of shares

12. Section 48 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 48, re-enacted

- 48.—(1) Except in the cases mentioned in this section, a corporation shall not be a shareholder of a body corporate that is its holding body corporate, and any allotment or transfer of shares of a corporation to its subsidiary is void. Subsidiaries not to hold shares of holding bodies corporate
- (2) This section does not apply to a subsidiary holding shares as personal representative unless the holding body corporate or a subsidiary thereof is beneficially interested under a trust and is not so interested only by way of security for the purposes of a transaction entered into by it in the ordinary course of a business that includes the lending of money. Application
- (3) This section does not prevent a subsidiary that on the 30th day of April, 1954, held shares of its holding body corporate from continuing to hold such shares, but, subject to subsection 2, the subsidiary has no right to vote at meetings of shareholders of the holding body corporate or at meetings of any class of shareholders thereof. Exception

Nominees

- (4) Subject to subsection 2, subsections 1 and 3 apply in relation to a nominee for a corporation that is a subsidiary as if the references in subsections 1 and 3 to such a corporation included references to a nominee for it.

1970, c. 25,
s. 51, subs. 5,
re-enacted

13. Subsection 5 of section 51 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Transfer restricted

- (5) A share certificate issued for one or more shares the transfer of which is restricted in accordance with the articles shall,
- (a) legibly state on the certificate or have attached thereto a legible statement of the restrictions on the right to transfer the shares; or
- (b) legibly state on the certificate that there are restrictions on the right to transfer the shares and that a copy of the full text thereof is obtainable on demand and without fee from the corporation.

Idem

- (6) Where a share certificate contains a statement as provided in clause *b* of subsection 5, the corporation shall furnish to the shareholder on demand without fee a copy of the full text of the restrictions on the right to transfer the shares.

1970, c. 25,
s. 56, subs. 3,
re-enacted

14. Subsection 3 of section 56 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Exception

- (3) Subsection 1 does not apply to an instrument filed or registered under any other Act.

1970, c. 25,
s. 57, subs. 3,
re-enacted

15. Subsection 3 of section 57 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Resident trustee

- (3) Every body corporate whose debt obligations are offered to the public in Ontario under a trust indenture and every body corporate whose debt obligations are issued in Ontario under a trust indenture shall have a trustee resident or authorized to do business in Ontario.

1970, c. 25,
s. 63, subs. 1,
amended

16. Subsection 1 of section 63 of *The Business Corporations Act, 1970* is amended by adding thereto the following clause

- (*fa*) "genuine" means free from forgery or counterfeiting;

SECTION 13. The section is re-enacted to amplify what should appear on a share certificate where the corporation has restrictions on the right to transfer shares.

SECTION 14. The subsection is re-enacted so as to make it clear that a land charge or mortgage need not be registered under section 56 of the Act.

SECTION 15. The subsection is re-enacted so as to make it clear that the intention that the requirement of a trustee extends only to debt obligations issued under a trust indenture.

SECTION 16. The amendment adds certain definitions taken from the American Bar Association's Uniform Commercial Code.

SECTION 17. The amendment provides for an authenticating trustee, registrar or transfer agent who is an individual as well as a corporation.

SECTION 18. The amendment provides for annual meetings of one-man corporations.

SECTION 19. This section allows the chairman of a meeting to avoid a time-consuming ballot when to his knowledge, less than five per cent of the votes which are in the form of proxies filed are required to be voted against the majority decision on a particular matter.

(fb) "noted conspicuously" and "appearing conspicuously" mean written in such a way that the person against whom words so noted or appearing are to operate ought reasonably to notice them;

(j) "unauthorized", when used with reference to a signature or endorsement, means one made without actual, implied or apparent authority and includes a forgery.

17. Subsection 1 of section 76 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 76, subs. 1, re-enacted

(1) A person placing his signature upon a security as authenticating trustee, registrar or transfer agent warrants to a purchaser for value without notice of the particular defect that, Warranties on issue

(a) the security is genuine and in proper form;

(b) his own participation in the issue of the security is within his capacity and within the scope of the authorization received by him from the issuer; and

(c) he has reasonable grounds to believe that the security is in the form and within the amount the issuer is authorized to issue.

18. Section 107 of *The Business Corporations Act, 1970* is amended by adding thereto the following subsection: 1970, c. 25, s. 107, amended

(2) Where a corporation has only one shareholder and, on or before the date the annual meeting is required to be held, the action required to be taken at the annual meeting is completed in accordance with subsection 4 of section 23, the action so completed shall be deemed to have been taken at an annual meeting of the corporation and such annual meeting shall be deemed to have been held on the date of the completion. Idem

19. Section 121 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 121, re-enacted

121. The chairman at a meeting has the right not to conduct a vote by way of ballot on any matter or group of matters in connection with which the form of proxy Where vote by ballot not required

has provided a means whereby the person whose proxy is solicited may specify how such person wishes the shares registered in his name to be voted unless,

- (a) a poll is demanded by any shareholder present at the meeting in person or represented thereat by proxy; or
- (b) proxies requiring that the shares represented thereby be voted against what would otherwise be the decision of the meeting in relation to such matters or group of matters total more than 5 per cent of all the voting rights attaching to all the shares entitled to be voted and be represented at the meeting.

1970, c. 25,
s. 134, subs. 4,
re-enacted

20. Subsection 4 of section 134 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Effect of
declaration

- (4) If a director has made a declaration and disclosure of his interest in a contract or transaction in compliance with this section and has not voted in respect of the contract or transaction at the meeting of the directors of the corporation, the director, if he was acting honestly and in good faith at the time the contract or transaction was entered into, is not by reason only of his holding the office of director accountable to the corporation or to its shareholders for any profit or gain realized from the contract or transaction, and the contract or transaction, if it was in the best interest of the corporation at the time the contract or transaction was entered into, is not voidable by reason only of the director's interest therein.

1970, c. 25,
s. 137, subs. 1,
cl. c,
re-enacted

21.—(1) Clause *c* of subsection 1 of section 137 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

- (c) a loan mentioned in section 146 is authorized,

1970, c. 25,
s. 137, subs. 3,
cl. c,
re-enacted

(2) Clause *c* of subsection 3 of the said section 137 is repealed and the following substituted therefor:

- (c) a loan mentioned in section 146 is authorized,

SECTION 20. The amendment clarifies that the directors' judgment or the best interests of the corporation is taken at the time the action is taken for the purposes of determining directors' liability.

SECTION 21. The references to guarantees are deleted as section 146 of the Act does not authorize a guarantee.

SECTION 22. The section is amended to make it clear that the chairman of the board must be a director.

SECTION 24. Clause *c* of subsection 1 is amended to permit shareholders to consent to an exemption from certain audit requirements where neither sales nor gross operating revenues exceed \$1,000,000; and to include in the exemptions the report of the auditor to the shareholders.

SECTION 25. The amendment corrects a reference to annual general meetings to read annual meetings.

22. Section 143 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 143, re-enacted

143. Unless the articles or by-laws otherwise provide, no person shall be the president of a corporation unless he is a director of the corporation, but no other officer except the chairman of the board need be a director. Qualifications of chairman and president

23. Section 148 of *The Business Corporations Act, 1970* is amended by adding thereto the following subsection: 1970, c. 25, s. 148, amended

(4) For the purpose of reporting under this section ownership shall be deemed to pass at such time as an offer to sell is accepted by the purchaser or his agent or an offer to buy is accepted by the vendor or his agent.

24. Subsection 1 of section 167 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 167, subs. 1, re-enacted

(1) Subject to subsection 2, where in a financial year all the shareholders of a corporation that, Exemption from audit provisions

- (a) is not offering its securities to the public;
- (b) has five or fewer shareholders; and
- (c) has assets not exceeding \$500,000 and sales or gross operating revenues not exceeding \$1,000,000, as shown on the financial statement of the corporation for the preceding year,

consent in writing, the corporation is exempt from sections 168 and 169, subsections 1 to 4 of section 170, section 171 and clause c of subsection 1 and subsection 3 of section 172 in respect of the year in which the consent is given.

25. Subsection 4 of section 171 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 171, subs. 4, re-enacted

(4) Where facts come to the attention of the officers or directors which, if known prior to the date of the last annual meeting of shareholders, would have required a material adjustment to the financial statement presented to such meeting, the officers or directors shall communicate such facts to the auditor who reported to the shareholders under this section and the directors shall forthwith amend the financial statement and send it to the auditor. Facts discovered after statement

1970, c. 25,
s. 173, subs. 1,
amended

26. Subsection 1 of section 173 of *The Business Corporations Act, 1970* is amended by striking out “and” at the end of clause *i*, and adding thereto the following clauses:

- (*k*) the basic earnings per share for the current and preceding year for,
 - (i) income before extraordinary items, and
 - (ii) net income for the period; and
- (*l*) fully diluted earnings per share for the current year for,
 - (i) income before extraordinary items, and
 - (ii) net income for the period.

1970, c. 25,
s. 177, subs. 1,
par. 27,
re-enacted

27. Paragraph 27 of subsection 1 of section 177 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

27. The number of common shares of the corporation purchased and the number of the common shares of the corporation resold since the date of the last preceding balance sheet, giving the date of each such purchase and resale and the price at which each such purchase or resale was made.

1970, c. 25,
s. 178, subs. 3,
amended

28. Subsection 3 of section 178 of *The Business Corporations Act, 1970* is amended by adding thereto the following paragraphs:

18. Where the corporation has,
- i. in the course of a financial period, carried on the business of two or more classes that, in the opinion of its directors, differ substantially from each other and the corporation is not one that has any subsidiaries at the end of that financial period, or if it has one or more subsidiaries, does not prepare its financial statement in consolidated form in respect of any subsidiary, or
 - ii. has one or more subsidiaries at the end of its financial period and prepares its financial statement in consolidated form in respect of any of the subsidiaries, if the corporation an

SECTION 27. The amendment clarifies the meaning of the paragraph to remove any doubts that anything but the corporation's own shares are referred to.

SECTION 29. The amendment includes reference to subsection 2.

any of the subsidiaries carried on between them in the course of the period business of two or more classes that in the opinion of the directors of the corporation, differ substantially from each other,

a statement of the proportions in which the amount of sales or gross revenue for that period, so far as stated in the financial statement in respect of that period, is divided among those classes of business but for the purposes of subparagraphs i and ii,

- iii. classes of business that, in the opinion of the directors, do not differ substantially from each other shall be treated as one class, and
- iv. a corporation having gross sales and revenues exceeding \$25,000,000 need only report in respect of a class of business that contributes 10 per cent or more of the total gross revenue of the corporation and a corporation having gross sales and revenues of \$25,000,000 or less need only report in respect of a class of business that contributes 15 per cent or more of the total gross revenue of the corporation.

19. Where there has been a business combination or acquisition arrived at through private agreements, statutory amalgamations, statutory arrangements or statutory procedures, a take-over bid as defined in Part IX of *The Securities Act, 1966*, asset purchases or other methods of materially adding to or combining with an existing business, the details thereof in accordance with the acquisition equation prescribed by the regulations.

20. Where securities have been issued to acquire assets, the proportion of the total securities outstanding, expressed as a percentage, represented by the securities issued to make the acquisition.

21. Where the pooling of interest method is used to account for a business combination or acquisition, an earnings history for at least two years as though the companies were pooled for the years covered by such history, set out alongside the earnings history of the acquiring company.

29. Subsection 3 of section 184 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 184, subs. 3, re-enacted

Financial
statement,
on demand

- (3) A shareholder of a corporation that is not offering its securities to the public is entitled to be furnished by the corporation on demand with a copy of the documents mentioned in subsections 1 and 2.

1970, c. 25,
s. 185, subs. 1,
cl. c, amended

30. Clause *c* of subsection 1 of section 185 of *The Business Corporations Act, 1970* is amended by striking out "and" at the end of subclause iv and by adding thereto the following subclauses:

- (vi) the basic earnings per share for income before extraordinary items and for net income for the period, and
- (vii) fully diluted earnings per share for income before extraordinary items and for net income.

1970, c. 25,
s. 186, subs. 6,
re-enacted

31. Subsection 6 of section 186 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

- (6) Every director, officer, agent, employee, banker or auditor who refuses to produce any account or record referred to in subsection 3 and every person examined under subsection 4 or subsection 5 who refuses to answer any question related to the affairs and management of the corporation or any affiliate is guilty of an offence under section 259, in addition to any other liability to which he is subject.

1970, c. 25,
s. 189,
amended

32. Section 189 of *The Business Corporations Act, 1970* is amended by adding thereto the following subsection:

Idem

- (3a) Notwithstanding subsection 3, if an amendment under clause *m* of subsection 1 is to provide for the restrictions permitted by subsection 2 of section 47, such amendment shall be authorized by a special resolution.

1970, c. 25,
s. 195, subs. 3,
re-enacted

33. Subsection 3 of section 195 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Effect of
certificate

- (3) Upon the date set forth in the certificate of filing, the scheme becomes effective and constitutes an amendment to the articles.

1970, c. 25,
s. 196, subs. 2,
cl. b,
re-enacted

34. Clause *b* of subsection 2 of section 196 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

- (b) the objects of the amalgamated corporation.

SECTION 31. The amendment corrects the references to agree with the matters referred to.

SECTION 32. An amendment to the articles imposing restrictions on the transfer of shares is required to be authorized by a resolution approved by virtually all the shareholders. The amendment excepts restrictions having to do with retaining status as a Canadian corporation, and in that case requires only a two-thirds majority.

SECTION 33. The commencement date for an amendment to the articles is fixed in the same way as for the issuing of articles.

SECTION 34. The clause deleted refers to amalgamated corporations of limited duration. No provision is made elsewhere in the Act on incorporation for limited duration. The clause substituted provides for the amalgamation agreement to set out objects of the amalgamated corporation.

SECTION 35. The amendment corrects the reference to the amalgamated corporations to read amalgamating corporations.

SECTIONS 36 and 37. The sections are amended to change the reference to read body corporate when it refers to corporations incorporated outside Ontario and corporation when incorporated in Ontario.

35. Clause *d* of subsection 4 of section 197 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25,
s. 197, subs. 4,
cl. d,
re-enacted

- (*d*) the articles of incorporation of each of the amalgamating corporations are amended to the extent necessary to give effect to the terms and conditions of the amalgamation agreement.

36. Section 198 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25,
s. 198,
re-enacted

198.—(1) A body corporate incorporated under the laws of any jurisdiction other than Ontario may, if it appears to the Minister to be thereunto authorized by the laws of the jurisdiction in which it was incorporated, apply to the Minister for a certificate continuing it as if it had been incorporated under this Act, and the Minister may issue the certificate of continuation on application supported by such material as appears satisfactory, and the certificate may be issued on such terms and subject to such limitations and conditions and contain such provisions as appear to the Minister to be fit and proper. Certificate of
continuation

- (2) Upon the date set forth in a certificate of continuation issued under subsection 1, this Act applies to the body corporate to the same extent as if it had been incorporated under this Act. Effect of
certificate of
continuation

37. Section 199 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25,
s. 199,
re-enacted

199.—(1) A corporation may, if authorized by a special resolution, by the Minister and by the laws of any other jurisdiction, apply to the proper officer of that other jurisdiction for an instrument of continuation continuing the corporation as if it had been incorporated under the laws of that other jurisdiction. Transfer of
Ontario
corporations

- (2) The corporation shall file with the Minister a notice of the issue of the instrument of continuation, and on and after the date of the filing of the notice this Act ceases to apply to that corporation. Notice

- (3) This section applies only in respect of a jurisdiction that has legislation in force that permits bodies corporate incorporated under its laws to apply for an instrument of continuation under the laws of Ontario. Application

1970, c. 25,
s. 247, cl. a,
re-enacted

38.—(1) Clause *a* of section 247 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

(a) a majority of the votes cast at a general meeting of the shareholders of the corporation duly called for the purpose or by such other proportion of the votes cast as the articles provide; but such other proportion shall not be less than 50 per cent of the votes of all the shareholders entitled to vote at the meeting.

(2) Clause *c* of the said section 247 is repealed and the following substituted therefor:

(c) all its incorporators or their personal representatives at any time within two years after the date set forth in its certificate of incorporation where the corporation has not commenced business and has not issued any shares.

1970, c. 25,
s. 248, subs. 2,
cl. b,
re-enacted

39. Clause *b* of subsection 2 of section 248 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

(b) the date set forth in its certificate of incorporation.

1970, c. 25,
s. 251, subs. 4,
re-enacted

40. Subsection 4 of section 251 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Revival

R.S.O. 1960,
c. 71

(4) Where a corporation is dissolved under subsection 3, or was dissolved in 1970 under subsection 2 of section 326 of *The Corporations Act*, the Minister, on the application of any interested person immediately before the dissolution, made within two years after the date of dissolution, may in his discretion by order, on such terms and conditions as he sees fit to impose, revive the corporation, and thereupon the corporation, subject to the terms and conditions of the order and to any rights acquired by any person after its dissolution, is restored to its legal position, including all its property, rights, privileges and franchises, and is subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

1970, c. 25,
s. 252, subs. 1,
re-enacted

41. Subsection 1 of section 252 of *The Business Corporation Act, 1970* is repealed and the following substituted therefor:

SECTION 38. Subsection 1. The shareholders now may authorize dissolution by a majority vote but the articles may provide a different percentage. The amendment ensures that the new percentage fixed by the articles will not be less than 50 per cent.

Subsection 2. The reference to the effective date of incorporation is changed to agree with the fixing of the effective date by setting it forth in the certificate.

SECTION 39. The commencement date for articles of dissolution is fixed in the same way as for other articles.

SECTION 40. The amendment makes it clear that corporations dissolved under *The Corporations Act* before the coming into force of the Act, whose time for revival had not run out prior to the 1st of January, 1971 may be revived under subsection 4 of section 251 of the Act.

SECTION 41. The amendment deletes reference to incorporation for limited duration.

SECTION 42. The amendment is for clarification.

SECTION 43. The amendment permits evidence of when facts upon which a prosecution is based first came to the knowledge of the Commission to be proved by certificate of the Commission.

SECTION 44. The amendment deletes a requirement that the Minister publish in *The Ontario Gazette* notice of filing a resolution requiring voluntary winding up. This requirement is already provided for in section 203(4).

SECTION 45. The amendment adds special resolutions to the instruments made before the new Act and continued unaffected. Further amendment ensures part of a by-law may be made invalid without affecting the remainder.

(1) Notwithstanding the dissolution of a corporation Suits after dissolution
under section 249, 250 or 251,

- (a) any action, suit or other proceeding commenced by or against the corporation before its dissolution may be proceeded with as if the corporation had not been dissolved;
- (b) any action, suit or other proceeding may be brought against the corporation within two years after its dissolution as if the corporation had not been dissolved; and
- (c) any property that would have been available to satisfy any judgment, order or other decision if the corporation had not been dissolved remains available for such purpose.

42. Subsection 3 of section 255 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 255, subs. 3, re-enacted

(3) Where a notice is required by this Act to be given to any person, the giving of the notice may be waived or the time for the notice may be waived or abridged with the consent in writing of such person, whether before or after the time prescribed. Waiver of notice and abridgement of times

43. Subsection 2 of section 260 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 260, subs. 2, re-enacted

(2) No proceedings under section 259 for a contra- Idem
vention of section 148 shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Commission as certified by the Commission or a member thereof.

44. Clause *d* of section 264 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 264, cl. d, re-enacted

(d) of the filing of a notice by a liquidator under subsection 2 of section 215.

45. Subsection 1 of section 272 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 272, subs. 1, re-enacted

Continu-
ance of
letters
patent, etc.

(1) Any provision in the letters patent, supplementary letters patent or by-laws and any special resolution of a corporation that was valid immediately before this Act comes into force, except a provision that contravenes section 147, continues to be valid and in effect, but any additions or amendments to or deletions from any provision in the letters patent, supplementary letters patent or by-laws of a corporation shall be made in accordance with this Act.

Commence-
ment

46.—(1) This Act, except sections 2, 3, 4, 6, 8, 10 to 12, 14, 15, 18, 21, 22, 24, 25, 27, 33 to 42, 44 and 45 comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2, 3, 4, 6, 8, 10 to 12, 14, 15, 18, 21, 22, 24, 25, 27, 33 to 42, 44 and 45 shall be deemed to have come into force on the 1st day of January, 1971.

Short title

47. This Act may be cited as *The Business Corporations Amendment Act, 1971.* —







1st Reading

June 1st, 1971

2nd Reading

June 10th, 1971

3rd Reading

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 52

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Business Corporations Act, 1970

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs

FORM OF 1913

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**An Act to amend
The Business Corporations Act, 1970**

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 1 of *The Business Corporations Act, 1970* is amended by adding thereto the following paragraphs: ^{1970, c. 25, s. 1, subs. 1, amended}

4a. "basic earnings per share" means the amount of income attributable to each outstanding share that carries as an incident of ownership the right to participate in earnings to an unlimited degree, calculated in the manner prescribed by the regulations;

14a. "fully diluted earnings per share" means the amount of income attributable to each share that would, if all potential conversions, exercises and contingent issuances had occurred during the period, be outstanding and have as an incident of ownership the right to participate in earnings to an unlimited degree, calculated in the manner prescribed by the regulations.

2. Subsection 9 of section 1 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: ^{1970, c. 25, s. 1, subs. 9, re-enacted}

(9) A body corporate is offering its securities to the public only where, ^{Offering securities to public}

(a) in respect of any of its securities a prospectus, statement of material facts or securities exchange take-over bid circular has been filed under *The Securities Act, 1966*, or any predecessor thereof or in respect of which a prospectus has been filed under *The Corpora-* ^{1966, c. 142, R.S.O. 1960, c. 72}

tions Information Act, or any predecessor thereof, so long as any of such securities are outstanding; or

- (b) any of its shares are listed and posted for trading on any stock exchange in Ontario recognized by the Commission,

except that where, upon the application of a body corporate that has fewer than fifteen shareholders, the Commission is satisfied, in its discretion, that to do so would not be prejudicial to the public interest, the Commission may order, subject to such terms and conditions as the Commission may impose, that the body corporate shall be deemed to have ceased to be offering its securities to the public.

1970, c. 25,
s. 23, subs. 4,
re-enacted

3. Subsection 4 of section 23 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Idem

- (4) Any by-law, resolution or other action of a corporation that has only one shareholder consented to at any time during a corporation's existence by the signature of such shareholder is as valid and effective as if passed at a meeting of shareholders duly called, constituted and held for that purpose.

Evidentiary
value of
signatures

- (5) Where a by-law, resolution or other action purporting to have been consented to or confirmed under this section by the signatures of all the directors or shareholders, as the case may be, of the corporation, the signatures to the by-law, resolution or other action are admissible in evidence as *prima facie* proof of the signatures of the directors or shareholders, as the case may be, that they purport to represent and are admissible in evidence as *prima facie* proof that the signatories to the by-law, resolution or other action were all the directors or all the shareholders entitled to vote at meetings of shareholders, as the case may be, at the date that the by-law, resolution or other action purports so to have been consented to or confirmed.

1970, c. 25,
s. 25,
amended

4. Section 25 of *The Business Corporations Act, 1970* is amended by adding thereto the following subsection:

Effective
date of an
amendment

- (3) Upon the date set forth in the certificate of filing, the resolution becomes effective and constitutes an amendment to the articles.

5. Clause g of subsection 1 of section 27 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 27, subs. 1, cl. g. re-enacted

- (g) the purchase for cancellation by the corporation of all or part of the shares of that class by agreement with the holders thereof.

6. Subsection 1 of section 34 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 34, subs. 1, re-enacted

- (1) Where the shares of a class of special shares are made redeemable by the articles and part only of the special shares are to be redeemed, the shares to be redeemed shall be selected, Redemption of special shares

- (a) by lot in such manner as the board of directors determines;
- (b) as nearly as may be in proportion to the number of special shares of the class registered in the name of each shareholder; or
- (c) in such other manner as the board of directors determines with the consent of the holders of special shares of the class obtained in the manner set out in subsection 2,

but the articles may confine the manner of selection to one or more of those methods set out in clauses a, b and c.

7. Subsection 1 of section 35 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 35, subs. 1, re-enacted

- (1) Where the shares of a class of special shares are made purchasable for cancellation by the articles, then, Purchase of special shares for cancellation
- (a) the shares shall be purchased at the lowest price at which, in the opinion of the directors, the shares are obtainable, but not exceeding an amount stated in or determined by the articles; and
- (b) the shares shall be purchased either,
- (i) on the open market,
- (ii) with the consent of all the holders of the shares of the class, or

- (iii) pursuant to tenders received by the corporation upon request for tenders addressed to all the holders of the shares of the class and the corporation shall accept only the lowest tenders,

but the articles may confine the manner of purchase to one or more of those set out in sub-clauses i, ii and iii.

1970, c. 25,
s. 37, subs. 1,
re-enacted

8. Subsection 1 of section 37 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Surrender
of mutual
fund shares

- (1) Where the only undertaking of a corporation is the business of investing the funds of the corporation, its articles may provide for the issuing of one or more classes of mutual fund shares and fractions or parts thereof that have attached thereto conditions requiring the corporation to accept, at the demand of the holder thereof and at prices determined and payable in accordance with the conditions, the surrender of the shares, or fractions or parts thereof.

1970, c. 25,
s. 39, subs. 5,
re-enacted

9. Subsection 5 of section 39 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Method

- (5) Where a corporation purchases its common shares under subsection 1, the purchase shall be made at the lowest price at which, in the opinion of the directors, such shares are obtainable, and,
- (a) pursuant to tenders received by the corporation upon request for tenders addressed to all the holders of the shares of the class and the corporation shall accept only the lowest tenders; or
 - (b) from *bona fide* full-time employees and former employees of the corporation; or
 - (c) where the corporation is offering its shares to the public, by purchase on the open market

1970, c. 25,
s. 44, subs. 5,
re-enacted

10. Subsection 5 of section 44 of *The Business Corporation Act, 1970* is repealed and the following substituted therefor

Idem

- (5) For the purposes of subsection 4 and paragraph 2 of subsection 2 of section 15, a document evidencing indebtedness of the allottee does not constitute property and services shall be past services actual

performed for the corporation, and the value of property or services shall be the value the directors determine by express resolution to be in all the circumstances of the transaction the fair equivalent of the cash value.

11. Subsection 1 of section 45 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 45, subs. 1, re-enacted

- (1) A corporation may provide by special by-law for the payment of commissions or allowing discounts to persons in consideration of their subscribing or agreeing to subscribe, whether absolutely or conditionally, for shares in the corporation, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for such shares, but, except in the case of a corporation that carries on as its principal business the business of exploring for minerals, gas or oil or of operating a producing mining, gas or oil property owned and controlled by it or a corporation at least 75 per cent of whose assets are of a wasting character, no such commission or discount shall exceed 25 per cent of the amount of the subscription price. Commission on sale of shares

12. Section 48 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 48, re-enacted

- 48.—(1) Except in the cases mentioned in this section, a corporation shall not be a shareholder of a body corporate that is its holding body corporate, and any allotment or transfer of shares of a corporation to its subsidiary is void. Subsidiaries not to hold shares of holding bodies corporate
- (2) This section does not apply to a subsidiary holding shares as personal representative unless the holding body corporate or a subsidiary thereof is beneficially interested under a trust and is not so interested only by way of security for the purposes of a transaction entered into by it in the ordinary course of a business that includes the lending of money. Application
- (3) This section does not prevent a subsidiary that on the 30th day of April, 1954, held shares of its holding body corporate from continuing to hold such shares, but, subject to subsection 2, the subsidiary has no right to vote at meetings of shareholders of the holding body corporate or at meetings of any class of shareholders thereof. Exception

Nominees (4) Subject to subsection 2, subsections 1 and 3 apply in relation to a nominee for a corporation that is a subsidiary as if the references in subsections 1 and 3 to such a corporation included references to a nominee for it.

1970, c. 25,
s. 51, subs. 5,
re-enacted

13. Subsection 5 of section 51 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Transfer
restricted

(5) A share certificate issued for one or more shares the transfer of which is restricted in accordance with the articles shall,

(a) legibly state on the certificate or have attached thereto a legible statement of the restrictions on the right to transfer the shares; or

(b) legibly state on the certificate that there are restrictions on the right to transfer the shares and that a copy of the full text thereof is obtainable on demand and without fee from the corporation.

Idem

(6) Where a share certificate contains a statement as provided in clause *b* of subsection 5, the corporation shall furnish to the shareholder on demand without fee a copy of the full text of the restrictions on the right to transfer the shares.

1970, c. 25,
s. 56, subs. 3,
re-enacted

14. Subsection 3 of section 56 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Exception

(3) Subsection 1 does not apply to an instrument filed or registered under any other Act.

1970, c. 25,
s. 57, subs. 3,
re-enacted

15. Subsection 3 of section 57 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Resident
trustee

(3) Every body corporate whose debt obligations are offered to the public in Ontario under a trust indenture and every body corporate whose debt obligations are issued in Ontario under a trust indenture shall have a trustee resident or authorized to do business in Ontario.

1970, c. 25,
s. 63, subs. 1,
amended

16. Subsection 1 of section 63 of *The Business Corporation Act, 1970* is amended by adding thereto the following clause:

(*fa*) "genuine" means free from forgery or counterfeiting;

(fb) "noted conspicuously" and "appearing conspicuously" mean written in such a way that the person against whom words so noted or appearing are to operate ought reasonably to notice them;

(j) "unauthorized", when used with reference to a signature or endorsement, means one made without actual, implied or apparent authority and includes a forgery.

17. Subsection 1 of section 76 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 76, subs. 1, re-enacted

(1) A person placing his signature upon a security as authenticating trustee, registrar or transfer agent warrants on issue to a purchaser for value without notice of the particular defect that,

(a) the security is genuine and in proper form;

(b) his own participation in the issue of the security is within his capacity and within the scope of the authorization received by him from the issuer; and

(c) he has reasonable grounds to believe that the security is in the form and within the amount the issuer is authorized to issue.

18. Section 107 of *The Business Corporations Act, 1970* is amended by adding thereto the following subsection: 1970, c. 25, s. 107, amended

(2) Where a corporation has only one shareholder and, Idem on or before the date the annual meeting is required to be held, the action required to be taken at the annual meeting is completed in accordance with subsection 4 of section 23, the action so completed shall be deemed to have been taken at an annual meeting of the corporation and such annual meeting shall be deemed to have been held on the date of the completion.

19. Section 121 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 121, re-enacted

121. The chairman at a meeting has the right not to conduct a vote by way of ballot on any matter or group of matters in connection with which the form of proxy Where vote by ballot not required

has provided a means whereby the person whose proxy is solicited may specify how such person wishes the shares registered in his name to be voted unless,

- (a) a poll is demanded by any shareholder present at the meeting in person or represented thereat by proxy; or
- (b) proxies requiring that the shares represented thereby be voted against what would otherwise be the decision of the meeting in relation to such matters or group of matters total more than 5 per cent of all the voting rights attaching to all the shares entitled to be voted and be represented at the meeting.

1970, c. 25,
s. 134, subs. 4,
re-enacted

20. Subsection 4 of section 134 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Effect of
declaration

- (4) If a director has made a declaration and disclosure of his interest in a contract or transaction in compliance with this section and has not voted in respect of the contract or transaction at the meeting of the directors of the corporation, the director, if he was acting honestly and in good faith at the time the contract or transaction was entered into, is not by reason only of his holding the office of director accountable to the corporation or to its shareholders for any profit or gain realized from the contract or transaction, and the contract or transaction, if it was in the best interest of the corporation at the time the contract or transaction was entered into, is not voidable by reason only of the director's interest therein.

1970, c. 25,
s. 137, subs. 1,
cl. c,
re-enacted

21.—(1) Clause *c* of subsection 1 of section 137 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

- (c) a loan mentioned in section 146 is authorized,

1970, c. 25,
s. 137, subs. 3,
cl. c,
re-enacted

(2) Clause *c* of subsection 3 of the said section 137 is repealed and the following substituted therefor:

- (c) a loan mentioned in section 146 is authorized,

22. Section 143 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 143, re-enacted

143. Unless the articles or by-laws otherwise provide, no person shall be the president of a corporation unless he is a director of the corporation, but no other officer except the chairman of the board need be a director. Qualifications of chairman and president

23. Section 148 of *The Business Corporations Act, 1970* is amended by adding thereto the following subsection: 1970, c. 25, s. 148, amended

(4) For the purpose of reporting under this section ownership shall be deemed to pass at such time as an offer to sell is accepted by the purchaser or his agent or an offer to buy is accepted by the vendor or his agent.

24. Subsection 1 of section 167 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 167, subs. 1, re-enacted

(1) Subject to subsection 2, where in a financial year all the shareholders of a corporation that, Exemption from audit provisions

(a) is not offering its securities to the public;

(b) has five or fewer shareholders; and

(c) has assets not exceeding \$500,000 and sales or gross operating revenues not exceeding \$1,000,000, as shown on the financial statement of the corporation for the preceding year,

consent in writing, the corporation is exempt from sections 168 and 169, subsections 1 to 4 of section 170, section 171 and clause *c* of subsection 1 and subsection 3 of section 172 in respect of the year in which the consent is given.

25. Subsection 4 of section 171 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 171, subs. 4, re-enacted

(4) Where facts come to the attention of the officers or directors which, if known prior to the date of the last annual meeting of shareholders, would have required a material adjustment to the financial statement presented to such meeting, the officers or directors shall communicate such facts to the auditor who reported to the shareholders under this section and the directors shall forthwith amend the financial statement and send it to the auditor. Facts discovered after statement

1970, c. 25,
s. 173, subs. 1,
amended

26. Subsection 1 of section 173 of *The Business Corporations Act, 1970* is amended by striking out "and" at the end of clause *i*, and adding thereto the following clauses:

- (k) the basic earnings per share for the current and preceding year for,
 - (i) income before extraordinary items, and
 - (ii) net income for the period; and
- (l) fully diluted earnings per share for the current year for,
 - (i) income before extraordinary items, and
 - (ii) net income for the period.

1970, c. 25,
s. 177, subs. 1,
par. 27,
re-enacted

27. Paragraph 27 of subsection 1 of section 177 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

27. The number of common shares of the corporation purchased and the number of the common shares of the corporation resold since the date of the last preceding balance sheet, giving the date of each such purchase and resale and the price at which each such purchase or resale was made.

1970, c. 25,
s. 178, subs. 3,
amended

28. Subsection 3 of section 178 of *The Business Corporations Act, 1970* is amended by adding thereto the following paragraphs:

- 18. Where the corporation has,
 - i. in the course of a financial period, carried on business of two or more classes that, in the opinion of its directors, differ substantially from each other and the corporation is not one that has any subsidiaries at the end of that financial period, or if it has one or more subsidiaries, does not prepare its financial statement in consolidated form in respect of any subsidiary, or
 - ii. has one or more subsidiaries at the end of its financial period and prepares its financial statement in consolidated form in respect of any of the subsidiaries, if the corporation ar

any of the subsidiaries carried on between them in the course of the period business of two or more classes that in the opinion of the directors of the corporation, differ substantially from each other,

a statement of the proportions in which the amount of sales or gross revenue for that period, so far as stated in the financial statement in respect of that period, is divided among those classes of business but for the purposes of subparagraphs i and ii,

iii. classes of business that, in the opinion of the directors, do not differ substantially from each other shall be treated as one class, and

iv. a corporation having gross sales and revenues exceeding \$25,000,000 need only report in respect of a class of business that contributes 10 per cent or more of the total gross revenue of the corporation and a corporation having gross sales and revenues of \$25,000,000 or less need only report in respect of a class of business that contributes 15 per cent or more of the total gross revenue of the corporation.

19. Where there has been a business combination or acquisition arrived at through private agreements, statutory amalgamations, statutory arrangements or statutory procedures, a take-over bid as defined in Part IX of *The Securities Act, 1966*, asset purchases or other methods of materially adding to or combining with an existing business, the details thereof in accordance with the acquisition equation prescribed by the regulations.

20. Where securities have been issued to acquire assets, the proportion of the total securities outstanding, expressed as a percentage, represented by the securities issued to make the acquisition.

21. Where the pooling of interest method is used to account for a business combination or acquisition, an earnings history for at least two years as though the companies were pooled for the years covered by such history, set out alongside the earnings history of the acquiring company.

9. Subsection 3 of section 184 of *The Business Corporations Act* 1970 is repealed and the following substituted therefor: 1970, c. 25, s. 184, subs. 3, re-enacted

Financial statement, on demand

- (3) A shareholder of a corporation that is not offering its securities to the public is entitled to be furnished by the corporation on demand with a copy of the documents mentioned in subsections 1 and 2.

1970, c. 25, s. 185, subs. 1, cl. c, amended

30. Clause *c* of subsection 1 of section 185 of *The Business Corporations Act, 1970* is amended by striking out "and" at the end of subclause iv and by adding thereto the following subclauses:

- (vi) the basic earnings per share for income before extraordinary items and for net income for the period, and
- (vii) fully diluted earnings per share for income before extraordinary items and for net income.

1970, c. 25, s. 186, subs. 6, re-enacted

31. Subsection 6 of section 186 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

- (6) Every director, officer, agent, employee, banker or auditor who refuses to produce any account or record referred to in subsection 3 and every person examined under subsection 4 or subsection 5 who refuses to answer any question related to the affairs and management of the corporation or any affiliate is guilty of an offence under section 259, in addition to any other liability to which he is subject.

1970, c. 25, s. 189, amended

32. Section 189 of *The Business Corporations Act, 1970* is amended by adding thereto the following subsection:

Idem

- (3a) Notwithstanding subsection 3, if an amendment under clause *m* of subsection 1 is to provide for the restrictions permitted by subsection 2 of section 47, such amendment shall be authorized by a special resolution

1970, c. 25, s. 195, subs. 3, re-enacted

33. Subsection 3 of section 195 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Effect of certificate

- (3) Upon the date set forth in the certificate of filing, the scheme becomes effective and constitutes an amendment to the articles.

1970, c. 25, s. 196, subs. 2, cl. b, re-enacted

34. Clause *b* of subsection 2 of section 196 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

- (b) the objects of the amalgamated corporation.

35. Clause *d* of subsection 4 of section 197 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 197, subs. 4, cl. d, re-enacted

- (d) the articles of incorporation of each of the amalgamating corporations are amended to the extent necessary to give effect to the terms and conditions of the amalgamation agreement.

36. Section 198 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 198, re-enacted

- 198.—(1) A body corporate incorporated under the laws of any jurisdiction other than Ontario may, if it appears to the Minister to be thereunto authorized by the laws of the jurisdiction in which it was incorporated, apply to the Minister for a certificate continuing it as if it had been incorporated under this Act, and the Minister may issue the certificate of continuation on application supported by such material as appears satisfactory, and the certificate may be issued on such terms and subject to such limitations and conditions and contain such provisions as appear to the Minister to be fit and proper. Certificate of continuation
- (2) Upon the date set forth in a certificate of continuation issued under subsection 1, this Act applies to the body corporate to the same extent as if it had been incorporated under this Act. Effect of certificate of continuation

37. Section 199 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 199, re-enacted

- 199.—(1) A corporation may, if authorized by a special resolution, by the Minister and by the laws of any other jurisdiction, apply to the proper officer of that other jurisdiction for an instrument of continuation continuing the corporation as if it had been incorporated under the laws of that other jurisdiction. Transfer of Ontario corporations
- (2) The corporation shall file with the Minister a notice of the issue of the instrument of continuation, and on and after the date of the filing of the notice this Act ceases to apply to that corporation. Notice
- (3) This section applies only in respect of a jurisdiction that has legislation in force that permits bodies corporate incorporated under its laws to apply for an instrument of continuation under the laws of Ontario. Application

1970, c. 25,
s. 247, cl. a,
re-enacted

38.—(1) Clause *a* of section 247 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

(a) a majority of the votes cast at a general meeting of the shareholders of the corporation duly called for the purpose or by such other proportion of the votes cast as the articles provide; but such other proportion shall not be less than 50 per cent of the votes of all the shareholders entitled to vote at the meeting.

(2) Clause *c* of the said section 247 is repealed and the following substituted therefor:

(c) all its incorporators or their personal representatives at any time within two years after the date set forth in its certificate of incorporation where the corporation has not commenced business and has not issued any shares.

1970, c. 25,
s. 248, subs. 2,
cl. b,
re-enacted

39. Clause *b* of subsection 2 of section 248 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

(b) the date set forth in its certificate of incorporation.

1970, c. 25,
s. 251, subs. 4,
re-enacted

40. Subsection 4 of section 251 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

Revival

R.S.O. 1960,
c. 71

(4) Where a corporation is dissolved under subsection 4 of section 251 of *The Business Corporations Act, 1970* or was dissolved in 1970 under subsection 2 of section 326 of *The Corporations Act*, the Minister on the application of any interested person immediately before the dissolution, made within two years after the date of dissolution, may in his discretion order, on such terms and conditions as he sees fit to impose, revive the corporation, and thereupon the corporation, subject to the terms and conditions of the order and to any rights acquired by any person after its dissolution, is restored to its legal position including all its property, rights, privileges, franchises, and is subject to all its liabilities, contractual disabilities and debts, as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

1970, c. 25,
s. 252, subs. 1,
re-enacted

41. Subsection 1 of section 252 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor:

(1) Notwithstanding the dissolution of a corporation Suits after dissolution
under section 249, 250 or 251,

- (a) any action, suit or other proceeding commenced by or against the corporation before its dissolution may be proceeded with as if the corporation had not been dissolved;
- (b) any action, suit or other proceeding may be brought against the corporation within two years after its dissolution as if the corporation had not been dissolved; and
- (c) any property that would have been available to satisfy any judgment, order or other decision if the corporation had not been dissolved remains available for such purpose.

42. Subsection 3 of section 255 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 255, subs. 3, re-enacted

(3) Where a notice is required by this Act to be given to any person, the giving of the notice may be waived or the time for the notice may be waived or abridged with the consent in writing of such person, whether before or after the time prescribed. Waiver of notice and abridgement of times

43. Subsection 2 of section 260 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 260, subs. 2, re-enacted

(2) No proceedings under section 259 for a contra- Idem
vention of section 148 shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Commission as certified by the Commission or a member thereof.

44. Clause *d* of section 264 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 264, cl. d, re-enacted

(*d*) of the filing of a notice by a liquidator under subsection 2 of section 215.

45. Subsection 1 of section 272 of *The Business Corporations Act, 1970* is repealed and the following substituted therefor: 1970, c. 25, s. 272, subs. 1, re-enacted

Continu-
ance of
letters
patent, etc.

(1) Any provision in the letters patent, supplementary letters patent or by-laws and any special resolution of a corporation that was valid immediately before this Act comes into force, except a provision that contravenes section 147, continues to be valid and in effect, but any additions or amendments to or deletions from any provision in the letters patent, supplementary letters patent or by-laws of a corporation shall be made in accordance with this Act.

Commence-
ment

46.—(1) This Act, except sections 2, 3, 4, 6, 8, 10 to 12, 14, 15, 18, 21, 22, 24, 25, 27, 33 to 42, 44 and 45 comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2, 3, 4, 6, 8, 10 to 12, 14, 15, 18, 21, 22, 24, 25, 27, 33 to 42, 44 and 45 shall be deemed to have come into force on the 1st day of January, 1971.

Short title

47. This Act may be cited as *The Business Corporations Amendment Act, 1971*.



1st Reading

June 1st, 1971

2nd Reading

June 10th, 1971

3rd Reading

June 17th, 1971

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to provide Procedures governing the Exercise of
Statutory Power granted to Tribunals by the Legislature
wherein the Rights, Duties or Privileges of Persons are
to be decided at or following a Hearing**

THE HON. W. G. DAVIS
Prime Minister

EXPLANATORY NOTES

General

The purpose of this Bill is to eliminate uncertainties in the present law as to the procedure and as to the powers of tribunals exercising statutory powers of decision affecting the rights of individuals.

It will be recalled that at the 1968-69 Session a Bill (Bill 130) with the same object as this Bill was introduced but not proceeded with in the expectation that its provisions would be improved as the result of intensive study by the Bench and Bar. As a result, many helpful comments and criticisms were made and the Bill has been extensively reviewed and revised.

Procedure for tribunals

Under present law where a statutory power of decision is conferred on a tribunal, although no procedure is laid down in the statute, the courts may by interpretation, presume that the tribunal is not to exercise the power arbitrarily or capriciously. They will apply the procedural "Rules of natural justice" to require the tribunal to follow a fair procedure. This presumption does not apply to all statutory powers of decision.

The requirements of the rules of natural justice are not uniform in application and may be held to vary from statute to statute.

Two uncertainties as to the procedure to be followed by a tribunal exist under the present law.

1. Do the "Rules of natural justice" apply so that the tribunal is required to follow a fair procedure? This question is often related to the question whether the power conferred on the tribunal is "judicial or quasi judicial" or "purely administrative". These terms are of uncertain application. The Bill is aimed at limiting this uncertainty and avoiding this perplexing language by providing minimum rules of procedure that will apply in all cases where a statute conferring a power of decision requires that a hearing be held before the decision is made. The proposal is that in future, statutes will expressly provide that a hearing is or is not required.
2. When the rules of natural justice apply, what is the required procedure? The statute is aimed at removing this uncertainty by providing standard minimum rules of a fair procedure which will automatically apply to all tribunals required to hold hearings.

Powers of tribunals

The powers of tribunals under the present law vary with each statute. Sometimes very broad powers e.g., "the powers of a civil court" are conferred on a tribunal. The same effect is achieved by conferring the powers that may be conferred on a commissioner under *The Public Inquiries Act*. Such powers include amongst other things the power to issue a bench warrant for the arrest and detention of a witness and power to direct imprisonment of persons for contempt. A tribunal may consist of one or more persons without previous experience in the exercise of such wide powers. The Bill proposes standard powers for compelling attendance of witnesses or production of evidence that may be exercised by a tribunal with suitable judicial controls to limit possible arbitrary action.

The general nature of the matters provided for in the Bill, with a reference to the section number of the Bill and the corresponding recommendation in McRuer Report No. 1, are set out below.

1. The Act will apply to proceedings by a tribunal in the exercise of a statutory power of decision where a hearing is required. Exceptions to the application of the Act are enumerated to exclude tribunals that are required to hold a hearing but that already have a proper procedure or to eliminate doubt.

Section 3 (Recommendation 31(a))

2. Notwithstanding the requirement of a hearing, informal settlements may be arrived at by agreement or consent without following the minimum rules of procedure, or a party may otherwise waive his rights under the rules.

Section 4 (Recommendation 62)

3. To eliminate uncertainty it is proposed that the parties to a proceeding before a tribunal should be specified in the statute setting it up. Where they are not specified the present law is retained.

Section 5

4. Reasonable notice of a hearing is required to be given to the parties. The hearing may proceed if a party does not attend after being given notice.

Sections 6 and 7 (Recommendation 33)

5. Reasonable notice of the case to be met is to be given to parties whose rights may be specifically affected.

Section 8 (Recommendation 34)

6. Hearings are in public except in specified circumstances.

Section 9 (Recommendation 37 in part)

Hearings before self governing bodies are not dealt with as it is felt that they should be dealt with specifically in the statute establishing the self governing body.

7. Parties are entitled to counsel and to examine and cross-examine witnesses.

Section 10 (Recommendations 40 and 42)

8. Witnesses are given a new right to be advised by counsel.

Section 11 (Recommendation 41)

9. Tribunals are empowered to summon witnesses and require production of documents. Such summons may be enforced on application to the High Court of justice.

Sections 12 and 13 (Recommendations 36 and 38)

10. A witness is given automatic protection against self incrimination.

Section 14

11. Evidence at a hearing before a tribunal is not confined to sworn evidence or evidence admissible in the courts. The law of evidentiary privilege is retained.

Section 15 (Recommendations 39 and 43)

12. A tribunal is permitted to take official notice in reaching its decision of generally recognized technical or scientific facts or opinions within its specialized knowledge.

Section 16 (Recommendation 44 in part)

It was felt that it is not practicable to require an expert tribunal to give formal notice of everything it may take notice of although much of it may be well known to the parties or be inconsequential.

13. The decision of a tribunal is required to be in writing and sent to the parties. Reasons are to be given if requested.

Sections 17 and 18 (Recommendations 45 and 47 in part)

The wide variety of and detailed provisions concerning appeals from certain tribunals render it impracticable to make advice as to appeals a universal requirement in notices of decision as recommended. This should be dealt with specifically in the rules of procedure for each tribunal.

14. A decision of a tribunal is enforceable in the name of the tribunal after filing in the Supreme Court, in the same manner as an order of the court.

Section 19 (Recommendation 46)

15. A tribunal is required to keep a record of its proceedings.

Section 20 (Recommendation 48)

16. A tribunal may adjourn its hearings from time to time.

Section 21 (Recommendation 35)

17. A tribunal is given power to administer oaths.

Section 22 (Recommendation 39)

18. Special provision is made for the giving of notice of hearings and decisions where members of the public may be parties.

Section 24

19. Where an appeal is taken from a decision of a tribunal it operates as a stay of the decision of the tribunal unless otherwise ordered.

Section 25

20. A Statutory Powers Rules Committee is established.

Sections 26 to 31 (Recommendations 31a, 56, 58, 59 and 60 in part)

The Committee is not given power to make rules of procedure for all tribunals. It was felt that if the statute establishing a tribunal authorized the making of rules of procedure for the tribunal and this Act empowered the Statutory Powers Rules Committee to make rules of procedure for the tribunal, confusion and conflict would result. However, the Bill provides that no rules of procedure for a tribunal may be made until after consultation with the Committee. The establishment of proper rules of procedure will be ensured by the requirement of consultation.

BILL 53

1971

An Act to provide Procedures governing the Exercise of Statutory Power granted to Tribunals by the Legislature wherein the Rights, Duties or Privileges of Persons are to be decided at or following a Hearing

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) "Committee" means the Statutory Powers Procedure Rules Committee established by this Act;
- (b) "licence" includes any permit, certificate, approval, registration or similar form of permission required by law;
- (c) "municipality" has the same meaning as in *The Department of Municipal Affairs Act*, and includes a district, metropolitan and regional municipality and their local boards; ^{R.S.O. 1960, c. 98}
- (d) "statutory power of decision" means a power or right, conferred by or under a statute, to make a decision deciding or prescribing,
 - (i) the legal rights, powers, privileges, immunities, duties or liabilities of any person or party, or
 - (ii) the eligibility of any person or party to receive, or to the continuation of, a benefit or licence, whether he is legally entitled thereto or not;
- (e) "tribunal" means one or more persons, whether or not incorporated and however described, upon which a statutory power of decision is conferred by or under a statute.

Meaning of
"person",
extended

(2) A municipality, an unincorporated association of employers, a trade union or council of trade unions who may be a party to proceedings in the exercise of a statutory power of decision under the statute conferring the power, shall be deemed to be a person for the purpose of any provision of this Act or of any rule made under this Act that applies to parties.

PART I

MINIMUM RULES FOR PROCEEDINGS OF CERTAIN TRIBUNALS

Interpre-
tation

2. In this Part,

- (a) "hearing" means a hearing in any proceedings;
- (b) "proceedings" means proceedings to which this Part applies.

Application
of Part I

3.—(1) Subject to subsection 2, this Part applies to proceedings by a tribunal in the exercise of a statutory power of decision conferred by or under an Act of the Legislature, where the tribunal is required by or under such Act or otherwise by law to hold or to afford to the parties to the proceedings an opportunity for a hearing before making a decision.

Where
Part I
does not
apply

(2) This Part does not apply to proceedings,

- (a) before the Assembly or any committee of the Assembly;
- (b) in or before,
 - (i) the Supreme Court,
 - (ii) a county or district court,
 - (iii) a surrogate court,
 - (iv) a provincial court established under *The Provincial Courts Act, 1968*,
 - (v) a small claims court,
 - (vi) a justice of the peace,
 - (vii) an election court under *The Controverted Elections Act*;

1968, c. 103

R.S.O. 1960,
c. 65

(c) to which the Rules of Practice and Procedure of the Supreme Court apply;

R.S.O. 1960,
c. 18, 202

(d) before an arbitrator to which *The Arbitrations Act* or *The Labour Relations Act* applies;

- (e) at a coroner's inquest;
- (f) of a commission appointed under *The Public Inquiries Act, 1971*, c..... 1971, c.....
- (g) of one or more persons required to make an investigation and to make a report, with or without recommendations, where the report is for the information or advice of the person to whom it is made and does not in any way legally bind or limit that person in any decision he may have power to make;
- (h) of a tribunal empowered to make regulations, rules or by-laws in so far as its power to make regulations, rules or by-laws is concerned.

4. Notwithstanding anything in this Act and unless otherwise provided in the Act under which the proceedings arise, or the tribunal otherwise directs, any proceedings may be disposed of by, ^{Disposition of proceedings without a hearing}

- (a) agreement;
- (b) consent order; or
- (c) a decision of the tribunal given,
 - (i) without a hearing, or
 - (ii) without compliance with any other requirement of this Act,

where the parties have waived such hearing or compliance.

5. The parties to any proceedings shall be the persons specified as parties by or under the statute under which the proceedings arise or, if not so specified, persons entitled by law to be parties to the proceedings. ^{Parties}

6.—(1) The parties to any proceedings shall be given reasonable notice of the hearing by the tribunal. ^{Notice of hearing}

(2) A notice of a hearing shall include, Idem

- (a) a statement of the time, place and purpose of the hearing;
- (b) a reference to the statutory authority under which the hearing will be held; and

- (c) a statement that if the party notified does not attend at the hearing, the tribunal may proceed in his absence and he will not be entitled to any further notice in the proceedings.

Effect of non-attendance at hearing after due notice

7. Where notice of a hearing has been given to a party to any proceedings in accordance with this Act and the party does not attend at the hearing, the tribunal may proceed in his absence and he is not entitled to any further notice in the proceedings.

Where character, etc., of a party is in issue

8. Where the good character, propriety of conduct or competence of a party is an issue in any proceedings, the party is entitled to be furnished prior to the hearing with reasonable information of any allegations with respect thereto.

Hearings to be public, exceptions

9.—(1) A hearing shall be open to the public except where the tribunal is of the opinion that,

- (a) matters involving public security may be disclosed; or
- (b) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public,

in which case the tribunal may hold the hearing concerning any such matters *in camera*.

Maintenance of order at hearings

(2) A tribunal may make such orders or give such directions at a hearing as it considers necessary for the maintenance of order at the hearing, and, if any person disobeys or fails to comply with any such order or direction, the tribunal or a member thereof may call for the assistance of any peace officer to enforce the order or direction, and every peace officer so called upon shall take such action as is necessary to enforce the order or direction and may use such force as is reasonably required for that purpose.

Rights of parties to counsel, to examine witnesses, etc., at hearings

10. A party to proceedings may at a hearing,

- (a) be represented by counsel or an agent;
- (b) call and examine witnesses and present his arguments and submissions;

- (c) ~~conduct cross-examinations of witnesses at a hearing reasonably required for a full and fair disclosure of the facts in relation to which they have given evidence.~~

11.—(1) A witness at a hearing is entitled to be advised by his counsel or agent as to his rights but such counsel or agent may take no other part in the hearing without leave of the tribunal. Rights of witnesses to counsel

(2) Where a hearing is *in camera*, a counsel or agent for a witness is not entitled to be present except when that witness is giving evidence. Idem

12.—(1) A tribunal may require any person, including a party, by summons, Summonses

- (a) to give evidence on oath or affirmation at a hearing; and
 (b) to produce in evidence at a hearing documents and things specified by the tribunal,

relevant to the subject-matter of the proceedings and admissible at a hearing.

(2) A summons issued under subsection 1 shall be in Form 1 and, Form and service of summonses

- (a) where the tribunal consists of one person, shall be signed by him; or
 (b) where the tribunal consists of more than one person, shall be signed by the chairman of the tribunal or in such other manner as documents on behalf of the tribunal may be signed under the statute constituting the tribunal; and
 (c) shall be served personally on the person summoned who shall be paid the like fees and allowances for his attendance as a witness before the tribunal as are paid for the attendance of a witness summoned to attend before the Supreme Court.

(3) Upon proof to the satisfaction of a judge of the Supreme Court of the service of a summons under this section upon a person and that, Bench warrants

- (a) such person has failed to attend or to remain in attendance at a hearing in accordance with the requirements of the summons;

(b) a sufficient sum for his fees and allowances has been duly paid or tendered to him; and

(c) his presence is material to the ends of justice,

the judge may, by his warrant in Form 2, directed to any sheriff, police officer or constable, cause such witness to be apprehended anywhere within Ontario and forthwith to be brought before the tribunal and to be detained in custody as the judge may order until his presence as a witness before the tribunal is no longer required, or, in the discretion of the judge, to be released on a recognizance (with or without sureties) conditioned for appearance to give evidence.

Proof of
service

(4) Service of a summons and payment of tender of fees or allowance may be proved by affidavit in an application under subsection 3.

Certificate
of facts

(5) Where an application under subsection 3 is made on behalf of a tribunal, the person constituting the tribunal, or where the tribunal consists of two or more persons, the chairman thereof may certify to the judge the facts relied on to establish that the presence of the person summoned is material to the ends of justice and such certificate may be accepted by the judge as proof of such facts.

Idem

(6) Where an application under subsection 3 is made by a party to the proceedings, proof of the facts relied on to establish that the presence of the person summoned is material to the ends of justice may be by affidavit of such party.

Contempt
proceedings

13. Where any person without lawful excuse,

(a) on being duly summoned under section 12 as a witness at a hearing makes default in attending at the hearing; or

(b) being in attendance as a witness at a hearing, refuses to take an oath or to make an affirmation legally required by the tribunal to be taken or made, or to produce any document or thing in his power or control legally required by the tribunal to be produced by him or to answer any question to which the tribunal may legally require an answer; or

(c) does any other thing that would, if the tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

the tribunal may, of its own motion or on application of a party to the proceedings, state a case to the Divisional Court setting out the facts and that court may, on application on behalf of and in the name of the tribunal or by such party,

inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

14. A witness at a hearing shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to criminate him or may tend to establish his liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at a hearing shall be used or be receivable in evidence against him in any trial or other proceedings against him thereafter taking place, other than a prosecution for perjury in giving such evidence. Protection
for
witnesses

15.—(1) Subject to subsections 2 and 3, a tribunal may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible as evidence in a court, What is
admissible
in evidence
at a hearing

- (a) any oral testimony; and
- (b) any document or other thing,

relevant to the subject matter of the proceedings and may act on such evidence, but the tribunal may exclude anything unduly repetitious.

- (2) Nothing is admissible in evidence at a hearing, What is
inadmissible
in evidence
at a hearing
- (a) that would be inadmissible in a court by reason of any privilege under the law of evidence; or
 - (b) that is inadmissible by the statute under which the proceedings arise or any other statute.

(3) Nothing in subsection 1 overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence in any proceedings. Conflicts

(4) Where a tribunal is satisfied as to their authenticity, a copy of a document or other thing may be admitted as evidence at a hearing. Copies

(5) Where a document has been filed in evidence at a hearing, the tribunal may, or the person producing it or entitled to it may with the leave of the tribunal, cause the document to be photocopied and the tribunal may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by a member of the tribunal. Photo-
copies

Certified copy admissible in evidence (6) A document purporting to be a copy of a document filed in evidence at a hearing, certified to be a true copy thereof by a member of the tribunal, is admissible in evidence in proceedings in which the document is admissible as evidence of the document.

Notice of facts and opinions **16.** A tribunal may, in making its decision in any proceedings,

(a) take notice of facts that may be judicially noticed; and

(b) take notice of any generally recognized scientific or technical facts, information, or opinions within its scientific or specialized knowledge.

Decision **17.** A tribunal shall give its final decision and order, if any, in any proceedings in writing and shall give reasons in writing therefor if requested by a party.

Notice of decision **18.** A tribunal shall send by registered mail addressed to the parties to any proceedings who took part in the hearing, at their addresses last known to the tribunal, a copy of its final decision and order, if any, in the proceedings, together with the reasons therefor, where reasons have been given, and each party shall be deemed to have received a copy of the decision or order on the third day after the day of mailing unless the party did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the copy of the decision or order until a later date.

Enforcement of decision **19.—(1)** A certified copy of a final decision and order, if any, of a tribunal in any proceedings may be filed in the office of the Registrar of the Supreme Court by the tribunal or by a party and, if it is for the payment of money, it may be enforced at the instance of the tribunal or of such party in the name of the tribunal in the same manner as a judgment of that court, and in all other cases by an application by the tribunal or by such party to the court for such order as the court may consider just.

Idem (2) Where a tribunal having power to do so makes an order or decision rescinding or varying an order or decision previously made by it that has been filed under subsection 1, upon filing in accordance with subsection 1 the order or decision rescinding or varying the order or decision previously made,

(a) if the order or decision rescinds the order or decision previously made, the order or decision previously made ceases to have effect for the purposes of subsection 1; or

- (b) if the order or decision varies the order or decision previously made, the order or decision previously made as so varied may be enforced in a like manner as an order or decision filed under subsection 1.

20. A tribunal shall compile a record of any proceedings ^{Record of proceedings} in which a hearing has been held which shall include,

- (a) any application, complaint, reference or other document, if any, by which the proceedings were commenced;
- (b) the notice of any hearing;
- (c) any intermediate orders made by the tribunal;
- (d) all documentary evidence filed with the tribunal, subject to any limitation expressly imposed by any other Act on the extent to or the purposes for which any such documents may be used in evidence in any proceedings;
- (e) the transcript, if any, of the oral evidence given at the hearing; and
- (f) the decision of the tribunal and the reasons therefor, where reasons have been given.

21. A hearing may be adjourned from time to time by a ^{Adjournments} tribunal of its own motion or where it is shown to the satisfaction of the tribunal that the adjournment is required to permit an adequate hearing to be held.

22. A member of a tribunal has power to administer oaths ^{Administration of oaths} and affirmations for the purpose of any of its proceedings and the tribunal may require evidence before it to be given under oath or affirmation.

23.—(1) A tribunal may make such orders or give such ^{Abuse of processes} directions in proceedings before it as it considers proper to prevent abuse of its processes.

(2) A tribunal may reasonably limit further cross-examination of a witness where it is satisfied that the cross-examination ^{Limitation on cross-examination} of the witness has been sufficient to disclose fully and fairly the facts in relation to which he has given evidence.

(3) A tribunal may exclude from a hearing anyone, other ^{Exclusion of agents} than a legally qualified counsel, appearing as an agent on behalf of a party or as an adviser to a witness if it finds that such person is not competent properly to represent or to

advise the party or witness or does not understand and comply at the hearing with the duties and responsibilities of an advocate or adviser.

Notice, etc. **24.**—(1) Where a tribunal is of opinion that because the parties to any proceedings before it are so numerous or for any other reason, it is impracticable,

(a) to give notice of the hearing; or

(b) to send its decision and the material mentioned in section 18,

to all or any of the parties individually, the tribunal may, instead of doing so, cause reasonable notice of the hearing or of its decision to be given to such parties by public advertisement or otherwise as the tribunal may direct.

Contents of notice

(2) A notice of a decision given by a tribunal under clause *b* of subsection 1 shall inform the parties of the place where copies of the decision and the reasons therefor, if reasons were given, may be obtained.

Appeal operates as stay, exception

25. Unless it is expressly provided to the contrary in the Act under which the proceedings arise, an appeal from a decision of a tribunal to a court or other appellate tribunal operates as a stay in the matter except where the tribunal or the court or other body to which the appeal is taken otherwise orders.

Idem 1971, c. ...

(2) An application for judicial review under *The Judicial Review Procedure Act, 1971*, or the bringing of proceedings specified in subsection 1 of section 2 of that Act is not an appeal within the meaning of subsection 1.

PART II

STATUTORY POWERS PROCEDURE RULES COMMITTEE

Rules Committee, composition

26.—(1) There shall be a committee to be known as the Statutory Powers Procedure Rules Committee composed of,

(a) the Deputy Minister of Justice and Deputy Attorney General who shall be chairman of the Committee, but in his absence or at his request his nominee shall act in his place;

(b) the chairman of the Ontario Law Reform Commission;

- (c) a judge of the Supreme Court, appointed by the Lieutenant Governor in Council;
- (d) a senior official in the public service of Ontario who is or has been a member of a tribunal to whose proceedings Part I applies, appointed by the Lieutenant Governor in Council;
- (e) a member of the Law Society of Upper Canada, appointed by the Lieutenant Governor in Council; and
- (f) a representative of the public who is not a member of the public service of Ontario, appointed by the Lieutenant Governor in Council.

(2) A majority of the members of the Committee may ^{Quorum} exercise all the powers of the Committee.

27. It is the duty of the Committee, Duties

- (a) to maintain under continuous review the practice and procedure in proceedings to which Part I applies;
- (b) to maintain under continuous review the practice and procedure, before,
 - (i) tribunals upon which a statutory power of decision is conferred by or under an Act of the Legislature but which is not required under such Act or otherwise by law to afford to the parties to the proceedings an opportunity for a hearing before making a decision; and
 - (ii) a body coming within clause *e* or *g* of subsection 2 of section 3.

28. No rules of procedure to govern the proceedings of a tribunal to which Part I applies shall be made or approved except after consultation with the Committee. Rules to be made only after consultation with Committee

29. The Committee may require a tribunal to which Part I applies or coming within clause *b* of section 27 to report to the Committee the rules of procedure governing its proceedings or, where there are no such rules, information as to the procedure followed by it and to formulate and report to the Committee rules to govern its proceedings. Report of rules to Committee

30. Where power is conferred to make rules of procedure governing the proceedings of a tribunal to which Part I applies, such power shall include power, Additional powers of tribunals to make rules

- (a) notwithstanding section 15, to require that findings of fact of the tribunal be based exclusively on evidence admissible under the law of evidence and on matters that may be judicially noticed or of which notice may be taken under section 16 or on evidence admissible under section 15 and on matters of which notice may be taken under section 16;
- (b) to require the oral evidence admitted at a hearing before the tribunal to be recorded;
- (c) to limit investigation or consultation concerning the subject-matter of any proceedings by members of the tribunal prior to the hearing;
- (d) to require that any member of the tribunal participating in a decision of the tribunal shall have been present throughout the hearing.

Secretary to
Committee

31. The Minister of Justice and Attorney General may assign one or more members of the staff of the Department of Justice to be secretary or secretaries of the committee and the committee may prescribe the duties of the secretary or secretaries.

Conflict

32. Unless it is expressly provided in any other Act that its provisions and regulations, rules or by-laws made under it apply notwithstanding anything in this Act, the provisions of this Act and of rules made under section 33 prevail over the provisions of such other Act and over regulations, rules or by-laws made under such other Act which conflict therewith.

Rules
respecting
publication
of decisions

33. Subject to the approval of the Lieutenant Governor in Council, the Committee may make rules respecting the reporting, editing and publication of decisions of the tribunals to which Part I applies.

Annual
report

34. The Committee shall report annually to the Minister of Justice and Attorney General.

PART III MISCELLANEOUS

Application
of Part I

35. Part I applies only to proceedings commenced after this Act comes into force.

Commence-
ment of Act

36. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

37. This Act may be cited as *The Statutory Powers Procedure Act, 1971*.

FORM 1

(Section 12 (2))

(Name of Act under which proceedings arise)

SUMMONS TO A WITNESS BEFORE.....(name of tribunal).....

RE:

TO:

You are hereby summoned and required to attend before the

.....(name of tribunal).....

at a hearing to be held

at.....in the.....of.....

on.....day, the.....day of.....

19....., at the hour ofo'clock in the.....noon local time), and so from day to day until the hearing is concluded or the tribunal otherwise orders, to give evidence on oath touching the matters in question in the proceedings and to bring with you and produce at such time and place.....

.....
.....

Dated this.....day of....., 19.....

(name of tribunal)

.....
Member of Tribunal

NOTE:

You are entitled to be paid the like personal allowances for your attendance at the hearing as are paid for the attendance of a witness summoned to attend before the Supreme Court.

If you fail to attend and give evidence at the hearing, or to produce the documents or things specified, at the time and place specified, without lawful excuse, you are liable to punishment by the Supreme Court in like manner as if for contempt of that court for disobedience to a subpoena.

FORM 2

(Section 12 (3))

BENCH WARRANT

PROVINCE OF ONTARIO

TO A.B., Sheriff, etc.

WHEREAS proof has been made before me that C.D. was duly summoned to appear before the (name of tribunal)..... at the hearing of the said tribunal at Toronto (or as the case may be) on the.....day of....., 19....; that the presence of the said C.D. is material to the ends of justice, and that the said C.D. has failed to attend in accordance with the requirements of the summons.

THESE are therefore to command you to take the said C.D. to bring and have him before the said tribunal at Toronto (or as the case may be) there to testify what he may know concerning the matters in question in the proceedings before the said tribunal, and that you detain him in your custody until he has given his evidence or until the said sittings have ended or until other orders may be made concerning him.

GIVEN UNDER MY HAND this.....day of....., 19...., at.....

.....
Judge, S.C.O.



An Act to provide Procedures governing the Exercise of Statutory Power granted to Tribunals by the Legislature wherein the Rights, Duties or Privileges of Persons are to be decided at or following a Hearing

1st Reading

June 4th, 1971

2nd Reading

3rd Reading

THE HON. W. G. DAVIS
Prime Minister

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to provide Procedures governing the Exercise of
Statutory Power granted to Tribunals by the Legislature
wherein the Rights, Duties or Privileges of Persons are
to be decided at or following a Hearing**

THE HON. W. G. DAVIS
Prime Minister

(Reprinted as amended by the Legal Administration Committee)

EXPLANATORY NOTES

General

The purpose of this Bill is to eliminate uncertainties in the present law as to the procedure and as to the powers of tribunals exercising statutory powers of decision affecting the rights of individuals.

It will be recalled that at the 1968-69 Session a Bill (Bill 130) with the same object as this Bill was introduced but not proceeded with in the expectation that its provisions would be improved as the result of intensive study by the Bench and Bar. As a result, many helpful comments and criticisms were made and the Bill has been extensively reviewed and revised.

Procedure for tribunals

Under present law where a statutory power of decision is conferred on a tribunal, although no procedure is laid down in the statute, the courts may by interpretation, presume that the tribunal is not to exercise the power arbitrarily or capriciously. They will apply the procedural "Rules of natural justice" to require the tribunal to follow a fair procedure. This presumption does not apply to all statutory powers of decision.

The requirements of the rules of natural justice are not uniform in application and may be held to vary from statute to statute.

Two uncertainties as to the procedure to be followed by a tribunal exist under the present law.

1. Do the "Rules of natural justice" apply so that the tribunal is required to follow a fair procedure? This question is often related to the question whether the power conferred on the tribunal is "judicial or quasi judicial" or "purely administrative". These terms are of uncertain application. The Bill is aimed at limiting this uncertainty and avoiding this perplexing language by providing minimum rules of procedure that will apply in all cases where a statute conferring a power of decision requires that a hearing be held before the decision is made. The proposal is that in future, statutes will expressly provide that a hearing is or is not required.
2. When the rules of natural justice apply, what is the required procedure? The statute is aimed at removing this uncertainty by providing standard minimum rules of a fair procedure which will automatically apply to all tribunals required to hold hearings.

Powers of tribunals

The powers of tribunals under the present law vary with each statute. Sometimes very broad powers e.g., "the powers of a civil court" are conferred on a tribunal. The same effect is achieved by conferring the powers that may be conferred on a commissioner under *The Public Inquiries Act*. Such powers include amongst other things the power to issue a bench warrant for the arrest and detention of a witness and power to direct imprisonment of persons for contempt. A tribunal may consist of one or more persons without previous experience in the exercise of such wide powers. The Bill proposes standard powers for compelling attendance of witnesses or production of evidence that may be exercised by a tribunal with suitable judicial controls to limit possible arbitrary action.

The general nature of the matters provided for in the Bill, with a reference to the section number of the Bill and the corresponding recommendation in McRuer Report No. 1, are set out below.

1. The Act will apply to proceedings by a tribunal in the exercise of a statutory power of decision where a hearing is required. Exceptions to the application of the Act are enumerated to exclude tribunals that are required to hold a hearing but that already have a proper procedure or to eliminate doubt.

Section 3 (Recommendation 31(a))

2. Notwithstanding the requirement of a hearing, informal settlements may be arrived at by agreement or consent without following the minimum rules of procedure, or a party may otherwise waive his rights under the rules.

Section 4 (Recommendation 62)

3. To eliminate uncertainty it is proposed that the parties to a proceeding before a tribunal should be specified in the statute setting it up. Where they are not specified the present law is retained.

Section 5

4. Reasonable notice of a hearing is required to be given to the parties. The hearing may proceed if a party does not attend after being given notice.

Sections 6 and 7 (Recommendation 33)

5. Reasonable notice of the case to be met is to be given to parties whose rights may be specifically affected.

Section 8 (Recommendation 34)

6. Hearings are in public except in specified circumstances.

Section 9 (Recommendation 37 in part)

Hearings before self governing bodies are not dealt with as it is felt that they should be dealt with specifically in the statute establishing the self governing body.

7. Parties are entitled to counsel and to examine and cross-examine witnesses.

Section 10 (Recommendations 40 and 42)

8. Witnesses are given a new right to be advised by counsel.

Section 11 (Recommendation 41)

9. Tribunals are empowered to summon witnesses and require production of documents. Such summons may be enforced on application to the High Court of justice.

Sections 12 and 13 (Recommendations 36 and 38)

10. A witness is given automatic protection against self incrimination.

Section 14

11. Evidence at a hearing before a tribunal is not confined to sworn evidence or evidence admissible in the courts. The law of evidentiary privilege is retained.

Section 15 (Recommendations 39 and 43)

12. A tribunal is permitted to take official notice in reaching its decision of generally recognized technical or scientific facts or opinions within its specialized knowledge.

Section 16 (Recommendation 44 in part)

It was felt that it is not practicable to require an expert tribunal to give formal notice of everything it may take notice of although much of it may be well known to the parties or be inconsequential.

13. The decision of a tribunal is required to be in writing and sent to the parties. Reasons are to be given if requested.

Sections 17 and 18 (Recommendations 45 and 47 in part)

The wide variety of and detailed provisions concerning appeals from certain tribunals render it impracticable to make advice as to appeals a universal requirement in notices of decision as recommended. This should be dealt with specifically in the rules of procedure for each tribunal.

14. A decision of a tribunal is enforceable in the name of the tribunal after filing in the Supreme Court, in the same manner as an order of the court.

Section 19 (Recommendation 46)

15. A tribunal is required to keep a record of its proceedings.

Section 20 (Recommendation 48)

16. A tribunal may adjourn its hearings from time to time.

Section 21 (Recommendation 35)

17. A tribunal is given power to administer oaths.

Section 22 (Recommendation 39)

18. Special provision is made for the giving of notice of hearings and decisions where members of the public may be parties.

Section 24

19. Where an appeal is taken from a decision of a tribunal it operates as a stay of the decision of the tribunal unless otherwise ordered.

Section 25

20. A Statutory Powers Rules Committee is established.

Sections 26 to 31 (Recommendations 31a, 56, 58, 59 and 60 in part)

The Committee is not given power to make rules of procedure for all tribunals. It was felt that if the statute establishing a tribunal authorized the making of rules of procedure for the tribunal and this Act empowered the Statutory Powers Rules Committee to make rules of procedure for the tribunal, confusion and conflict would result. However, the Bill provides that no rules of procedure for a tribunal may be made until after consultation with the Committee. The establishment of proper rules of procedure will be ensured by the requirement of consultation.

An Act to provide Procedures governing the Exercise of Statutory Power granted to Tribunals by the Legislature wherein the Rights, Duties or Privileges of Persons are to be decided at or following a Hearing

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) "Committee" means the Statutory Powers Procedure Rules Committee established by this Act;
- (b) "licence" includes any permit, certificate, approval, registration or similar form of permission required by law;
- (c) "municipality" has the same meaning as in *The R.S.O. 1960, Department of Municipal Affairs Act*, c. 98, and includes a district, metropolitan and regional municipality and their local boards;
- (d) "statutory power of decision" means a power or right, conferred by or under a statute, to make a decision deciding or prescribing,
 - (i) the legal rights, powers, privileges, immunities, duties or liabilities of any person or party, or
 - (ii) the eligibility of any person or party to receive, or to the continuation of, a benefit or licence, whether he is legally entitled thereto or not;
- (e) "tribunal" means one or more persons, whether or not incorporated and however described, upon which a statutory power of decision is conferred by or under a statute.

Meaning of
"person"
extended

(2) A municipality, an unincorporated association of employers, a trade union or council of trade unions who may be a party to proceedings in the exercise of a statutory power of decision under the statute conferring the power, shall be deemed to be a person for the purpose of any provision of this Act or of any rule made under this Act that applies to parties.

PART I

MINIMUM RULES FOR PROCEEDINGS OF CERTAIN TRIBUNALS

Interpre-
tation

2. In this Part,

(a) "hearing" means a hearing in any proceedings;

(b) "proceedings" means proceedings to which this Part applies.

Application
of Part I

3.—(1) Subject to subsection 2, this Part applies to proceedings by a tribunal in the exercise of a statutory power of decision conferred by or under an Act of the Legislature, where the tribunal is required by or under such Act or otherwise by law to hold or to afford to the parties to the proceedings an opportunity for a hearing before making a decision.

Where
Part I
does not
apply

(2) This Part does not apply to proceedings,

(a) before the Assembly or any committee of the Assembly;

(b) in or before,

(i) the Supreme Court,

(ii) a county or district court,

(iii) a surrogate court,

1968, c. 103

(iv) a provincial court established under *The Provincial Courts Act, 1968*,

(v) a small claims court,

(vi) a justice of the peace,

R.S.O. 1960,
c. 65

(vii) an election court under *The Controverted Elections Act*;

(c) to which the Rules of Practice and Procedure of the Supreme Court apply;

R.S.O. 1960,
sc. 18, 202

(d) before an arbitrator to which *The Arbitrations Act* or *The Labour Relations Act* applies;

- (e) at a coroner's inquest;
- (f) of a commission appointed under *The Public Inquiries Act, 1971*, c.....
- (g) of one or more persons required to make an investigation and to make a report, with or without recommendations, where the report is for the information or advice of the person to whom it is made and does not in any way legally bind or limit that person in any decision he may have power to make;
- (h) of a tribunal empowered to make regulations, rules or by-laws in so far as its power to make regulations, rules or by-laws is concerned.

4. Notwithstanding anything in this Act and unless otherwise provided in the Act under which the proceedings arise, or the tribunal otherwise directs, any proceedings may be disposed of by,

- (a) agreement;
- (b) consent order; or
- (c) a decision of the tribunal given,
 - (i) without a hearing, or
 - (ii) without compliance with any other requirement of this Act,

where the parties have waived such hearing or compliance.

5. The parties to any proceedings shall be the persons specified as parties by or under the statute under which the proceedings arise or, if not so specified, persons entitled by law to be parties to the proceedings.

6.—(1) The parties to any proceedings shall be given reasonable notice of the hearing by the tribunal.

(2) A notice of a hearing shall include, Idem

- (a) a statement of the time, place and purpose of the hearing;
- (b) a reference to the statutory authority under which the hearing will be held; and

- (c) a statement that if the party notified does not attend at the hearing, the tribunal may proceed in his absence and he will not be entitled to any further notice in the proceedings.

Effect of non-attendance at hearing after due notice

7. Where notice of a hearing has been given to a party to any proceedings in accordance with this Act and the party does not attend at the hearing, the tribunal may proceed in his absence and he is not entitled to any further notice in the proceedings.

Where character, etc., of a party is in issue

8. Where the good character, propriety of conduct or competence of a party is an issue in any proceedings, the party is entitled to be furnished prior to the hearing with reasonable information of any allegations with respect thereto.

Hearings to be public, exceptions

9.—(1) A hearing shall be open to the public except where the tribunal is of the opinion that,

- (a) matters involving public security may be disclosed; or
- (b) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public,

in which case the tribunal may hold the hearing concerning any such matters *in camera*.

Maintenance of order at hearings

(2) A tribunal may make such orders or give such directions at a hearing as it considers necessary for the maintenance of order at the hearing, and, if any person disobeys or fails to comply with any such order or direction, the tribunal or a member thereof may call for the assistance of any peace officer to enforce the order or direction, and every peace officer so called upon shall take such action as is necessary to enforce the order or direction and may use such force as is reasonably required for that purpose.

Rights of parties to counsel, to examine witnesses, etc., at hearings

- 10.** A party to proceedings may at a hearing,
- (a) be represented by counsel or an agent;
- (b) call and examine witnesses and present his arguments and submissions;

- (c) conduct cross-examinations of witnesses at a hearing reasonably required for a full and fair disclosure of the facts in relation to which they have given evidence.

11.—(1) A witness at a hearing is entitled to be advised by his counsel or agent as to his rights but such counsel or agent may take no other part in the hearing without leave of the tribunal. Rights of witnesses to counsel

(2) Where a hearing is *in camera*, a counsel or agent for a witness is not entitled to be present except when that witness is giving evidence. Idem

12.—(1) A tribunal may require any person, including a party, by summons, Summonses

- (a) to give evidence on oath or affirmation at a hearing; and
 (b) to produce in evidence at a hearing documents and things specified by the tribunal,

relevant to the subject-matter of the proceedings and admissible at a hearing.

(2) A summons issued under subsection 1 shall be in Form 1 and, Form and service of summonses

- (a) where the tribunal consists of one person, shall be signed by him; or
 (b) where the tribunal consists of more than one person, shall be signed by the chairman of the tribunal or in such other manner as documents on behalf of the tribunal may be signed under the statute constituting the tribunal; and
 (c) shall be served personally on the person summoned who shall be paid the like fees and allowances for his attendance as a witness before the tribunal as are paid for the attendance of a witness summoned to attend before the Supreme Court.

(3) Upon proof to the satisfaction of a judge of the Supreme Court of the service of a summons under this section upon a person and that, Bench warrants

- (a) such person has failed to attend or to remain in attendance at a hearing in accordance with the requirements of the summons;

(b) a sufficient sum for his fees and allowances has been duly paid or tendered to him; and

(c) his presence is material to the ends of justice,

the judge may, by his warrant in Form 2, directed to any sheriff, police officer or constable, cause such witness to be apprehended anywhere within Ontario and forthwith to be brought before the tribunal and to be detained in custody as the judge may order until his presence as a witness before the tribunal is no longer required, or, in the discretion of the judge, to be released on a recognizance (with or without sureties) conditioned for appearance to give evidence.

Proof of
service

(4) Service of a summons and payment of tender of fees or allowance may be proved by affidavit in an application under subsection 3.

Certificate
of facts

(5) Where an application under subsection 3 is made on behalf of a tribunal, the person constituting the tribunal, or where the tribunal consists of two or more persons, the chairman thereof may certify to the judge the facts relied on to establish that the presence of the person summoned is material to the ends of justice and such certificate may be accepted by the judge as proof of such facts.

Idem

(6) Where an application under subsection 3 is made by a party to the proceedings, proof of the facts relied on to establish that the presence of the person summoned is material to the ends of justice may be by affidavit of such party.

Contempt
proceedings

13. Where any person without lawful excuse,

(a) on being duly summoned under section 12 as a witness at a hearing makes default in attending at the hearing; or

(b) being in attendance as a witness at a hearing, refuses to take an oath or to make an affirmation legally required by the tribunal to be taken or made, or to produce any document or thing in his power or control legally required by the tribunal to be produced by him or to answer any question to which the tribunal may legally require an answer; or

(c) does any other thing that would, if the tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

the tribunal may, of its own motion or on application of a party to the proceedings, state a case to the Divisional Court setting out the facts and that court may, on application on behalf of and in the name of the tribunal or by such party,

inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

14.—(1) A witness at a hearing shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to criminate him or may tend to establish his liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at a hearing shall be used or be receivable in evidence against him in any trial or other proceedings against him thereafter taking place, other than a prosecution for perjury in giving such evidence.

Protection
for
witnesses

(2) A witness shall be informed by the tribunal of his right to object to answer any question under section 5 of the *Canada Evidence Act*.

Right to
object
under
R.S.C. 1952,
c. 307

15.—(1) Subject to subsections 2 and 3, a tribunal may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible as evidence in a court,

What is
admissible
in evidence
at a hearing

- (a) any oral testimony; and
- (b) any document or other thing,

relevant to the subject matter of the proceedings and may act on such evidence, but the tribunal may exclude anything unduly repetitious.

(2) Nothing is admissible in evidence at a hearing,

What is
inadmissible
in evidence
at a hearing

- (a) that would be inadmissible in a court by reason of any privilege under the law of evidence; or
- (b) that is inadmissible by the statute under which the proceedings arise or any other statute.

(3) Nothing in subsection 1 overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence in any proceedings.

Conflicts

(4) Where a tribunal is satisfied as to their authenticity, a copy of a document or other thing may be admitted as evidence at a hearing.

Copies

(5) Where a document has been filed in evidence at a hearing, the tribunal may, or the person producing it or entitled to it may with the leave of the tribunal, cause the document to be photocopied and the tribunal may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by a member of the tribunal.

Photo-
copies

Certified copy admissible in evidence (6) A document purporting to be a copy of a document filed in evidence at a hearing, certified to be a true copy thereof by a member of the tribunal, is admissible in evidence in proceedings in which the document is admissible as evidence of the document.

Notice of facts and opinions 16. A tribunal may, in making its decision in any proceedings,

(a) take notice of facts that may be judicially noticed; and

(b) take notice of any generally recognized scientific or technical facts, information, or opinions within its scientific or specialized knowledge.

Decision 17. A tribunal shall give its final decision and order, if any, in any proceedings in writing and shall give reasons in writing therefor if requested by a party.

Notice of decision 18. A tribunal shall send by first class mail addressed to the parties to any proceedings who took part in the hearing, at their addresses last known to the tribunal, a copy of its final decision and order, if any, in the proceedings, together with the reasons therefor, where reasons have been given, and each party shall be deemed to have received a copy of the decision or order on the fifth day after the day of mailing unless the party did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the copy of the decision or order until a later date.

Enforcement of decision 19.—(1) A certified copy of a final decision and order, if any, of a tribunal in any proceedings may be filed in the office of the Registrar of the Supreme Court by the tribunal or by a party and, if it is for the payment of money, it may be enforced at the instance of the tribunal or of such party in the name of the tribunal in the same manner as a judgment of that court, and in all other cases by an application by the tribunal or by such party to the court for such order as the court may consider just.

Idem (2) Where a tribunal having power to do so makes an order or decision rescinding or varying an order or decision previously made by it that has been filed under subsection 1, upon filing in accordance with subsection 1 the order or decision rescinding or varying the order or decision previously made,

(a) if the order or decision rescinds the order or decision previously made, the order or decision previously made ceases to have effect for the purposes of subsection 1; or

(b) if the order or decision varies the order or decision previously made, the order or decision previously made as so varied may be enforced in a like manner as an order or decision filed under subsection 1.

20. A tribunal shall compile a record of any proceedings ^{Record of proceedings} in which a hearing has been held which shall include,

- (a) any application, complaint, reference or other document, if any, by which the proceedings were commenced;
- (b) the notice of any hearing;
- (c) any intermediate orders made by the tribunal;
- (d) all documentary evidence filed with the tribunal, subject to any limitation expressly imposed by any other Act on the extent to or the purposes for which any such documents may be used in evidence in any proceedings;
- (e) the transcript, if any, of the oral evidence given at the hearing; and
- (f) the decision of the tribunal and the reasons therefor, where reasons have been given.

21. A hearing may be adjourned from time to time by a ^{Adjournments} tribunal of its own motion or where it is shown to the satisfaction of the tribunal that the adjournment is required to permit an adequate hearing to be held.

22. A member of a tribunal has power to administer oaths ^{Administration of oaths} and affirmations for the purpose of any of its proceedings and the tribunal may require evidence before it to be given under oath or affirmation.

23.—(1) A tribunal may make such orders or give such ^{Abuse of processes} directions in proceedings before it as it considers proper to prevent abuse of its processes.

(2) A tribunal may reasonably limit further cross-examination ^{Limitation on cross-examination} of a witness where it is satisfied that the cross-examination of the witness has been sufficient to disclose fully and fairly the facts in relation to which he has given evidence.

(3) A tribunal may exclude from a hearing anyone, other ^{Exclusion of agents} than a barrister and solicitor qualified to practise in Ontario, appearing as an agent on behalf of a party or as an adviser to a witness if it finds that such person is not competent properly

to represent or to advise the party or witness or does not understand and comply at the hearing with the duties and responsibilities of an advocate or adviser.

Notice, etc.

24.—(1) Where a tribunal is of opinion that because the parties to any proceedings before it are so numerous or for any other reason, it is impracticable,

(a) to give notice of the hearing; or

(b) to send its decision and the material mentioned in section 18,

to all or any of the parties individually, the tribunal may, instead of doing so, cause reasonable notice of the hearing or of its decision to be given to such parties by public advertisement or otherwise as the tribunal may direct.

Contents of notice

(2) A notice of a decision given by a tribunal under clause *b* of subsection 1 shall inform the parties of the place where copies of the decision and the reasons therefor, if reasons were given, may be obtained.

Appeal operates as stay, exception

25.—(1) Unless it is expressly provided to the contrary in the Act under which the proceedings arise, an appeal from a decision of a tribunal to a court or other appellate tribunal operates as a stay in the matter except where the tribunal or the court or other body to which the appeal is taken otherwise orders.

Idem 1971, c. ...

(2) An application for judicial review under *The Judicial Review Procedure Act, 1971*, or the bringing of proceedings specified in subsection 1 of section 2 of that Act is not an appeal within the meaning of subsection 1.

PART II

STATUTORY POWERS PROCEDURE RULES COMMITTEE

Rules Committee, composition

26.—(1) There shall be a committee to be known as the Statutory Powers Procedure Rules Committee composed of,

(a) the Deputy Minister of Justice and Deputy Attorney General who shall be chairman of the Committee, but in his absence or at his request his nominee shall act in his place;

(b) the chairman of the Ontario Law Reform Commission;

- (c) a judge of the Supreme Court, appointed by the Lieutenant Governor in Council;
- (d) a senior official in the public service of Ontario who is or has been a member of a tribunal to whose proceedings Part I applies, appointed by the Lieutenant Governor in Council;
- (e) a member of the Law Society of Upper Canada, appointed by the Lieutenant Governor in Council;
- (f) a representative of the public who is not a member of the public service of Ontario, appointed by the Lieutenant Governor in Council; and
- (g) a professor of administrative law on the law faculty of a university in Ontario, appointed by the Lieutenant Governor in Council.

(2) A majority of the members of the Committee may exercise all the powers of the Committee. Quorum

27. It is the duty of the Committee, Duties

- (a) to maintain under continuous review the practice and procedure in proceedings to which Part I applies;
- (b) to maintain under continuous review the practice and procedure, before,
 - (i) tribunals upon which a statutory power of decision is conferred by or under an Act of the Legislature but which is not required under such Act or otherwise by law to afford to the parties to the proceedings an opportunity for a hearing before making a decision; and
 - (ii) a body coming within clause *e* or *g* of subsection 2 of section 3.

28. No rules of procedure to govern the proceedings of a tribunal to which Part I applies shall be made or approved except after consultation with the Committee. Rules to be made only after consultation with Committee

29. The Committee may require a tribunal to which Part I applies or coming within clause *b* of section 27 to report to the Committee the rules of procedure governing its proceedings or, where there are no such rules, information as to the procedure followed by it and to formulate and report to the Committee rules to govern its proceedings. Report of rules to Committee

30. Where power is conferred to make rules of procedure governing the proceedings of a tribunal to which Part I applies, such power shall include power, Additional powers of tribunals to make rules

- (a) notwithstanding section 15, to require that findings of fact of the tribunal be based exclusively on evidence admissible under the law of evidence and on matters that may be judicially noticed or of which notice may be taken under section 16 or on evidence admissible under section 15 and on matters of which notice may be taken under section 16;
- (b) to require the oral evidence admitted at a hearing before the tribunal to be recorded;
- (c) to limit investigation or consultation concerning the subject-matter of any proceedings by members of the tribunal prior to the hearing;
- (d) to require that any member of the tribunal participating in a decision of the tribunal shall have been present throughout the hearing.

Secretary to
Committee

31. The Minister of Justice and Attorney General may assign one or more members of the staff of the Department of Justice to be secretary or secretaries of the committee and the committee may prescribe the duties of the secretary or secretaries.

Conflict

32. Unless it is expressly provided in any other Act that its provisions and regulations, rules or by-laws made under it apply notwithstanding anything in this Act, the provisions of this Act and of rules made under section 33 prevail over the provisions of such other Act and over regulations, rules or by-laws made under such other Act which conflict therewith.

Rules
respecting
publication
of decisions

33. Subject to the approval of the Lieutenant Governor in Council, the Committee may make rules respecting the reporting, editing and publication of decisions of the tribunals to which Part I applies.

Annual
report

34. The Committee shall report annually to the Minister of Justice and Attorney General.

PART III MISCELLANEOUS

Application
of Part I

35. Part I applies only to proceedings commenced after this Act comes into force.

Transition
periods

36.—(1) The Lieutenant Governor in Council may by order exempt the proceedings of any tribunal from the application of Part I or of any provision thereof for any period stated in the order, but no such period shall extend beyond one year after this Act comes into force.

(2) An order made under subsection 1 shall be tabled in ^{Tabling} the Assembly within fifteen days after it is made or if the Assembly is not then sitting within fifteen days after the commencement of the next following Session.

37. This Act comes into force on a day to be named by the ^{Commence-} Lieutenant Governor by his proclamation. _{ment}

38. This Act may be cited as *The Statutory Powers Pro-* ^{Short title}
cedure Act, 1971.

FORM 1

(Section 12 (2))

(Name of Act under which proceedings arise)

SUMMONS TO A WITNESS BEFORE.....(name of tribunal).....

RE:
TO:

You are hereby summoned and required to attend before the

.....(name of tribunal).....

at a hearing to be held

at.....in the.....of.....

on.....day, the.....day of.....

19....., at the hour ofo'clock in the.....noon local time), and so from day to day until the hearing is concluded or the tribunal otherwise orders, to give evidence on oath touching the matters in question in the proceedings and to bring with you and produce at such time and place.....

.....
.....

Dated this.....day of....., 19.....

(name of tribunal)

.....
Member of Tribunal

NOTE:

You are entitled to be paid the same personal allowances for your attendance at the hearing as are paid for the attendance of a witness summoned to attend before the Supreme Court.

If you fail to attend and give evidence at the hearing, or to produce the documents or things specified, at the time and place specified, without lawful excuse, you are liable to punishment by the Supreme Court in the same manner as if for contempt of that court for disobedience to a subpoena.

FORM 2

(Section 12 (3))

BENCH WARRANT

PROVINCE OF ONTARIO

TO A.B., Sheriff, etc.

WHEREAS proof has been made before me that C.D. was duly summoned to appear before the (name of tribunal)..... at the hearing of the said tribunal at Toronto (or as the case may be) on the.....day of....., 19....; that the presence of the said C.D. is material to the ends of justice, and that the said C.D. has failed to attend in accordance with the requirements of the summons.

THESE are therefore to command you to take the said C.D. to bring and have him before the said tribunal at Toronto (or as the case may be) there to testify what he may know concerning the matters in question in the proceedings before the said tribunal, and that you detain him in your custody until he has given his evidence or until the said sittings have ended or until other orders may be made concerning him.

GIVEN UNDER MY HAND this.....day of....., 19...., at.....

.....
Judge, S.C.O.



An Act to provide Procedures governing the Exercise of Statutory Power granted to Tribunals by the Legislature wherein the Rights, Duties or Privileges of Persons are to be decided at or following a Hearing

1st Reading

June 4th, 1971

2nd Reading

June 24th, 1971

3rd Reading

THE HON. W. G. DAVIS
Prime Minister

(Reprinted as amended by the
Legal Administration Committee)

BILL 53

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to provide Procedures governing the Exercise of
Statutory Power granted to Tribunals by the Legislature
wherein the Rights, Duties or Privileges of Persons are
to be decided at or following a Hearing**

THE HON. W. G. DAVIS
Prime Minister

AN ACT TO AMEND THE STATUTE IN RELATION TO THE
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BILL 53

1971

An Act to provide Procedures governing the Exercise of Statutory Power granted to Tribunals by the Legislature wherein the Rights, Duties or Privileges of Persons are to be decided at or following a Hearing

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) "Committee" means the Statutory Powers Procedure Rules Committee established by this Act;
- (b) "licence" includes any permit, certificate, approval, registration or similar form of permission required by law;
- (c) "municipality" has the same meaning as in *The Department of Municipal Affairs Act*, and includes a district, metropolitan and regional municipality and their local boards; ^{R.S.O. 1960, c. 98}
- (d) "statutory power of decision" means a power or right, conferred by or under a statute, to make a decision deciding or prescribing,
 - (i) the legal rights, powers, privileges, immunities, duties or liabilities of any person or party, or
 - (ii) the eligibility of any person or party to receive, or to the continuation of, a benefit or licence, whether he is legally entitled thereto or not;
- (e) "tribunal" means one or more persons, whether or not incorporated and however described, upon which a statutory power of decision is conferred by or under a statute.

Meaning of
"person",
extended

(2) A municipality, an unincorporated association of employers, a trade union or council of trade unions who may be a party to proceedings in the exercise of a statutory power of decision under the statute conferring the power, shall be deemed to be a person for the purpose of any provision of this Act or of any rule made under this Act that applies to parties.

PART I

MINIMUM RULES FOR PROCEEDINGS OF CERTAIN TRIBUNALS

Interpre-
tation

2. In this Part,

- (a) "hearing" means a hearing in any proceedings;
- (b) "proceedings" means proceedings to which this Part applies.

Application
of Part I

3.—(1) Subject to subsection 2, this Part applies to proceedings by a tribunal in the exercise of a statutory power of decision conferred by or under an Act of the Legislature, where the tribunal is required by or under such Act or otherwise by law to hold or to afford to the parties to the proceedings an opportunity for a hearing before making a decision.

Where
Part I
does not
apply

(2) This Part does not apply to proceedings,

- (a) before the Assembly or any committee of the Assembly;
- (b) in or before,
 - (i) the Supreme Court,
 - (ii) a county or district court,
 - (iii) a surrogate court,
 - (iv) a provincial court established under *The Provincial Courts Act, 1968*,
 - (v) a small claims court,
 - (vi) a justice of the peace,
 - (vii) an election court under *The Controverted Elections Act*;

1968, c. 103

R.S.O. 1960,
c. 65

R.S.O. 1960,
sc. 18, 202

- (c) to which the Rules of Practice and Procedure of the Supreme Court apply;
- (d) before an arbitrator to which *The Arbitrations Act* or *The Labour Relations Act* applies;

- (e) at a coroner's inquest;
- (f) of a commission appointed under *The Public Inquiries Act, 1971*, c....
- (g) of one or more persons required to make an investigation and to make a report, with or without recommendations, where the report is for the information or advice of the person to whom it is made and does not in any way legally bind or limit that person in any decision he may have power to make;
- (h) of a tribunal empowered to make regulations, rules or by-laws in so far as its power to make regulations, rules or by-laws is concerned.

4. Notwithstanding anything in this Act and unless otherwise provided in the Act under which the proceedings arise, or the tribunal otherwise directs, any proceedings may be disposed of by, ^{Disposition of proceedings without a hearing}

- (a) agreement;
- (b) consent order; or
- (c) a decision of the tribunal given,
 - (i) without a hearing, or
 - (ii) without compliance with any other requirement of this Act,

where the parties have waived such hearing or compliance.

5. The parties to any proceedings shall be the persons specified as parties by or under the statute under which the proceedings arise or, if not so specified, persons entitled by law to be parties to the proceedings. ^{Parties}

6.—(1) The parties to any proceedings shall be given reasonable notice of the hearing by the tribunal. ^{Notice of hearing}

- (2) A notice of a hearing shall include, Idem
 - (a) a statement of the time, place and purpose of the hearing;
 - (b) a reference to the statutory authority under which the hearing will be held; and

- (c) a statement that if the party notified does not attend at the hearing, the tribunal may proceed in his absence and he will not be entitled to any further notice in the proceedings.

Effect of non-attendance at hearing after due notice

7. Where notice of a hearing has been given to a party to any proceedings in accordance with this Act and the party does not attend at the hearing, the tribunal may proceed in his absence and he is not entitled to any further notice in the proceedings.

Where character, etc., of a party is in issue

8. Where the good character, propriety of conduct or competence of a party is an issue in any proceedings, the party is entitled to be furnished prior to the hearing with reasonable information of any allegations with respect thereto.

Hearings to be public, exceptions

9.—(1) A hearing shall be open to the public except where the tribunal is of the opinion that,

(a) matters involving public security may be disclosed; or

(b) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public,

in which case the tribunal may hold the hearing concerning any such matters *in camera*.

Maintenance of order at hearings

(2) A tribunal may make such orders or give such directions at a hearing as it considers necessary for the maintenance of order at the hearing, and, if any person disobeys or fails to comply with any such order or direction, the tribunal or a member thereof may call for the assistance of any peace officer to enforce the order or direction, and every peace officer so called upon shall take such action as is necessary to enforce the order or direction and may use such force as is reasonably required for that purpose.

Rights of parties to counsel, to examine witnesses, etc., at hearings

10. A party to proceedings may at a hearing,

(a) be represented by counsel or an agent;

(b) call and examine witnesses and present his arguments and submissions;

(c) conduct cross-examinations of witnesses at a hearing reasonably required for a full and fair disclosure of the facts in relation to which they have given evidence.

11.—(1) A witness at a hearing is entitled to be advised by his counsel or agent as to his rights but such counsel or agent may take no other part in the hearing without leave of the tribunal. Rights of witnesses to counsel

(2) Where a hearing is *in camera*, a counsel or agent for a witness is not entitled to be present except when that witness is giving evidence. Idem

12.—(1) A tribunal may require any person, including a party, by summons, Summonses

(a) to give evidence on oath or affirmation at a hearing; and

(b) to produce in evidence at a hearing documents and things specified by the tribunal,

relevant to the subject-matter of the proceedings and admissible at a hearing.

(2) A summons issued under subsection 1 shall be in Form 1 and, Form and service of summonses

(a) where the tribunal consists of one person, shall be signed by him; or

(b) where the tribunal consists of more than one person, shall be signed by the chairman of the tribunal or in such other manner as documents on behalf of the tribunal may be signed under the statute constituting the tribunal; and

(c) shall be served personally on the person summoned who shall be paid the like fees and allowances for his attendance as a witness before the tribunal as are paid for the attendance of a witness summoned to attend before the Supreme Court.

(3) Upon proof to the satisfaction of a judge of the Supreme Court of the service of a summons under this section upon a person and that, Bench warrants

(a) such person has failed to attend or to remain in attendance at a hearing in accordance with the requirements of the summons;

- (b) a sufficient sum for his fees and allowances has been duly paid or tendered to him; and
- (c) his presence is material to the ends of justice,

the judge may, by his warrant in Form 2, directed to any sheriff, police officer or constable, cause such witness to be apprehended anywhere within Ontario and forthwith to be brought before the tribunal and to be detained in custody as the judge may order until his presence as a witness before the tribunal is no longer required, or, in the discretion of the judge, to be released on a recognizance (with or without sureties) conditioned for appearance to give evidence.

Proof of
service

(4) Service of a summons and payment of tender of fees or allowance may be proved by affidavit in an application under subsection 3.

Certificate
of facts

(5) Where an application under subsection 3 is made on behalf of a tribunal, the person constituting the tribunal, or where the tribunal consists of two or more persons, the chairman thereof may certify to the judge the facts relied on to establish that the presence of the person summoned is material to the ends of justice and such certificate may be accepted by the judge as proof of such facts.

Idem

(6) Where an application under subsection 3 is made by a party to the proceedings, proof of the facts relied on to establish that the presence of the person summoned is material to the ends of justice may be by affidavit of such party.

Contempt
proceedings

13. Where any person without lawful excuse,

- (a) on being duly summoned under section 12 as a witness at a hearing makes default in attending at the hearing; or
- (b) being in attendance as a witness at a hearing, refuses to take an oath or to make an affirmation legally required by the tribunal to be taken or made, or to produce any document or thing in his power or control legally required by the tribunal to be produced by him or to answer any question to which the tribunal may legally require an answer; or
- (c) does any other thing that would, if the tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

the tribunal may, of its own motion or on application of a party to the proceedings, state a case to the Divisional Court setting out the facts and that court may, on application on behalf of and in the name of the tribunal or by such party,

inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

14.—(1) A witness at a hearing shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to criminate him or may tend to establish his liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at a hearing shall be used or be receivable in evidence against him in any trial or other proceedings against him thereafter taking place, other than a prosecution for perjury in giving such evidence.

Protection
for
witnesses

(2) A witness shall be informed by the tribunal of his right to object to answer any question under section 5 of the *Canada Evidence Act*.

Right to
object
under
R.S.C. 1952,
c. 307

15.—(1) Subject to subsections 2 and 3, a tribunal may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible as evidence in a court,

What is
admissible
in evidence
at a hearing

- (a) any oral testimony; and
- (b) any document or other thing,

relevant to the subject matter of the proceedings and may act on such evidence, but the tribunal may exclude anything unduly repetitious.

(2) Nothing is admissible in evidence at a hearing,

What is
inadmissible
in evidence
at a hearing

- (a) that would be inadmissible in a court by reason of any privilege under the law of evidence; or
- (b) that is inadmissible by the statute under which the proceedings arise or any other statute.

(3) Nothing in subsection 1 overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence in any proceedings.

Conflicts

(4) Where a tribunal is satisfied as to their authenticity, a copy of a document or other thing may be admitted as evidence at a hearing.

Copies

(5) Where a document has been filed in evidence at a hearing, the tribunal may, or the person producing it or entitled to it may with the leave of the tribunal, cause the document to be photocopied and the tribunal may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by a member of the tribunal.

Photo-
copies

Certified copy admissible in evidence (6) A document purporting to be a copy of a document filed in evidence at a hearing, certified to be a true copy thereof by a member of the tribunal, is admissible in evidence in proceedings in which the document is admissible as evidence of the document.

Notice of facts and opinions **16.** A tribunal may, in making its decision in any proceedings,

(a) take notice of facts that may be judicially noticed; and

(b) take notice of any generally recognized scientific or technical facts, information, or opinions within its scientific or specialized knowledge.

Decision **17.** A tribunal shall give its final decision and order, if any, in any proceedings in writing and shall give reasons in writing therefor if requested by a party.

Notice of decision **18.** A tribunal shall send by first class mail addressed to the parties to any proceedings who took part in the hearing, at their addresses last known to the tribunal, a copy of its final decision and order, if any, in the proceedings, together with the reasons therefor, where reasons have been given, and each party shall be deemed to have received a copy of the decision or order on the fifth day after the day of mailing unless the party did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the copy of the decision or order until a later date.

Enforcement of decision **19.—(1)** A certified copy of a final decision and order, if any, of a tribunal in any proceedings may be filed in the office of the Registrar of the Supreme Court by the tribunal or by a party and, if it is for the payment of money, it may be enforced at the instance of the tribunal or of such party in the name of the tribunal in the same manner as a judgment of that court, and in all other cases by an application by the tribunal or by such party to the court for such order as the court may consider just.

Idem (2) Where a tribunal having power to do so makes an order or decision rescinding or varying an order or decision previously made by it that has been filed under subsection 1, upon filing in accordance with subsection 1 the order or decision rescinding or varying the order or decision previously made,

(a) if the order or decision rescinds the order or decision previously made, the order or decision previously made ceases to have effect for the purposes of subsection 1; or

- (b) if the order or decision varies the order or decision previously made, the order or decision previously made as so varied may be enforced in a like manner as an order or decision filed under subsection 1.

20. A tribunal shall compile a record of any proceedings in which a hearing has been held which shall include, ^{Record of proceedings}

- (a) any application, complaint, reference or other document, if any, by which the proceedings were commenced;
- (b) the notice of any hearing;
- (c) any intermediate orders made by the tribunal;
- (d) all documentary evidence filed with the tribunal, subject to any limitation expressly imposed by any other Act on the extent to or the purposes for which any such documents may be used in evidence in any proceedings;
- (e) the transcript, if any, of the oral evidence given at the hearing; and
- (f) the decision of the tribunal and the reasons therefor, where reasons have been given.

21. A hearing may be adjourned from time to time by a tribunal of its own motion or where it is shown to the satisfaction of the tribunal that the adjournment is required to permit an adequate hearing to be held. ^{Adjournments}

22. A member of a tribunal has power to administer oaths and affirmations for the purpose of any of its proceedings and the tribunal may require evidence before it to be given under oath or affirmation. ^{Administration of oaths}

23.—(1) A tribunal may make such orders or give such directions in proceedings before it as it considers proper to prevent abuse of its processes. ^{Abuse of processes}

(2) A tribunal may reasonably limit further cross-examination of a witness where it is satisfied that the cross-examination of the witness has been sufficient to disclose fully and fairly the facts in relation to which he has given evidence. ^{Limitation on cross-examination}

(3) A tribunal may exclude from a hearing anyone, other than a barrister and solicitor qualified to practise in Ontario, appearing as an agent on behalf of a party or as an adviser to a witness if it finds that such person is not competent properly ^{Exclusion of agents}

to represent or to advise the party or witness or does not understand and comply at the hearing with the duties and responsibilities of an advocate or adviser.

Notice, etc.

24.—(1) Where a tribunal is of opinion that because the parties to any proceedings before it are so numerous or for any other reason, it is impracticable,

(a) to give notice of the hearing; or

(b) to send its decision and the material mentioned in section 18,

to all or any of the parties individually, the tribunal may, instead of doing so, cause reasonable notice of the hearing or of its decision to be given to such parties by public advertisement or otherwise as the tribunal may direct.

Contents of notice

(2) A notice of a decision given by a tribunal under clause *b* of subsection 1 shall inform the parties of the place where copies of the decision and the reasons therefor, if reasons were given, may be obtained.

Appeal operates as stay, exception

25.—(1) Unless it is expressly provided to the contrary in the Act under which the proceedings arise, an appeal from a decision of a tribunal to a court or other appellate tribunal operates as a stay in the matter except where the tribunal or the court or other body to which the appeal is taken otherwise orders.

Idem 1971, c. ...

(2) An application for judicial review under *The Judicial Review Procedure Act, 1971*, or the bringing of proceedings specified in subsection 1 of section 2 of that Act is not an appeal within the meaning of subsection 1.

PART II

STATUTORY POWERS PROCEDURE RULES COMMITTEE

Rules Committee, composition

26.—(1) There shall be a committee to be known as the Statutory Powers Procedure Rules Committee composed of,

(a) the Deputy Minister of Justice and Deputy Attorney General who shall be chairman of the Committee, but in his absence or at his request his nominee shall act in his place;

(b) the chairman of the Ontario Law Reform Commission;

- (c) a judge of the Supreme Court, appointed by the Lieutenant Governor in Council;
- (d) a senior official in the public service of Ontario who is or has been a member of a tribunal to whose proceedings Part I applies, appointed by the Lieutenant Governor in Council;
- (e) a member of the Law Society of Upper Canada, appointed by the Lieutenant Governor in Council;
- (f) a representative of the public who is not a member of the public service of Ontario, appointed by the Lieutenant Governor in Council; and
- (g) a professor of administrative law on the law faculty of a university in Ontario, appointed by the Lieutenant Governor in Council.

(2) A majority of the members of the Committee may ^{Quorum} exercise all the powers of the Committee.

27. It is the duty of the Committee,

Duties

- (a) to maintain under continuous review the practice and procedure in proceedings to which Part I applies;
- (b) to maintain under continuous review the practice and procedure, before,
 - (i) tribunals upon which a statutory power of decision is conferred by or under an Act of the Legislature but which is not required under such Act or otherwise by law to afford to the parties to the proceedings an opportunity for a hearing before making a decision; and
 - (ii) a body coming within clause *e* or *g* of subsection 2 of section 3.

28. No rules of procedure to govern the proceedings of a tribunal to which Part I applies shall be made or approved except after consultation with the Committee.

Rules to be made only after consultation with Committee

29. The Committee may require a tribunal to which Part I applies or coming within clause *b* of section 27 to report to the Committee the rules of procedure governing its proceedings or, where there are no such rules, information as to the procedure followed by it and to formulate and report to the Committee rules to govern its proceedings.

Report of rules to Committee

30. Where power is conferred to make rules of procedure governing the proceedings of a tribunal to which Part I applies, such power shall include power,

Additional powers of tribunals to make rules

- (a) notwithstanding section 15, to require that findings of fact of the tribunal be based exclusively on evidence admissible under the law of evidence and on matters that may be judicially noticed or of which notice may be taken under section 16 or on evidence admissible under section 15 and on matters of which notice may be taken under section 16;
- (b) to require the oral evidence admitted at a hearing before the tribunal to be recorded;
- (c) to limit investigation or consultation concerning the subject-matter of any proceedings by members of the tribunal prior to the hearing;
- (d) to require that any member of the tribunal participating in a decision of the tribunal shall have been present throughout the hearing.

Secretary to
Committee

31. The Minister of Justice and Attorney General may assign one or more members of the staff of the Department of Justice to be secretary or secretaries of the committee and the committee may prescribe the duties of the secretary or secretaries.

Conflict

32. Unless it is expressly provided in any other Act that its provisions and regulations, rules or by-laws made under it apply notwithstanding anything in this Act, the provisions of this Act and of rules made under section 33 prevail over the provisions of such other Act and over regulations, rules or by-laws made under such other Act which conflict therewith.

Rules
respecting
publication
of decisions

33. Subject to the approval of the Lieutenant Governor in Council, the Committee may make rules respecting the reporting, editing and publication of decisions of the tribunals to which Part I applies.

Annual
report

34. The Committee shall report annually to the Minister of Justice and Attorney General.

PART III MISCELLANEOUS

Application
of Part I

35. Part I applies only to proceedings commenced after this Act comes into force.

Transition
periods

36.—(1) The Lieutenant Governor in Council may by order exempt the proceedings of any tribunal from the application of Part I or of any provision thereof for any period stated in the order, but no such period shall extend beyond one year after this Act comes into force.

(2) An order made under subsection 1 shall be tabled in ^{Tabling} the Assembly within fifteen days after it is made or if the Assembly is not then sitting within fifteen days after the commencement of the next following Session.

37. This Act comes into force on a day to be named by the <sup>Commence-
ment</sup> Lieutenant Governor by his proclamation.

38. This Act may be cited as *The Statutory Powers Pro-* ^{Short title}
cedure Act, 1971.

FORM 1

(Section 12 (2))

(Name of Act under which proceedings arise)

SUMMONS TO A WITNESS BEFORE.....(name of tribunal).....

RE:

TO:

You are hereby summoned and required to attend before the

.....(name of tribunal).....

at a hearing to be held

at.....in the.....of.....

on.....day, the.....day of.....

19....., at the hour ofo'clock in the.....noon local time),
and so from day to day until the hearing is concluded or the tribunal
otherwise orders, to give evidence on oath touching the matters in question
in the proceedings and to bring with you and produce at such time and
place.....

.....
.....

Dated this.....day of....., 19.....

(name of tribunal)

.....
Member of Tribunal

NOTE:

You are entitled to be paid the same personal allowances for your
attendance at the hearing as are paid for the attendance of a witness
summoned to attend before the Supreme Court.

If you fail to attend and give evidence at the hearing, or to produce
the documents or things specified, at the time and place specified, without
lawful excuse, you are liable to punishment by the Supreme Court in
the same manner as if for contempt of that court for disobedience to
a subpoena.

FORM 2

(Section 12 (3))

BENCH WARRANT

PROVINCE OF ONTARIO

TO A.B., Sheriff, etc.

WHEREAS proof has been made before me that C.D. was duly summoned to appear before the (name of tribunal)..... at the hearing of the said tribunal at Toronto (or as the case may be) on the.....day of....., 19....; that the presence of the said C.D. is material to the ends of justice, and that the said C.D. has failed to attend in accordance with the requirements of the summons.

THESE are therefore to command you to take the said C.D. to bring and have him before the said tribunal at Toronto (or as the case may be) there to testify what he may know concerning the matters in question in the proceedings before the said tribunal, and that you detain him in your custody until he has given his evidence or until the said sittings have ended or until other orders may be made concerning him.

GIVEN UNDER MY HAND this.....day of....., 19....., at.....

.....
Judge, S.C.O.



THE UNIVERSITY OF CHICAGO
LIBRARY

1950

1950

THE HISTORY OF THE
CITY OF BOSTON

By SAMUEL JOHNSON, Esq.
Author of "The Lives of the
English Poets," &c.
LONDON: Printed by J. DODD, in Pall-mall.
1790.

An Act to provide Procedures governing
the Exercise of Statutory Power granted
to Tribunals by the Legislature wherein
the Rights, Duties or Privileges of Persons
are to be decided at or following a Hearing

1st Reading

June 4th, 1971

2nd Reading

June 24th, 1971

3rd Reading

July 13th, 1971

THE HON. W. G. DAVIS
Prime Minister

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to provide a Single Procedure for the Judicial Review
of the Exercise or the Failure to Exercise a Statutory Power**

THE HON. W. G. DAVIS
Prime Minister

TORONTO

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

EXPLANATORY NOTES

General

The new Act is designed to provide a single simplified procedure for judicial review to supplant the present historical and highly technical procedures that must be used to obtain relief by way of mandamus, prohibition or certiorari and in proceedings by way of actions for declarations or injunctions relating to the exercise of statutory powers affecting the rights of citizens.

It will be recalled that at the 1968-69 Session a Bill (Bill 129) with the same object as this Bill was introduced but it was not proceeded with in the expectation that its provisions would be improved as the result of intensive study by the Bench and Bar. As a result, many helpful comments and criticisms were made and the Bill has been extensively reviewed and revised.

Statutory powers to which the Bill applies are powers,

1. to make regulations changing rights;
2. to make decisions changing or deciding rights;
3. to order a person to do something he would not otherwise be required to do; or
4. to take some action that apart from the statute would be an invasion of a person's rights.

Where any such action, that is not actually authorized by the statute, is proposed or has been taken, a person whose rights are affected is entitled to be protected by the courts from such unauthorized action. The procedural steps in the courts to obtain such protection are confused and complex under the present law.

A person seeking protection against a proposed or purported unauthorized decision in the exercise of a statutory power of decision must select the correct remedy from among the several remedies referred to in the Bill depending on whether the power is judicial or quasi judicial or is purely administrative. No clear distinction between judicial and quasi judicial powers and purely administrative powers has ever been established and choice of the correct type of proceeding is often difficult. Choice of the wrong type of proceeding may result in the proceeding being dismissed on that ground although the claim is otherwise meritorious.

Proceedings to attack unauthorized regulations, orders or invasions of rights or to enforce statutory public duties do not, by themselves, present the same difficulty but are frequently interwoven with proceedings to attack powers of decision with the difficulties attendant on attacking such decisions.

With one exception, the same law is applied by the courts to afford to a citizen protection from unauthorized action or to compel performance of statutory duties in all of the present proceedings referred to in the Bill. Only the procedure differs.

The primary object of the Bill is to establish a single form of proceeding called an "Application for Judicial Review" in which any relief may be granted to which a citizen is entitled by the present law in any of the different forms of proceedings. This change does not expand the powers of the courts in supervising governmental action but is a change in procedure only.

The Bill proposes changes in the present law by extending relief granted for errors of law on the record to all applications for judicial review and by giving power to set aside findings of fact that are required to be made on evidence where there is no evidence to support them.

Particulars of the provisions of the Bill, with a reference to the section number and recommendation in the McRuer Report, No. 1, are as follows:

1. On an application by way of originating notice, the court may grant any relief that the applicant is entitled to in mandamus, prohibition or certiorari proceedings or in an action for a declaration or injunction in relation to the exercise of a statutory power.

Section 2(1) (Recommendations 84, 85 and 99)

2. The power of the courts under the present law in certiorari proceedings to set aside a decision of a tribunal for an error of law on the face of the record is to be available in all applications for judicial review.

Section 2(2) (Recommendations 77 and 78)

3. Although the present rule will be continued that the courts do not review findings of fact of a tribunal to determine whether the courts agree with the interpretation of the evidence or the weight given to it by the tribunal, the courts are given power to set aside a decision where the tribunal is required to base its decision on evidence and there is no evidence in the record to support a finding of fact.

Section 2(3) (Recommendations 76b, 77 and 78)

4. Under present law in an action for a declaration, a court might declare a decision to be unauthorized. This does not technically annul the decision. Power is given under the new application for judicial review to set aside a decision where formerly only a declaration could have been made.

Section 2(4) (Recommendation 85)

5. Under present law the courts have a discretion to refuse relief in any of the proceedings mentioned where the claimant has disintitiled himself to the relief by reason of misconduct or undue delay. This discretion is preserved but the present discretion to refuse relief on the grounds that the wrong proceeding has been brought is eliminated.

Section 3(5) (6)

6. If the grounds for attack on a decision are purely technical the court may refuse to annul the decision and may affirm it.

Section 3 (Recommendation 81)

7. On an application for judicial review a court may make interim orders, for example, staying further proceedings pursuant to a decision, until the application is disposed of.

Section 4 (Recommendation 87)

8. The court is given limited power to extend any time limit for the bringing of an application for a judicial review.

Section 5 (Recommendation 88)

9. Applications for a judicial review in the normal course are to be brought in the Divisional Court but power is reserved to single judges of the High Court to grant relief in emergency cases.

Section 6 (Recommendation 102)

10. Applications made under the old form of proceedings are to be treated as applications for judicial review. There will be no need to maintain any distinction between the older form of proceedings and the new remedy.

Section 7

11. Where the exercise of a statutory power is an issue in an action for declaration or injunction, the court may direct that the issue relating to the statutory power be determined summarily by the Divisional Court. Delaying tactics by bringing actions for declarations or injunctions rather than summary proceedings by way of judicial review will be prevented.

Section 8 (Recommendations 101 and 104)

12. Tribunals exercising statutory powers may be made parties to the proceedings although they would otherwise not be suable entities.

Section 9(2) (3) (Recommendation 96)

13. Rules of court applying to applications for judicial review may be made which would include providing for discovery or production of documents to carry out recommendations of the McRuer Report No. 1 in this respect if so desired.

Section 11 (Recommendations 91 and 95)

14. Privative clauses excluding review by the courts of administrative action are made to apply to the new application for judicial review.

Section 12(1)

15. *Habeas corpus* proceedings are not affected by the new procedure although an application for judicial review may be brought to support an application for *habeas corpus*.

Section 12(2) (Recommendation 100)

BILL 54

1971

An Act to provide a Single Procedure for the Judicial Review of the Exercise or the Failure to Exercise a Statutory Power

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) "application for judicial review" means an application under subsection 1 of section 2;
- (b) "court" means the Supreme Court;
- (c) "licence" includes any permit, certificate, approval, registration or similar form of permission required by law;
- (d) "municipality" has the same meaning as in *The Department of Municipal Affairs Act*, and includes a district, metropolitan and regional municipality and their local boards; R.S.O. 1960,
c. 98
- (e) "party" includes a municipality, association of employers, a trade union or council of trade unions which may be a party to any of the proceedings mentioned in subsection 1 of section 2;
- (f) "statutory power of decision" means a power or right conferred by or under a statute to make a decision deciding or prescribing,
 - (i) the legal rights, powers, privileges, immunities, duties or liabilities of any person or party, or
 - (ii) the eligibility of any person or party to receive, or to the continuation of, a benefit or licence, whether he is legally entitled thereto or not,

and includes the powers of an inferior court;

- (g) "statutory power" means a power or right conferred by or under a statute,
- (i) to make any regulation, rule, by-law or order, or to give any other direction having force as subordinate legislation;
 - (ii) to exercise a statutory power of decision,
 - (iii) to require any person or party to do or to refrain from doing any act or thing that, but for such requirement, such person or party would not be required by law to do or to refrain from doing,
 - (iv) to do any act or thing that would, but for such power or right, be a breach of the legal rights of any person or party.

Applications
for
judicial
review

2.—(1) On an application by way of originating notice, which may be styled "Notice of Application for Judicial Review", the court may, notwithstanding any right of appeal, by order grant any relief that the applicant would be entitled to in any one or more of the following:

1. Proceedings by way of application for an order in the nature of mandamus, prohibition or certiorari.
2. Proceedings by way of an action for a declaration or for an injunction, or both, in relation to the exercise, refusal to exercise or proposed or purported exercise of a statutory power.

Error of
law

(2) The power of the court to set aside a decision for error of law on the face of the record on an application for an order in the nature of certiorari is extended so as to apply on an application for judicial review in relation to any decision made in the exercise of any statutory power of decision to the extent it is not limited or precluded by the Act conferring such power of decision.

Lack of
evidence

(3) Where the findings of fact of a tribunal made in the exercise of a statutory power of decision are required by any statute or law to be based exclusively on evidence admissible before it and on facts of which it may take notice and there is no such evidence and there are no such facts to support findings of fact made by the tribunal in making a decision in

the exercise of such power, the court may set aside the decision on an application for judicial review.

(4) Where the applicant on an application for judicial review is entitled to a judgment declaring that a decision made in the exercise of a statutory power of decision is unauthorized or otherwise invalid, the court may, in the place of such declaration, set aside the decision. ^{Power to set aside}

(5) Where, in any of the proceedings enumerated in subsection 1, the court had before the coming into force of this Act a discretion to refuse to grant relief on any grounds, the court has a like discretion on like grounds to refuse to grant any relief on an application for judicial review. ^{Power to refuse relief}

(6) Subsection 5 does not apply to the discretion of the court before the coming into force of this Act to refuse to grant relief in any of the proceedings enumerated in subsection 1 on the ground that the relief should have been sought in other proceedings enumerated in subsection 1. ^{Where subs. 5 does not apply}

3. On an application for judicial review in relation to a statutory power of decision, where the sole ground for relief established is a defect in form or a technical irregularity, if the court finds that no substantial wrong or miscarriage of justice has occurred, the court may refuse relief and, where the decision has already been made, may make an order validating the decision, notwithstanding such defect, to have effect from such time and on such terms as the court considers proper. ^{Defects in form, technical irregularities}

4. On an application for judicial review, the court may make such interim order as it considers proper pending the final determination of the application. ^{Interim order}

5. Notwithstanding any limitation of time for the bringing of an application for judicial review fixed by or under any Act, the court may extend the time for making the application, either before or after expiration of the time so limited, on such terms as it considers proper, where it is satisfied that there are *prima facie* grounds for relief and that no substantial prejudice or hardship will result to any person affected by reason of the delay. ^{Extension of time for bringing application}

6.—(1) Subject to subsection 2, an application for judicial review shall be made to the Divisional Court. ^{Application to Divisional Court}

(2) An application for judicial review may be made to the High Court with leave of a judge thereof, which may be granted at the hearing of the application, where it is made ^{Application to judge of High Court}

to appear to the judge that the case is one of urgency and that the delay required for an application to the Divisional Court is likely to involve a failure of justice.

Transfer to
Divisional
Court

(3) Where a judge refuses leave for an application under subsection 2, he may order that the application be transferred to the Divisional Court.

Appeal
from judge

(4) An appeal lies to the Divisional Court from a final order of the High Court disposing of an application for judicial review pursuant to leave granted under subsection 2.

Summary
disposition
of
mandamus,
etc.

7. An application for an order in the nature of mandamus, prohibition or certiorari shall be deemed to be an application for judicial review and shall be made, treated and disposed of as if it were an application for judicial review.

Summary
disposition
of actions

8. Where an action for a declaration or injunction, or both, whether with or without a claim for other relief, is brought and the exercise, refusal to exercise or proposed or purported exercise of a statutory power is an issue in the action, a judge of the High Court may on the application of any party to the action, if he considers it appropriate, direct that the action be treated and disposed of summarily, in so far as it relates to the exercise, refusal to exercise or proposed or purported exercise of such power, as if it were an application for judicial review and may order that the hearing on such issue be transferred to the Divisional Court or may grant leave for it to be disposed of in accordance with subsection 2 of section 6.

Sufficiency
of
application

9.—(1) It is sufficient in an application for judicial review if an applicant sets out in the notice the grounds upon which he is seeking relief and the nature of the relief that he seeks without specifying the proceedings enumerated in subsection 1 of section 2 in which the claim would have been made before the coming into force of this Act.

Exerciser
of power
must be
a party

(2) For the purposes of an application for judicial review in relation to the exercise, refusal to exercise or proposed or purported exercise of a statutory power, the person who is authorized to exercise the power may be a party to the application.

Idem

(3) For the purposes of subsection 2, any two or more persons who, acting together, may exercise a statutory power, whether styled a board or commission or by any other collective title, shall be deemed to be a person under such collective title.

(4) Notice of an application for judicial review shall be served upon the Minister of Justice and Attorney General who is entitled as of right to be heard in person or by counsel on the application. Notice to Attorney General

10. When notice of an application for judicial review of a decision made in the exercise or purported exercise of a statutory power of decision has been served on the person making the decision, such person shall forthwith file in the court for use on the application, the record of the proceedings in which the decision was made. Record to be filed in S.C.O.

11. Where not inconsistent with this Act, the rules of practice and procedure of the court apply to applications for judicial review and to appeals from final orders therein, and the Rules Committee established under *The Judicature Act* may amend such rules or make additional rules applicable thereto. Rules of practice
R.S.O. 1960, c. 197

12.—(1) Subject to subsection 2, where reference is made in any other Act or in any regulation, rule or by-law to any of the proceedings enumerated in subsection 1 of section 2, such reference shall, after the coming into force of this Act, be read and construed to include a reference to an application for judicial review. References in other Acts, etc.

(2) Nothing in this Act affects proceedings under *The Habeas Corpus Act* or the issue of a writ of certiorari thereunder or proceedings pursuant thereto, but an application for judicial review may be brought in aid of an application for a writ of *habeas corpus*. Proceedings under R.S.O. 1960, c. 169

13. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

14. This Act may be cited as *The Judicial Review Procedure Act, 1971*. Short title

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An Act to provide a Single Procedure for
the Judicial Review of the Exercise or the
Failure to Exercise a Statutory Power

1st Reading

June 4th, 1971

2nd Reading

3rd Reading

THE HON. W. G. DAVIS
Prime Minister

(Government Bill)

BILL 54

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to provide a Single Procedure for the Judicial Review
of the Exercise or the Failure to Exercise a Statutory Power**

THE HON. W. G. DAVIS
Prime Minister



BILL 54

1971

An Act to provide a Single Procedure for the Judicial Review of the Exercise or the Failure to Exercise a Statutory Power

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) "application for judicial review" means an application under subsection 1 of section 2;
- (b) "court" means the Supreme Court;
- (c) "licence" includes any permit, certificate, approval, registration or similar form of permission required by law;
- (d) "municipality" has the same meaning as in *The Department of Municipal Affairs Act*, and includes a district, metropolitan and regional municipality and their local boards; R.S.O. 1960,
c. 98
- (e) "party" includes a municipality, association of employers, a trade union or council of trade unions which may be a party to any of the proceedings mentioned in subsection 1 of section 2;
- (f) "statutory power of decision" means a power or right conferred by or under a statute to make a decision deciding or prescribing,
 - (i) the legal rights, powers, privileges, immunities, duties or liabilities of any person or party, or
 - (ii) the eligibility of any person or party to receive, or to the continuation of, a benefit or licence, whether he is legally entitled thereto or not,

and includes the powers of an inferior court ;

- (g) "statutory power" means a power or right conferred by or under a statute,
- (i) to make any regulation, rule, by-law or order, or to give any other direction having force as subordinate legislation ;
 - (ii) to exercise a statutory power of decision,
 - (iii) to require any person or party to do or to refrain from doing any act or thing that, but for such requirement, such person or party would not be required by law to do or to refrain from doing,
 - (iv) to do any act or thing that would, but for such power or right, be a breach of the legal rights of any person or party.

Applications
for
judicial
review

2.—(1) On an application by way of originating notice, which may be styled "Notice of Application for Judicial Review", the court may, notwithstanding any right of appeal, by order grant any relief that the applicant would be entitled to in any one or more of the following :

1. Proceedings by way of application for an order in the nature of mandamus, prohibition or certiorari.
2. Proceedings by way of an action for a declaration or for an injunction, or both, in relation to the exercise, refusal to exercise or proposed or purported exercise of a statutory power.

Error of
law

(2) The power of the court to set aside a decision for error of law on the face of the record on an application for an order in the nature of certiorari is extended so as to apply on an application for judicial review in relation to any decision made in the exercise of any statutory power of decision to the extent it is not limited or precluded by the Act conferring such power of decision.

Lack of
evidence

(3) Where the findings of fact of a tribunal made in the exercise of a statutory power of decision are required by any statute or law to be based exclusively on evidence admissible before it and on facts of which it may take notice and there is no such evidence and there are no such facts to support findings of fact made by the tribunal in making a decision in

the exercise of such power, the court may set aside the decision on an application for judicial review.

(4) Where the applicant on an application for judicial review is entitled to a judgment declaring that a decision made in the exercise of a statutory power of decision is unauthorized or otherwise invalid, the court may, in the place of such declaration, set aside the decision. ^{Power to set aside}

(5) Where, in any of the proceedings enumerated in subsection 1, the court had before the coming into force of this Act a discretion to refuse to grant relief on any grounds, the court has a like discretion on like grounds to refuse to grant any relief on an application for judicial review. ^{Power to refuse relief}

(6) Subsection 5 does not apply to the discretion of the court before the coming into force of this Act to refuse to grant relief in any of the proceedings enumerated in subsection 1 on the ground that the relief should have been sought in other proceedings enumerated in subsection 1. ^{Where subs. 5 does not apply}

3. On an application for judicial review in relation to a statutory power of decision, where the sole ground for relief established is a defect in form or a technical irregularity, if the court finds that no substantial wrong or miscarriage of justice has occurred, the court may refuse relief and, where the decision has already been made, may make an order validating the decision, notwithstanding such defect, to have effect from such time and on such terms as the court considers proper. ^{Defects in form, technical irregularities}

4. On an application for judicial review, the court may make such interim order as it considers proper pending the final determination of the application. ^{Interim order}

5. Notwithstanding any limitation of time for the bringing of an application for judicial review fixed by or under any Act, the court may extend the time for making the application, either before or after expiration of the time so limited, on such terms as it considers proper, where it is satisfied that there are *prima facie* grounds for relief and that no substantial prejudice or hardship will result to any person affected by reason of the delay. ^{Extension of time for bringing application}

6.—(1) Subject to subsection 2, an application for judicial review shall be made to the Divisional Court. ^{Application to Divisional Court}

(2) An application for judicial review may be made to the High Court with leave of a judge thereof, which may be granted at the hearing of the application, where it is made ^{Application to judge of High Court}

to appear to the judge that the case is one of urgency and that the delay required for an application to the Divisional Court is likely to involve a failure of justice.

Transfer to
Divisional
Court

(3) Where a judge refuses leave for an application under subsection 2, he may order that the application be transferred to the Divisional Court.

Appeal
from judge

(4) An appeal lies to the Divisional Court from a final order of the High Court disposing of an application for judicial review pursuant to leave granted under subsection 2.

Summary
disposition
of
mandamus,
etc.

7. An application for an order in the nature of mandamus, prohibition or certiorari shall be deemed to be an application for judicial review and shall be made, treated and disposed of as if it were an application for judicial review.

Summary
disposition
of actions

8. Where an action for a declaration or injunction, or both, whether with or without a claim for other relief, is brought and the exercise, refusal to exercise or proposed or purported exercise of a statutory power is an issue in the action, a judge of the High Court may on the application of any party to the action, if he considers it appropriate, direct that the action be treated and disposed of summarily, in so far as it relates to the exercise, refusal to exercise or proposed or purported exercise of such power, as if it were an application for judicial review and may order that the hearing on such issue be transferred to the Divisional Court or may grant leave for it to be disposed of in accordance with subsection 2 of section 6.

Sufficiency
of
application

9.—(1) It is sufficient in an application for judicial review if an applicant sets out in the notice the grounds upon which he is seeking relief and the nature of the relief that he seeks without specifying the proceedings enumerated in subsection 1 of section 2 in which the claim would have been made before the coming into force of this Act.

Exerciser
of power
must be
a party

(2) For the purposes of an application for judicial review in relation to the exercise, refusal to exercise or proposed or purported exercise of a statutory power, the person who is authorized to exercise the power may be a party to the application.

Idem

(3) For the purposes of subsection 2, any two or more persons who, acting together, may exercise a statutory power, whether styled a board or commission or by any other collective title, shall be deemed to be a person under such collective title.

(4) Notice of an application for judicial review shall be served upon the Minister of Justice and Attorney General who is entitled as of right to be heard in person or by counsel on the application. Notice to
Attorney
General

10. When notice of an application for judicial review of a decision made in the exercise or purported exercise of a statutory power of decision has been served on the person making the decision, such person shall forthwith file in the court for use on the application, the record of the proceedings in which the decision was made. Record to
be filed in
S.C.O.

11. Where not inconsistent with this Act, the rules of practice and procedure of the court apply to applications for judicial review and to appeals from final orders therein, and the Rules Committee established under *The Judicature Act* may amend such rules or make additional rules applicable thereto. Rules of
practice
R.S.O. 1960,
c. 197

12.—(1) Subject to subsection 2, where reference is made in any other Act or in any regulation, rule or by-law to any of the proceedings enumerated in subsection 1 of section 2, such reference shall, after the coming into force of this Act, be read and construed to include a reference to an application for judicial review. References
in other
Acts, etc.

(2) Nothing in this Act affects proceedings under *The Habeas Corpus Act* or the issue of a writ of certiorari thereunder or proceedings pursuant thereto, but an application for judicial review may be brought in aid of an application for a writ of *habeas corpus*. Proceedings
under
R.S.O. 1960,
c. 169

13. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

14. This Act may be cited as *The Judicial Review Procedure Act, 1971*. Short title

An Act to provide a Single Procedure for
the Judicial Review of the Exercise or the
Failure to Exercise a Statutory Power

1st Reading

June 4th, 1971

2nd Reading

June 24th, 1971

3rd Reading

July 13th, 1971

THE HON. W. G. DAVIS
Prime Minister

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

The Public Inquiries Act, 1971

THE HON. W. G. DAVIS
Prime Minister

EXPLANATORY NOTE

The purpose of this Bill is to give effect to the recommendations of the McRuer Report No. 1 (Vol. 1, pp. 463-465) with respect to the redrafting of this very old statute.

The Bill is in three parts.

Part I deals specifically with Royal Commissions. It provides safeguards for persons having a substantial and direct interest in the subject matter of an inquiry who are to be permitted to give evidence and to call and examine or cross-examine witnesses (section 5 (1)). The Bill also provides that no finding of misconduct on the part of any person shall be made unless he had reasonable notice of the allegations and was allowed full opportunity during the inquiry to be heard in person or by counsel (section 5 (2)).

Part II confers powers on a commission, subject to judicial control, to compel the attendance of witnesses and the production of documents. It also provides for automatic protection against self-incrimination and preserves evidential privileges. Under many statutes, powers are now conferred on officials or tribunals by reference to the powers that may be conferred on commissioners under *The Public Inquiries Act*. It is proposed that for the future the reference should be to the powers conferred by Part II of *The Public Inquiries Act*.

Part III permits the Lieutenant Governor in Council to authorize a commission to obtain bench warrants for the arrest of witnesses who refuse to appear, and search warrants to search premises for evidence. Both these powers are subject to judicial control.

BILL 55

1971

The Public Inquiries Act, 1971

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

1. In this Act,

Interpre-
tation

- (a) "commission" means the one or more persons appointed to conduct an inquiry under this Act;
- (b) "inquiry" means an inquiry under this Act. *New.*

PART I

2. Whenever the Lieutenant Governor in Council deems it expedient to cause inquiry to be made concerning any matter connected with or affecting the good government of Ontario or the conduct of any part of the public business thereof or of the administration of justice therein or that he declares to be a matter of public concern and the inquiry is not regulated by any special law, he may, by commission, appoint one or more persons to conduct the inquiry. R.S.O. 1960, c. 323, s. 1, *part, amended.*

Appoint-
ment of
commission

3. Subject to sections 4 and 5, the conduct of and the procedure to be followed on an inquiry is under the control and direction of the commission conducting the inquiry. *New.*

Procedure

4. All hearings on an inquiry are open to the public except where the commission conducting the inquiry is of the opinion that,

Hearings
to be open.
exceptions

- (a) matters involving public security may be disclosed at the hearing; or
- (b) intimate financial or personal matters or other matters may be disclosed at the hearing that are of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof

in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public,

in which case the commission may hold the hearing concerning any such matters *in camera*. *New*.

Rights of persons interested

5.—(1) A commission shall accord to any person who satisfies it that he has a substantial and direct interest in the subject matter of its inquiry an opportunity during the inquiry to give evidence and to call and examine or to cross-examine witnesses personally or by his counsel on evidence relevant to his interest.

Rights of persons before misconduct found

(2) No finding of misconduct on the part of any person shall be made against him in any report of a commission after an inquiry unless that person had reasonable notice of the substance of the misconduct alleged against him and was allowed full opportunity during the inquiry to be heard in person or by counsel. *New*.

Stated case

6.—(1) Where the authority to appoint a commission under this Act or the authority of a commission to do any act or thing proposed to be done or done by the commission in the course of its inquiry is called into question by a person affected, the commission may of its own motion or upon the request of such person state a case in writing to the Divisional Court setting forth the material facts and the grounds upon which the authority to appoint the commission or the authority of the commission to do the act or thing are questioned.

Order directing stated case

(2) If the commission refuses to state a case under subsection 1, the person requesting it may apply to the Divisional Court for an order directing the commission to state such a case.

Court to hear and determine stated case

(3) Where a case is stated under this section, the Divisional Court shall hear and determine in a summary manner the question raised. *New*.

Proceedings stayed

(4) Pending the decision of the Divisional Court on a case stated under this section, no further proceedings shall be taken by the commission with respect to the subject matter of the stated case but it may continue its inquiry into matters not in issue in the stated case. R.S.O. 1960, c. 323, s. 5 (3), *amended*.

PART II

Power to summons witnesses, papers, etc.

7.—(1) A commission may require any person by summons,
(a) to give evidence on oath or affirmation at an inquiry;
or

- (b) to produce in evidence at an inquiry such documents and things as the commission may specify,

relevant to the subject matter of the inquiry and not inadmissible in evidence at the inquiry under section 11. R.S.O. 1960, c. 323, s. 1, *part, amended*.

(2) A summons issued under subsection 1 shall be in Form 1 and shall be served personally on the person summoned and he shall be paid at the time of service the like fees and allowances for his attendance as a witness before the commission as are paid for the attendance of a witness summoned to attend before the Supreme Court. *New*.

Form and
service of
summons

8. Where any person without lawful excuse,

Stated case
for contempt
for failure
to attend
hearing, etc.

- (a) on being duly summoned under section 7 as a witness at an inquiry, makes default in attending at the inquiry; or
- (b) being in attendance as a witness at an inquiry, refuses to take an oath or to make an affirmation legally required by the commission to be taken or made, or to produce any document or thing in his power or control legally required by the commission to be produced to it, or to answer any question to which the commission may legally require an answer; or
- (c) does any other thing that would, if the commission had been a court of law having power to commit for contempt, have been contempt of that court,

the commission may state a case to the Divisional Court setting out the facts and that court may, on the application of the commission or of the Minister of Justice and Attorney General, inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defense, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. *New*.

9. A witness at an inquiry shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to criminate him or may tend to establish his liability to civil proceedings at the instance of the Crown or of any person, and no answer given by a witness at an inquiry shall be used or be receivable in evidence against him in any trial or other proceedings against him thereafter taking place, other than a prosecution for perjury in giving such evidence. *New*.

Protection
of witnesses

Unsworn
evidence
admissible

10. A commission may admit at an inquiry evidence not given under oath or affirmation. *New.*

Privilege

11. Nothing is admissible in evidence at an inquiry that would be inadmissible in a court by reason of any privilege under the law of evidence. *New.*

Release of
documents

12.—(1) Documents and things produced in evidence at an inquiry shall, upon request of the person who produced them or the person entitled thereto, be released to him by the commission within a reasonable time.

Photocopies
of
documents

(2) Where a document has been produced in evidence before a commission, the commission may or the person producing it may with the leave of the commission, cause the document to be photocopied and the photocopy may be filed in evidence in the place of the document produced, and a document purporting to be a copy of a document produced in evidence, certified to be a true copy thereof by the commission, is admissible in evidence in proceedings in which the document produced is admissible, as evidence of the document produced. *New.*

Power to
administer
oaths and
require
evidence
under oath

13. A commission has power to administer oaths and affirmations for the purpose of an inquiry and may require evidence before it to be given under oath or affirmation. *New.*

Powers of
each of two
or more
commis-
sioners

14. Where two or more persons are appointed to make an inquiry, any one of them may exercise the powers conferred by section 7, 12 or 13. *New.*

PART III

Application
of Part III

15.—(1) This Part does not apply to an inquiry unless the Lieutenant Governor in Council declares that this Part does apply thereto.

Idem

(2) The Lieutenant Governor in Council may, if he is satisfied that it is necessary to achieve the purposes of an inquiry, in the order in council authorizing the issue of the commission for the inquiry, or by a subsequent order in council, declare that this Part applies to the inquiry and to the commission conducting it. *New.*

Warrant
for
apprehension
of witness

16.—(1) Upon proof to the satisfaction of a judge of a county or district court of the service of a summons to appear at an inquiry upon a person and that,

(a) such person has failed to attend or to remain in attendance at the inquiry in accordance with the requirements of the summons;

- (b) a sufficient sum for his fees and allowances has been duly paid or tendered to him; and
- (c) his presence is material to achievement of the purposes of the inquiry,

the judge may, by his warrant in Form 2 directed to any sheriff, police officer or constable, cause such person to be apprehended anywhere within Ontario and forthwith to be brought before the commission conducting the inquiry and to be detained in custody as the judge may order until his presence as a witness before the inquiry is no longer required, or, in the discretion of the judge, to be released on a recognizance, with or without sureties, conditioned for appearance to give evidence.

(2) An application under subsection 1 may be made by the commission conducting the inquiry and the service of the summons and payment or tender of fees and allowances may be proved by affidavit. *New.* ^{Idem}

17.—(1) A commission may in writing appoint a person to make an investigation, relevant to the subject matter of the inquiry it is conducting. ^{Appointment of investigators}

(2) Where a judge of the county or district court is satisfied upon an *ex parte* application by a person appointed by a commission to make an investigation under this section, ^{Search warrant}

- (a) that the commission conducting the inquiry has appointed the applicant to make an investigation under this section; and
- (b) that there are reasonable grounds for believing that there are in any building, receptacle or place, including a dwelling house, in the county or district for which the judge is appointed any documents or things relevant to the subject matter of the inquiry,

the judge may issue a warrant in Form 3 authorizing the person making the investigation, together with such police officers and constables as he calls upon to assist him, to enter and search if necessary by force, such building, receptacle or place, for such documents or things.

(3) A person making an investigation under this section may, upon giving a receipt therefor, remove any document or thing found in his investigation relevant to the subject matter of the inquiry and deliver it to the commission which shall keep custody of it. ^{Removal of documents}

Release of documents, etc.

(4) Documents and things delivered to a commission by a person appointed to make an investigation under this section shall upon request of the person from whose custody they were removed or the person entitled thereto be released to him by the commission within a reasonable time.

(5) Where a document has been delivered to a commission by a person making an investigation under this section, the commission may cause the document to be photocopied and the photocopy may be filed in evidence in place of the document delivered to the commission and a copy of such document certified by the commission to be a true copy thereof, is admissible in evidence in proceedings in which the document so delivered is admissible, as evidence of the document so delivered.

Powers re inquiries under other Acts hereafter powers of commission under Part II

18. Where, for the purpose of an investigation, inquiry or matter under any Act or regulation, any person or body is given the powers of or that may be conferred on a commissioner under *The Public Inquiries Act* or the powers of a court in civil cases, on and after the day this Act comes into force such person or body may exercise the powers of a commission under Part II of this Act, which Part applies to such investigation, inquiry or matter as if it were an inquiry under this Act.

R.S.O. 1960, c. 323, repealed

19. *The Public Inquiries Act* is repealed.

Commencement

20. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

21. This Act may be cited as *The Public Inquiries Act, 1971*.

FORM 1

(Section 7)

SUMMONS TO WITNESS

RE:

To:

You are hereby summoned and required to attend before the (name of commission) at an inquiry conducted by the said commission to be held at in the of on day, the day of 19.... at the hour of o'clock in the noon (local time) and so from day to day until the inquiry is concluded or the commission otherwise orders, to give evidence on oath touching the matters in question in the inquiry and to bring with you and produce at such time and place.

Dated this day of , 19....
..... (Name of Commission)
.....
Commissioner

NOTE:

If you fail to attend and give evidence at the inquiry, or to produce the documents or things specified, at the time and place specified, without lawful excuse, you are liable to punishment by the Supreme Court of Ontario in like manner as if for contempt of that Court for disobedience to a subpoena.

FORM 2

(Section 16)

BENCH WARRANT

RE:

To: A.B., Sheriff, etc.

WHEREAS proof has been made before me that C.D. was duly summoned to appear before (name of commission) at the inquiry being conducted by the said commission at Toronto (or as the case may be) on the day of , 19....; that the presence of the said C.D. is material to achievement of the purposes of the inquiry, and that the said C.D. has failed to attend in accordance with the requirements of the summons.

THESE ARE therefore to command you to take the said C.D. to bring and have him before the said commission at Toronto (or as the case may be) there to testify what he may know concerning the matters in question in the said inquiry, and that you detain him in your custody until he has given his evidence or until the sittings of the said inquiry have ended or until other orders may be made concerning him.

GIVEN UNDER MY HAND this day of , 19...., at.....

.....
Judge.

FORM 3

(Section 17)

SEARCH WARRANT

RE:

To: *A.B. (investigator)* and to such police officers and constables as he calls upon to assist him:

WHEREAS it appears on the oath of.....of the.....ofin the.....of..... that there are reasonable grounds for believing that (*describe things to be searched for and the inquiry in respect of which search is to be made*) are inat.....(*hereinafter called the premises*);

This is, therefore, to authorize and require you between the hours of (*as the judge may direct*) to enter into the said premises and to search for the said things and to bring them before *E.F.*, the commission conducting the said inquiry.

GIVEN UNDER MY HAND this.....day of....., 19....., at

.....
Judge.



1st Reading

June 4th, 1971

2nd Reading

3rd Reading

THE HON. W. G. DAVIS
Prime Minister

(Government Bill)

1971

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

The Public Inquiries Act, 1971

THE HON. W. G. DAVIS
Prime Minister

(Reprinted as amended by the Legal Administration Committee)

EXPLANATORY NOTE

The purpose of this Bill is to give effect to the recommendations of the McRuer Report No. 1 (Vol. 1, pp. 463-465) with respect to the redrafting of this very old statute.

The Bill is in three parts.

Part I deals specifically with Royal Commissions. It provides safeguards for persons having a substantial and direct interest in the subject matter of an inquiry who are to be permitted to give evidence and to call and examine or cross-examine witnesses (section 5 (1)). The Bill also provides that no finding of misconduct on the part of any person shall be made unless he had reasonable notice of the allegations and was allowed full opportunity during the inquiry to be heard in person or by counsel (section 5 (2)).

Part II confers powers on a commission, subject to judicial control, to compel the attendance of witnesses and the production of documents. It also provides for automatic protection against self-incrimination and preserves evidential privileges. Under many statutes, powers are now conferred on officials or tribunals by reference to the powers that may be conferred on commissioners under *The Public Inquiries Act*. It is proposed that for the future the reference should be to the powers conferred by Part II of *The Public Inquiries Act*.

Part III permits the Lieutenant Governor in Council to authorize a commission to obtain bench warrants for the arrest of witnesses who refuse to appear, and search warrants to search premises for evidence. Both these powers are subject to judicial control.

BILL 55

1971

The Public Inquiries Act, 1971

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

1. In this Act,

Interpre-
tation

(a) "commission" means the one or more persons appointed to conduct an inquiry under this Act;

(b) "inquiry" means an inquiry under this Act. *New.*

PART I

2. Whenever the Lieutenant Governor in Council deems it expedient to cause inquiry to be made concerning any matter connected with or affecting the good government of Ontario or the conduct of any part of the public business thereof or of the administration of justice therein or that he declares to be a matter of public concern and the inquiry is not regulated by any special law, he may, by commission, appoint one or more persons to conduct the inquiry. R.S.O. 1960, c. 323, s. 1, *part, amended.*

Appoint-
ment of
commission

3. Subject to sections 4 and 5, the conduct of and the procedure to be followed on an inquiry is under the control and direction of the commission conducting the inquiry. *New.*

Procedure

4. All hearings on an inquiry are open to the public except where the commission conducting the inquiry is of the opinion that,

Hearings
to be open
exceptions

(a) matters involving public security may be disclosed at the hearing; or

(b) intimate financial or personal matters or other matters may be disclosed at the hearing that are of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof

in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public,

in which case the commission may hold the hearing concerning any such matters *in camera*. *New.*

Rights of persons interested

5.—(1) A commission shall accord to any person who satisfies it that he has a substantial and direct interest in the subject matter of its inquiry an opportunity during the inquiry to give evidence and to call and examine or to cross-examine witnesses personally or by his counsel on evidence relevant to his interest.

Rights of persons before misconduct found

(2) No finding of misconduct on the part of any person shall be made against him in any report of a commission after an inquiry unless that person had reasonable notice of the substance of the misconduct alleged against him and was allowed full opportunity during the inquiry to be heard in person or by counsel. *New.*

Stated case

6.—(1) Where the authority to appoint a commission under this Act or the authority of a commission to do any act or thing proposed to be done or done by the commission in the course of its inquiry is called into question by a person affected, the commission may of its own motion or upon the request of such person state a case in writing to the Divisional Court setting forth the material facts and the grounds upon which the authority to appoint the commission or the authority of the commission to do the act or thing are questioned.

Order directing stated case

(2) If the commission refuses to state a case under subsection 1, the person requesting it may apply to the Divisional Court for an order directing the commission to state such a case.

Court to hear and determine stated case

(3) Where a case is stated under this section, the Divisional Court shall hear and determine in a summary manner the question raised. *New.*

Proceedings stayed

(4) Pending the decision of the Divisional Court on a case stated under this section, no further proceedings shall be taken by the commission with respect to the subject matter of the stated case but it may continue its inquiry into matters not in issue in the stated case. R.S.O. 1960, c. 323, s. 5 (3), *amended.*

PART II

Power to summons witnesses, papers, etc.

7.—(1) A commission may require any person by summons,
(a) to give evidence on oath or affirmation at an inquiry;
or

(b) to produce in evidence at an inquiry such documents and things as the commission may specify, relevant to the subject matter of the inquiry and not inadmissible in evidence at the inquiry under section 11. R.S.O. 1960, c. 323, s. 1, *part, amended.*

(2) A summons issued under subsection 1 shall be in Form 1 and shall be served personally on the person summoned and he shall be paid at the time of service the like fees and allowances for his attendance as a witness before the commission as are paid for the attendance of a witness summoned to attend before the Supreme Court. *New.*

Form and
service of
summons

8. Where any person without lawful excuse,

Stated case
for contempt
for failure
to attend
hearing, etc.

(a) on being duly summoned under section 7 as a witness at an inquiry, makes default in attending at the inquiry; or

(b) being in attendance as a witness at an inquiry, refuses to take an oath or to make an affirmation legally required by the commission to be taken or made, or to produce any document or thing in his power or control legally required by the commission to be produced to it, or to answer any question to which the commission may legally require an answer; or

(c) does any other thing that would, if the commission had been a court of law having power to commit for contempt, have been contempt of that court,

the commission may state a case to the Divisional Court setting out the facts and that court may, on the application of the commission or of the Minister of Justice and Attorney General, inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defense, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. *New.*

9.—(1) A witness at an inquiry shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to criminate him or may tend to establish his liability to civil proceedings at the instance of the Crown or of any person, and no answer given by a witness at an inquiry shall be used or be receivable in evidence against him in any trial or other proceedings against him thereafter taking place, other than a prosecution for perjury in giving such evidence. *New.*

Protection
of witnesses

(2) A witness shall be informed by the commission of his right to object to answer any question under section 5 of the *Canada Evidence Act.*

Right to
object
under
R.S.C. 1952,
c. 307

Unsworn
evidence
admissible

10. A commission may admit at an inquiry evidence not given under oath or affirmation. *New.*

Privilege

11. Nothing is admissible in evidence at an inquiry that would be inadmissible in a court by reason of any privilege under the law of evidence. *New.*

Release of
documents

12.—(1) Documents and things produced in evidence at an inquiry shall, upon request of the person who produced them or the person entitled thereto, be released to him by the commission within a reasonable time.

Photocopies
of
documents

(2) Where a document has been produced in evidence before a commission, the commission may or the person producing it may with the leave of the commission, cause the document to be photocopied and the photocopy may be filed in evidence in the place of the document produced, and a document purporting to be a copy of a document produced in evidence, certified to be a true copy thereof by the commission, is admissible in evidence in proceedings in which the document produced is admissible, as evidence of the document produced. *New.*

Power to
administer
oaths and
require
evidence
under oath

13. A commission has power to administer oaths and affirmations for the purpose of an inquiry and may require evidence before it to be given under oath or affirmation. *New.*

Powers of
each of two
or more
commis-
sioners

14. Where two or more persons are appointed to make an inquiry, any one of them may exercise the powers conferred by section 7, 12 or 13. *New.*

PART III

Application
of Part III

15.—(1) This Part does not apply to an inquiry unless the Lieutenant Governor in Council declares that this Part does apply thereto.

Idem

(2) The Lieutenant Governor in Council may, if he is satisfied that it is necessary to achieve the purposes of an inquiry, in the order in council authorizing the issue of the commission for the inquiry, or by a subsequent order in council, declare that this Part applies to the inquiry and to the commission conducting it. *New.*

Warrant
for
apprehension
of witness

16.—(1) Upon proof to the satisfaction of a judge of a county or district court of the service of a summons to appear at an inquiry upon a person and that,

(a) such person has failed to attend or to remain in attendance at the inquiry in accordance with the requirements of the summons;

- (b) a sufficient sum for his fees and allowances has been duly paid or tendered to him; and
- (c) his presence is material to achievement of the purposes of the inquiry,

the judge may, by his warrant in Form 2 directed to any sheriff, police officer or constable, cause such person to be apprehended anywhere within Ontario and forthwith to be brought before the commission conducting the inquiry and to be detained in custody as the judge may order until his presence as a witness before the inquiry is no longer required, or, in the discretion of the judge, to be released on a recognizance, with or without sureties, conditioned for appearance to give evidence.

(2) An application under subsection 1 may be made by the commission conducting the inquiry and the service of the summons and payment or tender of fees and allowances may be proved by affidavit. *New.*

17.—(1) A commission may in writing appoint a person to make an investigation relevant to the subject matter of the inquiry it is conducting.

(2) Where a judge of the county or district court is satisfied upon an *ex parte* application by a person appointed by a commission to make an investigation under this section,

- (a) that the commission conducting the inquiry has appointed the applicant to make an investigation under this section; and
- (b) that there are reasonable grounds for believing that there are in any building, receptacle or place, including a dwelling house, in the county or district for which the judge is appointed any documents or things relevant to the subject matter of the inquiry,

the judge may issue a warrant in Form 3 authorizing the person making the investigation, together with such police officers and constables as he calls upon to assist him, to enter and search if necessary by force, such building, receptacle or place, for such documents or things.

(3) A person making an investigation under this section may, upon giving a receipt therefor, remove any document or thing found in his investigation relevant to the subject matter of the inquiry and deliver it to the commission which shall keep custody of it.

Release of documents, etc.

(4) Documents and things delivered to a commission by a person appointed to make an investigation under this section shall upon request of the person from whose custody they were removed or the person entitled thereto be released to him by the commission within a reasonable time.

(5) Where a document has been delivered to a commission by a person making an investigation under this section, the commission may cause the document to be photocopied and the photocopy may be filed in evidence in place of the document delivered to the commission and a copy of such document certified by the commission to be a true copy thereof, is admissible in evidence in proceedings in which the document so delivered is admissible, as evidence of the document so delivered.

Powers re inquiries under other Acts hereafter powers of commission under Part II

18. Where, for the purpose of an investigation, inquiry or matter under any Act or regulation, any person or body is given the powers of or that may be conferred on a commissioner under *The Public Inquiries Act* or the powers of a court in civil cases, on and after the day this Act comes into force such person or body may exercise the powers of a commission under Part II of this Act, which Part applies to such investigation, inquiry or matter as if it were an inquiry under this Act.

R.S.O. 1960, c. 323, repealed

19. *The Public Inquiries Act* is repealed.

Commencement

20. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

21. This Act may be cited as *The Public Inquiries Act, 1971*.

FORM 1

(Section 7)

SUMMONS TO WITNESS

RE:

To:

You are hereby summoned and required to attend before the (name of commission) at an inquiry conducted by the said commission to be held at in the of on day, the day of 19..... at the hour of o'clock in the noon (local time) and so from day to day until the inquiry is concluded or the commission otherwise orders, to give evidence on oath touching the matters in question in the inquiry and to bring with you and produce at such time and place.....

Dated this day of, 19.....

..... (Name of Commission)
.....
Commissioner

NOTE:

You are entitled to be paid the same personal allowances for your attendance at the hearing as are paid for the attendance of a witness summoned to attend before the Supreme Court.

If you fail to attend and give evidence at the inquiry, or to produce the documents or things specified, at the time and place specified, without lawful excuse, you are liable to punishment by the Supreme Court of Ontario in the same manner as if for contempt of that Court for disobedience to a subpoena.

FORM 2

(Section 16)

BENCH WARRANT

RE:

To: A.B., Sheriff, etc.

WHEREAS proof has been made before me that C.D. was duly summoned to appear before (name of commission)..... at the inquiry being conducted by the said commission at Toronto (or as the case may be) on the day of 19.....; that the presence of the said C.D. is material to achievement of the purposes of the inquiry, and that the said C.D. has failed to attend in accordance with the requirements of the summons.

THESE ARE therefore to command you to take the said C.D. to bring and have him before the said commission at Toronto (or as the case may be) there to testify what he may know concerning the matters in question in the said inquiry, and that you detain him in your custody until he has given his evidence or until the sittings of the said inquiry have ended or until other orders may be made concerning him.

GIVEN UNDER MY HAND this day of, 19....., at.....

.....
Judge.

FORM 3

(Section 17)

SEARCH WARRANT

RE:

To: *A.B. (investigator)* and to such police officers and constables as he calls upon to assist him:

WHEREAS it appears on the oath of.....of the.....of.....in the.....of.....that there are reasonable grounds for believing that (*describe things to be searched for and the inquiry in respect of which search is to be made*) are in.....at.....(*hereinafter called the premises*);

This is, therefore, to authorize and require you between the hours of (*as the judge may direct*) to enter into the said premises and to search for the said things and to bring them before *E.F.*, the commission conducting the said inquiry.

GIVEN UNDER MY HAND this.....day of....., 19....., at.....

.....
Judge.



1st Reading

June 4th, 1971

2nd Reading

June 24th, 1971

3rd Reading

THE HON. W. G. DAVIS
Prime Minister

*(Reprinted as amended by the
Legal Administration Committee)*

BILL 55

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

The Public Inquiries Act, 1971

THE HON. W. G. DAVIS
Prime Minister

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BILL 55

1971

The Public Inquiries Act, 1971

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

1. In this Act,

Interpretation

- (a) "commission" means the one or more persons appointed to conduct an inquiry under this Act;
- (b) "inquiry" means an inquiry under this Act. *New.*

PART I

2. Whenever the Lieutenant Governor in Council deems it expedient to cause inquiry to be made concerning any matter connected with or affecting the good government of Ontario or the conduct of any part of the public business thereof or of the administration of justice therein or that he declares to be a matter of public concern and the inquiry is not regulated by any special law, he may, by commission, appoint one or more persons to conduct the inquiry. R.S.O. 1960, c. 323, s. 1, *part, amended.*

Appointment of commission

3. Subject to sections 4 and 5, the conduct of and the procedure to be followed on an inquiry is under the control and direction of the commission conducting the inquiry. *New.*

Procedure

4. All hearings on an inquiry are open to the public except where the commission conducting the inquiry is of the opinion that,

Hearings to be open exceptions

- (a) matters involving public security may be disclosed at the hearing; or
- (b) intimate financial or personal matters or other matters may be disclosed at the hearing that are of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof

in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public,

in which case the commission may hold the hearing concerning any such matters *in camera*. *New.*

Rights of persons interested

5.—(1) A commission shall accord to any person who satisfies it that he has a substantial and direct interest in the subject matter of its inquiry an opportunity during the inquiry to give evidence and to call and examine or to cross-examine witnesses personally or by his counsel on evidence relevant to his interest.

Rights of persons before misconduct found

(2) No finding of misconduct on the part of any person shall be made against him in any report of a commission after an inquiry unless that person had reasonable notice of the substance of the misconduct alleged against him and was allowed full opportunity during the inquiry to be heard in person or by counsel. *New.*

Stated case

6.—(1) Where the authority to appoint a commission under this Act or the authority of a commission to do any act or thing proposed to be done or done by the commission in the course of its inquiry is called into question by a person affected, the commission may of its own motion or upon the request of such person state a case in writing to the Divisional Court setting forth the material facts and the grounds upon which the authority to appoint the commission or the authority of the commission to do the act or thing are questioned.

Order directing stated case

(2) If the commission refuses to state a case under subsection 1, the person requesting it may apply to the Divisional Court for an order directing the commission to state such a case.

Court to hear and determine stated case

(3) Where a case is stated under this section, the Divisional Court shall hear and determine in a summary manner the question raised. *New.*

Proceedings stayed

(4) Pending the decision of the Divisional Court on a case stated under this section, no further proceedings shall be taken by the commission with respect to the subject matter of the stated case but it may continue its inquiry into matters not in issue in the stated case. R.S.O. 1960, c. 323, s. 5 (3), *amended.*

PART II

Power to summons witnesses, papers, etc.

7.—(1) A commission may require any person by summons

(a) to give evidence on oath or affirmation at an inquiry or

- (b) to produce in evidence at an inquiry such documents and things as the commission may specify,

relevant to the subject matter of the inquiry and not inadmissible in evidence at the inquiry under section 11. R.S.O. 1960, c. 323, s. 1, *part, amended.*

(2) A summons issued under subsection 1 shall be in Form 1 and shall be served personally on the person summoned and he shall be paid at the time of service the like fees and allowances for his attendance as a witness before the commission as are paid for the attendance of a witness summoned to attend before the Supreme Court. *New.*

Form and service of summons

8. Where any person without lawful excuse,

- (a) on being duly summoned under section 7 as a witness at an inquiry, makes default in attending at the inquiry; or
- (b) being in attendance as a witness at an inquiry, refuses to take an oath or to make an affirmation legally required by the commission to be taken or made, or to produce any document or thing in his power or control legally required by the commission to be produced to it, or to answer any question to which the commission may legally require an answer; or
- (c) does any other thing that would, if the commission had been a court of law having power to commit for contempt, have been contempt of that court,

Stated case for contempt for failure to attend hearing, etc.

the commission may state a case to the Divisional Court setting out the facts and that court may, on the application of the commission or of the Minister of Justice and Attorney General, inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defense, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. *New.*

9.—(1) A witness at an inquiry shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to criminate him or may tend to establish his liability to civil proceedings at the instance of the Crown or of any person, and no answer given by a witness at an inquiry shall be used or be receivable in evidence against him in any trial or other proceedings against him thereafter taking place, other than a prosecution for perjury in giving such evidence. *New.*

Protection of witnesses

(2) A witness shall be informed by the commission of his right to object to answer any question under section 5 of the *Canada Evidence Act.*

Right to object under R.S.C. 1952, c. 307

Unsworn
evidence
admissible

10. A commission may admit at an inquiry evidence not given under oath or affirmation. *New.*

Privilege

11. Nothing is admissible in evidence at an inquiry that would be inadmissible in a court by reason of any privilege under the law of evidence. *New.*

Release of
documents

12.—(1) Documents and things produced in evidence at an inquiry shall, upon request of the person who produced them or the person entitled thereto, be released to him by the commission within a reasonable time.

Photocopies
of
documents

(2) Where a document has been produced in evidence before a commission, the commission may or the person producing it may with the leave of the commission, cause the document to be photocopied and the photocopy may be filed in evidence in the place of the document produced, and a document purporting to be a copy of a document produced in evidence, certified to be a true copy thereof by the commission, is admissible in evidence in proceedings in which the document produced is admissible, as evidence of the document produced. *New.*

Power to
administer
oaths and
require
evidence
under oath

13. A commission has power to administer oaths and affirmations for the purpose of an inquiry and may require evidence before it to be given under oath or affirmation. *New.*

Powers of
each of two
or more
commis-
sioners

14. Where two or more persons are appointed to make an inquiry, any one of them may exercise the powers conferred by section 7, 12 or 13. *New.*

PART III

Application
of Part III

15.—(1) This Part does not apply to an inquiry unless the Lieutenant Governor in Council declares that this Part does apply thereto.

Idem

(2) The Lieutenant Governor in Council may, if he is satisfied that it is necessary to achieve the purposes of an inquiry, in the order in council authorizing the issue of the commission for the inquiry, or by a subsequent order in council, declare that this Part applies to the inquiry and to the commission conducting it. *New.*

Warrant
for
apprehension
of witness

16.—(1) Upon proof to the satisfaction of a judge of a county or district court of the service of a summons to appear at an inquiry upon a person and that,

- (a) such person has failed to attend or to remain in attendance at the inquiry in accordance with the requirements of the summons;

- (b) a sufficient sum for his fees and allowances has been duly paid or tendered to him; and
- (c) his presence is material to achievement of the purposes of the inquiry,

the judge may, by his warrant in Form 2 directed to any sheriff, police officer or constable, cause such person to be apprehended anywhere within Ontario and forthwith to be brought before the commission conducting the inquiry and to be detained in custody as the judge may order until his presence as a witness before the inquiry is no longer required, or, in the discretion of the judge, to be released on a recognizance, with or without sureties, conditioned for appearance to give evidence.

(2) An application under subsection 1 may be made by the commission conducting the inquiry and the service of the summons and payment or tender of fees and allowances may be proved by affidavit. *Idem* *New.*

17.—(1) A commission may in writing appoint a person to make an investigation relevant to the subject matter of the inquiry it is conducting. Appointment of investigators

(2) Where a judge of the county or district court is satisfied upon an *ex parte* application by a person appointed by a commission to make an investigation under this section, Search warrant

- (a) that the commission conducting the inquiry has appointed the applicant to make an investigation under this section; and
- (b) that there are reasonable grounds for believing that there are in any building, receptacle or place, including a dwelling house, in the county or district for which the judge is appointed any documents or things relevant to the subject matter of the inquiry,

the judge may issue a warrant in Form 3 authorizing the person making the investigation, together with such police officers and constables as he calls upon to assist him, to enter and search if necessary by force, such building, receptacle or place, for such documents or things.

(3) A person making an investigation under this section may, upon giving a receipt therefor, remove any document or thing found in his investigation relevant to the subject matter of the inquiry and deliver it to the commission which shall keep custody of it. Removal of documents

Release of documents, etc.

(4) Documents and things delivered to a commission by a person appointed to make an investigation under this section shall upon request of the person from whose custody they were removed or the person entitled thereto be released to him by the commission within a reasonable time.

(5) Where a document has been delivered to a commission by a person making an investigation under this section, the commission may cause the document to be photocopied and the photocopy may be filed in evidence in place of the document delivered to the commission and a copy of such document certified by the commission to be a true copy thereof, is admissible in evidence in proceedings in which the document so delivered is admissible, as evidence of the document so delivered.

Powers re inquiries under other Acts hereafter powers of commission under Part II

18. Where, for the purpose of an investigation, inquiry or matter under any Act or regulation, any person or body is given the powers of or that may be conferred on a commissioner under *The Public Inquiries Act* or the powers of a court in civil cases, on and after the day this Act comes into force such person or body may exercise the powers of a commission under Part II of this Act, which Part applies to such investigation, inquiry or matter as if it were an inquiry under this Act.

R.S.O. 1960, c. 323, repealed

19. *The Public Inquiries Act* is repealed.

Commencement

20. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

21. This Act may be cited as *The Public Inquiries Act, 1971*.

FORM 1
(Section 7)

SUMMONS TO WITNESS

RE:

To:

You are hereby summoned and required to attend before the
..... (name of commission)
at an inquiry conducted by the said commission to be held at
in the of on
..... day, the day of 19.....
at the hour of o'clock in the noon (local time) and so
from day to day until the inquiry is concluded or the commission otherwise
orders, to give evidence on oath touching the matters in question in the
inquiry and to bring with you and produce at such time and place.....

Dated this day of 19.....

..... (Name of Commission)

.....
Commissioner

NOTE:

You are entitled to be paid the same personal allowances for your
attendance at the hearing as are paid for the attendance of a witness summoned
to attend before the Supreme Court.

If you fail to attend and give evidence at the inquiry, or to produce
the documents or things specified, at the time and place specified, without
lawful excuse, you are liable to punishment by the Supreme Court of
Ontario in the same manner as if for contempt of that Court for disobedience
to a subpoena.

FORM 2

(Section 16)

BENCH WARRANT

RE:

To: A.B., Sheriff, etc.

WHEREAS proof has been made before me that C.D. was duly sum-
moned to appear before (name of commission).....
at the inquiry being conducted by the said commission at Toronto
(or as the case may be) on the day of 19.....;
that the presence of the said C.D. is material to achievement of the pur-
poses of the inquiry, and that the said C.D. has failed to attend in accord-
dance with the requirements of the summons.

THESE ARE therefore to command you to take the said C.D. to bring
and have him before the said commission at Toronto (or as the case may
be) there to testify what he may know concerning the matters in question
in the said inquiry, and that you detain him in your custody until he has
given his evidence or until the sittings of the said inquiry have ended or
until other orders may be made concerning him.

GIVEN UNDER MY HAND this day of 19.....
at.....

.....
Judge.

FORM 3

(Section 17)

SEARCH WARRANT

RE:

To: *A.B. (investigator)* and to such police officers and constables as he calls upon to assist him:

WHEREAS it appears on the oath of.....of the.....of.....in the.....of.....that there are reasonable grounds for believing that (*describe things to be searched for and the inquiry in respect of which search is to be made*) are in.....at.....(*hereinafter called the premises*);

This is, therefore, to authorize and require you between the hours of (*as the judge may direct*) to enter into the said premises and to search for the said things and to bring them before *E.F.*, the commission conducting the said inquiry.

GIVEN UNDER MY HAND this.....day of....., 19....., at.....

.....
Judge.



1st Reading

June 4th, 1971

2nd Reading

June 24th, 1971

3rd Reading

July 13th, 1971

THE HON. W. G. DAVIS
Prime Minister

1971

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

The Civil Rights Statute Law Amendment Act, 1971

THE HON. W. G. DAVIS
Prime Minister

TORONTO

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EXPLANATORY NOTES

The purpose of this Bill is to enact amendments to a number of statutes of Ontario to give effect to recommendations of McRuer Report No. 1. The amendments relate chiefly to powers conferred by these statutes to make decisions affecting a person's rights, to conduct inquiries and investigations or to enter and make inspections.

McRuer Report No. 1 specifies (p. 61) six matters to be considered in relation to a statutory power and states certain general principles governing them. Based on these principles the Report makes detailed recommendations of general application. In addition, detailed recommendations of specific application to particular matters are made.

The six matters to be considered and the relevant general recommendations are as follows:

1. The nature and scope of the power: Recommendations 1-6.
2. The persons by whom it is exercised: Recommendations 7-30.
3. The procedure by which it is exercised: Recommendations 31-64.
4. The right of appeal or opportunity for reconsideration afforded: Recommendations 65-73.
5. The control by the courts of its exercise: Recommendations 74-104.
6. The provision for compensation in proper cases for injuries resulting from the exercise of the power.

Specific recommendations are made concerning powers to make regulations (Recommendations 105-137); powers of investigation and inquiry (Recommendations 138-188) and licensing (Recommendations 468-501). The amendments proposed in this Bill concern the six matters enumerated and the relevant recommendations.

The amendments are integrated with and completed by other legislation. *The Expropriations Act, 1968-69* and *The Judicature Amendment Act, 1970 (No. 4)*, establishing the Divisional Court have already been enacted. Bills to enact *The Statutory Powers Procedure Act, 1971*, *The Public Inquiries Act, 1971* and *The Judicial Review Procedure Act, 1971*, have been introduced.

Amendments in this Bill concerning statutory powers of decision provide generally that there should be a hearing of the parties interested before a decision is made. The effect of requiring a hearing will be to make the standard procedure under the proposed *Statutory Powers Procedure Act, 1971*, apply. Duplicate procedural provisions in each statute amended are unnecessary. In certain instances, additional requirements recommended for the exercise of judicial functions are proposed, (Recommendations 51-55).

Powers of inquiry conferred by reference to *The Public Inquiries Act* are updated to refer to Part II of the proposed *Public Inquiries Act, 1971*.

Where appeals are now provided to the High Court of Justice or the Court of Appeal, the effect of the amendments to *The Judicature Act* is that the appeals will be made to the new Divisional Court. New appeals to the courts will, in general, go to the Divisional Court.

A Bill to enact *The Judicial Review Procedure Act, 1971* has been introduced to give effect to recommendations concerning control by the courts of the exercise of statutory powers.

Any reference in the explanatory notes to the Divisional Court shall be deemed to be a reference to the Court of Appeal until the provisions in *The Judicature Amendment Act, 1970 (No. 4)*, setting up the Divisional Court are proclaimed in force.

SECTION 1. Under the present Act a certificate that an orchard is a neglected orchard may be issued by the Provincial Entomologist on the basis of a report from an inspector without a hearing. The amendment proposes that a copy of the inspector's report be served on the owner or any person interested in the orchard allowing him to request a hearing before the certificate is issued.

BILL 56

1971

The Civil Rights Statute Law Amendment Act, 1971

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

1. Sections 4, 5 and 6 of *The Abandoned Orchards Act*, 1966, c. 1, ss. 4-6, re-enacted 1966 are repealed and the following substituted therefor:

4.—(1) Where an inspector reports in writing to the Director that in his opinion the majority of the fruit trees in an orchard, Report of
inspector

- (a) are infected with any fruit tree disease;
- (b) are affected by such other conditions as are designated in the regulations;
- (c) have not been properly pruned, sprayed or treated with chemicals; or
- (d) have not otherwise been properly maintained,

so as to seriously affect at that time the ability of the fruit trees to produce fruit commercially, the Director shall cause a copy of such report to be served on the owner of the orchard and on the Provincial Entomologist together with a notice that unless the owner or a person having an interest in the orchard mails or delivers to the Provincial Entomologist within fifteen days after service of the notice, a notice requesting a hearing, the Provincial Entomologist may issue a certificate designating the orchard as a neglected orchard.

- (2) The copy of the report and notice mentioned in subsection 1 shall be served upon the owner by personal service or by mailing them addressed to him at his address shown on the last revised assessment roll. Service

Issue of
certificate

5.—(1) If, within fifteen days after service of the copy and notice mentioned in subsection 1 of section 4,

(a) the owner or a person having an interest in the orchard does not mail or deliver a request for a hearing to the Provincial Entomologist, the Provincial Entomologist may issue a certificate designating the orchard as a neglected orchard; or

(b) the owner or a person having an interest in the orchard mails or delivers to the Provincial Entomologist, a notice requesting a hearing, the Provincial Entomologist shall hold a hearing and if, after the hearing, he concurs in the report he may issue a certificate designating the orchard as a neglected orchard.

Parties to
hearing

(2) The person requesting the hearing, the inspector making the report and such other persons as the Provincial Entomologist may specify, are parties to a hearing required under subsection 1.

Inspection by
Provincial
Entomologist

(3) Where the Provincial Entomologist holds a hearing under this section, he may inspect the orchard to which it relates, affording to the person requesting the hearing or his representative an opportunity of being present at the time of such inspection, and may take into consideration the result of the inspection in reaching his decision.

Service of
certificate

(4) A certificate designating an orchard as a neglected orchard shall be served upon the owner and, where a hearing was held, upon the person requesting the hearing if he is not the owner, by mailing or delivering a copy thereof to his address last known to the Provincial Entomologist, and a copy of the certificate shall be posted in a conspicuous place in the orchard.

Revocation
of certificate

6. The Provincial Entomologist may at any time revoke a certificate issued under section 5.

Where
service
deemed
made

6a. Where service of a report, notice or certificate under section 4 or 5 is made by mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the report, notice or certificate until a later date.



SECTION 2. The proposed amendments provide to the following effect:

1. A person affected by a complaint must consent to proceedings being taken under the Act.
2. The operations of boards of inquiry are restricted to the exercise of judicial functions without investigatory functions and their powers are clarified.
3. A board of inquiry is required to act impartially in its proceedings.
4. Findings of fact of a board of inquiry must be based on evidence which is to be recorded.
5. An appeal is provided on all questions of law or fact or both to the Divisional Court.
6. Investigatory powers formerly conferred on a board of inquiry are now conferred on the Commission.
7. The procedure provided in *The Statutory Powers Procedure Act, 1971* will apply to proceedings by a board of inquiry.

2. Section 6 of *The Age Discrimination Act, 1966* is repealed and the following substituted therefor: 1966, c. 3,
s. 6,
re-enacted

6.—(1) Any person who has reasonable grounds for believing that any person has contravened a provision of this Act may file with the Commission a complaint in the form prescribed by the Commission. Complaints

(2) Where a complaint is made by a person other than the person whom it is alleged was dealt with contrary to the provisions of this Act, the Commission may refuse to file the complaint unless the person alleged to be offended against consents thereto. Consent of
offended
person

6a.—(1) Where a complaint has been filed with the Commission, the Commission or a person designated by it shall inquire into the complaint and endeavour to effect a settlement of the matter complained of. Inquiry and
settlement

(2) For the purposes of an inquiry under subsection 1, the Commission, or any person so designated, on production of evidence of his designation, shall have access to and may view the premises involved in the complaint, other than an occupied place of residence, at all reasonable times and at any time when the premises are open for business or when employees are engaged in their work. Access to
premises

(3) Where a justice of the peace is satisfied by information upon oath that there is reasonable ground for believing that access to an occupied place of residence is required for the purposes of an inquiry under this Act, he may, at any time issue a warrant pursuant to section 14 of *The Summary Convictions Act* authorizing the Commission or other person named therein to enter and view such place of residence and every such warrant shall be executed between sunrise and sunset, unless the justice otherwise directs. Warrant

R.S.O. 1960,
c. 387

(4) The Commission or a person designated by it, has the same powers for the purposes of an inquiry under this section to inspect and examine books, payrolls, records and other documents and to take extracts or copies thereof, and to enter premises and to question employees as are possessed by the Director of Employment Standards under section 33 of *The Employment Standards Act, 1968*. Inspection of
records, etc.

1968, c. 35

6b.—(1) Where it appears to the Commission that a complaint will not be settled, the Commission shall Board of
inquiry

make a recommendation to the Minister as to whether or not a board of inquiry should be appointed, and the Minister may, in his discretion, appoint a board of inquiry consisting of one or more persons to hear and decide the complaint.

Parties to be notified of membership of board

(2) Forthwith after the appointment of a board of inquiry, the Minister shall communicate the names of the members of the board to,

(a) the Commission ; and

(b) the parties referred to in clauses *b*, *c* and *d* of subsection 1 of section 6*c*,

and thereupon it shall be presumed conclusively that the board was appointed in accordance with this Act.

Remuneration of members of board

(3) The Lieutenant Governor in Council may determine the remuneration of the chairman and the members of a board of inquiry appointed under this section.

Parties to proceedings

6*c*.—(1) The parties to a proceeding before a board of inquiry with respect to any complaint are,

(a) the Commission, which shall have the carriage of the complaint ;

(b) the person named in the complaint as the complainant ;

(c) any person named in the complaint and alleged to have been dealt with contrary to the provisions of this Act ;

(d) any person named in the complaint as alleged to have contravened this Act ; and

(e) any other person specified by the board upon such notice as the board may determine and after such person has been given an opportunity to be heard against his joinder as a party.

Copy of complaint annexed to notice

(2) A true copy of the complaint shall be annexed to the notice of the hearing that is given to any party except the Commission.

- (3) A member of the board hearing a complaint, shall not have taken part in any investigation or consideration of the complaint prior to the hearing and shall not communicate directly or indirectly in relation to the complaint with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members at hearing not to have taken part in investigation, etc.
- (4) The oral evidence taken before a board at a hearing shall be recorded, and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
- (5) The findings of fact of the board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. ...
- (6) Subject to appeal under section 6e, the board of inquiry has exclusive jurisdiction and authority to determine any question of fact or law, or both, required to be decided by the board in reaching its decision as to whether or not any person has contravened this Act or for the making of any order pursuant to such decision. Jurisdiction of board
- 6d. The board, after hearing a complaint, Powers of board
- (a) shall decide whether or not any party has contravened this Act; and
- (b) may order any party who has contravened this Act to do any act or thing that, in the opinion of the board, constitutes full compliance with such provision and to rectify any injury caused to any person by such contravention or to make compensation therefor.
- 6e.—(1) Any party to a hearing before a board may appeal from the decision or order of the board to the Supreme Court in accordance with the rules of court. Appeal from decision of board
- (2) Where notice of an appeal is served under this section, the board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision or order appealed from was made, which, Record to be filed in court

together with a transcript of the oral evidence before the board, if it is not part of the record of the board, shall constitute the record in the appeal.

Representations by Minister

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of court

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or reverse the decision or order of the board or direct the board to make any decision or order that the board is authorized to make under this Act, and the court may substitute its opinion for that of the board.

R.S.O. 1960, c. 6, s. 1, amended

3.—(1) Section 1 of *The Agricultural Associations Act* is amended by adding thereto the following clause:

(c) “Superintendent” means an officer of the Department of Agriculture and Food designated by the Minister as the Superintendent of Agricultural Associations.

R.S.O. 1960, c. 6, s. 18, re-enacted

(2) Section 18 of *The Agricultural Associations Act* is repealed and the following substituted therefor:

Forfeiture of powers in non-user

18.—(1) Where the Superintendent is satisfied, after a hearing, that an Association has ceased for twelve months to do business as required by this Act and by its constitution and by-laws, or that the business of the Association is not being properly conducted, he may recommend to the Minister that the corporate powers of the Association be forfeited and the Minister may, after considering the record of the proceedings before the Superintendent and affording to any party to the proceedings an opportunity for argument, by order declare that the corporate powers of the Association are forfeited, and such powers shall thereupon cease and the Minister may give such directions as he considers proper to wind up the affairs of the Association.

Parties

(2) The Association, the complainant if any, and such other persons as the Superintendent may specify are parties to proceedings before the Superintendent under subsection 1.

Stated case

(3) The Superintendent or the Minister, as the case may be, may, of his own motion or upon the request of any party to proceedings under this section, state

SECTION 3. Provision is made for a hearing by the Superintendent. He is required to report to the Minister. The Minister is then required to hear argument by the parties. Provision is made for the statement of a case to the Divisional Court on any question of law.

SECTION 4.

1. Under the present Act, the Minister decides all matters of doubt or dispute under the Act with an appeal from his decision to the Lieutenant Governor in Council. The amendments provide for such disputes to be decided in the first instance by the Superintendent of Agricultural Societies after a hearing, with an appeal to the Minister. The Superintendent or the Minister may state a case, or may be required to state a case, on any question of law to the Divisional Court. The procedure provided in *The Statutory Powers Procedure Act, 1971*, will apply to the hearing before the Superintendent.

2. Powers of investigation and inquiry are amended to confer the powers of a commission under Part II of *The Public Inquiries Act, 1971*.

3. A person from whom a premium or prize at an exhibition is withheld on grounds of fraud or misrepresentation is given an appeal to a judge of the county or district court.

a case in writing to the Supreme Court setting forth any question of law that arises in the proceedings and the facts material thereto.

- (4) If the Superintendent or the Minister, as the case ^{Refusal to state case} may be, refuses to state a case under this section, the party requesting it may apply to the Supreme Court for an order directing him to state such a case.
- (5) Where a case is stated under this section, the ^{Decision of court} Supreme Court shall hear and determine in a summary manner the question raised and shall certify its decision to the Superintendent or to the Minister, as the case may be, and the Superintendent or the Minister shall dispose of the proceedings under subsection 1 in accordance therewith.

4.—(1) Section 2 of *The Agricultural Societies Act* is ^{R.S.O. 1960, c. 11, s. 2, re-enacted} repealed and the following substituted therefor:

- 2.—(1) Where any dispute arises as to the operation or ^{Disputes} construction of this Act, the Superintendent shall, after a hearing, decide such dispute.
- (2) A party to a dispute under this section may ^{Appeal} appeal from a decision of the Superintendent to the Minister within fifteen days after receipt of a copy of the decision of the Superintendent and the Minister may, after considering the record of the proceedings before the Superintendent and affording to the party an opportunity to submit argument on the appeal, affirm, vary or annul the decision of the Superintendent.
- (3) The Superintendent or the Minister, as the case may ^{Stated case} be, may of his own motion, or upon the request of any party to a dispute or an appeal, state a case in writing to the Supreme Court setting forth any question of law that arises at the hearing or on the appeal and the facts material thereto.
- (4) If the Superintendent or the Minister, as the case ^{Idem} may be, refuses to state a case under this section, the party requesting it may apply to the Supreme Court for an order directing him to state such a case.
- (5) Where a case is stated under this section, the ^{Idem} Supreme Court shall hear and determine the question raised in a summary manner and shall certify its

decision to the Superintendent or the Minister, as the case may be, and the Superintendent or the Minister shall dispose of the dispute in accordance therewith.

R.S.O. 1960,
c. 11,
ss. 31, 32,
re-enacted

(2) Sections 31 and 32 of *The Agricultural Societies Act* are repealed and the following substituted therefor:

Inspection

31.—(1) The Minister may appoint a person to inspect the books and accounts of any society receiving legislative grants under this Act or to inquire into the affairs of such society, and every officer of the society shall, when required by such person, make available the books and accounts thereof for the purposes of such inspection or inquiry.

Powers
under
1971, c. ...
Pt. II

(2) A person appointed under subsection 1 has, for the purposes of an inspection or inquiry thereunder, the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the inspection or inquiry as if it were an inquiry under that Act.

Fraud or
misrepresenta-
tion by
exhibitor

32.—(1) Where the board of a society has reason to believe that any member or other person exhibiting any farm product, animal, fowl or other goods at an exhibition of the society has committed a fraud or made any misrepresentation in respect of such farm product, animal, fowl or other goods, the board may withhold payment or delivery of any premium or prize to such person, and the board shall forthwith furnish to him a written statement of its reasons for so doing.

Appeal

(2) A member or other person from whom a premium or prize has been withheld by the board of a society under subsection 1 may appeal, within fifteen days after receipt of the statement of the reasons of the board furnished under subsection 1, to a judge of the county or district court of the county or district in which the head office of the society is situate by filing a notice of appeal in the office of the clerk of the court and leaving a copy of the notice of appeal at the head office of the board.

Parties

(3) The appellant and the board from whose decision the appeal is taken are parties to an appeal under this section.

Hearing
de novo

(4) An appeal to a judge under this section shall be held by way of a hearing *de novo*.



SECTION 5.

1. Grounds for refusal to issue a licence are stated more specifically.
2. A licensee is given an appeal from a decision of the Director prescribing terms and conditions in his licence.
3. The Director is required to serve notice of a proposal to refuse to issue or renew or to revoke or suspend a licence and the applicant or licensee may require a hearing by the Ontario Hospital Services Commission.
4. Provisions on matters now covered by *The Statutory Powers Procedure Act, 1971* are repealed. Some additional procedural provisions supplementing that Act are proposed.

- (5) On an appeal under this section, the judge may ^{Powers of judge} affirm, vary or annul the decision of the board and may order the board to pay or deliver any premium or prize withheld by it under this section.

5.—(1) Section 8 of *The Ambulance Act, 1968-69* is ^{1968-69, c. 3, s. 8, amended} amended by striking out “The Director may refuse to issue a licence” in the first line and inserting in lieu thereof “Subject to section 10, the Director may refuse to issue a licence”.

(2) Clauses *b*, *c* and *d* of the said section 8 are repealed ^{1968-69, c. 3, s. 8, cl. b-d, re-enacted} and the following substituted therefor:

- (b) where there is no public need for the ambulance service to be operated pursuant to the licence in the area where the applicant proposes to operate;
- (c) where the applicant is not competent to operate or financially capable of operating the ambulance service reliably; or
- (d) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the ambulance service will not be operated in accordance with law and with honesty and integrity.

(3) Section 9 of *The Ambulance Act, 1968-69* is amended by ^{1968-69, c. 3, s. 9, amended} adding at the commencement thereof “Subject to section 10”.

(4) *The Ambulance Act, 1968-69* is amended by adding ^{1968-69, c. 3, amended} thereto the following section:

9a.—(1) Where the Director issues a licence under this Act and the licensee is dissatisfied with the terms ^{Hearing re terms of licence} and conditions thereof prescribed by the Director, the licensee may by written notice given to the Director and the Commission require a hearing by the Commission and the Commission shall appoint a time for and hold a hearing.

(2) Pursuant to a hearing under subsection 1, the Com- ^{Powers of Commission} mission may affirm the terms and conditions prescribed for the licence by the Director or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in the place of those prescribed by the Director as it considers proper and such terms and conditions shall be terms and conditions of the licence.

1968-69,
c. 3,
ss. 10, 11,
re-enacted;
ss. 12-15,
repealed

(5) Sections 10, 11, 12, 13, 14 and 15 of *The Ambulance Act, 1968-69* are repealed and the following substituted therefor:

Proposal
to suspend,
etc.

10.—(1) Where the Director proposes to refuse to issue or renew a licence or proposes to revoke or suspend a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

Notice

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Commission if he mails or delivers within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Director and the Commission and he may so require such a hearing.

Powers of
Director
where no
hearing

(3) Where an applicant or licensee does not require a hearing by the Commission in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1.

Powers of
Commission
where
hearing

(4) Where an applicant or licensee requires a hearing by the Commission in accordance with subsection 2, the Commission shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Commission considers the Director ought to take in accordance with this Act and the regulations, and for such purpose the Commission may substitute its opinion for that of the Director.

Terms and
conditions

(5) The Commission may attach such terms and conditions to its order or to the licence as it considers proper to give effect to the purposes of this Act.

Extension of
time for
appeal

(6) The Commission may extend the time for the giving of notice requiring a hearing by an applicant or licensee under this section either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Commission may give such directions as it considers proper consequent upon the extension.

(7) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

Continuation
of licence
pending
renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Commission has expired and, where a hearing is required, until the Commission has made its decision.

11.—(1) The Director, the applicant or licensee who has required the hearing and such other persons as are specified by the Commission are parties to proceedings before the Commission under this Act.

Parties

(2) Notice of a hearing under section 10 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Notice of
hearing

(3) An applicant or licensee who is a party to proceedings under section 10 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Examination
of docu-
mentary
evidence

(4) Members of the Commission holding a hearing shall not have taken part in any investigation or consideration of the subject-matter of the hearing before the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Commission may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Members
holding
hearing
not to have
taken
part in
investigation,
etc.

(5) The oral evidence taken before the Commission at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Recording
of evidence

**Findings
of fact**

1971, c. ...

- (6) The findings of fact of the Commission pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

**Only
members at
hearing to
participate
in decision**

- (7) No member of the Commission shall participate in a decision of the Commission pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Commission shall be given unless all members so present participate in the decision.

1968-69,
c. 3, s. 16,
subs. 1,
amended

- (6) Subsection 1 of section 16 of *The Ambulance Act, 1968-69* is amended by striking out "under subsection 4 of section 15" in the third line.

1968-69,
c. 3, s. 16,
subs. 3,
re-enacted

- (7) Subsection 3 of the said section 16 is repealed and the following substituted therefor:

**Appeal to
Court**

- (3) Any person requesting a review under subsection 1 may appeal the Minister's decision on any point of law to the Supreme Court in accordance with the rules of court.

1968-69,
c. 3, s. 17,
re-enacted

- (8) Section 17 of *The Ambulance Act, 1968-69* is repealed and the following substituted therefor:

**Service
of notices**

17. Except where otherwise provided, any notice required by this Act to be served shall be served personally or by registered mail addressed to the person to whom notice is to be given at his last known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

1968-69,
c. 3, s. 18,
subs. 2,
amended

- (9) Subsection 2 of section 18 of *The Ambulance Act, 1968-69* is amended by inserting after "inspector" in the first line "upon the production of his appointment under subsection 1" and by inserting after "the" in the first line "business".

1968-69,
c. 3, s. 18,
amended

- (10) The said section 18 is amended by adding thereto the following subsection:

**Confidential
matters**

- (3) Each person employed in the administration of this Act, including any person making an inquiry,



SECTION 6. The Act presently specifies grounds for refusing to issue or renew or for suspension or revocation of licences and establishes a Licence Review Board. The amendments now proposed are procedural and are explained in the explanatory note to the amendments to *The Artificial Insemination of Cattle Act, 1962-63*, in section 9 of the Bill. Provisions on matters now covered by *The Statutory Powers Procedure Act, 1971* are repealed.

inspection or an investigation under this section shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

6.—(1) Section 1 of *The Animals for Research Act, 1968-69* is amended by adding thereto the following clauses: 1968-69, c. 4, s. 1, amended

(ca) "licence" means a licence under this Act;

.

(fa) "registration" means a registration under this Act.

(2) Subsections 2, 3 and 4 of section 4 of *The Animals for Research Act, 1968-69* are repealed and the following substituted therefor: 1968-69, c. 4, s. 4, subs. 2-4, re-enacted

(2) Where the Director is of the opinion that an applicant does not comply with clauses *a* and *b* of subsection 3 of section 3, he may, after a hearing, refuse to issue the licence. Refusal to issue

(3) Subject to subsection 4, the Director shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee. Renewal

(4) Where the Director is of the opinion, in the case of a licensee, that clause *a* or *b* of subsection 4 of section 3 applies, he may, after a hearing, refuse to renew or may suspend or revoke the licence. Refusal to renew, suspension, etc.

(3) Subsections 2, 3 and 4 of section 6 of *The Animals for Research Act, 1968-69* are repealed and the following substituted therefor: 1968-69, c. 4, s. 6, subs. 2-4, re-enacted

Refusal
to register

- (2) Where the Director is of the opinion that a research facility in respect of which an application for registration is made does not contain the facilities, equipment or materials referred to in subsection 2 of section 5, he may, after a hearing, refuse to register the research facility.

Renewal

- (3) Subject to subsection 4, the Director shall renew a registration on application therefor by the registrant in accordance with this Act and the regulations and payment of the prescribed fee.

Refusal
to renew,
suspension,
etc.

- (4) Where the Director is of the opinion that clause *a* or *b* of subsection 3 of section 5 applies, he may, after a hearing, refuse to renew or may suspend or revoke the registration of the research facility.

1968-69,
c. 4, ss. 7-12,
re-enacted;
ss. 13, 14, 16,
repealed

- (4) Sections 7, 8, 9, 10, 11, 12, 13, 14 and 16 of *The Animals for Research Act, 1968-69* are repealed and the following substituted therefor:

Provisional
suspension,
etc.

- 7.—(1) Notwithstanding section 4 and section 6, the Director, by notice to an operator and without a hearing, may provisionally refuse to renew or suspend the operator's licence or registration where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of, or the prevention of cruelty or maltreatment to, or of neglect of any animal and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence or registration should be refused or whether the licence or registration should be further suspended or revoked under this Act and the regulations.

Continuation
of licence or
registration
pending
renewal

- (2) Subject to subsection 1, where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence or registration, an operator has applied for a renewal thereof and paid the prescribed fee and has observed or carried out the provisions of this Act and the regulations, his existing licence or registration shall be deemed to continue until he has received the decision of the Director on his application for renewal.

Notice of
hearing

- 8.—(1) The notice of a hearing by the Director under section 4 or section 6 shall afford to the applicant or operator a reasonable opportunity to show or to

achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence or registration.

- (2) An applicant or operator who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. **Examination of documentary evidence**
9. Where the Director has refused to issue or renew or has suspended or revoked a licence or registration pursuant to a hearing he may at any time of his own motion or on the application of the person who was the applicant or operator vary or rescind his decision but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act or the regulations. **Variation of decision by Director**
- 10.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence or registration, the applicant or operator may by written notice delivered to the Director and filed with the Review Board within fifteen days after receipt of the decision of the Director, appeal to the Review Board. **Appeal to Review Board**
- (2) The Review Board may extend the time for the giving of notice by an applicant or operator under subsection 1 either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension. **Extension of time for appeal**
- (3) Where an applicant or operator appeals to the Review Board in accordance with subsection 1, the Review Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence or registration should be issued, renewed, suspended or revoked and may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Review Board considers proper and, for such purpose, the Review Board may substitute its opinion for that of the Director. **Disposal of appeal**
- (4) Notwithstanding that an applicant or operator has appealed under this section, from a decision of the **Effect of decision pending disposal of appeal**

Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of.

Parties

11.—(1) The Director, the appellant and such other persons as the Review Board may specify are parties to the proceedings before the Review Board under this Act.

Members making decision not to have taken part in investigation, etc.

(2) Members of the Review Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

(3) The oral evidence taken before the Review Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

(4) The findings of fact of the Review Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. ...

Only members at hearing to participate in decision

(5) No member of the Review Board shall participate in a decision of the Review Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Review Board shall be given unless all members so present participate in the decision.

Appeal to court

12.—(1) Any party to the hearing before the Review Board may appeal from the decision of the Review Board to the Supreme Court in accordance with the rules of court.

Minister entitled to be heard

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.



SECTION 7.

1. It is proposed that the power presently conferred on the Director to cancel contracts of apprenticeship be made subject to the right of a party to the contract to require a hearing by the judge of the county or district court.

2. Provisions governing the granting of certificates of apprenticeship or qualification now contained in the regulations are transferred to the Act.

3. Grounds for refusal to renew or suspension or revocation of certificates are specified in the Act.

4. The Director is required to serve notice of a proposal to refuse to renew or to suspend or revoke a certificate and the holder of the certificate is entitled to apply to a judge of the county or district court for a hearing.

5. Procedural provisions supplementing *The Statutory Powers Procedure Act, 1971* are proposed.

6. An appeal lies from a decision of a judge to the Divisional Court.

- (3) The chairman of the Review Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Review Board which, together with a transcript of the evidence before the Review Board, if it is not part of the Review Board's record, shall constitute the record in the appeal. Record to be filed in court
- (4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Review Board or direct the Director to do any act the Director is authorized to do under this Act and as the court considers proper and the court may substitute its opinion for that of the Review Board. Powers of court on appeal
- (5) Notwithstanding that an applicant or licensee has appealed under this section, from a decision of the Review Board, unless the Review Board otherwise directs, the decision of the Review Board is effective until the appeal is disposed of. Effect of decision of Board pending disposal of appeal

7.—(1) Section 1 of *The Apprenticeship and Tradesmen's Qualification Act, 1964* is amended by adding thereto the following clauses: 1964, c. 3, s. 1, amended

(aa) "certified trade" means a trade designated as a certified trade under section 10;

(ca) "licence" means a licence under this Act and the regulations to operate a trade school and "licensee" means the holder of a licence.

(2) Clause *a* of subsection 1 of section 7 of *The Apprenticeship and Tradesmen's Qualification Act, 1964* is amended by inserting after "inspect" in the first line "upon production of his authorization under this subsection". 1964, c. 3, s. 7, subs. 1, cl. a, amended

(3) Clause *e* of subsection 1 of the said section 7 is repealed. 1964, c. 3, s. 7, subs. 1, cl. e, repealed

(4) *The Apprenticeship and Tradesmen's Qualification Act, 1964* is amended by adding thereto the following sections: 1964, c. 3, amended

7a.—(1) Subject to subsection 2, the Director, or any person authorized by the Minister in writing, may cancel for cause a contract of apprenticeship. Cancellation of contract

Notice of
proposal to
cancel,
right to
hearing

- (2) Where the Director, or any person authorized under subsection 1, proposes to cancel for cause a contract of apprenticeship under subsection 1, he shall serve notice of his proposal, together with written reasons therefor, on each party to the contract informing him that he has a right to a hearing by a judge if he applies therefor within fifteen days after service of such notice, and a party to the contract may within such time apply for a hearing to the judge of the county or district court of the county or district where the apprentice who is a party to the contract resides.

Powers of
Director
where no
hearing

- (3) Where none of the parties to a contract to which a notice under subsection 2 relates, applies to a judge for a hearing within fifteen days after service of such notice, the Director or person authorized under subsection 1 may forthwith cancel the contract.

Powers of
judge
where
hearing

- (4) Where a party to a contract to which a notice under subsection 2 relates, applies to a judge for a hearing within fifteen days after service of such notice, the judge shall appoint a time for and hold a hearing and on application at the hearing by the Director or person serving the notice, may by order direct the Director or such person to cancel the contract or to refrain from cancelling the contract, as the case may be, and as the judge considers proper in accordance with this Act and the regulations.

Parties

- (5) The Director or person serving the notice under subsection 1, the parties to the contract to which the notice relates and such other persons as the judge may specify are parties to proceedings before the judge under this section.

Certificate
of apprentice-
ship

- 16a. Where an apprentice has completed an apprenticeship training programme for a certified trade and has passed such final examinations as are prescribed by the Director to determine his competency and has complied with the provisions of this Act and the regulations, the Director shall issue to him a certificate of apprenticeship for the certified trade.

Certificate
of qualifica-
tion, to
holder of
certificate of
apprentice-
ship

- 16b.—(1) Where an applicant for a certificate of qualification for a certified trade is the holder of a certificate of apprenticeship in the trade issued under this Act or a predecessor of this Act, the Director shall,

upon payment of the prescribed fee and without examination, issue to him a certificate of qualification for the trade.

- (2) Where an applicant for a certificate of qualification for a certified trade who is not the holder of a certificate of apprenticeship in the trade has complied with the requirements of this Act and the regulations to entitle him to such certificate of qualification, the Director shall, upon payment of the prescribed fee, issue to him a certificate of qualification for the certified trade.

To non-holder of certificate of apprenticeship

16c.—(1) Unless otherwise prescribed by regulation, a certificate of qualification expires two years after the date of its issue.

Term of certificate

- (2) Subject to section 16d, a certificate of qualification shall be renewed by the Director upon application and payment of the prescribed fee by the holder.

Renewal

16d. Subject to section 16f, the Director may refuse to renew or may suspend or revoke a certificate of qualification where,

Refusal to renew, suspension or revocation

- (a) the holder is convicted of an offence under this Act or the regulations; or
- (b) there are reasonable grounds for believing that the holder is without capacity or not competent to perform work in the certified trade to which the certificate relates with reasonable skill.

16e. Where under the regulations a licence is required for the operation of a trade school teaching any trade to which this Act applies and a licence for a trade school has been issued thereunder, subject to section 16f, the Director may refuse to renew or may suspend or revoke the licence where the school is not being operated,

Suspension, etc., of trade school licence

- (a) in accordance with this Act and the regulations; or
- (b) so as to provide reasonable and adequate training for the students taught therein.

16f.—(1) Where the Director proposes to refuse to renew or to suspend or revoke a certificate of qualification

Proposal to suspend, etc., licence

or a licence under section 16*d* or 16*e*, he shall serve notice of his proposal, together with written reasons therefor, on the holder of the certificate or licensee.

Notice

- (2) A notice under subsection 1 shall inform the holder of the certificate or licensee that he is entitled to a hearing by a judge of the county or district court for the county or district in which he resides if he applies to a judge thereof within fifteen days after the notice under subsection 1 is served on him and he may so apply for such a hearing.

Powers of Director where no hearing

- (3) Where a holder of a certificate or licensee does not apply to a judge for a hearing in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1.

Powers of judge where hearing

- (4) Where a holder of a certificate or licensee applies to a judge for a hearing in accordance with subsection 2, the judge shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may, by order, direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the judge considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the judge may substitute his opinion for that of the Director.

Continuation of certificate or licence pending renewal

- (5) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his certificate of qualification or licence, a holder of the certificate or the licensee has applied for renewal thereof and paid the prescribed fee, the certificate or licence shall be deemed to continue,

- (a) until the renewal is granted; or
 (b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for applying for a hearing by a judge has expired and, where a hearing is applied for, until the judge has made his decision.

Parties

- (6) The Director, the holder of a certificate or licensee who has applied for the hearing and such other persons as the judge may specify are parties to proceedings before a judge under this section.

Service of notice

- 16*g*.—(1) Service of a notice under section 7*a* or section 16*f* may be made personally or by registered mail

addressed to the person to be served at his last known address, and, where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person on whom notice is being served establishes to the judge to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

- (2) A judge to whom application is made for a hearing under section 7a or section 16f may extend the time for making the application, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension. Extension of time for appeal
- (3) Notice of a hearing under section 7a or 16f shall afford the parties or the holder of a certificate or licence, as the case may be, a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the continuation of the contract of apprenticeship or retention of the certificate of qualification or licence. Notice of hearing
- (4) A party to a contract of apprenticeship or a holder of a certificate of qualification or licensee who is a party to proceedings under section 7a or 16f shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence
- (5) The oral evidence taken before the judge at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
- (6) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact

Appeal to
court

16h.—(1) Any party to proceedings before a judge under this Act may appeal from the decision or order of the judge to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

(2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision or order was made which, together with the transcript of the evidence before the judge, if it is not part of the record of the judge, shall constitute the record in the appeal.

Minister
entitled to
be heard

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of
court on
appeal

(4) The Supreme Court may affirm the decision of the judge appealed from or may rescind it and make such new decision as the court considers proper under this Act and the regulations, and may order the Director to do any act or thing he is authorized to do under this Act and as the court considers proper and for such purpose the court may substitute its opinion for that of the Director or of the judge, or the court may refer the matter back to the judge for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

1964, c. 3,
s. 18, cl. f,
re-enacted

(5) Clause *f* of section 18 of *The Apprenticeship and Tradesmen's Qualification Act, 1964* is repealed and the following substituted therefor:

(*f*) providing licences for trade schools teaching any trade to which this Act applies and respecting their issue and prescribing courses of study and methods of training in such trade schools and respecting their operation.

1964, c. 3,
s. 18, cl. l,
re-enacted

(6) Clause *l* of the said section 18 is repealed and the following substituted therefor:

(*l*) providing for Interprovincial Standards Examinations and standing thereunder and for the recognition of certificates or standings granted under Inter-



SECTION 8. The present Act provides for the designation of land as an archaeological site or an historical site without notice to the owner or payment of any compensation. The amendments,

1. restrict the power of designation to land not including buildings or structures;
2. specify the purposes for which the Minister may designate land;
3. require notice to the owner and a hearing by the advisory board before the Minister makes his decision;
4. authorize the Minister in urgent cases to make an immediate designation, but a hearing is required thereafter;
5. provide for compensation;
6. where the Minister cancels a permit to excavate a site, entitle the permittee to a hearing by the advisory board and reconsideration by the Minister.

provincial Standards Examinations in other provinces and the granting of certificates of qualification pursuant thereto;

- (la) providing for the granting of provisional certificates of qualification and the grounds therefor and the conditions thereof;
- (lb) respecting the renewal of certificates of qualification that have expired without being renewed and the conditions of renewal;
- (lc) providing for the issue of certificates of qualification or licences to persons whose certificates or licences have been cancelled and the conditions upon which they may be issued.

(7) Clause *r* of the said section 18 is repealed.

1964, c. 3,
s. 18, cl. 7,
repealed

8.—(1) Section 1 of *The Archaeological and Historic Sites Protection Act* is amended by adding thereto the following clause:

R.S.O. 1960,
c. 19, s. 1,
amended

(da) "land" does not include buildings or structures other than ruins.

(2) Section 2 of *The Archaeological and Historic Sites Protection Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 19, s. 2,
re-enacted

2. Subject to sections 2a and 2b, the Minister may designate any land that he has reasonable grounds for believing to be of value for the purposes of,

Designation
of sites

- (a) the promotion or advancement of archaeological research and knowledge; or
- (b) the protection and preservation of historical associations and knowledge,

to be an archaeological or an historic site.

2a.—(1) Subject to section 2b, where the owner of any land does not consent to its designation as an archaeological site or as an historic site, the Minister shall, before designating it under section 2, refer the matter to the advisory board established under section 9 for a hearing and report.

Reference to
advisory
board

- Hearing (2) Pursuant to a reference by the Minister under this section, the advisory board shall forthwith hold a hearing as to whether the land in question should be designated under section 2 and the Minister, the owner or any person having an interest in the land and such other persons as the advisory committee may specify are parties to the hearing.
- Application of 1971, c. ... (3) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply *mutatis mutandis* with respect to a hearing under this section.
- Report (4) The advisory board shall, at the conclusion of a hearing under this section, make a report to the Minister setting out its findings of fact and any information or knowledge used by it in reaching its recommendations, and its recommendations as to whether the land should be designated under section 2, and shall send a copy of its report to other parties to the hearing.
- Decision of Minister (5) After considering a report made under this section, the Minister may designate the land in question under section 2 and shall give notice of his decision to the owner and any person interested in the land stating the reasons therefor.
- Designation of site on grounds of urgency 2b.--(1) Where the Minister has reasonable grounds for believing that any land is of value for the purposes specified in section 2 and that it is urgent to protect the land for such purposes, he may forthwith designate such land as an archaeological site or as an historic site and cause notice in writing of such designation stating the reasons therefor to be given to the owner of such land or to any other person, and such designation shall be effective forthwith in relation to any person to whom such notice has been given or who has knowledge of it.
- Notice of designation (2) A notice under subsection 1 may be delivered personally to any person or may be sent by telegram addressed to such person and a copy of such notice may be posted on the land to which it relates and when so posted every person occupying or present on such land shall be presumed to have knowledge of the notice.

- (3) The Minister may by order appoint one or more persons to make an investigation to ascertain whether any lands designated under this section are of value for the purposes specified in section 2 and shall forthwith refer the matter to the advisory board appointed under section 9 for a hearing and report. Investigation and hearing
- (4) A person appointed under subsection 3 may enter upon and inspect the lands designated under subsection 1. Powers of inspection
- (5) No person shall obstruct a person appointed under subsection 3 in conducting his investigation or withhold or destroy or conceal or refuse to furnish any information or thing required by the person conducting the investigation for the purposes of the investigation. Obstruction and withholding of information
- (6) A person conducting an investigation under this section shall, as promptly as is practicable, report the result of his investigation to the Minister and to the advisory board and the advisory board shall thereupon hold a hearing and the provisions of subsections 2 to 5 of section 2*a* apply to the proceedings of the advisory board. Report of investigation
- (7) Unless sooner revoked by the Minister, a designation made under this section shall be effective until sixty days after the advisory board makes its report to the Minister, but the Minister may, prior to that time, designate the lands under section 2. Effect of order
- 2*c*. Where land is designated under section 2 or 2*b* and no agreement as to the terms and conditions upon which the designation is made, including payment of compensation, if any, has been reached by the Minister with the owner, the owner shall be entitled to compensation, Compensation
- (a) for any reduction in market value of the land designated;
- (b) for any reduction in the market value of any land contiguous to the lands designated owned by the owner or used under unified control with the lands designated by the owner; and

(c) for any personal or business damages, resulting from the designation,

1968-69, c. 36

and the provisions of *The Expropriations Act, 1968-69*, with respect to the negotiation, payment and fixing of compensation, apply *mutatis mutandis* as if the designation and the resulting restrictions imposed by this Act were an expropriation of rights.

R.S.O. 1960,
c. 19, s. 4,
subss. 2, 3,
re-enacted

(3) Subsections 2 and 3 of section 4 of *The Archaeological and Historic Sites Protection Act* are repealed and the following substituted therefor:

Terms and
conditions

(2) The Minister may limit the time during which, or the location or area in which, excavations or alterations may be made under a permit and may impose other terms and conditions for the purposes specified in section 2 for the protection of archaeological or historic sites or archaeological or historical objects.

Cancellation
of permit

(3) Subject to subsection 4, the Minister may cancel a permit at any time where he has reasonable grounds for believing it is advisable for the protection of archaeological or historic sites or archaeological or historical objects.

Reference to
advisory
board for
hearing

(4) Where the Minister cancels a permit under subsection 3, he shall forthwith notify the permittee in writing of the cancellation and of the reasons therefor, and if the permittee requests a hearing within ten days after receiving notice of the cancellation, the Minister shall refer the matter to the advisory board appointed under section 9 for a hearing and report, and subsections 2 to 5 of section 2a apply *mutatis mutandis* to the proceedings thereafter and, after considering the report of the advisory board, the Minister may affirm or rescind cancellation of the permit.

1962-63,
c. 5, s. 1,
amended

9.—(1) Section 1 of *The Artificial Insemination of Cattle Act, 1962-63* is amended by adding thereto the following clauses:

(aa) "Board" means the Artificial Insemination of Cattle Licence Review Board established by this Act;

SECTION 9.

1. An applicant for a licence to engage in a semen-producing business, or to act as an inseminator, is given a right to a licence subject to refusal on specific grounds set out in the Act.

2. The grounds upon which the Live Stock Commissioner may refuse to renew or may suspend or cancel a licence are specified.

3. The Commissioner is given power provisionally to refuse to renew or to suspend a licence where it is necessary for the immediate protection of the safety or health of any animal.

4. Where a licensee has duly applied for a renewal of his licence it continues until his application is disposed of.

5. The Commissioner may after a hearing refuse to issue or renew or suspend or revoke a licence.

6. The Commissioner may at any time review his own decision.

7. A Licence Review Board is established.

8. Where the Commissioner refuses to issue or renew or suspends or cancels a licence, the applicant or licensee may appeal to the Board which is required to hold a hearing *de novo* and may give directions to the Commissioner.

9. Procedural provisions supplementing *The Statutory Powers Procedure Act, 1971* are proposed.

10. An appeal lies from a decision of the Board to the Divisional Court on any question that is not a question of fact alone.

The amendments proposed to this Act correspond to similar amendments proposed to the following Acts by the following sections of this Bill:

<i>The Animals for Research Act, 1968-69</i>	Section 6
<i>The Dead Animal Disposal Act</i>	Section 26
<i>The Edible Oil Products Act</i>	Section 34
<i>The Live Stock Community Sales Act</i>	Section 54
<i>The Live Stock and Live Stock Products Act</i>	Section 53
<i>The Meat Inspection Act</i>	Section 57
<i>The Oleomargarine Act</i>	Section 61
<i>The Plant Diseases Act</i>	Section 68
<i>The Pregnant Mare Urine Farms Act, 1968-69</i>	Section 69
<i>The Provincial Auctioneers Act</i>	Section 70
<i>The Weed Control Act</i>	Section 88

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(ea) "licence" means a licence under this Act.

(2) Section 8 of *The Artificial Insemination of Cattle Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 5, s. 8, re-enacted

8.—(1) The Commissioner shall issue a licence to a Licence, issue person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,

(a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to carry on the operations that would be authorized by the licence;

(b) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the operations that would be authorized by the licence will not be carried on in accordance with law;

(c) the applicant does not possess or will not have available all premises, facilities and equipment necessary to carry on the operations that would be authorized by the licence in accordance with this Act and the regulations; or

(d) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(2) Subject to section 8a, the Commissioner shall renew Renewal a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

8a.—(1) The Commissioner may refuse to renew or may Refusal to renew, suspension or cancellation suspend or cancel a licence if, after a hearing, he is of opinion that,

- (a) the premises, facilities and equipment used in the operations authorized by the licence do not comply with this Act and the regulations;
- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has permitted any person under his control or direction in connection with the operations authorized by the licence to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder or of any law applying to the operations authorized by the licence and such contravention warrants such refusal to renew, suspension or cancellation of the licence; or
- (c) any other ground for refusal to renew, suspension or cancellation specified in the regulations exists.

Provisional
suspension,
etc.

- (2) Notwithstanding subsection 1, the Commissioner, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of any animal and the Commissioner so states in such notice giving his reasons therefor, and thereafter the Commissioner shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or cancelled under this Act and the regulations.

Continuation
of licence
pending
renewal

- (3) Subject to subsection 2, where, within the time prescribed or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and has paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Commissioner on his application for renewal.

Notice of
hearing

- 8b.—(1) The notice of a hearing by the Commissioner under section 8 or section 8a shall afford to the applicant or licensee a reasonable opportunity to

show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

(2) An applicant or licensee who is a party to proceedings in which the Commissioner holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. ^{Examination of documentary evidence}

8c. Where the Commissioner has refused to issue or renew or has suspended or cancelled a licence pursuant to a hearing he may at any time of his own motion or on the application of the person who was the applicant or licensee vary or rescind his decision, but the Commissioner shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations. ^{Variation of decision by Commissioner}

8d.—(1) A board to be known as the “Artificial Insemination of Cattle Licence Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure. ^{Review Board established}

(2) A member of the Board shall hold office for not more than five consecutive years. ^{Term of office}

(3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman. ^{Chairman}

(4) A majority of the members of the Board constitutes a quorum. ^{Quorum}

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. ^{Remuneration}

Appeal to
Board

8e.—(1) Where the Commissioner refuses to issue or renew or suspends or cancels a licence, the applicant or licensee may by written notice delivered to the Commissioner and filed with the Board within fifteen days after receipt of the decision of the Commissioner appeal to the Board.

Extension
of time
for appeal

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1 either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Disposal
of appeal

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or cancelled and may, after the hearing, confirm or alter the decision of the Commissioner or direct the Commissioner to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Commissioner.

Effect of
decision
pending
disposal
of appeal

(4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Commissioner, unless the Commissioner otherwise directs, the decision of the Commissioner is effective until the appeal is disposed of.

Parties

8f.—(1) The Commissioner, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Members
making
decision not
to have
taken part
in investi-
gation, etc.

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the

nature of the advice should be made known to the parties in order that they may make submissions as to the law.

- (3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
- (4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971, c. ... 1971*. Findings of fact
- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision
- 8g—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court. Appeal to court
- (2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Minister entitled to be heard
- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal. Record to be filed in court
- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Commissioner to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Powers of court on appeal

Board as the court considers proper, and the court may substitute its opinion for that of the Commissioner or the Board.

Effect of decision of Board pending disposal of appeal

- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

1960-61, c. 5, s. 1, amended

10.—(1) Section 1 of *The Bailiffs Act, 1960-61*, as amended by section 1 of *The Bailiffs Amendment Act, 1964*, is further amended by adding thereto the following clause:

(aa) “business premises” does not include a dwelling.

1960-61, c. 5, s. 1, cl. ca (1964, c. 5, s. 1), re-enacted

(2) Clause *ca* of the said section 1, as enacted by section 1 of *The Bailiffs Amendment Act, 1964*, is repealed and the following substituted therefor:

(ca) “Director” means the Director of the Consumer Protection Division of the Department of Financial and Commercial Affairs;

(cb) “dwelling” means any premises or any part thereof occupied as living accommodation;

(cc) “Registrar” means the Registrar of Collection Agencies under *The Collection Agencies Act, 1968-69*.

1968-69, c. 11

1960-61, c. 5, s. 1, amended

(3) The said section 1 is further amended by adding thereto the following clause:

(f) “Tribunal” means the Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*.

1966, c. 41

1960-61, c. 5, s. 7, amended

(4) Section 7 of *The Bailiffs Act, 1960-61*, as amended by section 2 of *The Bailiffs Amendment Act, 1964*, is further amended by striking out “Director” in the amendment of 1964 and inserting in lieu thereof “Registrar”.

1960-61, c. 5, s. 9, re-enacted

(5) Section 9 of *The Bailiffs Act, 1960-61*, as amended by section 1 of *The Bailiffs Amendment Act, 1965*, is repealed and the following substituted therefor:

SECTION 10. *The Department of Financial and Commercial Affairs Act, 1966*, transferred administration of this Act from the Attorney General to the Minister of Financial and Commercial Affairs.

Under the Act, bailiffs are appointed by the Lieutenant Governor on the recommendation of the Minister of Financial and Commercial Affairs on application therefor, and upon complying with the requirements of the Act including an examination, and if a bailiff is needed for the public convenience in the county for which he is to be appointed. The appointment of a bailiff may be revoked by the Lieutenant Governor on the recommendation of the Minister of Financial and Commercial Affairs.

The amendments substitute the Registrar of Collection Agencies of the Department of Financial and Commercial Affairs for the former Director of Registration and Examination Branch of the Department of Justice.

They then assimilate the proceedings for revocation of the appointment of a bailiff with the general procedure applicable in the Department of Financial and Commercial Affairs to the revocation of registrations (see paragraphs 2 and 3 of the explanatory note to section 21). (*The Collection Agencies Act, 1968-69*).

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9. Subject to section 9a, the Registrar may revoke an appointment where the bailiff, Revocation of appointment

(a) has not complied with this Act or the regulations or *The Costs of Distress Act*; or R.S.O. 1960, c. 74

(b) is, in the opinion of the Registrar, incompetent or without capacity to act responsibly as a bailiff.

9a.—(1) Where the Registrar proposes to revoke an appointment, he shall serve notice of his proposal, together with written reasons therefor, on the bailiff. Notice of proposal to revoke

(2) A notice under subsection 1 shall inform the bailiff that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing. Notice requiring hearing

(3) Where a bailiff does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1. Powers of Registrar where no hearing

(4) Where a bailiff requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take. Powers of Tribunal where hearing

(5) The Registrar, the bailiff who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section. Parties

(6) The Registrar may serve notice under subsection 1 on a bailiff personally or by registered mail addressed to his address last known to the Registrar and, where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the bailiff on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date. Service of notice

Order effective notwithstanding appeal
1966, c. 41

9b. Notwithstanding that a bailiff appeals from an order of the Tribunal under section 8e of *The Department of Financial and Commercial Affairs Act, 1966*, the order takes effect immediately but the Tribunal may grant a stay until disposition of the appeal.

1960-61, c. 5, s. 10, subs. 2, amended

(6) Subsection 2 of section 10 of *The Bailiffs Act, 1960-61*, as amended by section 3 of *The Bailiffs Amendment Act, 1964*, is further amended by striking out "Director" in the amendment of 1964 and inserting in lieu thereof "Registrar".

1960-61, c. 5, s. 10a (1964, c. 5, s. 4), subs. 2, amended

(7) Subsection 2 of section 10a of *The Bailiffs Act, 1960-61*, as enacted by section 4 of *The Bailiffs Amendment Act, 1964*, is amended by striking out "Director" in the second line and inserting in lieu thereof "Registrar".

1960-61, c. 5, s. 10a, subs. 4 (1966, c. 11, s. 1), amended

(8) Subsection 4 of the said section 10a, as enacted by section 1 of *The Bailiffs Amendment Act, 1966*, is amended by striking out "Director" in the first line and in the third line and inserting in lieu thereof in each instance "Registrar".

1960-61, c. 5, s. 10a, subs. 5 (1966, c. 11, s. 1), re-enacted

(9) Subsection 5 of the said section 10a, as enacted by section 1 of *The Bailiffs Amendment Act, 1966*, is repealed and the following substituted therefor:

Investigation

(5) The Registrar may appoint in writing a person to investigate the business of a bailiff as a bailiff and any such person, upon the production of evidence of his appointment under this subsection, may enter between 9 o'clock in the forenoon and 5 o'clock in the afternoon the business premises of the bailiff and examine books, papers, documents and things relating to his business as a bailiff.

Obstruction of investigator

(5a) No person shall obstruct a person appointed to make an investigation under subsection 5 or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

1960-61, c. 5, s. 12, subs. 1, amended

(10) Subsection 1 of section 12 of *The Bailiffs Act, 1960-61* is amended by inserting after "9" in the second line "or 9a".

1960-61, c. 5, amended

(11) *The Bailiffs Act, 1960-61* is amended by adding thereto the following section:

Matters confidential

13a. Every person employed in the administration of this Act, including any person making an examination under section 10a shall preserve secrecy in respect of all matters that come to his knowledge in the course



SECTION 11.

1. Under this Act a licence is required to move sand from beaches. The Minister is empowered to issue, suspend or cancel any licence but no principles are stated to govern his decision. The amendments distinguish between Crown lands and privately owned lands. The Minister may refuse a licence to remove sand from Crown lands on any ground. He may refuse a licence to remove sand from privately owned lands on specified grounds. The grounds upon which he may refuse to renew or may suspend or revoke a licence are specified.

2. In general, before refusing to issue a licence to remove sand from privately owned lands or refusing to renew or suspending or revoking any licence, the matter is to be referred to the Mining Commissioner for a hearing and report. Since the hearing is advisory only, the relevant provisions of *The Statutory Powers Procedure Act, 1971* are expressly made to apply.

3. The Minister is empowered provisionally to refuse renewal of or to suspend a licence in emergency cases with a hearing to take place thereafter.

4. The present section shifting the general burden of proof to an accused is restricted to requiring him to prove that he has a licence only after proof of facts that would constitute an offence if he has no licence.

5. The authority to impose a charge for sand removed is restricted in accordance with present practice to sand taken from Crown lands as otherwise it would be an indirect tax.

of his duties, employment or examination and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(12) Clause *d* of section 15 of *The Bailiffs Act, 1960-61* is repealed. 1960-61,
c. 5, s. 15,
cl. *d*,
repealed

11.—(1) Subsection 1 of section 2 of *The Beach Protection Act* is amended by striking out “and may suspend or cancel any licence” in the fifth and sixth lines. R.S.O. 1960,
c. 31, s. 2,
subs. 1,
amended

(2) *The Beach Protection Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 31,
amended

2a.—(1) The Minister may refuse to issue a licence to take sand from a bed, bank, beach, shore, waters, bar or flat mentioned in subsection 1 of section 2 that is the property of the Crown on any ground upon which he considers it to be contrary to the public interest to issue the licence. Refusal to
issue
licence

(2) Subject to section 9, where a bed, bank, beach, shore, waters, bar or flat mentioned in subsection 1 of section 2 is owned by a person other than the Crown, the owner or a person who has acquired from the owner the right to remove sand therefrom, is entitled to be issued a licence by the Minister unless the Minister is of opinion that, Idem

(a) the taking or removal of sand therefrom is contrary to the public interest on the ground that it will,

- (i) unduly impair or interfere with the natural state or use of waters or the value or use of property,
- (ii) likely cause undue erosion of or accretion to lands, or

(iii) likely create a threat to roads, rights-of-way, structures or installations or to health or safety,

in the place from which the sand is to be taken or the area adjacent or near to such place; or

(b) the equipment that the applicant proposes to use for removal of the sand is not proper or suitable for such purpose.

Suspension,
etc., of
licence

(3) The Minister may, in accordance with section 2b, refuse to renew or may suspend or revoke a licence,

(a) if the licensee has contravened or failed to comply with the terms and conditions of the licence; or

(b) on any grounds upon which he might refuse to issue the licence if application was being made for it in the first instance.

Reference to
Mining
Com-
missioner

2b.--(1) Subject to subsection 7, before refusing to issue a licence under subsection 2 of section 2a or to renew any licence or before suspending or revoking any licence, the Minister shall refer the matter to the Mining Commissioner appointed under *The Mining Act* for a hearing and report.

R.S.O. 1960,
c. 241

Hearing

(2) Pursuant to a reference by the Minister under this section, the Mining Commissioner shall hold a hearing as to whether the licence to which the hearing relates should be issued or renewed or should be suspended or revoked, as the case may be, and the applicant or licensee and such other person as the Commissioner specifies shall be parties to the hearing.

Application
of 1971, c. ...,
ss. 6-16, 21-23

(3) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section.

Assistance
for Com-
missioner

(4) The Mining Commissioner may obtain the assistance of engineers, surveyors or other scientific persons who may under his order view and examine the property in question, and in making his report he may give such weight to their opinion or report as he considers proper.

Report
of Com-
missioner

(5) At the conclusion of a hearing under this section, the Mining Commissioner shall make a report to the

Minister setting out his findings of fact and any information or knowledge used by him in reaching his recommendations, any conclusions of law he has arrived at relevant to his recommendations and his recommendations as to the issue, renewal, suspension or revocation of the licence to which the hearing relates, as the case may be, and shall send a copy of his report to the applicant or licensee to whom it relates.

(6) After considering the report of the Mining Commissioner under this section, the Minister may thereupon refuse to issue or to renew or may suspend or revoke the licence to which the report relates and shall give notice of his decision to the applicant or licensee specifying the reasons therefor. Decision of Minister

(7) Notwithstanding subsection 1, the Minister, by notice to a licensee and without referring the matter to the Mining Commissioner for a hearing, may provisionally refuse renewal of, or suspend the licensee's licence where the continuation of operations under the licence 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 the Minister shall forthwith thereafter refer the matter to the Mining Commissioner and the provisions of subsections 1 to 6 shall apply. Provisional suspension, etc.

(3) Section 13 of *The Beach Protection Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 31, s. 13, re-enacted

13. Where it is proved in any prosecution under this Act that the accused has done or committed any act or thing for which a licence or the consent of any person or persons is required under this Act, the burden of proving that the required licence was issued or consent was given shall rest upon the accused. Burden of proof

(4) Subsection 1 of section 14 of *The Beach Protection Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 31, s. 14, subs. 1, re-enacted

(1) A person to whom a licence to take sand from property of the Crown in right of Ontario is issued may be required to pay to the Crown, in addition to his licence fee, a fixed sum for every yard of sand removed under the authority of the licence. Royalties

(5) Clause *d* of section 16 of *The Beach Protection Act* is repealed. R.S.O. 1960, c. 31, s. 16, cl. d, repealed

R.S.O. 1960,
c. 33, s. 5,
subss. 1, 2,
re-enacted

12.—(1) Subsections 1 and 2 of section 5 of *The Bees Act* is repealed and the following substituted therefor:

Destruction
or treatment
of infected
bees

(1) Where an inspector has reasonable grounds for believing that disease of a virulent type exists in any bees or the causal organisms of such disease exist in or on any hives or equipment pertaining to the keeping of bees, he may, by order in writing,

(a) require the bee-keeper to disinfect such bees, hives or equipment in such manner and within such period as the order requires; or

(b) require the bee-keeper to destroy by fire, within such period as the order requires, such bees, hives or equipment as in the opinion of the inspector cannot be disinfected.

Treatment
of infected
bees

(2) Where an inspector has reasonable grounds for believing that disease not of a virulent type exists in any bees or the causal organisms of such disease exist in or on any hives or equipment pertaining to the keeping of bees, he may, by order in writing, require the bee-keeper to disinfect such bees, hives or equipment in such manner and within such period as the order requires.

R.S.O. 1960,
c. 33, s. 5,
subss. 4,
re-enacted

(2) Subsection 4 of the said section 5 is repealed and the following substituted therefor:

Order

(4) Every order under this section shall be delivered to the bee-keeper by an inspector or mailed by prepaid mail to his last or usual place of abode and shall contain notice to the bee-keeper that he may appeal from the order to the Provincial Apiarist within five days after receipt of the order and where the order is mailed, the bee-keeper shall be deemed to have received the order on the third day after the day of mailing unless he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the order until a later date.

R.S.O. 1960,
c. 33, s. 7,
subss. 2,
re-enacted

(3) Subsection 2 of section 7 of *The Bees Act* is repealed and the following substituted therefor:

Appeal

(2) An appeal under this section may be made in writing or orally or by telephone to the Provincial Apiarist. but the Provincial Apiarist may require the grounds for appeal to be specified in writing before the hearing.

SECTION 12. The powers of an inspector to act where he is of opinion that disease exists are restricted to where he has reasonable grounds for believing that disease exists.

Provision is made for the service of orders and procedure on appeals.

SECTION 13. The amendments make clear the application of *The Statutory Powers Procedure Act, 1971* and the procedure on appeals.

(3) Upon being notified of an appeal, the Provincial Apiarist shall, after a hearing, confirm, revoke or modify the order appealed against and shall notify the appellant of his decision by prepaid mail and the appellant shall carry out such order as is given by the Provincial Apiarist in his decision. Hearing

(4) The bee-keeper and the inspector who made the order appealed from are parties to an appeal under this section. Parties

13.—(1) Section 4 of *The Boundaries Act* is repealed.

R.S.O. 1960,
c. 38, s. 4,
repealed

(2) *The Boundaries Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 38,
amended

11a.—(1) The applicant, any person who delivers a statement of objections under section 11 and such other person as the director may specify are parties to the proceeding for the confirmation of the survey and plan. Parties

(2) Notwithstanding *The Statutory Powers Procedure Act, 1971*, the publication of and the giving of notice in accordance with subsection 1 of section 10 is a sufficient compliance with section 6 of that Act. Notice of
hearing
1971, c. ...

(3) Subsection 6 of section 12 of *The Boundaries Act*, as enacted by section 5 of *The Boundaries Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 38, s. 12,
subs. 6
(1961-62,
c. 9, s. 5),
re-enacted

(6) In addition to giving notice of his decision to the parties in accordance with *The Statutory Powers Procedure Act, 1971*, the director shall cause notice of the confirmation to be published in *The Ontario Gazette*. Publication
of notice of
confirmation

(7) The oral evidence taken before the director at a hearing shall be recorded, and, if so required, copies or a transcript thereof shall be furnished upon payment of the prescribed fees. Recording
of evidence

(4) Subsection 2 of section 13 of *The Boundaries Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 38, s. 13,
subs. 2,
re-enacted

(2) Notice of an appeal under this section shall be served by the appellant upon the director and the other parties to the proceedings before him within twenty days after the date of the publication in *The Ontario Gazette* of the notice of confirmation. Notice of
appeal

R.S.O. 1960,
c. 38, s. 21,
cl. e,
repealed

(5) Clause *e* of section 21 of *The Boundaries Act* is repealed.

R.S.O. 1960,
c. 48, s. 2
(1961-62,
c. 13, s. 1),
s. 3,
repealed

14.—(1) Section 2, as re-enacted by section 1 of *The Certification of Titles Amendment Act, 1961-62*, and section 3 of *The Certification of Titles Act* are repealed.

R.S.O. 1960,
c. 48, s. 7,
subs. 1,
cls. c, d,
re-enacted

(2) Clauses *c* and *d* of subsection 1 of section 7 of *The Certification of Titles Act* are repealed and the following substituted therefor:

(c) to be served on,

- (i) the owner, mortgagee or chargee, or his assignee, of land adjoining the land of the applicant,
- (ii) any person shown in the application to have a claim adverse to the claim of the applicant,
- (iii) any person other than the applicant shown in the application to be in possession of the land, and
- (iv) such other person as the Director of Titles may specify.

R.S.O. 1960,
c. 48, s. 7,
subs. 2
(1961-62, c. 13,
s. 2),
re-enacted

(3) Subsection 2 of section 7 of *The Certification of Titles Act*, as enacted by section 2 of *The Certification of Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Service of
notice

- (2) A notice to be served on the owner, mortgagee or chargee, or his assignee, of the land adjoining the land of the applicant under subclause *i* of clause *c* of subsection 1 is sufficiently served if it is sent by registered mail addressed to him at the address furnished under section 176 of *The Land Titles Act* or section 45 of *The Registry Act* or, where no such address has been furnished, addressed to the solicitor whose name appears on the conveyance, mortgage or charge, or assignment thereof, under which he appears to have an interest in such adjoining land.

Idem

- (3) Notice to be served on any person under subclauses *ii*, *iii* and *iv* of clause *c* of subsection 1 may be served in such manner as the Director of Titles considers proper.

R.S.O. 1960,
c. 48, s. 8,
subs. 2,
re-enacted

(4) Subsection 2 of section 8 of *The Certification of Titles Act* is repealed and the following substituted therefor:

Hearing

- (2) Where a claim adverse to or inconsistent with the claim set out in an application is filed with the

SECTION 14.

1. The provisions relating to parties and service of notices of hearing are clarified.

2. The circumstances in which the Director of Titles is required to hold a hearing are specified.

3. An appeal is provided to the Divisional Court.

4. The application of *The Statutory Powers Procedure Act, 1971* is clarified.



Director of Titles, the Director, before refusing an application in whole or in part, shall afford an opportunity for a hearing.

- (3) The applicant, a person, if any, filing a claim adverse to or inconsistent with the claim set out in the application and such other persons as the Director of Titles may specify are parties to the proceedings in which a hearing is held under this section. ^{Parties}
- (4) The oral evidence taken before the Director of Titles at a hearing shall be recorded, and, if so required, copies or a transcript thereof shall be furnished upon the payment of the prescribed fees. ^{Evidence}
- (5) The Director of Titles, in the place of holding a hearing under this section to determine the validity of a claim adverse to or inconsistent with the claim set out in an application, may refer the determination to a judge of the Supreme Court who shall hear and determine the claim on the evidence before him or may direct the trial of an issue. ^{Reference to judge of Supreme Court}

(5) Subsection 3 of section 9 of *The Certification of Titles Act* is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 48, s. 9, subs. 3, re-enacted}

- (3) Any person aggrieved by the written findings of the Director of Titles may, within fifteen days after the date of the mailing of the copies under subsection 2, appeal to the Supreme Court, which may decide the matter on the evidence before it or may direct the trial of an issue. ^{Appeal}

(6) The said section 9 is amended by adding thereto the following subsection: ^{R.S.O. 1960, c. 48, s. 9, amended}

- (6) Sections 17 and 18 of *The Statutory Powers Procedure Act, 1971* do not apply to proceedings to determine an application for a certificate of title under this Act. ^{Certain provisions of 1971, c., not to apply}

(7) Section 16 of *The Certification of Titles Act*, as re-enacted by subsection 1 of section 3 of *The Certification of Titles Amendment Act, 1970*, is amended by adding thereto the following subsection: ^{R.S.O. 1960, c. 48, s. 16 (1970, c. 37, s. 3, subs. 1.), amended}

- (4a) Before refusing a claim for compensation under this section, in whole or in part, the Director of Land Registration shall hold a hearing, and the person ^{Hearing}

claiming compensation and such other persons as the Director of Land Registration may specify are parties to the proceedings.

R.S.O. 1960,
c. 48, s. 18,
cl. *h*,
repealed

(8) Clause *h* of section 18 of *The Certification of Titles Act* is repealed.

R.S.O. 1960,
c. 50, s. 7,
re-enacted

15. Section 7 of *The Charitable Gifts Act* is repealed and the following substituted therefor:

Investigation

7.—(1) The Treasurer of Ontario may appoint any person to make an investigation for any purpose related to the administration or enforcement of this Act respecting any interest in any business that has been given to or vested in any person for any religious, charitable, educational or public purpose or respecting any person to or in whom any such interest has been given or vested.

Powers

1971, c. ...

(2) Every person appointed under subsection 1 to make an investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the investigation as if it were an inquiry under that Act.

1962-63,
c. 11, s. 2
(1968, c. 11,
s. 2),
re-enacted

16.—(1) Section 2 of *The Charitable Institutions Act, 1962-63*, as re-enacted by section 2 of *The Charitable Institutions Amendment Act, 1968*, is repealed and the following substituted therefor:

Approval of
corporations

R.S.O. 1960,
c. 71

2. Where the Lieutenant Governor in Council is satisfied that any corporation without share capital having objects of a charitable nature to which Part III of *The Corporations Act* applies or that is incorporated under a general or special Act of the Parliament of Canada is, with financial assistance under this Act, financially capable of establishing, maintaining and operating a charitable institution and that its affairs are carried on under competent management in good faith for charitable purposes, he may approve such corporation for the purposes of this Act.

1962-63,
c. 11, s. 3,
re-enacted

(2) Section 3 of *The Charitable Institutions Act, 1962-63*, as amended by section 3 of *The Charitable Institutions Amendment Act, 1968*, is repealed and the following substituted therefor:

SECTION 15. The powers of investigation are limited to purposes related to the administration of the Act and are conferred by reference to *The Public Inquiries Act, 1971*.

SECTION 16. Principles are stated to govern the decision of the Lieutenant Governor in Council in giving approval of a corporation to operate a charitable institution and of buildings for the institution. Grounds for suspension or revocation of an approval are set out. A procedure requiring that an inquiry be held before suspension or revocation is proposed.



3.—(1) Where the Lieutenant Governor in Council is satisfied that a building is suitable for providing accommodation as a charitable institution in accordance with this Act and the regulations, he may approve such building as a charitable institution for the maintenance and operation of which assistance may be given under this Act. Approval of buildings

(2) An approval given under subsection 1 may take effect on any date fixed by the Lieutenant Governor in Council that is prior to the date on which the approval is given, but in no case shall the date upon which the approval takes effect precede the date of the approval given under section 2 to the corporation maintaining and operating the charitable institution. Effective date of approval

(3) Section 10 of *The Charitable Institutions Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 11, s. 10, re-enacted

10.—(1) Subject to this section, any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister if, Suspension and revocation of approvals

(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 provision; or

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

(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. Hearing

(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. Application of 1971, c. ...

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.

1962-63,
c. 11, s. 11,
cl. n,
repealed

- (4) Clause *n* of section 11 of *The Charitable Institutions Act, 1962-63* is repealed.

R.S.O. 1960,
c. 52, s. 5,
subs. 1,
cl. e,
repealed

- 17.**—(1) Clause *e* of subsection 1 of section 5 of *The Charities Accounting Act* is repealed.

R.S.O. 1960,
c. 52, s. 6,
subs. 4,
re-enacted

- (2) Subsection 4 of section 6 of *The Charities Accounting Act* is repealed and the following substituted therefor:

Powers of
Public
Trustee

- (4) In making an investigation directed under subsection 3, the Public Trustee has and may exercise any of the powers conferred on him by this Act and any of the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the investigation as if it were an inquiry under that Act.

R.S.O. 1960,
c. 54, s. 1,
amended

- 18.**—(1) Section 1 of *The Children's Boarding Homes Act*, as amended by section 1 of *The Children's Boarding Homes Amendment Act, 1962-63*, is further amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses:

SECTION 17. The reference in the present Act to *The Public Inquiries Act* is changed to *The Public Inquiries Act, 1971*.

SECTION 18.

1. Subject to certain specific grounds for refusal, an applicant is entitled to be registered as the operator of a children's boarding home and to renewal of his licence.

2. The Registrar may now fix the maximum number of children that may be accommodated. An appeal is provided from the Registrar to the Day Nursery Review Board.

3. The grounds for refusal to register or renew or for revocation of registration are specified.

4. The Registrar is required to serve notice of a proposal to refuse to register or to renew registration or to revoke registration and the applicant or licensee may require a hearing by the Board.

5. Procedural provisions supplementing those in *The Statutory Powers Procedure Act, 1971* are proposed.

6. An appeal lies from a decision of the Board to the Divisional Court.

...the ... of ...

(a) "Board" means the Day Nursery Review Board established under *The Day Nurseries Act, 1966*; R. S. O. 1966, c. 37

(da) "occupier" means the occupier of a children's boarding home who applied for registration of the home under this Act.

(2) Subsections 1 and 2 of section 6 of *The Children's Boarding Homes Act* are repealed and the following substituted therefor: R. S. O. 1960, c. 54, s. 6, subss. 1, 2, re-enacted

(1) Subject to section 8, upon application in the prescribed form and upon payment of the prescribed fee, the Registrar shall record in a register kept by him for the purpose the name and address of the applicant, the name, if any, and address of the children's boarding home, the date of registration and such other particulars as the regulations prescribe. Registration

(2) Subject to section 8a, every registration remains in force for twelve months and, upon application therefor in the prescribed form and upon payment of the prescribed fee, is renewable for a period of twelve months. Idem

(3) Subsection 2 of section 7 of *The Children's Boarding Homes Act* is repealed and the following substituted therefor: R. S. O. 1960, c. 54, s. 7, subs. 2, re-enacted

(2) Where the applicant for registration is dissatisfied with the maximum number of children referred to in subsection 1 fixed by the Registrar, he may by written notice given to the Registrar and the Board require a hearing by the Board and the Board shall appoint a time for and hold a hearing. Review of decision of Registrar

(3) Pursuant to a hearing under subsection 1, the Board may affirm the maximum number of children determined by the Registrar or may determine such other number of children that may be lodged, boarded or cared for at any one time in the registered premises as it considers proper. Decision of Board

(4) Where a children's boarding home is used at any time, except in the case of emergency, to lodge, board or care for a greater number of children than the maximum finally determined under this section, the occupier or, where the occupier is a corporation, Offence

the corporation and every officer, director or servant thereof concerned in the management of the home are severally guilty of an offence and on summary conviction are liable to a fine of not more than \$25 for every day during which such use is continued.

R.S.O. 1960,
c. 54, s. 8,
re-enacted

(4) Section 8 of *The Children's Boarding Homes Act* is repealed and the following substituted therefor :

Refusal to
register

8. Subject to section 8*b*, the Registrar may refuse to register a children's boarding home if in his opinion,

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to operate a children's boarding home in a responsible manner in accordance with this Act and the regulations ;
- (b) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the home will not be operated in accordance with this Act and the regulations ; or
- (c) the building or accommodation in which it is proposed to operate the home does not comply with the requirements of this Act and the regulations.

Revocation
or refusal to
review
registration

8*a*. Subject to section 8*b*, the Registrar may refuse to renew or may revoke registration of a children's boarding home if in his opinion,

- (a) the registrant or, where the registrant is a corporation, any officer, director or servant thereof, has contravened or has knowingly permitted any person under his control or direction or associated with him in the operation of the home to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder applying to the carrying on of the home and such contravention occurred through lack of competence or with intent to evade the requirements of such provision ;
- (b) the building or accommodation in which the children's boarding home is operated does not comply with the requirements of this Act or the regulations ; or

(c) the children's boarding home is operated in a manner that is prejudicial to the safety or welfare of the children boarded therein.

8b.—(1) Where the Registrar proposes to refuse to register or to renew or to revoke registration under this Act, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant. Notice of proposal to refuse to register, etc.

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Board and he may so require such a hearing. Notice requiring hearing

(3) Where an applicant or registrant does not require a hearing by the Board in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1. Powers of Registrar where no hearing

(4) Where an applicant or registrant requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Registrar. Powers of Board where hearing

8c.—(1) Service of a notice under subsection 1 of section 8b on an applicant or registrant may be made personally or by registered mail addressed to the applicant or registrant at his address last known to the Registrar and, where it is served by registered mail, it shall be deemed to have been served on the third day after the day of mailing unless the applicant or registrant establishes to the Board that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive it until a later date. Service of notice

(2) The Board may extend the time for requiring a hearing under section 8b, either before or after expiration of the time fixed therein, where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or registrant pursuant to a hearing and Extension of time for requiring hearing

that there are reasonable grounds for applying for the extension and may give such directions as it considers proper consequent upon the extension.

Continuation
of
registration
pending
renewal

- (3) Subject to section 8e where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for requiring a hearing has expired and, where a hearing is required, until the Board has made its decision.

Application
of 1966, c. 37

- 8d. Sections 5g and 5h of *The Day Nurseries Act, 1966* apply *mutatis mutandis* to proceedings by the Board under this Act and to appeals therefrom.

Provisional
suspension,
etc.

- 8e. Notwithstanding section 8b, the Registrar by notice to a registrant and without a hearing, may provisionally refuse renewal of or suspend registration of the registrant where the operation of the children's boarding home is, in the Registrar's opinion, an immediate threat to the safety or welfare of the children boarded therein and the Registrar so states in such notice giving his reasons therefor, and thereafter the provisions of section 8b apply as if the notice given under this section were a notice of a proposal to revoke the registration under subsection 1 of section 8b.

R.S.O. 1960,
c. 54, s. 14,
cl. i,
repealed

- (5) Clause *i* of section 14 of *The Children's Boarding Homes Act* is repealed.

1962-63,
c. 14, s. 2
(1968, c. 13,
s. 2),
re-enacted

- 19.—(1) Section 2 of *The Children's Institutions Act, 1962-63*, as re-enacted by section 2 of *The Children's Institutions Amendment Act, 1968*, is repealed and the following substituted therefor:

Approval of
corporations

2. Where the Lieutenant Governor in Council is satisfied that any corporation without share capital having objects of a charitable nature to which Part III of *The Corporations Act* applies or that is incorporated under a general or special Act of the Parliament of Canada is, with financial assistance under this Act, financially capable of establishing, maintaining and operating a children's institution and that its affairs

R.S.O. 1960,
c. 71

SECTION 19. Principles are stated to govern the decision of the Lieutenant Governor in Council in giving approval of a corporation to operate a charitable institution and of buildings for the institution. Grounds for suspension or revocation of an approval are set out. A procedure requiring that an inquiry be held before suspension or revocation is proposed.

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are carried on under competent management in good faith for charitable purposes, he may approve such corporation for the purposes of this Act.

(2) Section 3 of *The Children's Institutions Act, 1962-63*,^{1962-63, c. 14, s. 3, re-enacted} as amended by section 3 of *The Children's Institutions Amendment Act, 1968*, is repealed and the following substituted therefor:

3.—(1) Where the Lieutenant Governor in Council is satisfied that a building is suitable for providing accommodation as a children's institution in accordance with this Act and the regulations, he may approve such building as a children's institution for the maintenance and operation of which assistance may be given under this Act. ^{Approval of children's institutions}

(2) An approval given under subsection 1 may take effect on any date fixed by the Lieutenant Governor in Council that is prior to the date on which the approval is given, but in no case shall the date upon which the approval takes effect precede the date of the approval given under section 2 to the corporation maintaining and operating the children's institution. ^{Effective date of approval}

(3) Section 10 of *The Children's Institutions Act, 1962-63* is repealed and the following substituted therefor: ^{1962-63, c. 14, s. 10, re-enacted}

10.—(1) Subject to this section, any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister if, ^{Suspension and revocation of approvals}

(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 provision; or

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

(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 ^{Hearing}

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. ...

(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 of
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 may 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.

1962-63,
c. 14, s. 11,
cl. 7,
repealed

(4) Clause *q* of section 11 of *The Children's Institutions Act, 1962-63* is repealed.

1968-69,
c. 10, ss. 5, 6,
re-enacted

20.—(1) Sections 5 and 6 of *The Children's Mental Health Centres Act, 1968-69* are repealed and the following substituted therefor:

Issue of
licence

5.—(1) Subject to subsection 2, any person who applies in accordance with this Act and the regulations for a licence to operate a centre and pays the prescribed fee is entitled to be issued such licence on reasonable terms and conditions by the Director.

SECTION 20.

1. An applicant who applies for a licence to operate a centre is entitled to be issued a licence subject to certain specific enumerated exceptions.
2. The grounds upon which the Director may revoke a licence are specified.
3. Where a licensee is dissatisfied with the terms and conditions of his licence he may require that they be reviewed by the Board at a hearing.
4. The Director is required to give notice of a proposal to refuse to issue or renew or to revoke a licence and the applicant or licensee is entitled to a hearing by the Board if he requires one.
5. Procedural provisions supplementing *The Statutory Powers Procedure Act, 1971* are proposed.
6. An appeal lies from a decision of the Board to the Divisional Court on all questions of law or fact or both.

1. The first part of the paper discusses the importance of the study.

2. The second part discusses the methodology used in the study.

3. The third part discusses the results of the study.

4. The fourth part discusses the conclusions of the study.

5. The fifth part discusses the implications of the study.

6. The sixth part discusses the limitations of the study.

7. The seventh part discusses the future research.

8. The eighth part discusses the references.

9. The ninth part discusses the appendix.

10. The tenth part discusses the index.

(2) Subject to section 9, the Director may refuse to issue a licence if in his opinion, ^{Refusal to issue}

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to operate a centre in a responsible manner in accordance with this Act and the regulations;
- (b) the past conduct of the applicant or, where the applicant is a corporation, of any of its officers or directors, affords reasonable grounds for belief that the centre will not be operated in accordance with this Act and the regulations;
- (c) the premises or facilities in which it is proposed to operate the centre do not comply with the requirements of this Act or the regulations;
- (d) the applicant is not in a position to provide services in accordance with this Act and the regulations; or
- (e) there is no public need for the centre in the area where the applicant proposes to establish, operate or maintain a centre.

6. Subject to section 9, the Director may revoke a licence under this Act if in his opinion, ^{Revocation}

- (a) the licensee or, where the licensee is a corporation, any officer, director or servant thereof, has contravened or has knowingly permitted any person under his control or direction or associated with him in the operation of the centre to contravene,
 - (i) any provision of this Act or the regulations or of any other Act or the regulations thereunder applying to the carrying on of the centre, or
 - (ii) any term or condition of the licence,

and such contravention occurred through lack of competence or with intent to evade the requirements of such provision or such term or condition;

- (b) the premises or facilities in which the centre is operated do not comply with the requirements of this Act; or
- (c) the centre is operated in a manner that is prejudicial to the health, safety or welfare of the children cared for therein.

1968-69,
c. 10, ss. 8-12,
re-enacted;
ss. 13, 14,
repealed

(2) Sections 8, 9, 10, 11, 12, 13, and 14 of *The Children's Mental Health Centres Act, 1968-69* are repealed and the following substituted therefor:

Hearing
re terms
of licence

8.—(1) Where the Director issues a licence under this Act and the licensee is dissatisfied with the terms and conditions thereof prescribed by the Director, the licensee may by written notice given to the Director and the Board require a hearing by the Board, and the Board shall appoint a time for and hold a hearing.

Decision
of Board

(2) Pursuant to a hearing under subsection 1, the Board may affirm the terms and conditions prescribed for the licence by the Director or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in the place of those prescribed by the Director as it considers proper and such terms and conditions shall be terms and conditions of the licence.

Proposal
to refuse
to issue
or revoke

9.—(1) Where the Director proposes to refuse to issue or to revoke a licence under this Act, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

Notice

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Director and the Board and he may so require such a hearing.

Powers of
Director
where no
hearing

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1.

Powers of
Board
where
hearing

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director

to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Director.

(5) The Board may extend the time for the giving of notice requiring a hearing by an applicant or licensee under this section either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension and the Board may give such directions as it considers proper consequent upon the extension.

Extension of
time for
requiring
hearing

(6) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

Continuation
of licence
pending
renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.

10.—(1) The Director, the applicant or licensee who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act.

Parties

(2) Notice of a hearing under section 9 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Notice of
hearing

(3) An applicant or licensee who is a party to proceedings under section 9 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Examination
of docu-
mentary
evidence

Members holding hearing not to have taken part in investigation, etc.

- (4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

- (5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

- (6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. ...

Only members at hearing to participate in decision

- (7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of documentary evidence

- (8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal to court

- 11.—(1) Any party to the proceedings before the Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to be filed in court

- (2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Minister entitled to be heard

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Director to take any action which the Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper. Powers of court on appeal

12. Notwithstanding section 9, the Director, by notice to a licensee and without a hearing, may provisionally suspend the licensee's licence where the operation of the centre under the licence is, in the Director's opinion, an immediate threat to the health, safety or welfare of the children cared for therein and the Director so states in such notice giving his reasons therefor, and thereafter the provisions of section 9 apply as if the notice given under this section were a notice of a proposal to revoke the licence under subsection 1 of section 9. Provisional suspension

(3) Section 15 of *The Children's Mental Health Centres Act, 1968-69* is amended by striking out "14" in the second line and inserting in lieu thereof "12". 1968-69, c. 10, s. 15, amended

(4) Subsection 3 of section 17 of *The Children's Mental Health Centres Act, 1968-69* is amended by inserting after "time" where it appears the third time in the fifth line "upon the production of his appointment under this section". 1968-69, c. 10, s. 17, subs. 3, amended

(5) Section 18 of *The Children's Mental Health Centres Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 10, s. 18, re-enacted

18. Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his last known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date. Service of notice

1968-69,
c. 10, s. 21,
cl. b,
re-enacted

(6) Clause *b* of section 21 of *The Children's Mental Health Centres Act, 1968-69* is repealed and the following substituted therefor:

(b) providing for the remuneration and expenses of members of the Licensing Board of Review;

(ba) providing for the issuing or renewal of licences or provisional licences for centres and prescribing the terms and conditions of licences.

1968-69,
c. 11, s. 1,
amended

21.—(1) Section 1 of *The Collection Agencies Act, 1968-69* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses:

(a) "business premises" does not include a dwelling;

.

(da) "dwelling" means any premises or any part thereof occupied as living accommodation.

1968-69,
c. 11, ss. 6-8,
re-enacted,
ss. 9-21,
repealed

(2) Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of *The Collection Agencies Act, 1968-69* are repealed and the following substituted therefor:

Registration

6.—(1) An applicant is entitled to registration or renewal of registration by the Registrar except where,

(a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or

(b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or

(c) the applicant is a corporation and,

(i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or

(ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or

SECTION 21.

1. Under the present Act, a person is required to be registered to carry on the business of a collection agency. The amendments state grounds for refusing registration and for refusal to renew or suspension or revocation of registration more specifically than in the present Act.

2. Where the registrar proposes that registration or renewal of registration be refused or that registration be suspended or revoked he is required to give notice of his proposal to the applicant or registrant who may require a hearing before the proposed action is taken.

3. The hearing is held by the Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*, and *The Statutory Powers Procedure Act, 1971* will apply to the proceedings. Provisions in this Act on matters now covered in *The Statutory Powers Procedure Act, 1971* are repealed.

4. Where application for renewal of registration is duly made before it expires, the registration continues until the application is disposed of.

5. The Minister is required to specify the scope of any general inquiry under the Act and Part II of *The Public Inquiries Act, 1971* applies to the inquiry.

6. Powers of investigation by the Director are clarified to restrict them to matters relevant to contraventions of the Act or commissions of offences and to the powers conferred under Part II of *The Public Inquiries Act, 1971*.

7. A search warrant may be obtained in defined circumstances on the order of a provincial judge.

8. Information obtained as the result of an inspection or investigation under the Act is to be kept confidential.

9. Principles upon which the Director may issue orders to refrain from dealing with assets are stated and an appeal is provided to the Tribunal.

10. Orders of the Director restricting the use of advertising are subject to an appeal to the Tribunal.

11. The presumption that notice by mail is served on the third day after mailing does not apply where the person to whom it was sent establishes that through causes beyond his control he did not receive it by that day.

This explanatory note should be read with the explanatory note to **section 28** relating to amendments to *The Department of Financial and Commercial Affairs Act, 1966*, establishing the Commercial Registration Appeal Tribunal. That Act contains certain standard provisions that apply to all proceedings by the Tribunal.

This explanatory note applies to similar amendments to the following Acts administered in the Department of Financial and Commercial Affairs proposed in the following sections of this Bill:

<i>Consumer Protection Act, 1966</i>	Section 23
<i>Mortgage Brokers Act, 1968-69</i>	Section 60
<i>Real Estate and Business Brokers Act</i>	Section 77
<i>Upholstered and Stuffed Articles Act, 1967-68</i>	Section 85
<i>Used Car Dealers Act, 1968-69</i>	Section 86



- (d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.
- (2) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. Conditions of registration
- 7.--(1) Subject to section 8, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 6. Refusal to register
- (2) Subject to section 8, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 6 if he were an applicant, or where the registrant is in breach of a term or condition of the registration. Refusal to renew, suspend or revoke
- 8.--(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant. Notice of proposal to refuse or revoke
- (2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing. Notice requiring hearing
- (3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1. Powers of Registrar where no hearing
- (4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar. Powers of Tribunal where hearing

Conditions
of order

- (5) The Tribunal may attach such terms and conditions to its order or, to the registration as it considers proper to give effect to the purposes of this Act.

Parties

- (6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary
cancellation

- (7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Continuation
of
registration
pending
renewal

- (8) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

Order
effective,
stay
1966, c. 41

- (9) Notwithstanding that a registrant appeals from an order of the Tribunal under section 8e of *The Department of Financial and Commercial Affairs Act, 1966*, the order takes effect immediately but the Tribunal may grant a stay until disposition of the appeal.

1968-69,
c. 11, s. 25,
subs. 1,
cl. a,
re-enacted

(3) Clause a of subsection 1 of section 25 of *The Collection Agencies Act, 1968-69* is repealed and the following substituted therefor:

- (a) is entitled to free access to all books of accounts, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

1968-69,
c. 11, s. 26,
re-enacted

(4) Section 26 of *The Collection Agencies Act, 1968-69* is repealed and the following substituted therefor:

26. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister, and for the purposes of the investigation the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act.

Investigation
on order
of Minister

1971, c. ...

26a.--(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has,

Investigation
by Director

- (a) contravened any of the provisions of this Act or the regulations; or
- (b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for registration under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

Powers of
investigation

- (a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation; and
- (b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers conferred upon a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

1971. c. ...

Obstruction
of
investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are, in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of
books, etc.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

Idem

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

(7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4. ^{Appointment of expert}

26b.---(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 23, 24, 25, 26 or 26*a* shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except, ^{Matters confidential}

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations. ^{Testimony in civil suit}

(5) Section 27 of *The Collection Agencies Act, 1968-69* is amended by striking out "26" in the second line and inserting in lieu thereof "26*a*". ^{1968-69, c. 11, s. 27, amended}

(6) Subsection 1 of section 28 of *The Collection Agencies Act, 1968-69* is repealed and the following substituted therefor: ^{1968-69, c. 11, s. 28, subs. 1, re-enacted}

(1) Where,

- (a) an investigation of any person has been ordered under section 26*a*; or
- (b) criminal proceedings or proceedings in relation to a contravention of any Act or regulation are about to be or have been instituted against a person that are connected with or arise out of the business in respect of which such person is registered,

^{Order to refrain from dealing with assets}

the Director, if he believes it advisable for the protection of clients or customers of the person referred to in clause *a* or *b*, may in writing or by telegram, direct any person having on deposit or under control or for safekeeping any assets or trust funds of the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any person having any of them on deposit or under control or for safekeeping or to hold such assets or any trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act*, 1970 or the *Winding-up Act* (Canada), or until the Director revokes or the Tribunal cancels such direction or consents to the release of any particular assets or trust funds from the direction but, in the case of a bank, loan or trust company, the direction only applies to the office, branches or agencies thereof named in the direction.

R.S.O. 1960,
cc. 197, 71,
1970, c. 25,
R.S.C. 1952,
cc. 14, 296

1968-69,
c. 11, s. 28,
amended

(7) The said section 28 is amended by adding thereto the following subsection:

Cancellation
of direction
or
registration

(5) Any person referred to in clause *a* or *b* of subsection 1 in respect of whom a direction has been given by the Director under subsection 1 or any person having an interest in land in respect of which a notice has been registered under subsection 4, may, at any time apply to the Tribunal for cancellation in whole or in part of the direction or registration, and the Tribunal shall dispose of the application after a hearing and may, if it finds that such a direction or registration is not required in whole or in part for the protection of clients or customers of the applicant or of other persons interested in the land or that the interests of other persons are unduly prejudiced thereby, cancel the direction or registration in whole or in part, and the applicant, the Director and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal.

1968-69,
c. 11, s. 30,
subs. 1,
amended

(8) Subsection 1 of section 30 of *The Collection Agencies Act*, 1968-69 is amended by inserting after "other" in the fourth line "similar".

1968-69,
c. 11, s. 30,
subs. 2,
re-enacted

(9) Subsection 2 of section 30 of *The Collection Agencies Act*, 1968-69 is repealed and the following substituted therefor:



SECTION 22. There are no appeals from orders of an inspector under the present Act. The amendments make provision for appeals to the chief officer from stop-work orders of an inspector in detail and generally to the chief officer from other orders of an inspector under the Act.

(2) Where the Registrar believes on reasonable and probable grounds that any of the material referred to in subsection 1 is harsh, false, misleading or deceptive, the Registrar may alter, amend, restrict or prohibit the use of such material, and section 8 applies *mutatis mutandis* to the order in the same manner as to a proposal by the Registrar to refuse registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

False
advertising

(10) Section 34 of *The Collection Agencies Act, 1968-69* is repealed and the following substituted therefor:

1968-69,
c. 11, s. 34,
re-enacted

34. Where the Registrar believes on reasonable and probable grounds that a collection agency is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material, and section 8 applies *mutatis mutandis* to the order in the same manner as to a proposal by the Registrar to refuse registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

False
advertising

(11) Subsection 2 of section 35 of *The Collection Agencies Act, 1968-69* is repealed and the following substituted therefor:

1968-69,
c. 11, s. 35,
subs. 2,
re-enacted

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

When
service
deemed
made

(12) Clause *d* of section 38 of *The Collection Agencies Act, 1968-69* is amended by striking out "or to any such person, document or material" in the second and third lines.

1968-69,
c. 11, s. 38,
cl. *d*,
amended

22.—(1) Section 17 of *The Construction Safety Act, 1961-62*, as amended by section 8 of *The Construction Safety Amendment Act, 1965*, is repealed and the following substituted therefor:

1961-62,
c. 18, s. 17,
re-enacted

17.—(1) Where an inspector is of opinion that any provision of this Act or the regulations is being contravened, he may give such order in writing to such person or persons as is necessary to ensure compliance with such provision and such order shall specify that

Order
of inspector

it shall be carried out forthwith or before the expiry of such period as is specified therein and,

- (a) where the order specifies that it be carried out forthwith, all work on the project or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with; or
- (b) where the order specifies the period within which it is to be carried out and it is not carried out within that period, all work on the project or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with.

Appeal

- (2) Any person who considers himself aggrieved by an order of an inspector made under subsection 1 may appeal to the chief officer who shall hear and dispose of the appeal as promptly as is practicable but the bringing of such appeal does not affect the operation of the order appealed from pending disposition of the appeal.

Powers of
chief
officer

- (3) After hearing an appeal under this section, the chief officer may substitute his opinion for that of the inspector and,
 - (a) if he is of opinion that no provision of this Act or the regulations is being contravened, may rescind the order of the inspector; or
 - (b) if he is of opinion that any provision of this Act or the regulations is being contravened,
 - (i) may affirm the order of the inspector, or
 - (ii) may give a new order to the appellant in substitution therefor and for such purpose the chief officer has the powers of an inspector under subsection 1 and clauses *a* and *b* of subsection 1 apply to the order of the chief officer as if it were an order of an inspector under subsection 1.

(4) Where an order is given by an inspector or the chief officer under subsection 1 or 3, a copy thereof may be affixed to the project or any part thereof, and no person, except the inspector or the chief officer, shall remove such copy unless authorized by the inspector or chief officer. Affixing a copy of order to project

(5) Every person to whom an order is given under this Act shall comply with it in accordance with its terms. Compliance with order

(2) *The Construction Safety Act, 1961-62* is amended by renumbering section 17a, as enacted by section 9 of *The Construction Safety Amendment Act, 1965*, as section 17c and by adding thereto the following sections: 1961-62, c. 18, amended

17a.—(1) Any person who considers himself aggrieved by a decision of an inspector under this Act or the regulations, other than an order under section 17, may appeal to the chief officer who shall hear and dispose of the appeal. Appeals from decisions of inspector

(2) On an appeal under this section, the chief officer may substitute his findings or opinions for those of the inspector who made the decision appealed from and may affirm or reverse such decision or make a new decision in substitution therefor and for such purpose has all the powers of the inspector and the decision of the chief officer shall stand in the place of and have like effect under this Act and the regulations as the decision of the inspector. Powers of chief officer

17b.—(1) An appeal under section 17 or 17a may be made in writing or orally or by telephone, but the chief officer may require the grounds for appeal to be specified in writing before the hearing. How appeal made

(2) The appellant, the inspector from whom the appeal is taken and such other persons as the chief officer may specify are parties to an appeal under section 17 or 17a. Parties

(3) Subsection 2 of section 22 of *The Construction Safety Act, 1961-62*, as enacted by section 15 of *The Construction Safety Amendment Act, 1965*, is repealed and the following substituted therefor: 1961-62, c. 18, s. 22, subs. 2 (1965, c. 19, s. 15), re-enacted

(2) Every person to whom an order of an inspector or of the chief officer is given under section 17, Penalty

(a) who contravenes or who knowingly permits any person under his direction and control to contravene such order; or

- (b) who carries on work or knowingly permits any person under his direction or control to carry on work in contravention of subsection 1 or 3 of section 17,

is guilty of an offence and on summary conviction, in addition to the penalties mentioned in subsection 1, is liable to a fine of not more than \$100 a day for every day upon which the offence continued.

1966, c. 23,
s. 1,
amended

23.—(1) Section 1 of *The Consumer Protection Act, 1966*, as amended by section 1 of *The Consumer Protection Amendment Act, 1967*, section 1 of *The Consumer Protection Amendment Act, 1968* and section 1 of *The Consumer Protection Amendment Act, 1968-69*, is further amended by adding thereto the following clauses:

(ab) “business premises” does not include a dwelling;

.

(ea) “dwelling” means any premises or any part thereof occupied as living accommodation.

1966, c. 23,
ss. 5-7
(1968-69,
c. 14, s. 2),
re-enacted;
ss. 8-14
(1968-69,
c. 14, s. 2),
repealed

(2) Sections 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of *The Consumer Protection Act, 1966*, as re-enacted by section 2 of *The Consumer Protection Amendment Act, 1968-69*, are repealed and the following substituted therefor:

Registration

5.—(1) An applicant is entitled to registration or renewal of registration by the Registrar except where,

- (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or
- (c) the applicant is a corporation and,
- (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or

SECTION 23. See explanatory note to similar amendments amending *The Collection Agencies Act, 1968-69* in section 21 of this Bill and also the explanatory note to the amendments to *The Department of Financial and Commercial Affairs Act, 1966* in section 28 of this Bill.

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(ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or

(d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. Conditions of registration

6.—(1) Subject to section 7, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 5. Refusal to register

(2) Subject to section 7, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a term or condition of the registration. Refusal to renew, suspend or revoke

7.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant. Notice of proposal to refuse or revoke

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing. Notice requiring hearing

(3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1. Powers of Registrar where no hearing

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar Powers of Tribunal where hearing

to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions of order

- (5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

- (6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary cancellation

- (7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Continuation of registration pending renewal

- (8) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,
- (a) until the renewal is granted; or
 - (b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

Order effective, stay

1966, c. 41

- (9) Notwithstanding that a registrant appeals from an order of the Tribunal under section 8e of *The Department of Financial and Commercial Affairs Act, 1966*, the order takes effect immediately but the Tribunal may grant a stay until disposition of the appeal.

1966, c. 23, ss. 14a-14f (1968-69, c. 14, s. 2), repealed

- (3) Sections 14a, 14b, 14c, 14d, 14e and 14f of *The Consumer Protection Act, 1966*, as enacted by section 2 of *The Consumer Protection Amendment Act, 1968-69*, are repealed.

1966, c. 23, s. 14j (1968-69, c. 14, s. 2), subs. 1, cl. a, re-enacted

- (4) Clause a of subsection 1 of section 14j of *The Consumer Protection Act, 1966*, as enacted by section 2 of *The Consumer Protection Amendment Act, 1968-69*, is repealed and the following substituted therefor:

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

(5) Subsection 2 of section 14m of *The Consumer Protection Act, 1966*, as enacted by section 2 of *The Consumer Protection Amendment Act, 1968-69*, is repealed and the following substituted therefor: 1966, c. 23, s. 14m (1968-69, c. 14, s. 2), subs. 2, re-enacted

- (2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date. When service deemed made

(6) Clause d of subsection 2 of section 14o of *The Consumer Protection Act, 1966*, as enacted by section 2 of *The Consumer Protection Amendment Act, 1968-69*, is amended by striking out "or to any such person, document or material" in the second and third lines. 1966, c. 23, s. 14o (1968-69, c. 14, s. 2), subs. 2, cl. d, amended

(7) Part I of *The Consumer Protection Act, 1966*, as re-enacted by section 2 of *The Consumer Protection Amendment Act, 1968-69*, is amended by adding thereto the following section: 1966, c. 23, Part I (1968-69, c. 14, s. 2), amended

14p.—(1) Each person employed in the administration of this Act, including any person making an inspection under section 14h, 14i or 14j shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment or inspection and shall not communicate any such matters to any other person except, Matters confidential

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

Testimony
in civil suit

- (2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

1966. c. 23,
s. 31 (1968-69,
c. 14, s. 3),
re-enacted

(8) Section 31 of *The Consumer Protection Act, 1966*, as re-enacted by section 3 of *The Consumer Protection Amendment Act, 1968-69*, is repealed and the following substituted therefor:

False
advertising

31. Where the Registrar believes on reasonable and probable grounds that a seller or lender is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and section 7 applies *mutatis mutandis* to the order in the same manner as to a proposal by the Registrar to refuse registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

1966, c. 23,
s. 33, cl. 1,
repealed

(9) Clause 1 of section 33 of *The Consumer Protection Act, 1966*, as relettered by section 6 of *The Consumer Protection Amendment Act, 1967*, is repealed.

R.S.O. 1960,
c. 67, s. 10,
subs. 1,
re-enacted

24. Subsection 1 of section 10 of *The Co-Operative Loans Act* is repealed and the following substituted therefor:

Inspection of
books, etc.

- (1) The Treasurer may appoint a person to inspect the books, accounts and property and to inquire into the affairs of any co-operative association that has a loan under this Act and a person so appointed has for the purpose of the inspection and inquiry the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the inspection or inquiry as if it were an inquiry under that Act.

1971, c. ...

1966, c. 37,
s. 1, cl. aa
(1968-69 c. 23,
s. 1, subs. 1)
re-enacted

25.—(1) Clause aa of section 1 of *The Day Nurseries Act, 1966*, as enacted by subsection 1 of section 1 of *The Day Nurseries Amendment Act, 1968-69*, is repealed and the following substituted therefor:

(aa) "Board" means the Day Nursery Review Board established under section 5.

1966, c. 37,
s. 5,
ss. 5a-5i
(1968-69 c. 23,
s. 5),
re-enacted

(2) Section 5, as amended by section 4 of *The Day Nurseries Amendment Act, 1968-69*, and sections 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h and 5i, as enacted by section 5 of *The Day Nurseries Amendment Act, 1968-69*, of *The Day Nurseries Act, 1966*, are repealed and the following substituted therefor:

SECTION 24. Present powers to summon witnesses and enforce production of documents are amended to confer these powers by reference to Part II of *The Public Inquiries Act, 1971*.

SECTION 25.

1. A Day Nursery Review Board is established.
2. Subject to certain specific grounds for refusal, an applicant is entitled to a licence to operate a day nursery and to renewal thereof.
3. The grounds for refusal to issue or renew or for revocation of a licence are specified.
4. The Director may prescribe terms and conditions in a licence. An appeal is provided to the Board.
5. The Director is required to give notice of a proposal to refuse to issue or renew or to revoke a licence and the applicant or licensee is entitled to a hearing by the Board if he requires one.
6. Procedural provisions supplementing *The Statutory Powers Procedure Act, 1971* are proposed.
7. An appeal lies from a decision of the Board to the Divisional Court.

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- 5.—(1) The Lieutenant Governor in Council may appoint a board, consisting of not more than five members to be known as the Day Nursery Review Board and may designate one member of the Board as chairman. ^{Day Nursery Review Board, appointment}
- (2) Three members of the Board constitute a quorum. ^{Quorum}
- (3) The members of the Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council may from time to time determine. ^{Remuneration}
- 5a.—(1) No person shall operate a day nursery without a licence therefor issued by the Director and the Director may prescribe in the licence reasonable terms and conditions to the operation of the day nursery. ^{Licence required}
- (2) Subject to section 5b, any person who applies in accordance with this Act and the regulations for a licence to operate a day nursery and pays the prescribed fee is entitled to be issued a licence by the Director subject to reasonable terms and conditions. ^{Issue}
- (3) Subject to section 5c, a licensee who makes application in accordance with this Act and the regulations for renewal of his licence and pays the prescribed fee is entitled to a renewal of his licence by the Director. ^{Renewal}
- 5b. Subject to section 5e, the Director may refuse to issue a licence if in his opinion, ^{Refusal to issue}
- (a) the applicant, or where the applicant is a corporation, its officers or directors, is or are not competent to operate a day nursery in a responsible manner in accordance with this Act and the regulations;
 - (b) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the day nursery will not be operated in accordance with this Act and the regulations; or
 - (c) the building or accommodation in which it is proposed to operate the day nursery does not comply with the requirements of this Act and the regulations.

Refusal to
renew or
revocation

5c. Subject to section 5e, the Director may refuse to renew or may revoke a licence if in his opinion,

(a) the licensee or, where the licensee is a corporation, any officer, director or servant thereof, has contravened or has knowingly permitted any person under his control or direction or associated with him in the operation of the day nursery to contravene,

(i) any provision of this Act or the regulations or of any other Act or the regulations thereunder applying to the carrying on of the day nursery; or

(ii) any term or condition of the licence,

and such contravention occurred through lack of competence or with intent to evade the requirements of such provision or term or condition;

(b) the building or accommodation in which the day nursery is operated does not comply with the requirements of this Act and the regulations; or

(c) the day nursery is operated in a manner that is prejudicial to the safety or welfare of the children cared for therein.

Review
of terms
of licence
by Board

5d.—(1) Where the Director issues a licence and the licensee is dissatisfied with the terms and conditions thereof prescribed by the Director, the licensee may by written notice given to the Director and the Board require a hearing by the Board and the Board shall appoint a time for and hold a hearing.

Decision
of Board

(2) Pursuant to a hearing under subsection 1, the Board may affirm the terms and conditions prescribed for the licence by the Director or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in the place of those prescribed by the Director as it considers proper, and terms and conditions so prescribed shall be terms and conditions of the licence.

Notice of
proposal
to refuse
to issue or
to revoke

5e.—(1) Where the Director proposes to refuse to issue or renew or to revoke a licence under this Act, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

- (2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Director and the Board and he may so require such a hearing. Notice requiring hearing
- (3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1. Powers of Director where no hearing
- (4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Director. Powers of Board where hearing
- 5f.—(1) Service of a notice under section 5e may be made personally or by registered mail addressed to the applicant or licensee at his address last known to the Director and, where the notice is served by registered mail, it shall be deemed that the notice was served on the third day after the day of mailing unless the applicant or licensee establishes to the Board that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive it until a later date. Service of notice
- (2) The Board may extend the time for requiring a hearing under section 5e, either before or after expiration of the time fixed therein, where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as it considers proper consequent upon the extension. Extension of time for requiring hearing
- (3) Subject to section 5i, where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue, Continuation of licence pending renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for requiring a hearing has expired and, where a hearing is required, until the Board has made its decision.

Parties

5g.—(1) The Director, the applicant or licensee who has applied for the hearing and such other persons as are specified by the Board are parties to proceedings before a Board under this Act.

Members at hearing not to have taken part in investigation, etc.

(2) A member of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Notice of hearing

(3) Notice of a hearing under section 5e shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the renewal or retention of the licence.

Examination of documentary evidence

(4) An applicant or licensee who is a party to proceedings under section 5d or 5e shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced, or any report the contents of which will be given in evidence at the hearing.

Recording of evidence

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. ...



SECTION 26. The amendments proposed to this Act are similar to the amendments proposed to *The Artificial Insemination of Cattle Act, 1962-63*, and are explained in the explanatory note to section 9 of this Bill.

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision

5h.—(1) Any party to the proceedings before the Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court. Appeal

(2) Where notice of an appeal is served under this section, the Board shall forthwith file with the Registrar of the Supreme Court the record of the proceedings before it in which the decision or order appealed from was made, which, together with the transcript of evidence before the Board if it is not part of the Board's record, shall constitute the record in the appeal. Record to be filed in court

(3) The Minister is entitled to be heard, by counsel or otherwise, on the argument of an appeal under this section. Minister entitled to be heard

(4) The Supreme Court may affirm the decision of the Board appealed from or may rescind it and make such new decision as the court considers proper and, for such purpose, the court may exercise all the powers of the Board after a hearing before it and may substitute its opinion for that of the Board. Powers of court

5i. Notwithstanding section 5e, the Director, by notice to a licensee and without a hearing, may provisionally refuse renewal of or suspend the licensee's licence where the operation of the day nursery under the licence is, in the Director's opinion, an immediate threat to the safety or welfare of the children cared for therein and the Director so states in such notice giving his reasons therefor, and thereafter the provisions of section 5e apply as if the notice given under this section were a notice of a proposal to revoke the licence under subsection 1 of section 5e. Provisional suspension, etc.

(3) Clause h of section 7 of *The Day Nurseries Act, 1966* is repealed. 1966, c. 37, s. 7, cl. h, repealed

26.—(1) Section 1 of *The Dead Animal Disposal Act*, as amended by section 1 of *The Dead Animal Disposal Amend-* R.S.O. 1960, c. 88, s. 1, amended

ment Act, 1965, is further amended by relettering clause *a* as clause *b* and by adding thereto the following clauses:

(a) "Board" means the Dead Animal Disposal Licence Review Board established by this Act;

(*ea*) "licence" means a licence under this Act.

R.S.O. 1960,
c. 88, s. 5,
subss. 2, 3
(1961-62,
c. 28, s. 3),
repealed

(2) Subsections 2 and 3 of section 5 of *The Dead Animal Disposal Act*, as enacted by section 3 of *The Dead Animal Disposal Amendment Act, 1961-62* and amended by subsections 2 and 3 of section 2 of *The Dead Animal Disposal Amendment Act, 1965*, are repealed.

R.S.O. 1960,
c. 88,
amended

(3) *The Dead Animal Disposal Act* is amended by adding thereto the following sections:

Licence,
issue

5a.—(1) The Director shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,

(a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to carry on the business that would be authorized by the licence;

(b) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business that would be authorized by the licence will not be carried on in accordance with law;

(c) the applicant does not possess or will not have available all premises, facilities and equipment necessary to carry on the business authorized by the licence in accordance with this Act and the regulations; or

(d) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

Renewal

(2) Subject to section 5b, the Director shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

5b.—(1) The Director may refuse to renew or may suspend or revoke a licence if, after a hearing, he is of opinion that, Refusal to renew, suspension or cancellation

- (a) the premises, facilities and equipment used in the business carried on pursuant to the licence do not comply with this Act and the regulations;
- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has permitted any person under his control or direction in connection with the business carried on pursuant to the licence to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder or of any law applying to the carrying on of such business or the conditions for licencing and such contravention warrants such refusal to renew, suspension or revocation of the licence; or
- (c) any other ground for refusal to renew, suspension or revocation specified in the regulations exists.

(2) Notwithstanding subsection 1, the Director, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of any person or of the public and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or revoked under this Act and the regulations. Provisional suspension, etc.

(3) Subject to subsection 2, where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and has paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal. Continuation of licence pending renewal

5c.—(1) The notice of a hearing by the Director under section 5a or section 5b shall afford to the applicant or licensee a reasonable opportunity to show or to Notice of hearing

achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination
of docu-
mentary
evidence

- (2) An applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Variation
of decision
by Director

- 5d. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing he may at any time of his own motion or on the application of the person who was the applicant or licensee vary or rescind his decision, but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

Review
Board
established

- 5e.—(1) A board to be known as the “Dead Animal Disposal Licence Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure.

Term
of office

- (2) A member of the Board shall hold office for not more than five consecutive years.

Chairman

- (3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

- (4) A majority of the members of the Board constitutes a quorum.

Remunera-
tion

- (5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine.

Appeal to
Board

- 5f.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director appeal to the Board.

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Extension
of time
for appeal

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director.

Disposal
of appeal

(4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of.

Effect of
decision
pending
disposal
of appeal

5g.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Parties

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Members
making
decision
not to
have taken
part in
investigation,
etc.

(3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Recording
of evidence

(4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence ad-

Findings
of fact

- 1971, c. ...
- missible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.
- Only members at hearing to participate in decision
- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all persons so present participate in the decision.
- Appeal to court
- 5h.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of Court.
- Minister entitled to be heard
- (2) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.
- Record to be filed in court
- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal.
- Powers of court on appeal
- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Director to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Director or the Board.
- Effect of decision of Board pending disposal of appeal
- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.
- R.S.O. 1960, c. 88, s. 8, subs. 3, amended
- (4) Subsection 3 of section 8 of *The Dead Animal Disposal Act*, as amended by section 3 of *The Dead Animal Disposal Amendment Act, 1965*, is further amended by adding at the commencement thereof "Subject to subsection 4".
- R.S.O. 1960, c. 88, s. 8, amended
- (5) The said section 8 is amended by adding thereto the following subsection:



SECTION 27. To remove all doubts as to whether the procedures under *The Statutory Powers Procedure Act, 1971* might apply to the matters specified in the amendment.

SECTION 28. The Commercial Registration Appeal Tribunal in the Department of Financial and Commercial Affairs was established by *The Department of Financial and Commercial Affairs Amendment Act, 1968-69*. The amendments add the following provisions to the Act:

1. The Tribunal is required to be impartial.
2. A notice of a hearing by the Tribunal (which will relate to a refusal to register or to renew registration or to suspend or revoke registration) is required to afford the registrant an opportunity before the hearing to comply with the Act and to examine documents that will be produced in evidence at the hearing.
3. Oral evidence is required to be recorded.
4. Findings of fact are required to be based on evidence.
5. Members of the Tribunal making a decision are required to have heard the evidence and argument of the parties.
6. Limited power is conferred on the Tribunal to extend time for requiring a hearing by it.
7. Appeals on questions of law or fact may be taken from decisions of the Tribunal to the Divisional Court.

- (4) Except under the authority of a warrant under section 14 of *The Summary Convictions Act*, the Director or an inspector shall not enter any part of a dwelling without the consent of the occupant. Power to enter dwelling R.S.O. 1960, c. 387

27. *The Department of Correctional Services Act, 1968* is amended by adding thereto the following section: 1968, c. 27, amended

34a. *The Statutory Powers Procedure Act, 1971* does not apply to proceedings for the discipline of inmates in correctional institutions or to their transfer under section 11 or for the authorization under section 19 or 20 of temporary absences of inmates or to proceedings of the Board notwithstanding anything in that Act. Application of 1971, c. ...

28. *The Department of Financial and Commercial Affairs Act, 1966* is amended by adding thereto the following sections: 1966, c. 41, amended

8d.—(1) This section applies to proceedings before the Tribunal. Application of section

(2) Members of the Tribunal holding a hearing shall not have taken part in any investigation or consideration of the subject-matter of the hearing before the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Tribunal may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members holding hearing not to have taken part in investigation, etc.

(3) Where a hearing by the Tribunal is required, Notice of hearing

(a) notice of the hearing shall afford to the person requiring the hearing a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements concerning the subject-matter of the hearing; and

(b) the person requiring the hearing shall be afforded an opportunity to examine before the

hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Recording
of evidence

- (4) The oral evidence taken before the Tribunal at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the payment of such fees therefor as the Lieutenant Governor in Council may prescribe by regulation.

Findings
of fact

- (5) The findings of fact of the Tribunal pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. ...

Only
members at
hearing to
participate
in decision

- (6) No member of the Tribunal shall participate in a decision of the Tribunal pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and except with the consent of the parties no decision of the Tribunal shall be given unless all members so present participate in the decision.

Extension of
time for
giving notice

- (7) Notwithstanding any limitation of time for the giving of any notice requiring a hearing by the Tribunal fixed by or under any Act, and where it is satisfied that there are *prima facie* grounds for granting relief and that there are reasonable grounds for applying for the extension, the Tribunal may extend the time for giving the notice either before or after expiration of the time so limited, and may give such directions as it considers proper consequent upon such extension.

Appeal
from
decision
of Tribunal

- 8e.—(1) Any party to proceedings before the Tribunal may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to be
filed in court

- (2) Where any party appeals from a decision of the Tribunal, the Tribunal shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of the evidence if it is not part of the Tribunal's record, shall constitute the record in the appeal.

SECTION 29.

1. The reference in the provision conferring powers on the Industry and Labour Board to *The Public Inquiries Act* is changed to a reference to Part II of *The Public Inquiries Act, 1971*.

2. An inspector is now authorized to issue stop-work orders where he is of opinion that work is being carried on in such manner as to be dangerous to life or property. Provision is made for an appeal from an inspector to his immediate superior.

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Minister entitled to be heard
- (4) An appeal under this section may be made on questions of law or fact or both and the court may exercise all the powers of the Tribunal, and for such purpose the court may substitute its opinion for that of the Registrar or of the Tribunal, or the court may refer the matter back to the Tribunal for rehearing, in whole or in part, in accordance with such directions as the court considers proper. Powers of court on appeal

29.—(1) Subsection 2 of section 9 of *The Department of Labour Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 97, s. 9, subs. 2, re-enacted

- (2) For the purpose of procuring such information or for the purpose of assisting the Department in carrying out any of the provisions of section 6, the Minister may authorize the Board or any members of the Board to conduct a public inquiry and the Board and the member or members thereof acting under such authority have, for the purpose of conducting such public inquiry, the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such public inquiry as if it were an inquiry under that Act. Public inquiries by Board

(2) Section 11 of *The Department of Labour Act*, as re-enacted by section 2 of *The Department of Labour Amendment Act, 1962-63*, is amended by adding thereto the following subsections: R.S.O. 1960, c. 97, s. 11 (1962-63, c. 33, s. 2), amended

- (3) Any person who considers himself aggrieved by an order made by an inspector under this section may appeal to the chief inspector or chief officer having supervision over the inspector or if there is no such chief inspector or chief officer, to the Deputy Minister who shall designate a person to hear and determine the appeal. Appeal
- (4) A chief inspector or chief officer to whom an appeal is made under this section or the person designated under subsection 3 to hear an appeal shall hear and dispose of the appeal as promptly as is practicable, but the bringing of such appeal does not affect the operation of the order appealed from pending disposition of the appeal. Hearing

How appeal
made

- (5) An appeal under this section may be made in writing or orally or by telephone, but the person to whom the appeal is made may require the grounds for appeal to be specified in writing before the hearing.

Parties

- (6) The appellant, the inspector from whom the appeal is taken and such other persons as the person to whom the appeal is made may specify are parties to an appeal under this section.

Powers of
person
hearing
appeal

- (7) The person hearing an appeal under this section may substitute his findings or opinions for those of the inspector who made the order appealed from and may affirm or rescind the order or make a new order in substitution therefor and has all the powers of the inspector for such purpose and the decision or order on the appeal shall stand in the place of and have a like effect under this Act and the regulations as the decision or order of the inspector.

1967, c. 23,
s. 7,
re-enacted

30.—(1) Section 7 of *The Department of Social and Family Services Act, 1967* is repealed and the following substituted therefor:

Regulations
governing
occupation
and
operation of
institutions

7.—(1) Where any institution or organization is operated or managed for charitable objects or purposes and where,

- (a) the persons operating and managing the institution so request; or
- (b) the institution or organization procures funds for its operation from the public and the Lieutenant Governor in Council considers it necessary to ensure proper application of such funds; or
- (c) any approval, licence or registration for the operation of the institution or organization required by any Act administered by the Minister, has been refused or revoked; or
- (d) the Lieutenant Governor in Council considers it necessary in the best interests of those residing in or relying on the services of such institution or organization and for their immediate protection,

the Lieutenant Governor in Council may make regulations,

SECTION 30.

1. The powers of the Minister to assume control of institutions or organizations are stated more specifically.

2. Provision is made for the Minister to obtain a warrant for possession where necessary.

3. Except with the consent of the operators of an institution, the Minister's control is limited to a period of one year but may be extended by the Lieutenant Governor in Council.

SECTION 31.

1. The powers of persons appointed by the Minister to make investigation are defined by reference to Part II of *The Public Inquiries Act, 1971*.

2. The Act presently requires permits for the construction or alteration of tourist establishments, and licences for their operation, but the grounds for refusing to issue or renew, for approval of transfers and for suspension or cancellation of licences are contained in the regulations. The amendments propose that the main provisions governing these matters, and specifically the grounds upon which permits or licences or their renewal or transfer may be refused or may be suspended or cancelled, be transferred to the Act.

3. An applicant for a permit to construct or to alter a tourist establishment is given a right to a permit if his establishment will comply with requirements of the Act and regulations. His right may be enforced by an application for judicial review under *The Judicial Review Procedure Act, 1971*.

4. Where a licence issuer refuses to issue, renew or transfer, or suspends or cancels, a licence an appeal is provided to a judge of the county or district court by way of a hearing *de novo*.

5. An appeal lies from the decision of a judge to the Divisional Court.

6. Entry by an inspector into a dwelling unit that is actually occupied is prohibited except under a search warrant.

7. An inspector is authorized provisionally to suspend a licence where there is danger to safety or health and thereafter the provisions relating to hearings and appeals apply.

- (e) designating such institution or organization to be subject to the control of the Minister;
- (f) governing the operation and activities of any institution or organization designated under clause e and the procuring of funds from the public and the application thereof by such institution or organization;
- (g) authorizing the Minister to operate and manage any such institution or organization designated under clause e and for that purpose, notwithstanding sections 25 and 40 of *The Expropriations Act, 1968-69*, authorizing ^{1968-69, c. 36} the Minister to immediately occupy and operate, or arrange for the occupation and operation by a person or organization designated by him, any premises occupied or used by such institution or organization, but the rights of the owner under that Act, except the right to possession, shall not be affected thereby.
- (2) Where the Minister has been authorized under this section to occupy any premises, if the persons in occupation refuse to permit the Minister or persons authorized by him for that purpose to enter upon and occupy the premises or resist such entry, the Minister may apply *ex parte* to a judge of the county or district court of the county or district in which the premises are situate for a warrant directing the sheriff to put the Minister or persons authorized by him in occupation of the premises and the judge, upon being satisfied that the Minister is so authorized to occupy the premises and of such refusal or resistance, may issue such warrant and the sheriff shall forthwith execute the warrant and make a return to the judge of the execution thereof. ^{Warrant for entry and occupation}
- (3) Except with the consent of the person operating and managing an institution, the Minister shall not occupy and operate or arrange for the occupation and operation of the premises of an institution under subsection 1 for a period longer than a year, but the Lieutenant Governor in Council may from time to time extend such period. ^{Period of occupation}

31.—(1) Section 1 of *The Department of Tourism and Information Act, 1966* is amended by adding thereto the following clauses: ^{1966, c. 44, s. 1, amended}

(ba) "licence issuer" means the tourist industry officer of the Department of Tourism and Information or other official of the Department designated as such by the Minister;

(da) "operator" means the resident manager or other person in charge of a tourist establishment.

1966, c. 44,
s. 5,
re-enacted

(2) Section 5 of *The Department of Tourism and Information Act, 1966* is repealed and the following substituted therefor:

Investigations

5. The Minister may by order appoint one or more persons to investigate, inquire into and report to him upon any matter connected with or affecting the tourist industry, including accommodation, facilities, or services offered to tourists or the advertising or publicizing thereof, or of the resources, attractions or advantages of Ontario, and, for the purposes of the investigation and inquiry, any person making the investigation has the powers of a commissioner under Part II of *The Public Inquiries Act, 1971*, which Part applies to the investigation as if it were an inquiry under that Act.

1971, c. . . .

1966, c. 44,
s. 6,
re-enacted

(3) Section 6 of *The Department of Tourism and Information Act, 1966* is repealed and the following substituted therefor:

Construction permit required

6.—(1) No person shall construct a tourist establishment or make an addition to or a structural alteration in a tourist establishment except in accordance with a permit therefor in the prescribed form issued under this Act.

Issue of permit

(2) Subject to subsection 3, a person is entitled to be issued a permit for the construction of, or the making of additions to or structural alterations in, a tourist establishment upon filing with the proper licence issuer,

(a) an application therefor in the prescribed form; and

(b) plans and specifications of the proposed tourist establishment showing that the establishment as constructed, added to or altered will comply with the requirements of this Act and the regulations and of any other law, regulation or by-law applicable to the establishment.

- (3) A licence issuer may, after hearing the applicant, ^{Refusal of permit} refuse to issue a permit under this section if the plans and specifications for the tourist establishment or for additions to or alterations in a tourist establishment do not comply with clause *b* of subsection 2.
- (4) A permit under this section expires one year after ^{Expiry of permit} the date it was issued.
- (5) No holder of a permit shall construct a tourist establishment or make an addition to or structural alteration in a tourist establishment except in accordance with the plans and specifications in relation to which the permit was granted. ^{Plans and specifications}
- 6a.—(1) No person shall operate a tourist establishment except in accordance with a licence in the ^{Operator's licence required} prescribed form issued therefor under this Act.
- (2) Subject to section 6*b*, a person is entitled to be ^{Issue of licence} issued a licence to operate a tourist establishment upon application therefor in the prescribed form to the proper licence issuer, accompanied by such information as may be prescribed by the regulations, and payment of the prescribed fee.
- (3) A licence issued under this section, ^{Term of licence}
- (a) becomes effective on the first day of April of the year in which it is issued or the date on which it is issued, whichever is the later; and
- (b) expires on the 31st day of March next following unless sooner suspended or cancelled.
- 6*b*.—(1) A licence issuer may, after a hearing, ^{Refusal of licence} refuse to issue a licence to operate a tourist establishment if,
- (a) the tourist establishment does not comply with the requirements of this Act or the regulations or any other law, regulation or by-law applicable to the establishment;
- (b) a licence to operate a tourist establishment was previously issued to the applicant and such licence is suspended or such licence was cancelled and the grounds for such cancellation continue to exist; or

- (c) the owner, lessee or operator of the establishment has been convicted of any offence for conduct that affords reasonable grounds for believing that the tourist establishment will not be operated in accordance with law and with honesty and integrity.
- Transmission of report, etc., to Minister and applicant
- (2) Within forty-eight hours after a refusal to issue a licence, the licence issuer shall transmit,
- (a) to the Minister the application and a report setting forth the reasons for the refusal; and
- (b) to the applicant by registered mail, a copy of the report and a notification that a refund has been authorized and will be issued from the office of the Provincial Treasurer in due course.
- Renewal of licence
- 6c.—(1) Subject to section 6*d*, the holder of a licence to operate a tourist establishment is entitled to a renewal thereof upon application therefor in the prescribed form to the proper licence issuer and payment of the prescribed fee.
- Application
- (2) Application for renewal of a licence to operate a tourist establishment shall be made,
- (a) where the establishment is operated throughout the year, before expiry of the current licence; or
- (b) where the establishment is operated for only part of the year, before the 15th day of May in each year.
- Continuation of registration pending renewal
- (3) Where, within the time prescribed therefor or, if no time is prescribed, prior to the expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,
- (a) until the renewal is granted; or
- (b) where he is served with notice of a hearing by the licence issuer, until the decision of the licence issuer has become final.
- Suspension, etc., of licence
- 6d.—(1) A licence issuer may, after a hearing, refuse to renew or suspend or cancel a licence to operate a tourist establishment if,

- (a) the tourist establishment does not comply with the requirements of this Act or the regulations or of any other law, regulation or by-law applicable to the establishment;
- (b) the owner, lessee or operator of the establishment,
- (i) has contravened any provision of this Act or the regulations, or
 - (ii) has been convicted of any offence for conduct that affords reasonable grounds for believing that the tourist establishment will not be operated in accordance with law or with honesty and integrity; or
- (c) the establishment, or any part thereof, is declared a public place under subsection 2 of section 42 of *The Liquor Control Act*,

R.S.O. 1960,
c. 217

notwithstanding that the grounds for refusal, suspension or cancellation existed at the time the licence was issued.

- (2) A notice of a hearing under subsection 1 relating to a refusal to renew or the suspension or cancellation of a licence shall be served personally or by registered mail on the licensee and shall afford to him a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the retention of the licence.
- (3) A licence issuer shall afford to an applicant or licensee who will be affected by a decision pursuant to a hearing by the licence issuer, or to his representative, an opportunity to examine, before the hearing, any written or documentary evidence that will be introduced, or any report the contents of which will be given in evidence at the hearing.
- 6e. Where a licensed tourist establishment is sold or legal ownership thereof passes, the purchaser or other person to whom the legal ownership has passed is entitled to obtain a transfer of the licence from the proper licence issuer upon application therefor in the prescribed form and payment of the prescribed fee if he would have been entitled to be issued the licence if he were making an initial application

therefor and surrenders the existing licence, and the provisions of section 6b apply to his application.

Appeal to
judge

6f.—(1) Where a licence issuer has,

- (a) refused to issue or renew a licence;
- (b) suspended or cancelled a licence; or
- (c) refused to transfer a licence,

the owner, lessee or operator of the tourist establishment to which the licence relates may, within fifteen days after receipt of the decision of the licence issuer, appeal to the judge of the county or district court of the county or district in which the tourist establishment is situate by sending a notice of appeal specifying the grounds of his appeal by registered mail to the Deputy Minister of Tourism and Information and filing a copy thereof in the office of the clerk of the court.

Parties

(2) The Minister represented by such person as he may nominate and the person filing the notice of appeal are parties to an appeal under this section.

Hearing
de novo

(3) Where an appeal is brought under this section, the judge shall appoint a time and a place for and shall hear the appeal by way of a hearing *de novo* and may by order direct the licence issuer to take such action as the judge considers the licence issuer ought to take in accordance with this Act and the regulations and as the judge deems proper.

Burden of
establishing
grounds for
refusal, etc.

(4) Where the appeal is from a decision of a licence issuer refusing to renew or transfer or suspending or cancelling a licence, the Minister or his representative shall, on the hearing of the appeal, be deemed to be the complainant, and the burden of establishing the grounds for the refusal to renew or transfer or the suspension or cancellation shall be upon him, and the appellant shall be deemed to be the respondent.

Extension of
time for
hearing

(5) A judge to whom an appeal may be taken under this section may extend the time for making the appeal, either before or after expiration of the time fixed therefor, where he is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension.

(6) The oral evidence taken before the judge on an appeal shall be recorded, and if so required, copies or a transcript thereof shall be furnished upon the same terms as in the county court. Recording of evidence

(7) The findings of fact of a judge on an appeal shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact
1971, c. ...

6g.—(1) Any party to proceedings before a judge under section 6f may appeal from the decision or order of the judge to the Supreme Court in accordance with the rules of court. Appeal from order of judge

(2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision or order was made, which, together with the transcript of the evidence before the judge, if it is not part of the record of the judge, shall constitute the record in the appeal. Record to be filed in court

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Minister entitled to be heard

(4) The Supreme Court may, on the appeal, exercise all the powers of the judge appealed from or the court may refer the matter back to the judge for a re-hearing, in whole or in part, in accordance with such directions as the court considers proper. Decision

(4) Section 9 of *The Department of Tourism and Information Act, 1966* is amended by adding thereto the following subsection: 1966, c. 44, s. 9, amended

(3) Nothing in this section authorizes an inspector to enter any premises or dwelling unit forming part of a tourist establishment that is rented and actually occupied by a tourist or member of the public without the consent of the occupant, except under the authority of a warrant issued under section 14 of *The Summary Convictions Act*. Entry of rented and occupied premises with consent
R.S.O. 1960, c. 387

(5) *The Department of Tourism and Information Act, 1966* is amended by adding thereto the following section: 1966, c. 44, amended

9a.—(1) Notwithstanding section 6d, an inspector, by notice delivered to the operator of a tourist establish- Provisional suspension of licence

ment, may provisionally suspend the licence to operate the establishment if he believes on reasonable grounds that the continued operation of the establishment will be dangerous to the safety or health of any person and, upon delivery of such notice to the operator, the suspension takes effect.

Hearing

- (2) Where an inspector has provisionally suspended a licence to operate a tourist establishment under subsection 1, he shall forthwith notify the licence issuer by whom the licence was issued and the licence issuer shall, as soon as is practicable, hold a hearing and determine whether the licence should be suspended or cancelled under this Act, and the provisions of sections 6*d*, 6*f* and 6*g* apply to such proceedings and to the decision of the licence issuer.

1966, c. 44,
s. 10, subs. 3,
re-enacted

- (6) Subsection 3 of section 10 of *The Department of Tourism and Information Act, 1966* is repealed and the following substituted therefor:

Acquisition
of land
R.S.O. 1960,
c. 338,
1968-69, c. 36

- (3) Lands may be acquired for the purposes of this section under *The Public Works Act* and, where expropriated, *The Expropriations Act, 1968-69* applies.

1966, c. 44,
s. 12, subs. 1,
cl. a,
re-enacted

- (7) Clause *a* of subsection 1 of section 12 of *The Department of Tourism and Information Act, 1966* is repealed and the following substituted therefor:

- (*a*) providing for the issuance of permits and licences and prescribing the terms and conditions of permits or licences or any class thereof.

1966, c. 44,
s. 12, subs. 1,
cl. *m*,
repealed

- (8) Clause *m* of subsection 1 of the said section 12 is repealed.

1962-63,
c. 36, s. 1,
amended

- 32.**—(1) Section 1 of *The Deposits Regulation Act, 1962-63* is amended by adding thereto the following clauses:

(*aa*) “business premises” does not include any dwelling;

(*da*) “dwelling” means any premises or any part thereof occupied as living accommodation.

1962-63,
c. 36, s. 5,
subs. 5,
re-enacted

- (2) Subsection 5 of section 5 of *The Deposits Regulation Act, 1962-63* is repealed and the following substituted therefor:

Powers on
inspection

- (5) For purposes relevant to the subject-matter of an investigation under subsection 4, the representative

SECTION 32.

1. The powers of investigation of the representative of the Commission are clarified to restrict them to matters relevant to the subject-matter of the investigation and to the powers conferred under Part II of *The Public Inquiries Act, 1971*.

2. A search warrant may be obtained in defined circumstances on the order of a provincial judge.

3. Information obtained as a result of an investigation under the Act is to be kept confidential.



of the Commission may inquire into and examine the affairs of the person or corporation whose affairs are being investigated and may,

(a) upon production of his authorization from the Commission, enter at any reasonable time the business premises of such person or corporation and examine books, papers, documents and things relevant to the subject-matter of the investigation;

(b) inquire into,

(i) negotiations, investigations, transactions, loans, borrowings and payments to, by, or on behalf of or in relation to or connected with such person or corporation and into any property, assets or things owned, acquired or alienated in whole or in part by such person or corporation or any person or company acting on his or its behalf that are relevant to the subject-matter of the investigation, and

(ii) the assets at any time held, the liabilities, debts, undertakings and obligations at any time existing, the financial or other conditions at any time prevailing in or in relation to or in connection with any such person or corporation and any other person or corporation and the relationship that may at any time exist or have existed between such person or corporation and any other person or corporation by reason of investments, commissions promised, secured or paid, interests held or acquired, the loaning or borrowing of money, stock or other property, the transfer, negotiation or holding of stock, interlocking directorates, common control, undue influence or control or any other relationship.

(6) No person shall obstruct a person making an investigation under subsection 4 or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation. Offence

Powers
under
1971, c.
Pt. II

- (7) For the purposes of an investigation under this section, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act.

Search
warrant

- (8) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are, in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person or corporation whose affairs are being investigated and that relate to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 5, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the judge, by the order, authorizes the person making the investigation, to make the search at night.

Removal of
books, etc.

- (9) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 5 or subsection 8 relating to the person or corporation whose affairs are being investigated and that relate to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person or corporation whose affairs are being investigated.

Admissibility
of copies

- (10) Any copy made as provided in subsection 9 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.



SECTION 33. The powers of a council to subpoena witnesses and require evidence on oath are defined by reference to Part II of *The Public Inquiries Act, 1971*.

SECTION 34. The amendments proposed to this Act are similar to the amendments proposed to *The Artificial Insemination of Cattle Act, 1962-63*, and are explained in the explanatory note to section 9 of this Bill.

(11) The Commission may appoint any expert to examine ^{Appointment of experts} books, papers, documents or things examined under clause *a* of subsection 5 or subsection 8.

(3) *The Deposits Regulation Act, 1962-63* is amended by ^{1962-63, c. 36, amended} adding thereto the following section:

5a. Every person employed in the administration of this ^{Matters confidential} Act, including any person making an investigation or inquiry under this Act shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, investigation or inquiry and shall not communicate any such matters to any other person except,

(a) as may be required in connection with the administration of this Act and the regulations, or any proceedings under this Act or the regulations; or

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

(4) Clause *f* of section 8 of *The Deposits Regulation Act, 1962-63* is repealed. ^{1962-63, c. 36, s. 8, cl. f, repealed}

33. Section 14 of *The Dog Tax and Live Stock and Poultry* ^{R.S.O. 1960, c. 111, s. 14, re-enacted} *Protection Act*, as amended by section 9 of *The Dog Tax and Live Stock and Poultry Protection Amendment Act, 1965*, is repealed and the following substituted therefor:

14.—(1) The council of a municipality may conduct an ^{Inquiry to ascertain owner of dog} inquiry in order to ascertain the owner of a dog that has killed or injured live stock or poultry within the municipality.

(2) The council of a municipality for the purposes of ^{Powers on inquiry} an inquiry under subsection 1 has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it ^{1971, c. ...} were an inquiry under that Act.

34.—(1) Section 1 of *The Edible Oil Products Act* is ^{R.S.O. 1960, c. 115, s. 1, amended} amended by adding thereto the following clauses:

(aa) “chief inspector” means the chief inspector appointed under this Act;

1965, c. 72

(ab) "Commission" means The Milk Commission of Ontario established by *The Milk Act, 1965*;

(da) "licence" means a licence under this Act.

R.S.O. 1960,
c. 115, s. 4,
re-enacted

(2) Section 4 of *The Edible Oil Products Act* is repealed and the following substituted therefor:

Licence
required

4. No person shall manufacture or sell by wholesale an edible oil product to which this Act applies without a licence therefor from the chief inspector.

R.S.O. 1960,
c. 115,
amended

(3) *The Edible Oil Products Act* is amended by adding thereto the following sections:

Licence,
issue

4a.—(1) The chief inspector shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing,

(a) he finds that;

- (i) the applicant was previously the holder of a licence and such licence was cancelled under this Act; or
- (ii) the applicant or, where the applicant is a corporation, any officer, director or servant thereof or any person who will be in any way associated with the applicant in the operations pursuant to the licence was convicted of an offence under this Act,

and in his opinion the grounds for such cancellation or conviction warrant a refusal to issue the licence; or

(b) he is of opinion that,

- (i) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business that would be authorized by the licence will not be carried on in accordance with law; or
- (ii) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(2) Subject to section 4b, the chief inspector shall renew ^{Renewal} a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

4b.—(1) The chief inspector may refuse to renew or may ^{Refusal to renew, suspension or cancellation} suspend or cancel a licence if, after a hearing, he finds that,

(a) the licensee or, where the licensee is a corporation, any officer, director or servant thereof, has contravened or has permitted any person under his control or direction or associated with him in connection with his or its operations as a licensee to contravene any provision of this Act or the regulations or a term or condition of the licence or has been convicted of an offence under this Act and such contravention or conviction in his opinion warrants such refusal to renew, suspension or cancellation of the licence; or

(b) any other ground for refusal to renew, suspension or cancellation specified in the regulations exists.

(2) Notwithstanding subsection 1, the chief inspector, ^{Provisional suspension, etc.} by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the opinion of the chief inspector it is necessary to do so for the immediate protection of the safety or health of any person or the public and he so states in such notice giving his reasons therefor, and thereafter the chief inspector shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or cancelled under this Act and the regulations.

(3) Subject to subsection 2, where, within the time ^{Continuation of licence pending renewal} prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and has paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the chief inspector on his application for renewal.

Notice of hearing

4c.—(1) The notice of a hearing by the chief inspector under section 4a or section 4b shall afford the applicant or licensee reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination of documentary evidence

(2) An applicant or licensee who is a party to proceedings in which the chief inspector holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Variation of decision by chief inspector

4d. Where the chief inspector has refused to issue or renew or has suspended or cancelled a licence pursuant to a hearing he may at any time of his own motion or on the application of the person who was the applicant or licensee vary or rescind his decision, but he shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

Appeal to Commission

4e.—(1) Where the chief inspector refuses to issue or renew, or suspends or cancels a licence, the applicant or licensee may, by written notice delivered to the chief inspector and filed with the Commission within fifteen days after receipt of the decision of the chief inspector, appeal to the Commission.

Extension of time for appeal

(2) The Commission may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Disposal of appeal

(3) Where an applicant or licensee appeals to the Commission under this section, the Commission shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or cancelled and may, after the hearing, confirm or alter the decision of the chief inspector or direct the chief inspector to do any act he is authorized to do under this Act and as the Commission considers proper, and, for such purpose, the Commission may substitute its opinion for that of the chief inspector.

(4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the chief inspector, unless the chief inspector otherwise directs, the decision of the chief inspector is effective until the appeal is disposed of. Effect of decision pending disposal of appeal

4f.—(1) The chief inspector, the appellant and such other persons as the Commission may specify are parties to the proceedings before the Commission under this Act. Parties

(2) Members of the Commission assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members making decision not to have taken part in investigation, etc.

(3) The oral evidence taken before the Commission at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence

(4) The findings of fact of the Commission pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact

(5) No member of the Commission shall participate in a decision of the Commission pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Commission shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision

4g.—(1) Any party to the hearing before the Commission may appeal from the decision of the Commission to the Supreme Court in accordance with the rules of court. Appeal to court

(2) The Minister is entitled to be heard, by counsel or otherwise, on the argument of an appeal under this section. Minister entitled to be heard

Record to be filed in court

- (3) The chairman of the Commission shall certify to the Registrar of the Supreme Court the record of the proceedings before the Commission which, together with a transcript of the evidence before the Commission, if it is not part of the Commission's record, shall constitute the record in the appeal.

Powers of court on appeal

- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Commission or direct the chief inspector to do any act he is authorized to do under this Act or may refer the matter back to the Commission for reconsideration by the Commission as the court considers proper, and the court may substitute its opinion for that of the chief inspector or the Commission.

Effect of decision of Commission pending disposal of appeal

- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Commission, unless the Commission otherwise directs, the decision of the Commission is effective until the appeal is disposed of.

R.S.O. 1960, c. 115, s. 6, subs. 1, re-enacted

(4) Subsection 1 of section 6 of *The Edible Oil Products Act* is repealed and the following substituted therefor:

Inspectors, etc., appointment

- (1) The Lieutenant Governor in Council may appoint a chief inspector and such inspectors and analysts as are deemed necessary for the administration and enforcement of this Act and the regulations.

1966, c. 50, s. 2, re-enacted

35.—(1) Section 2 of *The Elderly Persons Centres Act, 1966*, as amended by section 2 of *The Elderly Persons Centres Amendment Act, 1970*, is repealed and the following substituted therefor:

Approval of corporation

- 2.—(1) Where the Lieutenant Governor in Council is satisfied that any corporation is, with assistance in accordance with this Act, financially capable of establishing, maintaining and operating a centre and that its affairs are carried on under competent management in good faith for charitable purposes, he may approve such corporation as a corporation for the purpose of the Act.

Approval of building

- (2) Where the Lieutenant Governor in Council is satisfied that a building or premises is suitable for providing accommodation as a centre in accordance with this Act and the regulations, he may approve such building or premises as a centre for the purposes of this Act.

SECTION 35. Principles are stated to govern the decision of the Lieutenant Governor in Council in giving approval of a corporation to operate a charitable institution and of buildings for the institution. Grounds for suspension or revocation of an approval are set out. A procedure requiring that an inquiry be held before suspension or revocation is proposed.

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- (3) An approval given under subsection 2 or section 2a ^{Effective date of approval} may take effect on any date fixed by the Lieutenant Governor in Council that is prior to the date on which the approval is given, but in no case shall the date upon which the approval takes effect precede the date of the approval given under subsection 1 to the corporation maintaining and operating the centre or the date of the approval given under section 2a to the municipal by-law establishing the centre, as the case may be.

(2) Section 6a of *The Elderly Persons Centres Act, 1966*, ^{1966, c. 50, s. 6a} as enacted by section 6 of *The Elderly Persons Centres Amendment Act, 1970*, ^{(1970, c. 82, s. 6), re-enacted} is repealed and the following substituted therefor:

6a.—(1) Subject to this section, any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister if, ^{Suspension or revocation of approval}

(a) any director, officer or servant of the approved corporation or municipality 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 provision; or

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

(2) Subject to subsection 6 and except where an approval is suspended or revoked with consent, before suspending, or before recommending to the Lieutenant Governor in Council revocation of an approval to a corporation or to a centre operated by an approved corporation 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 appointed by the Minister. ^{Hearing}

(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. ^{Application of 1971, c. ...}

(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 ^{Report}

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

- (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 health or safety of any person or to the public 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.

1966, c. 50,
s. 7, cl. k,
repealed

- (3) Clause *k* of section 7 of *The Elderly Persons Centres Act, 1966* is repealed.

R.S.O. 1960,
c. 121, s. 3,
re-enacted

36.—(1) Section 3 of *The Employment Agencies Act* is repealed and the following substituted therefor:

Licence,
issue

- 3.—(1) Subject to section 6, an applicant for a licence to carry on a class of employment agency who,

- (a) applies in the prescribed form;
- (b) pays the prescribed fee;
- (c) furnishes such security as is prescribed by the regulations; and
- (d) complies with the qualifications prescribed by the regulations,

is entitled to be issued such licence by the supervisor.

Renewal

- (2) Subject to section 6a, a licensee who applies for a renewal of his licence in accordance with this Act and the regulations and pays the prescribed fee is entitled to renewal of his licence by the supervisor.

SECTION 36.

1. A right to a licence to carry on an employment agency and to the renewal thereof is conferred subject to specified grounds for refusal.

2. The grounds for suspension or revocation of a licence are specified with more particularity than at present.

3. Where a licensee has duly applied for renewal of his licence, it is continued until the application is disposed of.

4. The supervisor is required to serve notice of a proposal to refuse to issue or renew or to suspend or revoke a licence. The applicant or licensee may require a hearing by a county or district court judge and procedural provisions supplementing *The Statutory Powers Procedure Act, 1971* are proposed.

5. Special rules for proceedings of judicial tribunals recommended by the McRuer Report No. 1 are proposed.

6. An appeal from a decision of the judge is provided to the Divisional Court.

7. Power is given provisionally to suspend a licence in emergency circumstances with a hearing to be held thereafter.

1875

1875

(2) Section 6 of *The Employment Agencies Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 121, s. 6,
re-enacted

6. Subject to section 6*b*, the supervisor may refuse to issue a licence to an applicant who otherwise has complied with the requirements of section 3 if in his opinion, Refusal
to issue
licence

- (a) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on the employment agency in accordance with law and with honesty and integrity; or
- (b) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the carrying on of the employment agency; or
- (c) where the applicant is a corporation,
 - (i) the past conduct of its officers or directors affords reasonable grounds for belief that the employment agency will not be carried on by it in accordance with law or with honesty and integrity, or
 - (ii) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the carrying on of the employment agency.

6*a*. Subject to section 6*b*, the supervisor may refuse to renew or may suspend or revoke a licence if in his opinion, Suspension,
revocation,
etc.

- (a) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has knowingly permitted any person under his control or direction or associated with him in the carrying on of the employment agency carried on pursuant to the licence to contravene any provision of this Act or of the regulations or of any other Act or regulations applying to the carrying on of the employment agency and such contravention occurred through lack of competence or with intent to evade the requirements of such provision; or

(b) the licence would be refused under section 6 if the licensee were making application for it in the first instance.

Notice of proposal to refuse or revoke

6b.—(1) Where the supervisor proposes to refuse to issue or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee informing him that he has a right to a hearing by a judge of the county or district court of the county or district in which he intended to carry on or carried on his employment agency under the licence if he applies to the judge within fifteen days after service of the notice by the supervisor, and the applicant or licensee may within such time apply to the judge for a hearing.

Powers of supervisor where no hearing

(2) Where an applicant or licensee does not apply for a hearing in accordance with subsection 1, the supervisor may carry out the proposal stated in his notice under subsection 1.

Powers of judge where hearing

(3) Where an applicant or licensee applies to a judge for a hearing in accordance with subsection 1, the judge shall appoint a time for and hold the hearing and, on the application of the supervisor at the hearing, may by order direct the supervisor to carry out his proposal or refrain from carrying out his proposal and to take such action as the judge considers the supervisor ought to take in accordance with this Act and the regulations, and for such purposes the judge may substitute his opinion for that of the supervisor.

Service of notice

(4) The supervisor may serve notice under subsection 1 personally or by registered mail addressed to the applicant or licensee at his address last known to the supervisor and where notice is served by registered mail the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the judge to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Extension of time for hearing

(5) A judge to whom application is made by an applicant or licensee for a hearing under subsection 1 may extend the time for making the application, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie*

- grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension.
- (6) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue, Continuation of licences pending renewal
- (a) until the renewal is granted; or
- (b) where he is served with notice that the supervisor proposes to refuse to grant the renewal, until the time for applying to a judge for a hearing expires and, where a hearing is applied for, until the judge has made his order.
- 6c.—(1) The supervisor, the applicant or licensee who has applied for the hearing and such other persons as the judge may specify are parties to the proceedings before a judge under section 6b. Parties
- (2) Notice of a hearing under section 6b shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence. When notice to be given
- (3) An applicant or licensee who is a party to proceedings under section 6b shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence
- (4) The oral evidence taken before the judge at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the county court. Recording of evidence
- (5) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. ...
- 6d.—(1) Any party to proceedings before a judge may appeal from the decision or order of the judge to the Supreme Court in accordance with the rules of court. Appeal from order of judge

Record
to be filed
in court

- (2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision or order was made, which, together with the transcript of the evidence before the judge if it is not part of the record of the judge, shall constitute the record in the appeal.

Representa-
tions by
Minister

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Decision

- (4) The Supreme Court may, on the appeal, exercise the powers of the judge appealed from and for such purpose the court may substitute its opinion for that of the supervisor or of the judge or the court may refer the matter back to the judge for a hearing, in whole or in part, in accordance with such directions as the court considers proper.

Provisional
order of
supervisor

- 6e. Notwithstanding section 6b, the supervisor, by notice to a licensee, and without a hearing, may provisionally refuse renewal of or suspend the licensee's licence where the carrying on of the employment agency under the licence is, in the supervisor's opinion, an immediate threat to the interests of persons dealing with the agency or to the public interest and the supervisor so states in the notice giving his reasons therefor, and thereafter sections 6b, 6c and 6d apply as if the notice given under this section were a notice of a proposal to revoke the licence served under subsection 1 of section 6b.

R.S.O. 1960,
c. 121, s. 9,
cl. 1,
repealed

- (3) Clause 1 of section 9 of *The Employment Agencies Act* is repealed.

1968, c. 35,
s. 5 (1970,
c. 45, s. 3),
cl. a,
re-enacted

37.—(1) Clause a of section 5 of *The Employment Standards Act, 1968*, as re-enacted by section 3 of *The Employment Standards Amendment Act, 1970*, is repealed and the following substituted therefor:

- (a) summon and examine witnesses and require them to produce such documents and things as he considers requisite to the full investigation and consideration of the matter or thing he is authorized to inquire into and for such purpose he has the powers of a commission in Part II of *The Public Inquiries Act, 1971*, which Part applies to his inquiry as if it were an inquiry under that Act.

1971, c. ...

SECTION 37.

1. The powers of a person conducting an inquiry under section 5 of the Act to summon witnesses and require production of documents are defined by reference to Part II of *The Public Inquiries Act, 1971*.

2. Section 5 confers powers to determine certain matters and the amendment proposes that a hearing should be afforded to persons interested.

3. An investigation by a board of amounts alleged to be owing to a female employee because of discrimination is made subject to the provisions of *The Statutory Powers Procedure Act, 1971*.

4. Determination of the amount owing to an employee by reason of failure to comply with the provisions of the Act is made subject to appeal to the Divisional Court in the place of the Court of Appeal as at present.



(2) The said section 5 is amended by adding thereto the following subsections: 1968, c. 35, s. 5
(1970, c. 45,
s. 3),
amended

(2) Before making a determination under subsection 1, the Director or the person designated to do so shall afford to the persons who will be affected by the determination an opportunity for a hearing. Hearing

(3) Where a group of persons having the same interest will be affected by a determination under subsection 1 and such group of persons have not specified a person to represent all persons in the group, the Director or the person designated to make the determination may, if he considers it proper, specify one or more persons to represent all persons constituting the group in the proceedings in which such determination is to be made and all persons so represented are parties to the decision. Persons to represent groups

(3) Subsections 3 and 4 of section 20 of *The Employment Standards Act, 1968* are repealed and the following substituted therefor: 1968, c. 35,
s. 20,
subss. 3, 4,
re-enacted

(3) The board shall investigate the amount of moneys owing to an employee under section 19 and, after a hearing, shall make recommendations to the Director as to the determination he should make and the Director may, after considering such recommendations, make his determination. Recommendations to Director

(4) Sections 4 to 18 and 20 to 24 of *The Statutory Powers Procedure Act, 1971* apply to the proceedings of the board as if it were a tribunal exercising a statutory power of decision and for such purpose the recommendations of the board shall be deemed to be a decision of the board. Application of 1971, c. ...

(4) Subsections 4, 5 and 6 of section 28 of *The Employment Standards Act, 1968*, as re-enacted by section 8 of *The Employment Standards Amendment Act, 1970*, are repealed and the following substituted therefor: 1968, c. 35,
s. 28 (1970,
c. 45, s. 8),
subss. 4-6,
re-enacted

(4) Where an employer has applied under subsection 3 for a review of a determination made under subsection 1, the Minister shall designate a person to review the determination and such person may, after hearing the parties, vary, rescind or confirm the amount payable by the employer and for such purpose the person designated may exercise any of the powers conferred by clauses *c* to *h* of section 5. Review of determination

Appeal

(5) An employer who is dissatisfied with a decision made under subsection 4 may appeal from the decision to the Supreme Court, within fifteen days from the day he received the decision, upon the grounds that the decision is,

(a) erroneous in point of law; or

(b) in excess of jurisdiction or otherwise unauthorized.

Stated case

(6) Upon the request of an employer desiring to appeal to the Supreme Court, the person who made the decision under subsection 4 shall state a case setting forth the facts as found and the grounds upon which the decision is questioned.

1968, c. 35,
s. 28 (1970,
c. 45, s. 8),
subs. 8,
re-enacted

(5) Subsection 8 of the said section 28 is repealed and the following substituted therefor:

Order of court

(8) The Supreme Court shall hear and determine the appeal in accordance with the rules of court and may make such order as the court considers proper or may refer the matter or any part thereof to the person who made the decision appealed from to review the determination with such directions as the court considers proper.

Minister entitled to be heard

(8a) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

1966, c. 54,
s. 1,
amended

38.—(1) Section 1 of *The Family Benefits Act, 1966* is amended by inserting therein the following clause:

(da) “board of review” means the board of review established under this Act.

1966, c. 54,
s. 3, subs. 1,
re-enacted

(2) Subsection 1 of section 3 of *The Family Benefits Act, 1966* is repealed and the following substituted therefor:

Duties of Director

(1) The Director shall perform such duties and exercise such powers under this Act as are conferred or imposed by this Act and the regulations.

1966, c. 54,
s. 3,
amended

(3) The said section 3, as amended by section 1 of *The Family Benefits Amendment Act, 1968*, is further amended by adding thereto the following subsection:

SECTION 38.

1. The main powers of the Director are specified with greater particularity.

2. The grounds for refusal or for suspension or cancellation of a benefit are transferred from the regulations to the Act.

3. The Director shall not refuse an appeal for a benefit or suspend or cancel a benefit until after notice to the recipient and an opportunity afforded to him to make written representations.

4. Where the Director varies a benefit he is required to give notice thereof together with his reasons to the recipient.

5. Where a benefit is refused, varied, suspended or cancelled, the applicant or recipient may request a hearing by the Board of Review.

6. Procedural provisions supplementing *The Statutory Powers Procedure Act, 1971* are proposed.

7. An appeal lies from the Board of Review to the Divisional Court on any question that is not a question of fact alone.



- (4) Any decision made by a person performing duties or exercising powers of the Director under subsection 2 or 3 shall be deemed to be a decision of the Director for the purposes of this Act. Decision of acting Director

(4) Subsection 1 of section 7 of *The Family Benefits Act, 1966* is amended by striking out "An allowance shall and other benefits may be provided in accordance with the regulations to any person in need who is resident in Ontario as determined by the regulations and" in the first, second, third and fourth lines and inserting in lieu thereof "An allowance shall and other benefits may be provided in accordance with the regulations to any person in need who is resident in Ontario and" 1966, c. 54, s. 7, subs. 1, amended

(5) *The Family Benefits Act, 1966* is amended by adding thereto the following sections: 1966, c. 54, amended

10a. The Director shall,

- (a) receive applications for benefits; and Application for and determination of benefits
- (b) in accordance with this Act and the regulations,
- (i) determine whether any person is entitled to or eligible to receive a benefit,
- (ii) where an applicant is so entitled or eligible, determine the amount of the allowance or other benefit and direct provision thereof, and
- (iii) from time to time vary the amount or benefit so determined.

10b. Subject to section 10c, the Director may refuse to provide or may suspend or cancel a benefit where, Refusal or suspension of benefit

- (a) the applicant or recipient is not or ceases to be entitled thereto, or eligible therefor, under this Act or the regulations;
- (b) the applicant or recipient is absent from Ontario;
- (c) the applicant or recipient fails to provide to the Director or his representative, including a field worker, the information required to determine initial or continuing entitlement to or eligibility for a benefit or the amount of an allowance; or

(d) any other ground for refusal, suspension or cancellation specified in the regulations exists.

Notice of proposal to suspend, etc.

10c.—(1) The Director shall not refuse an application for a benefit or suspend or cancel a benefit until more than ten days have elapsed after he has given notice of a proposal to do so, together with his reasons therefor, to the applicant or recipient.

Contents of notice

(2) A notice under subsection 1 shall inform the applicant or recipient that he may within ten days after receipt by him of the notice, file with the Director written representations against the proposed action.

Powers of Director

(3) Where an applicant or recipient,

(a) does not file representations with the Director within ten days after receipt by him of a notice under subsection 1; or

(b) has so filed such representations and the Director has given consideration to them,

the Director may carry out the proposed action, and shall give notice of his decision, together with the reasons therefor to the applicant or recipient.

Notice of variation

(4) Where the Director varies the amount of any allowance or benefit, he shall give notice of such variation, together with his reasons therefor, to the recipient.

Notice of decision

(5) A notice under subsection 3 or 4 shall inform the applicant or recipient that he is entitled to a hearing by the board of review if he delivers or mails to the chairman of the board a request therefor in the prescribed form within thirty days after receipt by him of the notice and an applicant or recipient who so mails or delivers such a request is entitled to a hearing by the board.

Extension of time for requesting hearing

(6) The board may extend the time for giving notice by an applicant or recipient under subsection 5 either before or after expiration of the time therein specified where it is satisfied there are *prima facie* grounds for claiming relief pursuant to a hearing or for appeal and that there are reasonable grounds for applying for the extension.

- (7) A notice by the Director under this section may be given by delivering it personally or by sending it by prepaid mail addressed to the applicant or licensee at his address last known to the Director and, where notice is sent by mail, the notice shall be presumed to have been received on the third day after the day of mailing unless the person to whom notice is given did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice until a later date. How notice may be given
- (8) A decision of the Director under this section shall be effective from such date either before or after the date of the making of the decision as the Director may fix. Effective date of decision
- (9) *The Statutory Powers Procedure Act, 1971* does not apply to proceedings of the Director under this section. 1971, c. ... not to apply
- (10) This section does not apply to refusal of an application for or cancellation of a benefit on the death of the applicant or recipient. Application of section
- (6) Subsection 5 of section 11 of *The Family Benefits Act, 1966*, as enacted by section 2 of *The Family Benefits Amendment Act, 1968*, is repealed and the following substituted therefor: 1966, c. 54, s. 11 (1968, c. 39, s. 2), subs. 5, re-enacted
- (5) The chairman of the board of review may authorize one or more members of the board to conduct a hearing and such member or members has or have all the powers of the board for the purpose of such hearing and any decision of such member or members shall be a decision of the board. One or more members may conduct hearing
- (7) Sections 11a and 11b of *The Family Benefits Act, 1966*, as enacted by section 2 of *The Family Benefits Amendment Act, 1968*, are repealed and the following substituted therefor: 1966, c. 54, ss. 11a, 11b (1968, c. 39, s. 2), re-enacted
- 11a.—(1) Where an applicant or recipient files a request for a hearing in accordance with section 10c, the board of review shall fix a time for and hold a hearing to review the decision of the Director. Review
- (2) The Director, the applicant or recipient who requested the hearing and such other persons as the board may specify are parties to the proceedings before the board of review. Parties

Hearings
in camera

1971, c. ...

- (3) Notwithstanding *The Statutory Powers Procedure Act, 1971*, all hearings of the board of review shall be heard *in camera*.

Members
holding
hearing
not to
have taken
part in
prior con-
sideration
of matter

- (4) Subject to subsection 5, members of the board holding a hearing,
- (a) shall not have taken part in any investigation or consideration of the subject-matter of the hearing prior to the hearing; and
 - (b) shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate.

Legal
advice

- (5) The board of review may seek legal advice from an adviser independent from the parties and members of the board may at any time consult with other members of the board.

Submission
by Director

- (6) The Director may make his submissions at a hearing of the board of review in writing, but the applicant or recipient who is a party to the hearing shall be afforded an opportunity to examine before the hearing any such submission or any written or documentary evidence that the Director proposes will be produced or any report the contents of which the Director proposes will be given in evidence at the hearing.

Recording
of evidence

- (7) The oral evidence taken before the board of review at a hearing shall be recorded,
- (a) by notes taken by or under the supervision of the members of the board conducting the hearing; or
 - (b) in such other manner as such members may direct, in which case copies of a transcript shall, on request, be furnished upon the same terms as in the Supreme Court.

Findings
of fact

1971, c. ...

- (8) The findings of fact of the board of review pursuant to a hearing under this section shall be based exclusively on evidence admissible and facts of which notice may be taken under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

- (9) No member of the board of review shall make any decision of the board pursuant to a hearing under this section unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the board shall be given unless all members so present take part in the decision. ^{Only members at hearing to participate in decision}
- (10) Where, after a hearing, the board of review has reviewed the decision of the Director, the board may, ^{Powers of board after hearing}
- (a) affirm the decision ;
 - (b) rescind the decision and direct the Director to make any other decision that the Director is authorized to make under this Act and the regulations and as the board considers proper and for such purpose the board may substitute its opinion for the opinion of the Director; or
 - (c) refer the matter back to the Director for reconsideration in accordance with such directions as the board considers proper under this Act and the regulations,
- and the Director shall give effect to any directions given by the board under this section.
- (11) The board of review may, on application of any party, reconsider and vary any decision made by it after hearing the parties to the proceedings in which the original decision was made, and the provisions of this section, except subsection 4, apply *mutatis mutandis* to the proceedings on such reconsideration. ^{Variation of decision by board}
- 11b.—(1) Any party to the proceedings before the board of review under section 11a may appeal from the decision of the board to the Supreme Court on a question that is not a question of fact alone in accordance with the rules of court. ^{Appeal to court}
- (2) Where any party appeals from a decision of the board of review, the board shall forthwith file with the Registrar of the Supreme Court the record of the proceedings before it in which the decision was made, which together with the transcript of the evidence, if any, before the board if it is not part of the board's record, shall constitute the record in the appeal. ^{Record to be filed in court}

Minister
entitled to
be heard

- (3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Powers of
court on
appeal

- (4) On an appeal under this section, the court may affirm the decision of the board of review or may rescind it and refer the matter back to the board or to the Director to be disposed of in accordance with such directions as the court considers proper under this Act and the regulations, and the board or the Director shall give effect to any direction given by the court under this section.

Effect of
decision
pending
disposal
of appeal

- 11c. Notwithstanding that an applicant or recipient has requested a hearing by the board of review under section 11a, or has appealed from a decision of the board under section 11b, the decision of the Director or of the board, as the case may be, is effective until the decision of the board is made after the hearing or the decision of the court is made on the appeal, as the case may be.

Recovery of
over-
payments,
etc.

- 11d. Notwithstanding section 5 and subject to the regulations, the Director may recover from a recipient any sum paid to him by way of an allowance under this Act or any predecessor Act mentioned in subsection 1 of section 14 to which he was not entitled under this Act or such predecessor Act or in excess of any amount to which he was so entitled, whether by reason of non-disclosure of facts, misrepresentation or fraud, or for any other cause disintitling him to such an allowance, by reducing or suspending any allowance payable to the recipient or by proceedings to recover such sum as a debt due to the Crown in any court of competent jurisdiction.

Further
application

- 11e. Notwithstanding any decision of the Director, the board of review or of the court, a further application for a benefit may be made to the Director by the applicant or recipient upon new or other evidence or where material circumstances have changed.

1966, c. 54,
s. 13,
amended

- (8) Section 13 of *The Family Benefits Act, 1966* is amended by striking out "The Lieutenant Governor in Council may make such regulations with respect to benefits as are deemed necessary for carrying out the purposes of this Act, and in particular" in the first, second and third lines and inserting in lieu thereof "The Lieutenant Governor in Council may make regulations".



SECTION 39. A hearing is required before revoking a certificate of exemption of a fire fighter from jury duty or serving as a constable.

SECTION 40. Power to forfeit fish or containers is clarified to apply only to fish or containers in relation to which an offence is committed.

- (9) Clause *e* of the said section 13 is repealed. 1966, c. 54,
s. 13, cl. *e*,
repealed
- (10) Clause *n* of the said section 13 is repealed and the following substituted therefor: 1966, c. 54,
s. 13, cl. *n*,
re-enacted
- (*n*) providing for the reinstatement and transfer of allowances and other benefits.
- 39.** Section 2 of *The Fire Fighters' Exemption Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 146, s. 2,
re-enacted
- 2.—(1) Upon complaint to the council of neglect of duty by a member of such fire company, the council shall examine into the complaint and, for any such cause and also in case a member of the company is convicted of a breach of any of the rules legally made for the regulation of the company, may, after a hearing, strike off the name of any such member from the list of the company and thenceforward the certificate granted to the member has no effect in exempting him from any duty or service. Forfeiting
exemption
after hearing
- (2) The member of the fire company against whom the complaint has been made and the complainant, if any, are parties to a hearing under subsection 1. Parties to
hearing
- 40.**—(1) Subsection 3 of section 4 of *The Fish Inspection Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 150, s. 4,
subs. 3,
re-enacted
- (3) Where a person is convicted of an offence under this Act or the regulations, any fish or containers seized under subsection 1 by means of or in relation to which the offence was committed, shall be ordered to be forfeited to Her Majesty by the court or judge convicting such person and may be disposed of as the Minister directs. Disposal
of fish
seized
- (4) Where a person pleads guilty to an offence against this Act or the regulations and fish or containers were seized under subsection 1 by an inspector as being fish or containers by means of or in relation to which the offence was committed, it shall be presumed by the court or judge convicting such person, in the absence of evidence to the contrary, that the offence was committed by means of or in relation to such fish or containers. Where offence
deemed com-
mitted in
relation to
fish seized
- (2) Section 11 of *The Fish Inspection Act* is repealed. R.S.O. 1960,
c. 150, s. 11,
repealed

1968, c. 44,
amended

41. *The Forest Fires Prevention Act, 1968* is amended by adding thereto the following section:

Appeal

23a.—(1) Any person who is refused a fire permit, a forest travel permit or a work permit by an officer, or who is aggrieved by the terms and conditions contained in such permit or whose fire permit, forest travel permit or work permit has been cancelled or suspended by an officer may appeal to the district forester for the forest district to which the permit relates from the decision of the officer, and the district forester shall hear the appeal and may affirm or vary the terms and conditions or the decision of the officer and may, if he rescinds the decision, grant a permit.

Parties

(2) The appellant and the officer from whose decision the appeal is taken are parties to an appeal under this section.

How appeal
made

(3) An appeal under this section may be made in writing or orally or by telephone to the district forester, but the district forester may require the grounds for the appeal be made in writing before the hearing.

Decision of
officer

(4) Notwithstanding that an appeal has been brought, the decision of an officer relating to a permit, unless varied by the officer, is binding and effective until varied or rescinded by the district forester.

R.S.O. 1960,
c. 153, s. 5,
subs. 3,
re-enacted

42.—(1) Subsection 3 of section 5 of *The Forestry Act* is repealed and the following substituted therefor:

Cutting and
removing
trees

(3) The owner of a private forest reserve shall not cut or remove any trees growing thereon without the consent of the Minister who, in giving or refusing his consent, shall have regard to the sound management of the reserve for forestry purposes and the reasonable business requirements of the owner and who, where he refuses his consent, shall give reasons to the owner for his refusal.

R.S.O. 1960,
c. 153, s. 9,
cl. 9,
repealed

(2) Clause *g* of section 9 of *The Forestry Act* is repealed.

1968-69, c. 41,
s. 1,
amended

43.—(1) Section 1 of *The Gasoline Handling Act, 1968-69* is amended by adding thereto the following subsection:

Chief
officer

(2) The Minister may designate an officer of the Department of Labour to be chief officer for the purposes of this Act.

— SECTION 41. An appeal to the district forester is provided from the decision of an officer in refusing, suspending or cancelling a fire, forest travel or work permit.

SECTION 42. In refusing consent to cut or remove trees in a private forest reserve, the Minister is required to give reasons for his refusal.

SECTION 43.

1. A right to a licence under the Act and to the renewal thereof is conferred subject to specified grounds for refusal.

2. The grounds for suspension or revocation of a licence are specified with more particularity than at present.

3. Where a licensee has duly applied for renewal, his licence is continued until the application is disposed of.

4. The chief officer is required to serve notice of a proposal to refuse to issue or renew or to suspend or revoke a licence before he takes any action. The applicant or licensee may require a hearing by a county or district court judge and procedural provisions supplementing *The Statutory Powers Procedure Act, 1971* are proposed.

5. Special rules for proceedings of judicial tribunals recommended by the McRuer Report No. 1 are proposed.

6. An appeal from a decision of the judge is provided to the Divisional Court.

7. Power is given provisionally to suspend a licence where there is an immediate threat to safety with a hearing to be held thereafter.

8. Under the Act, an inspector is authorized to give instructions to bring about compliance with the Act which it is an offence to disobey. The amendments propose an appeal from the inspector to the chief officer.



(2) Section 6 of *The Gasoline Handling Act, 1968-69* is repealed and the following substituted therefor:

1968-69,
c. 41, s. 6,
re-enacted

6.—(1) No person shall,

Licence to
operate
service
station, etc.

(a) operate a service station ;

(b) operate a marina ;

(c) operate a bulk plant ; or

(d) transport gasoline or an associated product,

unless licensed to do so by the chief officer.

(2) Subject to section 6a, any person who makes application for a licence for any of the purposes enumerated in subsection 1 in accordance with this Act and the regulations and pays the prescribed fee is entitled to be issued such licence by the chief officer.

Entitlement
to licence

(3) Subject to section 6b, a licensee who makes application for a renewal of his licence in accordance with this Act and the regulations and pays the prescribed fee is entitled to a renewal of his licence by the chief officer.

Entitlement
to renewal
of licence

6a. Subject to section 6c, the chief officer may refuse to issue a licence to an applicant who has otherwise complied with the requirements of section 6 if in his opinion the past conduct of the applicant or, where the applicant is a corporation, of its officers, directors or servants, affords reasonable grounds for belief that the operations to be carried on pursuant to the licence will not be carried on in accordance with law and in a safe manner.

Refusal to
issue licence

6b. Subject to section 6c, the chief officer may refuse to renew or may suspend or revoke a licence if in his opinion the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has knowingly permitted any person under his control or direction or associated with him in the carrying on of operations pursuant to the licence to contravene any provision of this Act or of the regulations or of any other Act or regulations applying to the carrying on of such operations and such contravention occurred through lack of competence or with intent to evade the requirements of such provision.

Suspension,
etc., of
licence

Notice of
proposal to
refuse or
revoke

6c.—(1) Where the chief officer proposes to refuse to issue or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee informing him that he has a right to a hearing by a judge of the county or district court of the county or district in which he intended to carry on or carried on his operations under the licence if he applies therefor within fifteen days after service of the notice by the chief officer, and the applicant or licensee may within such time apply to the judge for a hearing.

Powers of
chief officer
where no
hearing

(2) Where an applicant or licensee does not apply for a hearing in accordance with subsection 1, the chief officer may carry out the proposal stated in his notice under subsection 1.

Powers of
judge where
hearing

(3) Where an applicant or licensee applies to a judge for a hearing in accordance with subsection 1, the judge shall appoint a time for and hold the hearing and, on the application of the chief officer at the hearing, may by order direct the chief officer to carry out his proposal or refrain from carrying out his proposal and take such action as the judge considers the chief officer ought to take in accordance with this Act and the regulations, and for such purposes the judge may substitute his opinion for that of the chief officer.

Service of
notice

(4) The chief officer may serve notice under subsection 1 personally or by registered mail addressed to the applicant or licensee at his address last known to the chief officer and, where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the judge to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice until a later date.

Extension of
time for
hearing

(5) A judge to whom application is made by an applicant or licensee for a hearing under subsection 1 may extend the time for making the application either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension.

(6) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee his licence shall be deemed to continue, Continuation
of licences
pending
renewal

(a) until the renewal is granted ; or

(b) where he is served with notice that the chief officer proposes to refuse to grant the renewal, until the time for applying to a judge for a hearing expires and, where a hearing is applied for, until the judge has made his order.

6d.—(1) The chief officer, the applicant or licensee who has applied for the hearing and such other persons as the judge may specify are parties to the proceedings before a judge under section 6c. Parties

(2) Notice of a hearing under section 6c shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence. Notice of
hearing

(3) An applicant or licensee who is a party to proceedings under section 6c shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination
of
documentary
evidence

(4) The oral evidence taken before the judge at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the county court. Recording
of evidence

(5) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings
of fact

1971, c. ...

6e.—(1) Any party to proceedings before a judge may appeal from the decision or order of the judge to the Supreme Court in accordance with the rules of court. Appeal from
order of
judge

(2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in Record to be
filed in court

which the decision or order was made, which, together with the transcript of the evidence before the judge if it is not part of the record of the judge, shall constitute the record in the appeal.

Minister
entitled to
be heard

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Decision

- (4) The Supreme Court may, on the appeal, exercise all the powers of the judge appealed from and for such purpose the court may substitute its opinion for that of the chief officer or of the judge or the court may refer the matter back to the judge for a rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Provisional
order of
chief officer

- 6f. Notwithstanding section 6c, the chief officer, by notice to a licensee and without a hearing, may provisionally refuse renewal of or suspend the licensee's licence where the carrying on of the operations under the licence is, in the chief officer's opinion, an immediate threat to public safety or the safety of any person and the chief officer so states in the notice giving his reasons therefor, and thereafter sections 6c, 6d and 6e apply as if the notice given under this section were a notice of a proposal to revoke the licence served under subsection 1 of section 6c.

1968-69,
c. 41, s. 8,
amended

- (3) Section 8 of *The Gasoline Handling Act, 1968-69* is amended by adding thereto the following subsections:

Appeal from
instructions
of inspector

- (4a) Any person who considers himself aggrieved by any instructions given by an inspector under this section may forthwith appeal to the chief officer, but the bringing of such appeal does not affect the operation of the instructions appealed from until disposition of the appeal.

How
made

- (4b) An appeal under subsection 4a may be made in writing or orally or by telephone, but the chief officer may require the grounds for appeal to be specified in writing before the hearing.

Parties

- (4c) The appellant, the inspector from whom the appeal is taken and such other persons as the chief officer may specify are parties to an appeal under this section.



SECTION 44.

1. The main grounds for refusing to provide or suspending or cancelling assistance are transferred from the regulations to the Act.

2. Any applicant or recipient affected by a decision of a welfare administrator may request a hearing by the board of review established under *The Family Benefits Act, 1966*, and the provisions of that Act relating to hearings by the board and appeals from its decisions apply under this Act.

(4d) On an appeal under this section, the chief officer shall hear and dispose of it as promptly as is practicable and may substitute his findings or opinions for those of the inspector who gave the instructions appealed from and may affirm or reverse such instructions or give new instructions in substitution therefor and for such purpose has all the powers of the inspector and the instructions of the chief officer shall stand in the place of and have like effect under this Act and the regulations as the instructions of the inspector.

Powers of chief officer on appeal

(7) Subsection 6 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act, 1962-63*, relieve the Crown of liability in respect of a tort committed by an inspector and to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection 6 had not been enacted.

Crown not relieved of liability 1962-63, c. 109

(4) Clause *j* of section 9 of *The Gasoline Handling Act, 1968-69* is repealed.

1968-69, c. 41, s. 9, cl. j, repealed

44.—(1) *The General Welfare Assistance Act* is amended by adding thereto the following section:

R.S.O. 1960, c. 164, amended

6a. A municipal welfare administrator or a regional welfare administrator may, in writing, authorize any person employed on his staff to exercise under his supervision and direction any of the powers conferred or the duties imposed on him under this Act or the regulations.

Administrator may delegate powers and duties

(2) Section 7d of *The General Welfare Assistance Act*, as enacted by section 1 of *The General Welfare Assistance Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960, c. 164, s. 7d (1968, c. 48, s. 1), re-enacted

7d.—(1) In this section and section 7e, "welfare administrator" means municipal welfare administrator or regional welfare administrator, as the case may be.

Welfare administrator defined

(2) A welfare administrator may refuse to provide or may suspend or cancel assistance under this Act where,

Suspension, etc., of assistance

(a) the applicant or recipient is not or ceases to be entitled thereto or eligible therefor under this Act or the regulations;

- (b) the applicant or recipient fails to provide to the welfare administrator or his representative the information required to determine initial or continuing entitlement to or eligibility for assistance or the amount of the assistance; or
- (c) any other ground for refusal, suspension or cancellation specified in the regulations exists.

Opportunity
to make
submissions

1971, c. . . .

- (3) Where practicable, a welfare administrator shall afford an applicant for or recipient of assistance prescribed as general in the regulations an opportunity to make submissions before suspension, cancellation or refusal of the assistance to show why such action should not be taken and *The Statutory Powers Procedure Act, 1971* does not apply to proceedings of a welfare administrator under this section.

R.S.O. 1960,
c. 164,
amended

- (3) *The General Welfare Assistance Act* is amended by adding thereto the following sections:

Application
for review

1966, c. 54

- 7e.—(1) Any applicant or recipient affected by a decision of a welfare administrator made under this Act or the regulations in respect of the payment of a class of assistance prescribed as general in the regulations may by notice mailed within thirty days after he receives notice of the decision to the chairman of the board of review established under *The Family Benefits Act, 1966* request a hearing and review of the decision by the board and an applicant or recipient who so mails or delivers such request is entitled to a hearing by the board.

Extension of
time for
requesting
hearing

- (2) The board of review may extend the time for giving notice by an applicant or recipient under subsection 1 either before or after expiration of the time therein specified where it is satisfied there are *prima facie* grounds for claiming relief pursuant to a hearing or for appeal and that there are reasonable grounds for applying for the extension.

Application
of 1966, c. 54

- (3) Where an applicant or a recipient has filed a notice requesting a hearing under subsection 1, the provisions of sections 11a, 11b, 11c and 11e of *The Family Benefits Act, 1966* apply *mutatis mutandis* to a hearing and review by the board of review under this Act and appeals therefrom.



SECTION 45. Principles are stated to govern the decision of the Lieutenant Governor in Council in giving approval of a corporation to operate a charitable institution and of buildings for the institution. Grounds for suspension or revocation of an approval are set out. A procedure requiring that an inquiry be held before suspension or revocation is proposed.

7f. A municipal welfare administrator or a regional welfare administrator may recover from a recipient any sum paid to him by way of assistance to which he was not entitled under this Act or in excess of any amount to which he was so entitled whether by reason of non-disclosure of facts, misrepresentation or fraud or for any other cause disentitling him to such assistance by reducing or suspending any assistance payable to the recipient or by proceedings to recover such sum as a debt due to the municipality or to the Crown, as the case may be, in any court of competent jurisdiction.

Recovery where recipient not entitled to assistance

45.—(1) Section 2, and section 3 as amended by section 2 of *The Homes for Retarded Persons Amendment Act, 1968*, of *The Homes for Retarded Persons Act, 1966*, are repealed and the following substituted therefor:

1966, c. 65, ss. 2, 3, re-enacted

2. Where the Lieutenant Governor in Council is satisfied that any corporation is, with financial assistance under this Act, financially capable of establishing, maintaining and operating a home for retarded persons and that its affairs are carried on under competent management in good faith for charitable purposes, he may approve such corporation for the purposes of this Act.

Approval of corporations

3.—(1) Where the Lieutenant Governor in Council is satisfied that a building is suitable for providing accommodation as a home for retarded persons in accordance with this Act and the regulations, he may approve such building as a home for retarded persons for the maintenance and operation of which assistance may be given under this Act.

Approval of homes

(2) An approval given under subsection 1 may take effect on any date fixed by the Lieutenant Governor in Council that is prior to the date on which the approval is given, but in no case shall the date upon which the approval takes effect precede the date of the approval given under section 2 to the corporation maintaining and operating the home for retarded persons.

Effective date of approval

(2) Section 11 of *The Homes for Retarded Persons Act, 1966* is repealed and the following substituted therefor:

1966, c. 65, s. 11, re-enacted

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

Suspension and revocation of approvals

- (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. ...
- (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



SECTION 46. The powers of a provincial judge to commit any person over the age of sixty years to a home is repealed.

SECTION 47.

1. Under the present Act, the Minister decides all matters of doubt or dispute under the Act with an appeal from his decision to the Lieutenant Governor in Council. The amendments provide for such disputes to be decided in the first instance by the Superintendent of Agricultural Societies after a hearing, with an appeal to the Minister. The Superintendent or the Minister may state a case, or may be required to state a case, on any question of law to the Divisional Court. The procedure provided in *The Statutory Powers Procedure Act, 1971* will apply to the hearing before the Superintendent.

2. Powers of investigation and inquiry are amended to confer the powers of a commission under Part II of *The Public Inquiries Act, 1971*.

3. A person from whom a premium or prize at an exhibition is withheld on grounds of fraud or misrepresentation is given an appeal to a judge of the county or district court.

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.

(3) Clause *m* of section 12 of *The Homes for Retarded Persons Act, 1966* is repealed. 1966, c. 65,
s. 12, cl. *m*,
repealed

46. Section 14 of *The Homes for the Aged and Rest Homes Act* as amended by section 9 of *The Homes for the Aged and Rest Homes Amendment Act, 1968*, is repealed. R.S.O. 1960,
c. 174, s. 14,
repealed

47.—(1) Section 2 of *The Horticultural Societies Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 175, s. 2,
re-enacted

2.—(1) Where any dispute arises as to the operation or construction of this Act, the Superintendent shall, after a hearing, decide such dispute. Disputes

(2) A party to a dispute under this section may appeal from a decision of the Superintendent to the Minister within fifteen days after receipt of the decision of the Superintendent and the Minister may, after considering the record of the proceedings before the Superintendent and affording to the parties an opportunity for an argument on the appeal, affirm, vary or annul the decision of the Superintendent. Appeal from
decision of
Super-
intendent

(3) The Superintendent or the Minister, as the case may be, may of his own motion, or upon the request of any party to a dispute or an appeal, state a case in writing to the Supreme Court setting forth any question of law that arises at the hearing or on the appeal and the facts material thereto. Stated case

(4) If the Superintendent or the Minister, as the case may be, refuses to state a case under this section, the party requesting it may apply to the Supreme Court for an order directing him to state such a case. Refusal to
state case

(5) Where a case is stated under this section, the Supreme Court shall hear and determine the question raised in a summary manner and shall certify its decision to the Superintendent or the Minister, as the case may be, and the Superintendent or the Minister shall dispose of the dispute in accordance therewith. Decision
of court

(2) Sections 21 and 22 of *The Horticultural Societies Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 175,
ss. 21, 22,
re-enacted

Inspection
and inquiry

21.—(1) The Minister may appoint a person to inspect the books and accounts of any society receiving legislative grants under this Act or to inquire into the affairs of such society, and every officer of the society shall, when required by such person, make available the books and accounts thereof for the purpose of such inspection or inquiry.

Powers on
inquiry

1971, c. . . .

(2) A person appointed under subsection 1 has, for the purposes of an inspection or inquiry thereunder, the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the inspection or inquiry as if it were an inquiry under that Act.

Fraud in
obtaining
prizes

22.—(1) Where the board of a society has reason to believe that any member or other person exhibiting a product at an exhibition at which prizes are offered by the society has committed a fraud or made any misrepresentation in respect of the product, the board may withhold payment or delivery of any prize money or other prize award to the member or person and the board shall, forthwith, furnish to him a written statement of its reasons for so doing.

Appeal

(2) A member or other person from whom prize money or a prize award has been withheld by the board of a society under subsection 1 may appeal to a judge of the county or district court of the county or district in which the head office of the society is situate by filing a notice of appeal in the office of the clerk of the court and leaving a copy of the notice of appeal at the head office of the board within fifteen days after receipt of the statement of the reasons of the board furnished under subsection 1.

Parties

(3) The appellant and the board from whose decision the appeal is taken are parties to an appeal under this section.

Hearing
de novo

(4) An appeal to a judge under this section shall be held by way of a hearing *de novo*.

Decision
of judge

(5) On an appeal under this section, the judge may affirm, vary or annul the decision of the board and may order the board to pay or deliver any prize money or prize award withheld by it under this section.



SECTION 48. Reference to *The Public Inquiries Act* is amended to refer to Part II of *The Public Inquiries Act, 1971*.

SECTION 49.

1. General power to take up or use property is limited to doing so for purposes of safety.

2. Powers of examination and investigation are amended by conferring the powers of a commission under Part II of *The Public Inquiries Act, 1971*.

3. Any direction or decision by an inspector may be appealed to the chief inspector.

4. Provision is made that subsection 5 of section 13, which protects inspectors from personal liability, will not relieve the Crown of any liability that it would otherwise bear.

5. An appeal is provided to a judge from decisions of a chief inspector suspending or revoking any approval, permit or registration for contravention of the Act or the regulations.

48. Sections 1 and 2 of *The Hospital and Charitable Institutions Inquiries Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 177, s. 1,
re-enacted;
s. 2, repealed

1. Whenever the Lieutenant Governor in Council considers it expedient to cause inquiry to be made concerning any matter connected with or affecting a hospital, sanatorium, charitable institution or other organization that is granted aid out of moneys appropriated by the Legislature, he may, by commission, appoint one or more persons to conduct such inquiry, and every person so appointed has for that purpose the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. Inquiry
1971, c. ...

49.—(1) Clause *a* of subsection 1 of section 8 of *The Industrial Safety Act, 1964* is repealed and the following substituted therefor: 1964, c. 45,
s. 8, subs. 1,
cl. a,
re-enacted

(a) subject to subsection 3, enter in or upon any premises at any time without warrant;

(aa) take up or use at any time any property, real or personal, for purposes necessary or advisable to preserve or promote the safety of any person in any industrial establishment.

(2) Clause *e* of subsection 1 of the said section 8 is repealed and the following substituted therefor: 1964, c. 45,
s. 8, subs. 1,
cl. e,
re-enacted

(e) subject to subsection 5, examine either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, any person whom he finds in an industrial establishment or whom he has reasonable cause to believe to be or to have been within the two preceding months employed in an industrial establishment and, for such purpose, the inspector has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the examination as if it were an inquiry under that Act; 1971, c. ...

(3) Subsection 4 of the said section 8 is repealed and the following substituted therefor: 1964, c. 45,
s. 8, subs. 4,
re-enacted

- Powers of investigation
1971, c. ...
- (4) For the purpose of an investigation, inquiry or examination made by him under this Act, the chief inspector has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation, inquiry or examination as if it were an inquiry under that Act.
- Counsel or agent
- (5) A person who is examined by an inspector under clause *e* of subsection 1 is entitled to have a counsel or agent present at the examination to advise him.
- 1964, c. 45, s. 10, subss. 3-5, repealed
- (4) Subsections 3, 4 and 5 of section 10 of *The Industrial Safety Act, 1964* are repealed.
- 1964, c. 45, amended
- (5) *The Industrial Safety Act, 1964* is amended by adding thereto the following section:
- Appeal from decisions of inspector
- 12a.—(1) Any person who considers himself aggrieved by any direction given or decision made by an inspector under this Act or the regulations may appeal to the chief inspector who shall hear and dispose of the appeal as promptly as is practicable, but the bringing of such appeal does not affect the operation of the decision appealed from pending disposition of the appeal.
- How appeal made
- (2) An appeal to the chief inspector may be made in writing or orally or by telephone, but the chief inspector may require the grounds for appeal to be specified in writing before the appeal.
- Parties
- (3) The appellant, the inspector from whom the appeal is taken and such other persons as the chief inspector may specify are parties to an appeal under this section.
- Powers of chief inspector
- (4) On an appeal under this section, the chief inspector may substitute his findings or opinions for those of the inspector who made the decision appealed from and may rescind or affirm the decision or make a new decision in substitution therefor and for such purpose has all the powers of an inspector and the decision of the chief inspector shall stand in the place of and have the like effect under this Act and the regulations as the decision of the inspector.

- (5) In this section, a decision of an inspector under this Act or the regulations includes any decision, order, direction, finding, approval or permission made or given or the imposition of any terms or conditions therein by an inspector under the authority of this Act or the regulations or the refusal thereof by an inspector. Decision of inspector includes directions, etc.
- (6) A decision of the chief inspector under this section is final. Decision of chief inspector final
- (6) Subsection 1 of section 13 of *The Industrial Safety Act, 1964* is repealed. 1964, c. 45, s. 13, subs. 1, repealed
- (7) The said section 13 is amended by adding thereto the following subsection: 1964, c. 45, s. 13, amended
- (6) Subsection 5 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act, 1962-63*, relieve the Crown of liability in respect of a tort committed by an inspector to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection 5 had not been enacted. Crown not relieved of liability 1962-63, c. 109
- (8) Section 18 of *The Industrial Safety Act, 1964* is repealed and the following substituted therefor: 1964, c. 45, s. 18, re-enacted
- 18.—(1) The chief inspector may suspend or revoke any approval, permit or registration granted under this Act or the regulations, after hearing the person to whom it was granted, if such person contravenes or knowingly permits any person under his control or direction to contravene any provision of this Act or the regulations relating to the matter so approved or permitted or with respect to which such registration was granted or any term or condition of such approval, permit or registration imposed under this Act or the regulations. Suspension or revocation of approvals, permits or registration
- (2) Notice of a hearing under this section shall afford to the person affected a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for retention of the approval, permit or registration to which the hearing relates. Notice of hearing
- (3) A person who will be affected by a suspension or revocation under this section shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

Appeal from
decision of
inspector

18a—(1) Any person who considers himself aggrieved by a decision of the chief inspector under section 18 may, within fifteen days after receipt of the decision of the chief inspector, appeal to the judge of the county or district court of the county or district in which the industrial establishment to which the approval, permit or registration relates or in which the person aggrieved resides, by applying to the judge for a hearing.

Extension
of time
for hearing

(2) A judge to whom an application is made under subsection 1 may extend the time for making the application either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension.

Hearing
de novo

(3) Where a person appeals under this section to a judge, the judge shall appoint a time for and hear the appeal by way of a hearing *de novo* and the judge may affirm or reverse the decision of the chief inspector or make a new decision in substitution therefor and for such purpose has all the powers of the chief inspector to make such decision as he considers proper.

Parties

(4) The appellant, the chief inspector and such other persons as the judge may specify are parties to an appeal under this section.

Recording
of evidence

(5) The oral evidence taken before the judge at a hearing shall be recorded, and if so required, copies or a transcript thereof shall be furnished upon the same terms as in the county court.

Findings
of fact

(6) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. ...

Effect of
suspension
pending
disposal of
appeal

(7) The bringing of an appeal under this section does not affect the suspension or revocation of any approval, permit or registration to which it relates pending the disposition of the appeal.

R.S.O. 1960,
c. 186, s. 3,
re-enacted

50. Section 3 of *The Industrial Standards Act* is repealed and the following substituted therefor:

SECTION 50. Reference to *The Public Inquiries Act* is amended to refer to Part II of *The Public Inquiries Act, 1971*.

SECTION 51.

1. Throughout the Act powers are conferred on the Minister to make orders and decisions where he deems it to be in the public interest to do so. A provision is added to the Act defining the purposes of the Act and the powers of the Minister are amended to authorize him to exercise them for the defined purposes.

2. The power to fix penalties in the regulations is repealed and a general penalty is enacted in the Act.

3. The Act now provides that persons exercising powers under it are relieved of any personal liability. A provision is added that the Crown is not for this reason relieved of any liability which it would otherwise bear.

4. Provision is made that before the Minister exercises a power to direct persons to take action at their expense he shall cause an inquiry to be made. Persons affected are afforded an opportunity to take part in the inquiry. An appeal is provided from the decision of the Minister to the Lieutenant Governor in Council.

5. The Act now provides that where the Minister orders work to be undertaken if the person directed to do the work does not do so the Minister may cause it to be done. The Minister is empowered to certify the amount of the costs which are recoverable as a debt due to the Crown. The provision that the Minister may certify the costs is repealed and the amount of the costs will be a matter for proof in proceedings to recover them.

6. Powers now conferred on individuals to make orders in the nature of regulations are amended to provide that these powers can only be exercised with the approval of the Minister.

7. Powers of owners of water privileges to acquire additional land by obtaining a judge's order are repealed and a power of expropriation, which will be subject to *The Expropriations Act, 1968-69*, is substituted.

3. Every officer has such powers and duties as are prescribed by this Act and the regulations and has authority to conduct inquiries and investigations respecting all matters coming within the scope of such powers and duties and, for such purposes, has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiries and investigations as if they were inquiries under that Act.

Powers and
duties of
officers

1971, c. ...

51.—(1) *The Lakes and Rivers Improvement Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 203,
amended

1a. The purpose of this Act is to provide for the use of waters of the lakes and rivers of Ontario and to regulate improvements in them, and to provide for:

Exercise of
powers under
Act

- (a) the preservation and equitable exercise of public rights in or over such waters;
- (b) the protection of the interests of the riparian owners;
- (c) the use, management and perpetuation of the fish, wildlife and other natural resources dependent on such waters;
- (d) the preservation of the natural amenities of such waters and on the shores and banks thereof; and
- (e) ensuring the suitability of the location and nature of improvements in such waters, including their efficient and safe maintenance and operation and having regard to matters referred to in clauses *a*, *b*, *c* and *d*, their operation in a reasonable manner.

(2) Clause *c* of subsection 1 of section 2 of *The Lakes and Rivers Improvement Act* is repealed.

R.S.O. 1960,
c. 203, s. 2,
subs. 1, cl. c,
repealed

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

R.S.O. 1960,
c. 203, s. 2,
amended

- (3) Every person who contravenes any provision of this Act or the regulations, is guilty of an offence and on summary conviction is liable, where no other penalty is provided in this Act, to a fine of not more than \$5,000.

Penalty

R.S.O. 1960,
c. 203, s. 7a
(1960-61,
c. 43, s. 1),
amended

(4) Section 7a of *The Lakes and Rivers Improvement Act*, as enacted by section 1 of *The Lakes and Rivers Improvement Amendment Act, 1960-61*, is amended by adding thereto the following subsection:

Crown not
relieved of
liability
1962-63,
c. 109

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act, 1962-63*, relieve the Crown of liability in respect of a tort committed by any agent or servant of the Crown to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted.

R.S.O. 1960,
c. 203,
amended

(5) *The Lakes and Rivers Improvement Act* is amended by adding thereto the following sections:

Inquiry

7b.—(1) Subject to subsection 2, where under this Act the approval of the Minister is required for any matter, or where under this Act the Minister is empowered to make an order directing the construction, repair, improvement or removal of a dam in any lake or river or the doing of any other act or thing requiring the incurring of costs, the Minister shall, before refusing such an approval or making an order, give notice to the person seeking the approval or to the person to whom the proposed order will be directed of his intention to refuse the approval or to make the order, and if such person, within fifteen days of receipt of the notice, requests an inquiry, the Minister, before refusing the approval or making the order shall cause an inquiry to be made under section 7c.

Where order
necessary
without
hearing

(2) Where in the opinion of the Minister the making of an order referred to in subsection 1 is immediately necessary for the protection of persons from injury or property from damage or for the public safety and he so states in the order, the Minister may make such order without the holding of an inquiry.

Appointment
of person to
hold inquiry

7c.—(1) The Minister may appoint a person to hold an inquiry under section 7b and shall specify particulars of the inquiry and the person so appointed shall fix a time and place for the holding of the inquiry.

Notice of
inquiry

(2) The Minister and the person seeking the approval referred to in section 7b or to whom the proposed order referred to therein may be directed are parties to the inquiry, but any person having a direct interest

in the subject-matter of the inquiry may notify the person holding the inquiry of his interest and become a party, and the person holding the inquiry may cause notice of the inquiry to be published or otherwise given in such manner as he considers reasonably adequate to inform all persons who may have direct interests in the subject-matter of the inquiry.

- (3) At least five days before the date fixed for the hearing, the Minister shall serve upon each other party to the inquiry a notice indicating the grounds upon which he intends to rely at the hearing and shall make available for inspection by the parties any documents, including maps and plans that the Minister proposes to use at the hearing. ^{Notice of grounds}
- (4) The person holding an inquiry under this section shall hold a hearing as to whether the refusal of approval or the proposed order is fair, sound and reasonably necessary for the achievement of the purposes of this Act. ^{Holding of inquiry}
- (5) A person holding an inquiry under this section shall report to the Minister pursuant to the inquiry giving a summary of the evidence and arguments advanced by the parties, his findings of fact and his opinion on the merits of the granting of approval or of the proposed order with his reasons therefor, and shall furnish a copy of his report to the other parties. ^{Report of inquiry}
- (6) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section. ^{Application of 1971, c. ...}
- (7) The Minister shall consider a report made to him under this section and may grant or refuse the requested approval or refrain from making or make the proposed order, with or without such modifications as he considers proper having regard to the report, and the Minister shall give reasons for his decision to the parties. ^{Decision of Minister}
- 7d. Upon the petition of a person who has been refused approval by the Minister of any matter or to whom an order is directed by the Minister after an inquiry under section 7c filed with the Clerk of the Executive Council within twenty-eight days after the date of the refusal or order, the Lieutenant Governor in Council may, ^{Appeal}

- (a) confirm, vary or rescind the refusal or order; or
- (b) require the Minister to cause a new inquiry to be held,

and the decision of the Minister after the new inquiry is not subject to petition under this section.

R.S.O. 1960,
c. 203, s. 9
(1952-63, c. 71,
s. 1), subs. 3,
re-enacted

(6) Subsection 3 of section 9 of *The Lakes and Rivers Improvement Act*, as re-enacted by section 1 of *The Lakes and Rivers Improvement Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Refusal of
approval
where
contrary to
purposes of
Act

- (3) The Minister may refuse to give his approval under this section to the location of a dam where it appears to him that the construction of a dam at that location would be contrary to any of the purposes of this Act.

R.S.O. 1960,
c. 203, s. 9
(1962-63, c. 71,
s. 1), subs. 5,
re-enacted

(7) Subsection 5 of the said section 9 is repealed and the following substituted therefor:

Approval
of plans

- (5) The Minister may approve the plan and specifications of a dam as submitted to him or may approve them with such alterations as he considers advisable having regard to the purposes of this Act, and without limiting the generality of the foregoing, may require that the dam shall be provided with a fishway that will permit the free and unobstructed passage of fish.

R.S.O. 1960,
c. 203, s. 9a
(1962-63, c. 71,
s. 1), subs. 2,
re-enacted

(8) Subsection 2 of section 9a of *The Lakes and Rivers Improvement Act*, as enacted by section 1 of *The Lakes and Rivers Improvement Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Order for
repair, etc.,
of dam

- (2) The Minister may, where he considers it necessary for any of the purposes of this Act, order the owner of a dam to which subsection 1 applies to repair, reconstruct or remove the dam within the time specified in the order and, upon non-compliance with the order within the time limited, the Minister may repair, reconstruct or remove the dam to the extent that he considers it necessary to comply with the purposes of this Act, and the cost of any such work shall be a debt due by the owner to the Crown and is recoverable with costs in any court of competent jurisdiction.

R.S.O. 1960,
c. 203, s. 10,
re-enacted

(9) Section 10 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor:

10. Where a dam has heretofore been or is hereafter constructed in a lake or river and it is proposed to make improvements to the dam, the improvements shall not be proceeded with until complete copies of the plans and specifications have been approved by the Minister as being in accordance with the purposes of this Act. Approval of plans
- (10) Subsection 2 of section 11 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted herefor: R.S.O. 1960, c. 203, s. 11, subs. 2, re-enacted
- (2) Upon failure on the part of the owner to furnish plans and other particulars required under subsection 1 within the time specified, the Minister may require the engineer to make an examination and report on the dam, and the expenses incurred in making the examination and report shall be a debt due by the owner to the Crown, and the amount thereof is recoverable with costs in any court of competent jurisdiction. Failure to furnish plans
- (11) Subsection 5 of the said section 11 is repealed and the following substituted therefor: R.S.O. 1960, c. 203, s. 11, subs. 5, re-enacted
- (5) Upon non-compliance with the order within the time limited or in case the Minister considers that the repairs, improvements, opening up or removal ordered is immediately required in an emergency, the Minister may repair, improve, open up or remove the dam in so far as he considers it necessary to ensure the safety of the public or of persons whose lands or property may be endangered by the dam, and the cost of any such work is a debt due by the owner to the Crown, and the amount thereof is recoverable with costs in any court of competent jurisdiction. Effect of non-compliance with order
- (12) Subsection 2 of section 12 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted herefor: R.S.O. 1960, c. 203, s. 12, subs. 2, re-enacted
- (2) Where the owner of a dam fails to comply with an order made under subsection 1 within the time specified in the order, the Minister may cause to be done whatever work is necessary to comply with the order, and the cost thereof is a debt due by the owner to the Crown and is recoverable with costs in any court of competent jurisdiction. Non-compliance with order

R.S.O. 1960,
c. 203, s. 13,
subss. 2, 3,
re-enacted;
subs. 4,
repealed

(13) Subsections 2, 3 and 4 of section 13 of *The Lakes and Rivers Improvement Act* are repealed and the following substituted therefor:

Repair or
recon-
struction

(2) If the Minister considers it necessary or expedient for the purposes of this Act, he may, after the receipt of the report of the engineer, order the owner of the dam or other structure or work to repair, reconstruct or remove it to the extent necessary to comply with such purposes within the time specified in the order.

Non-
compliance
with order

(3) Where the owner fails to comply with an order made under this section within the time specified in the order, the Minister may expropriate the site of the dam or other structure or work and all rights or interests incidental thereto on behalf of the Crown, and *The Expropriations Act, 1968-69* applies to such expropriation.

1968-69,
c. 36

R.S.O. 1960,
c. 203, s. 14,
subs. 1, cl. b,
re-enacted;
cl. c,
repealed

(14) Clauses *b* and *c* of subsection 1 of section 14 of *The Lakes and Rivers Improvement Act* are repealed and the following substituted therefor:

(b) hinders or obstructs the engineer or an officer, servant or agent employed by or under the direction of the Minister in the performance of his duties under this Part, or refuses or neglects to provide any plans, accounts, documents or report relating to the construction of a dam when required by such engineer, officer, servant or agent.

R.S.O. 1960,
c. 203, s. 16,
re-enacted

(15) Section 16 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor:

Disputes
as to user

16.—(1) Where the Minister considers it expedient for the purposes of this Act or where a conflict or dispute arises between persons having a right to use a lake or river or any works or other improvements thereon for floating timber or between such persons and any other persons having the right to use a lake or river for any other purpose, the Minister may appoint an officer or officers to be in charge of the lake or river or any works or improvements thereon and the Minister may, on the recommendation of such officer or officers make orders to regulate the use of the lake or river or any works or improvements thereon in such manner as seems best calculated to afford to persons having diverse interests on the lake or river or in the works or

improvements a fair and reasonable use of the waters of the lake or river, but where any alterations of the level of international boundary waters is involved, such orders shall conform to any order or recommendation that the International Joint Commission may make under the terms and authority of the International Boundary Waters Treaty between Great Britain and the United States.

- (2) Every person who contravenes any order made under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each day that he contravenes the order. Penalty

(16) Subsections 1 and 2 of section 17 of *The Lakes and Rivers Improvement Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 203, s. 17,
subss. 1, 2,
re-enacted

- (1) Where a dam or other structure or work has been heretofore or is hereafter constructed on a lake or river and the Minister considers it necessary or expedient for the purposes of this Act, he may order the owner of the dam or other structure or work to take such steps within the time specified in the order as may be necessary to maintain the level of the water of the lake or river or to raise or lower such level as the order provides. Regulation
of water
levels

- (2) Where the owner fails to comply with an order made under this section within the time specified in the order, the Minister may cause to be taken such steps as are necessary to achieve the result intended by the order, and the cost thereof is a debt due by the owner to the Crown and is recoverable with costs in any court of competent jurisdiction. Non-
compliance
with order

(17) Section 18 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 203, s. 18,
re-enacted

18. Subject to compensation being made as provided by *The Public Works Act* for any damage sustained by reason thereof, the Minister may authorize any engineer, agent, workman or servant employed by or under him to enter into and upon any land and remove any rocks, stones, gravel, slab or timber jam, dam or part of any dam, rubbish of any kind or other obstruction in any lake or river, the removal of which he considers necessary or expedient for the achievement of any of the purposes of this Act. Removal of
obstructions
R.S.O. 1960,
c. 338

R.S.O. 1960,
c. 203,
ss. 23, 24,
repealed

(18) Sections 23 and 24 of *The Lakes and Rivers Improvement Act* are repealed.

R.S.O. 1960,
c. 203, s. 26,
subs. 6
(1962-63, c. 71,
s. 4),
re-enacted

(19) Subsection 6 of section 26 of *The Lakes and Rivers Improvement Act*, as enacted by section 4 of *The Lakes and Rivers Improvement Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Removal of
timber
causing
obstruction

(6) Where the Minister considers it necessary or expedient for the purposes of this Act, he may order the owner of or the person who is responsible for driving any timber that has drifted out of control or that has caused an obstruction or hazard in a lake or river to recover and remove the timber within the time specified in the order and, in default thereof, the Minister may cause the timber to be recovered and removed, and the cost thereof is a debt due to the Crown by such owner or person and is recoverable with costs in any court of competent jurisdiction.

R.S.O. 1960,
c. 203, s. 31,
re-enacted

(20) Section 31 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor:

Throwing
trees, etc.,
in lake
prohibited

31.—(1) Where any tree, part of a tree, refuse, substance or matter has been thrown or deposited in a lake or river or on the shores or banks thereof in such a manner as, in the opinion of the Minister, impairs the natural beauty of the lake or river, the Minister may order the person who committed or caused the commission of such act to take such steps within the time specified in the order as are necessary to remove the tree, part of a tree, refuse, substance or matter from the lake or river or from the shores or banks thereof.

Penalty

(2) Every person who fails to comply with an order under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each day that he does not comply with the order.

R.S.O. 1960,
c. 203, s. 33,
subs. 3,
re-enacted

(21) Subsection 3 of section 33 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor:

Order to
cease
depositing
matter in
lake, etc.

(3) Where the Minister finds that any refuse, sawdust, chemical, substance or matter from a mill is being thrown, deposited or discharged into a lake or river or on the shores or banks thereof, the Minister may



SECTION 52.

1. Subject to certain specified grounds for refusal, a right to a licence under the Act is conferred.

2. The grounds for refusal to issue or for revoking licences are specified.

3. The Fire Marshal is required to hold a hearing before suspending or revoking any licence.

4. An appeal lies from a decision of the Fire Marshal to the county or district court judge with a further appeal to the Divisional Court.

order the owner or occupier of the mill to cause such throwing, depositing or discharging to cease and may in addition order, where in his opinion it is practicable to do so, that such owner or occupier take such steps within the time specified in the order as may be necessary to remove the refuse, sawdust, chemical, substance or matter from the lake or river or from the shores or banks thereof.

- (4) Every owner or occupier who fails to comply with an order under subsection 3 is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each day that he does not comply with the order. Penalty

(22) Section 52 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 203, s. 52,
re-enacted

52. The Minister may, with the approval of the Lieutenant Governor in Council, where the Lieutenant Governor in Council considers it expedient for the purposes of this Act, expropriate the works of any company formed under this Part. Expropriation
of works of
company

(23) Section 80 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 203, s. 80,
re-enacted

80. Any party to an arbitration under this Part may appeal from the award or directions in writing of the arbitrator to the Supreme Court in accordance with the rules of court. Appeal

(24) Subsections 2 and 3 of section 87 and sections 88 to 100 of *The Lakes and Rivers Improvement Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 203, s. 87,
subss. 2, 3,
repealed;
s. 88,
re-enacted;
ss. 88-100,
repealed

88. A person to whom section 87 applies may expropriate land for the purposes mentioned in section 87. Expropriation
of land
for purposes
of s. 87

52.—(1) Subsection 1 of section 3 of *The Lightning Rods Act* is amended by striking out "if he is satisfied that the applicant is entitled to public confidence, may" in the seventeenth and eighteenth lines and inserting in lieu thereof "shall, subject to subsection 3". R.S.O. 1960,
c. 213, s. 3,
subs. 1,
amended

(2) Section 3 of *The Lightning Rods Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 213, s. 3,
amended

- (3) The Fire Marshal may, after hearing the applicant, refuse to issue a licence under this section where, Refusal
to issue

- (a) the applicant is not competent to install lightning rods properly ;
- (b) the lightning rods to be offered for sale, sold or installed under the licence are not of adequate quality or serviceability; or
- (c) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on operations authorized by the licence in accordance with law and with integrity and honesty.

R.S.O. 1960,
c. 213, s. 4,
subs. 1,
amended

(3) Subsection 1 of section 4 of *The Lightning Rods Act* is amended by striking out "if he is satisfied that the person named is entitled to public confidence, may" in the twelfth and thirteenth lines and inserting in lieu thereof "shall, subject to subsection 3".

R.S.O. 1960,
c. 213, s. 4,
amended

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

Refusal
to issue

(3) The Fire Marshal may, after hearing the applicant, refuse to issue a licence under this section where,

- (a) the applicant is not competent to install lightning rods properly; or
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on operations authorized by the licence in accordance with law and with integrity and honesty.

R.S.O. 1960,
c. 213,
amended

(5) *The Lightning Rods Act* is amended by adding thereto the following section:

Continuation
of licence
pending
issue of
new licence

4a. Where, within the time prescribed therefor or, if no time is prescribed, prior to the expiry of his licence, the holder of a licence under this Act has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

- (a) until the renewal is granted; or
- (b) until the application has been finally determined by the Fire Marshal, or where renewal is refused, until fourteen days after mailing of the decision of the Fire Marshal, or where application is made for a hearing by a judge, such later time as the judge may fix.

(6) Section 5 of *The Lightning Rods Act*, as amended by R.S.O. 1960, section 1 of *The Lightning Rods Amendment Act, 1960-61*, is re-enacted c. 213, s. 5, repealed and the following substituted therefor:

5.—(1) The Fire Marshal may, after a hearing, suspend or revoke a licence if the licensee has contravened any provision of this Act or the regulations and his conduct affords reasonable grounds for belief that he will not comply with this Act and the regulations in the operations authorized by the licence. Suspension or revocation of licence

(2) The notice of a hearing required under subsection 1 shall afford to the licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the retention of the licence. Notice of hearing

(3) An applicant or licensee shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be introduced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

(7) Section 6 of *The Lightning Rods Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 213, s. 6, re-enacted

6.—(1) Where an applicant or licensee, as the case may be, is dissatisfied with a decision of the Fire Marshal under section 3, 4 or 5, he may, within ten days after receipt of the notice of the decision, apply to the judge of the county or district court of the county or district in which he resides for a hearing by the judge. Application for hearing by county judge

(2) A judge to whom application is made for a hearing under subsection 1 may extend the time for making the application, either before or after expiration of the time fixed in subsection 1, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension. Extension of time for application

(3) The oral evidence taken before the judge at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the county court. Recording of evidence

- Findings of fact (4) The findings of fact of a judge pursuant to a hearing under this section shall be based exclusively on evidence admissible under the law of evidence or matters that may be judicially noticed.
- Powers of judge (5) On an application under subsection 1, the judge may, after a hearing *de novo* to which the applicant, the Fire Marshal and such other persons as the judge may specify are parties, confirm, vary or reverse the decision of the Fire Marshal and may direct the Fire Marshal to do any act the Fire Marshal is authorized to do under this Act and as the judge considers proper.
- Appeal to court 6a.—(1) Any party to the proceedings before a judge under this Act may appeal from the decision or direction of the judge to the Supreme Court in accordance with the rules of court.
- Record to be filed in court (2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision was made or direction was given which, together with the transcript of the evidence before the judge if it is not part of the record of the judge, shall constitute the record in the appeal.
- Fire Marshal entitled to be heard (3) The Fire Marshal is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.
- Powers of court (4) The Supreme Court may affirm the decision of the judge appealed from or may rescind it and make such new decision as the court considers proper, and may order the Fire Marshal to do any act or thing he is authorized to do under this Act and as the court considers proper or the court may refer the matter back to the judge for rehearing, in whole or in part, in accordance with such directions as the court considers proper.
- R.S.O. 1960, c. 213, s. 10, amended (8) Section 10 of *The Lightning Rods Act* is amended by adding thereto the following subsections:
- Hearing (3) Where a licensee is dissatisfied with the report of an inspector under subsection 1, he may, within ten days after receipt of the report, request the Fire Marshal to hold a hearing.



SECTION 53. The amendments proposed to this Act are similar to the amendments proposed to *The Artificial Insemination of Cattle Act, 1962-63* and are explained in the explanatory note to section 9 of this Bill.

(4) Pursuant to a request under subsection 1, the Fire ^{Parties} Marshal shall hold a hearing to determine whether the inspector's report is proper and the inspector, licensee and such other persons as the Fire Marshal may specify are parties to the proceedings.

(5) After a hearing under this section, the Fire Marshal ^{Decision of Fire Marshal} may confirm, vary or reverse the report of the inspector and may direct the inspector to do any act the inspector is authorized to do under this Act and as the Fire Marshal considers proper.

53.—(1) Section 1 of *The Live Stock and Live Stock Products Act* is amended by relettering clause *a* as clause *aa* ^{R.S.O. 1960, c. 219, s. 1, amended} and by adding thereto the following clauses:

(a) "Board" means the Live Stock and Live Stock Products Licence Review Board established by this Act;

(da) "licence" means a licence required under the regulations.

(2) *The Live Stock and Live Stock Products Act* is amended ^{R.S.O. 1960, c. 219, amended} by adding thereto the following sections:

2a.—(1) Where a licence to deal in any live stock or live stock product is required under the regulations, the Commissioner shall issue a licence to a person who makes application therefor in accordance with the regulation and pays the prescribed fee unless, after a hearing, he is of opinion that,

(a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the operations that would be authorized by the licence will not be carried on in accordance with law; or

(b) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations or the conditions under which the licence is issued.

(2) Subject
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Refusal
to renew,
suspension
or cancel-
lation

2b.—(1) The Commissioner may refuse to renew or may suspend or cancel a licence if, after a hearing he is of opinion that,

- (a) the premises, facilities and equipment used in the operations authorized by the licence do not comply with the regulations;
- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has permitted any person under his control or direction in connection with the operations authorized by the licence to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder or of any law applying to the carrying on of the operations authorized by the licence or of the conditions under which the licence was issued and such contravention warrants such refusal to renew, suspension or cancellation of the licence; or
- (c) any other ground for refusal to renew, suspension or cancellation specified in the regulations exists.

Provisional
suspension,
etc.

(2) Notwithstanding subsection 1, the Commissioner, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Commissioner's opinion it is necessary to do so for the immediate protection of the safety or health of any person or the public and the Commissioner so states in such notice giving his reasons therefor, and thereafter the Commissioner shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or cancelled under this Act and the regulations.

Continuation
of licence
pending
renewal

(3) Subject to subsection 2, where within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee, and has observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Commissioner on his application for renewal.

Notice of
hearing

2c.—(1) Notice of a hearing by the Commissioner under section 2a or section 2b shall afford to the applicant

or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

- (2) An applicant or licensee who is a party to proceedings in which the Commissioner holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. ^{Examination of documentary evidence}
- 2d. Where the Commissioner has refused to issue or renew or has suspended or cancelled a licence pursuant to a hearing he may at any time of his own motion or on the application of the person who was the applicant or licensee vary or rescind his decision, but the Commissioner shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations. ^{Variation of decision by Commissioner}
- 2e.—(1) A board to be known as the “Live Stock and Live Stock Products Licence Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure. ^{Review Board established}
- (2) A member of the Board shall hold office for not more than five consecutive years. ^{Term of office}
- (3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman. ^{Chairman}
- (4) A majority of the members of the Board constitutes a quorum. ^{Quorum}
- (5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. ^{Remuneration}
- 2f.—(1) Where the Commissioner refuses to issue or renew or suspends or cancels a licence, the applicant or licensee may by written notice delivered to the Commissioner and filed with the Board within fifteen ^{Appeal to Board}

days after receipt of the decision of the Commissioner appeal to the Board.

Extension of
time for
appeal

- (2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Powers of
Board

- (3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or cancelled and may, after the hearing, confirm or alter the decision of the Commissioner or direct the Commissioner to do any act he is authorized to do under this Act and the regulations and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Commissioner.

Effect of
decision
pending
disposal of
appeal

- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Commissioner, unless the Commissioner otherwise directs, the decision of the Commissioner is effective until the appeal is disposed of.

Parties

- 2g.—(1) The Commissioner, the appellant and such other persons as the Board may specify are parties to proceedings before the Board under this Act.

Members
making
decision
not to
have taken
part in
investiga-
tion, etc.

- (2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

- (3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

- (4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. ^{Findings of fact} 1971, c. ...
- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. ^{Only members at hearing to participate in decision}

- 2h.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court. ^{Appeal to court}
- (2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. ^{Minister entitled to be heard}
- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal. ^{Record to be filed in court}
- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Commissioner to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Commissioner or the Board. ^{Powers of court on appeal}
- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of. ^{Effect of decision of Board pending disposal of appeal}

(3) Subsection 1 of section 4 of *The Live Stock and Live Stock Products Act* is amended by adding at the commencement thereof "Subject to subsection 4". ^{R.S.O. 1960, c. 219, s. 4, subs. 1, amended}

(4) The said section 4 is amended by adding thereto the following subsections: ^{R.S.O. 1960, c. 219, s. 4, amended}

Power to enter dwelling
R.S.O. 1960, c. 387

- (4) Except under the authority of a warrant under section 14 of *The Summary Convictions Act*, an inspector shall not enter any part of a dwelling without the consent of the occupant.

Appeal from decision of inspector

- (5) Where an inspector has,
- (a) delayed the shipment of any live stock or live stock products under clause *e* of subsection 1;
 - (b) refused to inspect or mark or give a certificate under clause *f* of subsection 1; or
 - (c) seized or detained any live stock or live stock products under clause *g* of subsection 1,

he shall immediately notify the owner and the owner may appeal to the Commissioner from the decision of the inspector.

Decision of Commissioner

- (6) The Commissioner may, after hearing an appeal under this section, confirm or revoke the decision appealed from and may direct the inspector to do any act he is authorized to do under this Act and the regulations.

Parties

- (7) The appellant, the inspector who made the decision and such other persons as the Commissioner may specify are parties to proceedings before the Commissioner under subsection 6.

How appeal made

- (8) An appeal under this section may be made in writing or orally or by telephone to the Commissioner, but the Commissioner may require the grounds for appeal to be specified in writing before the hearing.

R.S.O. 1960, c. 221, s. 1, amended

54.—(1) Section 1 of *The Live Stock Community Sales Act*, as amended by section 1 of *The Live Stock Community Sales Amendment Act, 1965* and section 1 of *The Live Stock Community Sales Amendment Act, 1967*, is further amended by adding thereto the following clause:

- (a) “Board” means the Live Stock Community Sales Licence Review Board established by this Act.

R.S.O. 1960, c. 221, amended

(2) *The Live Stock Community Sales Act* is amended by adding thereto the following sections:

Issue of licence

- 3a.—(1) The Director shall issue a licence to a person who makes application therefor in accordance with

SECTION 54. The amendments proposed to this Act are similar to the amendments proposed to *The Artificial Insemination of Cattle Act, 1962-63* and are explained in the explanatory note to section 9 of this Bill.



this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to engage in the business of operating community sales;
- (b) having regard to the applicant's financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of the business of operating community sales;
- (c) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business of operating community sales pursuant to the licence will not be carried on in accordance with law and with honesty and integrity;
- (d) the applicant does not possess or will not have available all premises, facilities and equipment necessary to engage in the business of operating community sales in accordance with this Act and the regulations; or
- (e) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(2) Subject to section 3b, the Director shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee. ^{Renewal}

3b.—(1) The Director may refuse to renew or may suspend or revoke a licence if, after a hearing, he is of opinion that, ^{Refusal to renew, suspension and revocation}

- (a) the licensee is not or has not been financially responsible in the conduct of the business of operating community sales pursuant to the licence;
- (b) the premises, facilities and equipment used in the business of operating community sales pursuant to the licence do not comply with this Act and the regulations;

- (c) there are reasonable grounds for belief that the business of operating community sales pursuant to the licence is not carried on in accordance with honesty and integrity;
- (d) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has permitted any person under his control or direction in connection with his business of operating community sales to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder or of any law applying to the carrying on of the business of operating community sales and such contravention warrants such refusal to renew, suspension or revocation of the licence; or
- (e) any other ground for refusal to renew, suspension or revocation specified in the regulations exists.

Provisional
suspension,
etc.

- (2) Notwithstanding subsection 1, the Director, by notice to a licensee and without a hearing, may provisionally refuse to renew or may suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of any person or animal or of the interests of persons consigning animals for sale to the licensee and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or revoked under this Act or the regulations.

Continuation
of licence
pending
renewal

- (3) Subject to subsection 2, where within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.

Notice of
hearing

- 3c.—(1) The notice of a hearing by the Director under section 3a or section 3b shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

- (2) An applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examinator of documentary evidence
- 3d. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing he may at any time of his own motion or on the application of the person who was the applicant or licensee vary or rescind his decision, but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations. Variation of decision by Director
- 3e.—(1) A board to be known as the “Live Stock Community Sales Licence Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure. Review Board established
- (2) A member of the Board shall hold office for not more than five consecutive years. Term of office
- (3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman. Chairman
- (4) A majority of the members of the Board constitutes a quorum. Quorum
- (5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. Remuneration
- 3f.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director appeal to the Board. Appeal to Board
- (2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, Extension of time for appeal

either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Powers of Board

- (3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may after the hearing confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and the regulations and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director.

Effect of decision pending disposal of appeal

- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of.

Parties

- 3g.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Members making decision not to have taken part in investigation, etc.

- (2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

- (3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

- (4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c...

- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision
- 3h.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court. Appeal to court
- (2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Minister entitled to be heard
- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board if it is not part of the Board's record, shall constitute the record in the appeal. Record to be filed in court
- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Director to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Director or the Board. Powers of court on appeal
- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of. Effect of decision of Board pending disposal of appeal
- (3) Subsection 1 of section 11 of *The Live Stock Community Sales Act*, as amended by subsection 1 of section 4 of *The Live Stock Community Sales Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960, c. 221, s. 11, subs. 1, re-enacted
- (1) Subject to subsection 1a, the Director or an inspector or a veterinarian may enter any premises for the purposes of enforcing this Act. Powers of entry
- (1a) Except under the authority of a warrant under section 14 of *The Summary Convictions Act*, the Director or an inspector or a veterinarian shall not enter any part of a dwelling without the consent of the occupant. Dwellings R.S.O. 1960, c. 387

R.S.O. 1960,
c. 221, s. 13,
cl. c.
repealed
1962-63, c. 76,
s. 3 (1965,
c. 64, s. 3),
re-enacted

(4) Clause *c* of section 13 of *The Live Stock Community Sales Act* is repealed.

55.—(1) Section 3 of *The Loggers' Safety Act, 1962-63*, as re-enacted by section 3 of *The Loggers' Safety Amendment Act, 1965*, is repealed and the following substituted therefor:

Officers

3. There shall be an officer known as the chief officer and such other officers as are considered necessary for the administration of this Act and their duties shall be to ensure compliance with and to enforce the provisions of this Act and the regulations.

1962-63,
c. 76, s. 4,
re-enacted

(2) Section 4 of *The Loggers' Safety Act, 1962-63* is repealed and the following substituted therefor:

4. An officer may enter any land, building or other premises used for or in connection with logging at any reasonable hour for the purpose of carrying out his duties under this Act.

1962-63,
c. 76, s. 6,
re-enacted

(3) Section 6 of *The Loggers' Safety Act, 1962-63*, is repealed and the following substituted therefor:

6.—(1) Where an officer is of opinion that any provision of this Act or the regulations relating to safety in logging or in work in connection with logging is being contravened, he may give to the person so contravening or to his supervisor or foreman or to the operator or any of them such order in writing as is necessary to ensure compliance with such provision, and such order shall specify that it shall be carried out forthwith or before the expiry of such period as is specified therein, and,

(a) where the order specifies that it be carried out forthwith, all work or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with; or

(b) where the order specifies the period within which it is to be carried out and it is not carried out within that period, all work or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with.

Appeal

(2) Every person to whom an order of an officer under this section is directed, the operator employing such person or any person acting on behalf of the operator who is dissatisfied with the order may appeal to the district forester for the forestry district in which the

SECTION 55.

1. The powers of officers to enter on land are limited to entry in the performance of their duties.

2. Where an officer issues a stop-work order an appeal is provided to the district forester.

SECTION 56. A person whose marriage has been dissolved or annulled by a divorce or annulment recognized under the law of Ontario is given a right to a marriage licence and to apply under *The Judicial Review Procedure Act, 1971* to the Divisional Court for an order that a licence be issued to him.

logging or work to which the order relates is carried on who shall hear the appeal and may by order, affirm, vary or rescind the order of the officer.

- (3) The appellant from an order made under this section ^{Parties} and the officer making the order are parties to an appeal under this section.
- (4) An appeal under this section may be made in writing or orally or by telephone to the district forester, ^{How appeal to be made} but the district forester may require the grounds for appeal to be specified in writing before the hearing.
- (5) An order made by an officer under this section is ^{Order binding} binding and effective, notwithstanding that an appeal has been brought, until varied or rescinded by the district forester.
- (6) Every person to whom an order of an officer or ^{Penalty} district forester is directed under this section,
- (a) who contravenes or who knowingly permits any person under his direction and control to contravene such order; or
- (b) who carries on work or who knowingly permits any person under his direction or control to carry on work in contravention of subsection 1,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 a day for every day upon which the contravention continued.

56.—(1) Section 12 of *The Marriage Act*, as amended by ^{R.S.O. 1960, c. 228, s. 12, re-enacted} section 1 of *The Marriage Amendment Act, 1964*, is repealed and the following substituted therefor:

- 12.—(1) An applicant for a licence who has been ^{Where dissolution of former marriage recognized in Ontario} previously married is entitled to be issued a licence if such marriage has been dissolved or annulled and such dissolution or annulment is recognized under the law of Ontario and the applicant otherwise complies with the requirements of this Act.
- (2) Subject to subsection 6, no issuer shall issue a licence ^{Material to be filed with issuer where dissolution in Canada} to a person whose previous marriage has been dissolved or annulled in Canada unless such person deposits with the issuer,

(a) the final decree or judgment dissolving or annulling the marriage or a copy of the final decree or judgment or Act dissolving or annulling the marriage, certified by the proper officer; and

(b) such other material as the issuer may require.

Where dissolution, etc., outside Canada

(3) Subject to subsection 6, no issuer shall issue a licence to a person whose previous marriage has been dissolved or annulled elsewhere than in Canada, unless the authorization in writing of the Provincial Secretary is obtained upon the deposit of such material as he may require.

Review of appeal to issue licence

(4) Where an application for a licence by a person claiming to be entitled to be issued a licence under subsection 1 is refused by an issuer, or the Provincial Secretary refuses to issue an authorization under subsection 3, such person may make an application for judicial review under *The Judicial Review Procedure Act, 1971* to the Supreme Court for an order directing that a licence be issued to him and if the court finds that he is so entitled it may make such an order.

1971, c. . . .

Parties

(5) The applicant, the Provincial Secretary and such other persons as the court may order are parties to an application under subsection 4.

Issue of licence under court order

(6) Where an applicant for a licence files with an issuer, together with his application, an order of the Supreme Court made on an application under subsection 4 directing that a licence be issued to him, the issuer shall issue the licence.

R.S.O. 1960, c. 228, s. 36, subs. 2, par. 6, re-enacted

(2) Paragraph 6 of subsection 2 of section 36 of *The Marriage Act*, as amended by section 2 of *The Marriage Amendment Act 1964*, is repealed and the following substituted therefor:

6. Any documentary or other material filed on the application for a licence under section 12.

1962-63, c. 78, s. 1, amended

57.—(1) Section 1 of *The Meat Inspection Act (Ontario 1962-63)* is amended by adding thereto the following clauses:

(aa) "Board" means the Meat Inspection Licence Review Board established by this Act;

SECTION 57. The amendments proposed to this Act are similar to the amendments proposed to *The Artificial Insemination of Cattle Act, 1962-63*, and are explained in the explanatory note to section 9 of this Bill.



(da) "licence" means a licence under this Act;

(2) Subsection 2, as amended by subsection 2 of section 3 of *The Meat Inspection Amendment Act (Ontario), 1965*, and subsection 3, as amended by subsection 3 of section 3 of *The Meat Inspection Amendment Act (Ontario), 1965*, of section 3 of *The Meat Inspection Act (Ontario), 1962-63* are repealed. 1962-63,
c. 78, s. 3,
subs. 2, 3,
repealed

(3) *The Meat Inspection Act (Ontario), 1962-63* is amended by adding thereto the following sections: 1962-63,
c. 78,
amended

3a.—(1) The Director shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that, Licence,
issue

- (a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business of operating a plant pursuant to the licence will not be carried on in accordance with law;
- (b) the applicant does not possess or will not have available all premises, facilities and equipment necessary to engage in the business of operating a plant in accordance with this Act and the regulations; or
- (c) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(2) Subject to section 3b, the Director shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee. Renewal

3b.—(1) The Director may refuse to renew or may suspend or revoke a licence if, after a hearing, he is of opinion that, Refusal to
renew,
suspension
or revocation

- (a) the premises, facilities and equipment used in the business of operating a plant pursuant to the licence do not comply with this Act and the regulations;
- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof, has contravened or has permitted any

person under his control or direction in connection with his business of operating a plant, to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder, or of any law applying to the carrying on of the business of operating a plant or the conditions for licensing and such contravention warrants such refusal to renew, suspension or revocation of the licence; or

(c) any other ground for refusal to renew, suspension or revocation specified in the regulations exists.

Provisional
suspension,
etc.

(2) Notwithstanding subsection 1, the Director, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of any person or animal or the public and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or revoked under this Act and the regulations.

Continuation
of licence
pending
renewal

(3) Subject to subsection 2, where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee, and has observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.

Notice of
hearing

3c.—(1) The notice of a hearing by the Director under section 3a or section 3b shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination
of docu-
mentary
evidence

(2) An applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

3d. Where the Director has refused to issue or renew or ^{Variation of decision by Director} has suspended or revoked a licence pursuant to a hearing he may at any time of his own motion or on the application of the person who was the applicant or licensee vary or rescind his decision, but the Director shall not vary or rescind his decision adversely to the interest of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

3e.—(1) A board to be known as the “Meat Inspection ^{Review Board established} Licence Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure.

(2) A member of the Board shall hold office for not ^{Term of office} more than five consecutive years.

(3) The Lieutenant Governor in Council may appoint ^{Chairman} one of the members of the Board as chairman and another of the members as vice-chairman.

(4) A majority of the members of the Board constitutes ^{Quorum} a quorum.

(5) The members of the Board shall receive such re-^{Remuneration}muneration and expenses as the Lieutenant Governor in Council may determine.

3f.—(1) Where the Director refuses to issue or renew or ^{Appeal to Board} suspends or revokes a licence, the applicant or licensee may by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director appeal to the Board.

(2) The Board may extend the time for the giving of ^{Extension of time for appeal} notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

(3) Where an applicant or licensee appeals to the ^{Powers of Board} Board under this section, the Board shall hear

the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director.

Effect of
decision
pending
disposal
of appeal

- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of.

Parties

- 3g.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Members
making
decision
not to
have taken
part in
investiga-
tion, etc.

- (2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

- (3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

- (4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. ...

Only
members
at hearing
to participate
in decision

- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.



SECTION 58. The powers of the Deputy Minister in relation to an inquiry into the affairs of an institution are defined by reference to *The Public Inquiries Act, 1971*.

3h.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court. Appeal to court

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Minister entitled to be heard

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board if it is not part of the Board's record, shall constitute the record in the appeal. Record to be filed in court

(4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Director to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper, and the court may substitute its opinion for that of the Director or the Board. Powers of court on appeal

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of. Effect of decision of Board pending disposal of appeal

(3) Subsection 3 of section 4 of *The Meat Inspection Act (Ontario)*, 1962-63, as amended by section 4 of *The Meat Inspection Amendment Act (Ontario)*, 1965, is further amended by adding at the commencement thereof "Subject to subsection 4". 1962-63, c. 78, s. 4, subs. 3, amended

(4) The said section 4 is amended by adding thereto the following subsection: 1962-63, c. 78, s. 4, amended

(4) Except under the authority of a warrant under section 14 of *The Summary Convictions Act*, the Director or an inspector shall not enter any part of a dwelling without the consent of the occupant. Power to enter dwelling R.S.O. 1960, c. 387

58. Subsection 1 of section 18 of *The Mental Hospitals Act*, as re-enacted by section 10 of *The Mental Hospitals Amendment Act*, 1967, is repealed and the following substituted therefor: R.S.O. 1960, c. 236, s. 18, subs. 1 (1967, c. 52, s. 10), re-enacted

Inquiry
by Deputy
Minister

- (1) Where the Deputy Minister is authorized by the Minister to institute an inquiry into the management or affairs of an institution, or into any matter in connection therewith, or into the truth of any returns made by any officer thereof, the Deputy Minister has the powers of a commissioner under Part II of *The Public Inquiries Act, 1971*, which Part applies to the inquiry as if it were an inquiry under that Act.

1971, c. ...

R.S.O. 1960,
c. 241, s. 16,
subs. 1,
repealed

59.—(1) Subsection 1 of section 16 of *The Mining Act*, as amended by subsection 1 of section 5 of *The Mining Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,
c. 241, s. 33,
subs. 1, 2,
re-enacted

(2) Subsections 1 and 2 of section 33 of *The Mining Act* are repealed and the following substituted therefor:

Revocation
of licence

- (1) Where the Commissioner finds, after a hearing, that a licensee has been guilty of a wilful contravention of any of the provisions of this Act or the regulations, the Minister may, on the recommendation of the Commissioner, revoke the licence of the licensee and a licence shall not thereafter be issued to such licensee without the authority of the Minister.

Suspension
of licence

- (2) Where a recorder finds, after a hearing, that a licensee has contravened any of the provisions of this Act or the regulations, the Minister may, upon the recommendation of the recorder, suspend the licence of the licensee.

R.S.O. 1960,
c. 241, s. 33,
amended

(3) The said section 33, as amended by section 2 of *The Mining Amendment Act, 1967*, is further amended by adding thereto the following subsection:

Appeal

- (4) A finding by the Commissioner that a licensee has wilfully contravened this Act or the regulations or by a recorder that a licensee has contravened this Act or the regulations, as the case may be, may be appealed in a like manner as any decision of the Commissioner or recorder, respectively, and the Minister shall give effect to the decision on the appeal.

R.S.O. 1960,
c. 241, s. 96,
subs. 3,
amended

(4) Subsection 3 of section 96 of *The Mining Act* is amended by striking out "140" in the fourth line and inserting in lieu thereof "136".

R.S.O. 1960,
c. 241, s. 98,
subs. 1,
re-enacted

(5) Subsection 1 of section 98 of *The Mining Act* is repealed and the following substituted therefor:

SECTION 59.

1. An appeal is provided from findings of the Mining Commissioner or a recorder that a person has contravened the Act as a result of which finding a licence may be suspended or revoked.

2. The Commissioner is required to hold a hearing in determining the rights of a holder of surface rights to compensation. Appeals lie to the Divisional Court instead of the Court of Appeal.

3. The grounds for refusal to renew, suspension or revocation of a quarry permit to operate a quarry on Crown lands are specified. Before refusing to renew or suspending or revoking a permit, the Minister is required to cause an inquiry to be held if it is requested by the permittee. In emergency cases the Minister may provisionally suspend a permit with the inquiry to be held thereafter.

4. Proceedings before a recorder are excepted from *The Statutory Powers Procedure Act, 1971*.

5. The procedure governing appeals from recorders to the Commissioner or proceedings by the Commissioner in the exercise of his original jurisdiction are integrated with the provisions of *The Statutory Powers Procedure Act, 1971*.

6. Appeals from decisions of the Commissioner lie to the Divisional Court instead of the Court of Appeal.

7. Time limits are fixed for the bringing of applications for judicial review under *The Judicial Review Procedure Act, 1971*.

8. Before refusing to renew, suspending, cancelling or revoking a refinery licence, the Minister is required to cause an inquiry to be held.

9. Provision is made for hearings by the Commissioner of disputes between co-owners.

10. A person contesting his liability to acreage tax is given a right to appeal to the Commissioner to determine the matter.

... 1874 ... 1875 ... 1876 ... 1877 ... 1878 ... 1879 ... 1880 ... 1881 ... 1882 ... 1883 ... 1884 ... 1885 ... 1886 ... 1887 ... 1888 ... 1889 ... 1890 ... 1891 ... 1892 ... 1893 ... 1894 ... 1895 ... 1896 ... 1897 ... 1898 ... 1899 ... 1900 ...

(1) Where the surface rights of land have been granted, sold, leased or located with reservation of mines, minerals or mining rights to the Crown, or where land is occupied by a person who has made improvements thereon that in the opinion of the Minister entitles him to compensation, a licensee who prospects for mineral or stakes out a mining claim or an area of land for a boring permit or carries on mining operations upon such land shall compensate the owner, lessee, locatee or occupant for all injury or damage that is or may be caused to the surface rights by such prospecting, staking out or operations, and in default of agreement the amount and the manner and time of payment of compensation shall be determined by the Commissioner after a hearing, and, subject to appeal to the Supreme Court where the amount awarded exceeds \$1,000, his order is final.

Right of
owner of
surface
rights to
compensation

(6) Subsection 7 of section 118 of *The Mining Act* is repealed.

R.S.O. 1960,
c. 241, s. 118,
subs. 7,
repealed

(7) Part VII of *The Mining Act*, as amended by section 9 of *The Mining Amendment Act, 1968*, is further amended by adding thereto the following section:

R.S.O. 1960,
c. 241,
Part VII
(ss. 118-124),
amended

118a.—(1) The Minister may refuse to renew or may suspend or revoke a quarry permit on the grounds that,

Suspension,
etc., of
permit

- (a) the permittee has contravened any provision of this Part;
- (b) no operations have been carried on under the permit for a continuous period of more than six months;
- (c) the permittee is not employing equipment that in the opinion of the Minister is proper and suitable for the operations pursuant to the permit; or
- (d) the Minister considers the continuation of operations under the permit to be contrary to the public interest,

but, subject to subsection 8, before so doing he shall give the permittee notice of his intention to refuse to renew or to suspend or revoke the permit, together with written reasons therefor.

Notice
requiring
hearing

- (2) A notice under subsection 1 shall inform the permittee that he is entitled to a hearing by the Mining Commissioner if he mails or delivers a notice in writing requiring such hearing to the Minister within fifteen days after the notice under subsection 1 is served on him, and the Minister, on receipt of a notice requiring a hearing, shall refer the matter to the Commissioner for a hearing.

Powers of
Minister
where no
hearing

- (3) Where a permittee does not require a hearing by the Commissioner in accordance with subsection 2, the Minister may carry out the intention stated in his notice under subsection 1.

Hearing

- (4) Pursuant to a reference by the Minister under this section, the Commissioner shall hold a hearing as to whether the permit to which the hearing relates should be renewed or should be suspended or revoked, as the case may be, and the permittee and such other persons as the Commissioner may specify are parties to the hearing.

Application
of 1971, c. . . .

- (5) Sections 6 to 16 and sections 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply in respect of a hearing under this section.

Report to
Minister

- (6) The Commissioner shall, at the conclusion of a hearing under this section, make a report to the Minister setting out his findings of fact and any information or knowledge used by him in reaching his recommendations, any conclusions of law he has arrived at relevant to his recommendations, and his recommendations as to the renewal, suspension or revocation of the permit to which the hearing relates, as the case may be, and shall send a copy of his report to the permittee to whom it relates.

Decision of
Minister

- (7) After considering the report of the Commissioner under this section, the Minister may thereupon renew or refuse to renew, or suspend or revoke or refrain from suspending or revoking the permit to which the report relates and shall give notice of his decision to the permittee specifying the reasons therefor.

Provisional
suspension,
t

- (8) Notwithstanding anything in this section, the Minister, by notice to a permittee and without a hearing, may provisionally refuse renewal of or suspend the permittee's permit, where in the Minister's opinion the continuation of operations under the permit is in contravention of this Act, will cause damage to

property, or is an immediate threat to the public interest, and the Minister so states in the notice, giving his reasons therefor, and thereafter the Minister shall refer the matter to the Commissioner and subsections 3 to 6 apply and the provisional refusal or suspension terminates when the Minister's decision under subsection 6 becomes effective unless sooner terminated by the Minister.

(8) Subsection 3 of section 125 of *The Mining Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 241, s. 125,
subs. 3,
re-enacted

(3) Where the Commissioner is unable to perform his duties because of illness, absence or for any other reason,

Acting Com-
missioner

(a) the Minister may in writing appoint a person to exercise the powers of the Commissioner to make orders under section 92, but such person has only such powers of the Commissioner as are necessary for that purpose; or

(b) the Lieutenant Governor in Council may appoint a person to act in the stead of the Commissioner to perform the duties and exercise all the powers of the Commissioner under this Act.

(9) Section 128 of *The Mining Act* is repealed.

R.S.O. 1960,
c. 241, s. 128,
repealed

(10) Clause *c* of subsection 1 of section 133 of *The Mining Act* is repealed.

R.S.O. 1960,
c. 241, s. 133,
subs. 1, cl. c,
repealed

(11) Subsection 1 of section 134 of *The Mining Act* is amended by striking out "138" in the second line and inserting in lieu thereof "136".

R.S.O. 1960,
c. 241, s. 134,
subs. 1,
amended

(12) Subsection 5 of the said section 134 is amended by striking out "138" in the second line and inserting in lieu thereof "136".

R.S.O. 1960,
c. 241, s. 134,
subs. 5,
amended

(13) Sections 135 and 137, section 138, as amended by section 10 of *The Mining Amendment Act, 1968*, and sections 139, 140 and 141 of *The Mining Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 241, ss. 135,
137-141,
re-enacted

135.—(1) The recorder may give directions for the conduct and carrying on of proceedings before him, and in so doing he shall adopt the cheapest and simplest methods of determining the questions arising before

Directions
as to conduct
of
proceedings

him that afford to all interested parties an adequate opportunity of knowing the issues in the proceedings and of presenting material and making representations on their behalf.

Reasons for decision

- (2) The recorder shall give reasons for any decision made by him in proceedings before him.

Enforcement of decision

1971, c. ...

- (3) A copy of the final decision of a recorder may be filed in the office of the Registrar of the Supreme Court under section 19 of *The Statutory Powers Procedure Act, 1971*, which applies thereto.

Application of 1971, c. ...

- (4) Except as provided in subsection 3, *The Statutory Powers Procedure Act, 1971* does not apply to proceedings before the recorder.

Appeal to Commissioner

- 136.—(1) A person affected by a decision of or by any act or thing, whether ministerial, administrative or judicial, done, or refused or neglected to be done by a recorder may appeal to the Commissioner.

Appeal by Director

- (2) An appeal under subsection 1 may be taken by the Director or the Supervisor on his behalf where, in the opinion of the Minister, the public interest is affected, and no fee prescribed in the Schedule in respect of the appeal is payable by the Director or Supervisor.

How appeal instituted

- (3) An appeal to the Commissioner shall be by notice in writing in the prescribed form, filed in the office of the recorder from whom the appeal is being taken and served upon all parties interested within fifteen days from the entry of the decision on the books of the recorder or the doing by the recorder of the act or thing appealed from, or within such further period of not more than fifteen days as the Commissioner may allow, but if the notice of appeal has been filed with the recorder within such time and the Commissioner is satisfied that it is a proper case for appeal and that after reasonable effort any of the parties entitled to notice could not be served within such time, the Commissioner may extend the time for appealing and make such order for substitutional or other service as he considers just, or if a person affected has not been notified as provided in sections 96 and 134, and appears to have suffered substantial injustice and has not been guilty of undue delay, the Commissioner may allow such person to appeal.

- (4) The notice of appeal shall contain or have endorsed upon it an address in Ontario at which the appellant may be served with any notice or document relating to the appeal, and any such notice or document is sufficiently served upon the appellant if it is left with a grown-up person at such address or, where no such person can there be found, if sent by registered mail addressed to the appellant at such address. ^{Service of notice of appeal}
- (5) If no address for service is given as provided in subsection 4, any such notice or document may be served upon the appellant by posting it up in the recorder's office. ^{Where no address for service}

137. The Commissioner shall determine,

Hearing

- (a) an appeal from a recorder, after a hearing by way of a hearing *de novo*; and
- (b) a dispute referred to in section 64 or a claim, question, dispute or other matter within his jurisdiction after a hearing,

pursuant to an appointment fixing the time and place for the hearing.

138.—(1) Application to the Commissioner for an appointment for a hearing may be made by any party to the proceeding and may be verbal or written or may be *ex parte* or upon such notice to such persons as the Commissioner may direct. ^{Application for appointment for hearing}

(2) The Commissioner may fix such time for a hearing as will permit the matter to be disposed of as promptly as possible, allowing adequate time to the parties to prepare their cases but, unless all parties consent thereto, the hearing shall be held not less than ten days after service of the appointment for the hearing on the parties. ^{Time for hearing}

(3) The Commissioner shall select as the place for a hearing such place as he considers most convenient for the parties in the county or district or one of the counties or districts in which the lands or mining rights affected are situate unless it appears to him desirable that the hearing should be in some other county or district. ^{Place for hearing}

Leave for hearing

- (4) In any matter or proceeding, other than an appeal, the Commissioner may, if a certificate of record has been issued, require the applicant for an appointment to satisfy him that there is reasonable ground for the application or, in any such case or in any case where leave to take the proceeding is necessary, may give the appointment or leave only upon such terms as to security for costs or otherwise as he considers just.

Service of appointment for hearing

- 139.—(1) The Commissioner shall cause a copy of an appointment for a hearing before him to be served upon all parties, which shall, except in the case of an appeal or a dispute under section 64, state briefly the particulars of the right or question in issue or of the dispute.

Hearing may proceed in absence of party

- (2) The appointment shall state that if a person has been served does not attend the hearing, the Commissioner may proceed in his absence and he is not entitled to notice of any further proceedings.

Service deemed compliance with 1971, c. ...

- (3) Service by registered mail of the appointment and of the notice, if any, required under subsection 1 shall be a sufficient compliance with section 6 of *The Statutory Powers Procedure Act, 1971*.

Directions of Commissioner re proceedings

- 140.—(1) Sections 138 and 139 apply notwithstanding *The Statutory Powers Procedure Act, 1971* and, subject to that Act, the Commissioner may,
- (a) give directions for having any matter or proceeding heard and decided without unnecessary formality;
 - (b) order the filing or serving of statements, particulars, objections or answers, the production of documents and things, and the making of amendments;
 - (c) give such other directions respecting the procedure and hearing as he considers proper;
 - (d) make any appointment, notice or other proceeding returnable forthwith or at such time as he considers proper; and
 - (e) order or allow such substituted or other service as he considers proper.

(2) The Commissioner may take or order the evidence ^{Taking of evidence} of any witness to be taken at any place in or out of Ontario.

141. Notwithstanding *The Statutory Powers Procedure Act, 1971*, the Commissioner may hear and dispose of any application not involving the final determination of the matter or proceeding, either *ex parte* or on notice, at any place he considers convenient, and his decision upon any such application is final and is not subject to appeal but, where the Commissioner makes his decision *ex parte* he may subsequently reconsider and amend such decision. ^{Decision of Commissioner}

(14) Part VIII of *The Mining Act*, as amended by sections ^{R.S.O. 1960, c. 241,} 38 and 39 of *The Mining Amendment Act, 1962-63*, section 8 ^{Part VIII (ss. 125-160),} of *The Mining Amendment Act, 1965*, sections 16 and 17 of *The Mining Amendment Act, 1967* and section 10 of *The Mining Amendment Act, 1968*, is further amended by adding thereto the following section:

143a. Where the Commissioner receives any opinion, ^{Disclosure of evidence to parties} report or evidence under section 142 or 143 in any proceeding before him, the opinion, report or evidence shall be disclosed to the parties to the proceeding who, if they so request, shall be afforded an opportunity of cross-examining the person expressing the opinion, making the report or giving the evidence.

(15) Section 148 of *The Mining Act* is repealed and the ^{R.S.O. 1960, c. 241, s. 148, re-enacted} following substituted therefor:

148. The evidence taken before the Commissioner shall ^{Recording of evidence} be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

(16) Subsection 2 of section 152 of *The Mining Act* is ^{R.S.O. 1960, c. 241, s. 152, subs. 2, re-enacted} repealed and the following substituted therefor:

(2) The order or judgment of the Commissioner, with the evidence, exhibits, the statement, if any, of view or of special knowledge or skill, and the reasons for his decision shall be filed in the office of the recorder of the division in which the property in question or part of it is situate or, where section 21 applies, with the Deputy Minister, and the recorder or Deputy Minister shall forthwith give notice in writing of the filing by registered mail or otherwise to the solicitors of the parties appearing by solicitor and to parties not represented by a solicitor. ^{Documents to be filed in recorder's office}

R.S.O. 1960,
c. 241,
Part VIII
(ss. 125-160),
amended

(17) Part VIII of *The Mining Act* is further amended by adding thereto the following section:

Stay of
proceedings

154a. Where a certified copy of a final decision of a recorder has been filed in the office of the Registrar of the Supreme Court under section 19 of *The Statutory Powers Procedure Act, 1971*, the Commissioner or the court or a judge thereof may stay proceedings therein if an appeal from the decision is brought until final disposition of the appeal.

1971, c. . . .

R.S.O. 1960,
c. 241, s. 156,
re-enacted

(18) Section 156 of *The Mining Act* is repealed and the following substituted therefor:

Time for
appeal
R.S.O. 1960,
c. 18

156.—(1) Except in the case of a reference under section 131 or *The Arbitrations Act*, the order or judgment of the Commissioner is final and conclusive unless, where an appeal lies, it is appealed from within fifteen days after the filing thereof in accordance with section 152, or within such further period of not more than fifteen days as the Commissioner or a judge of the Supreme Court may allow.

Notice of
appeal

(2) The appeal shall be begun by filing a notice of appeal with the recorder with whom the order or judgment appealed from is filed under section 152 or, where section 21 applies, with the Deputy Minister, paying to him the prescribed fee and filing the notice of appeal with the Registrar of the Supreme Court and, unless the notice of appeal is filed with the Registrar of the Supreme Court and a certificate of such filing is lodged with the recorder or Deputy Minister within five days after the expiration of such fifteen days, or any further time allowed under subsection 1, the appeal shall be deemed to be abandoned.

Transmission
of documents

(3) The recorder or, where section 21 applies, the Deputy Minister shall, forthwith after the filing of the notice of appeal and payment of the prescribed fee, transmit by registered mail or by express to the office of the Registrar of the Supreme Court, Toronto, the order or judgment appealed from and all the exhibits, papers and documents filed therewith.

Extension
order

(4) Where the time for appealing is extended under subsection 1, the appellant shall forthwith transmit the order for the extension or a duplicate thereof by registered mail to the recorder, or where section 21 applies, to the Deputy Minister.

(5) The practice and procedure on an appeal including ^{Practice} the form of notice of appeal, service of the notice of appeal on the parties, and the disposition of costs on an appeal, shall be governed by the rules of court.

(19) Section 157 of *The Mining Act* is repealed and the ^{R.S.O. 1960,} following substituted therefor: ^{c. 241, s. 157,} ^{re-enacted}

157.—(1) No proceedings by way of an application for ^{Judicial} judicial review under *The Judicial Review Procedure ^{review} ^{1971, c. ...} Act, 1971, or, except in proceedings provided for under this Act, by way of other proceedings whatsoever, may be brought to call into question,*

(a) any decision made or purporting to have been made by a recorder under this Act, more than thirty days after entry of the decision by the recorder in the books of his office;

(b) any order or judgment given or made or purporting to have been given or made by the Commissioner under this Act, more than thirty days after filing of the order or judgment of the Commissioner in accordance with section 152; or

(c) the validity of any act or thing done or purporting to have been done under this Act by the recorder or by any other officer appointed under this Act, more than thirty days after the time when such act or thing was done.

(2) Notwithstanding anything in *The Judicial Review* ^{No extension} ^{of time} *Procedure Act, 1971*, no court may extend any limitation of time fixed in subsection 1.

(20) Section 158 of *The Mining Act* is repealed and the ^{R.S.O. 1960,} following substituted therefor: ^{c. 241, s. 158,} ^{re-enacted}

158. Where the validity of a proceeding before the Commissioner or a recorder is called into question in any court on the ground of any defect of form or substance or failure to comply with this Act or the regulations, notwithstanding that such defect or failure is established, the court shall not, if no substantial wrong or injustice has been thereby done or occasioned, invalidate the proceeding by reason thereof, but shall confirm the proceeding, and, upon ^{Defects in} ^{form}

such confirmation, the proceeding shall be and be deemed to have been valid and effective from the time when it would otherwise have been effective but for such defect or failure.

R.S.O. 1960,
c. 241, Part X
(1961-62,
c. 81, s. 1),
amended

(21) Part X of *The Mining Act*, as re-enacted by section 1 of *The Mining Amendment Act, 1961-62*, is amended by adding thereto the following section :

Reference
for hearing
and report

615a.—(1) Before refusing to renew, or suspending, cancelling or revoking a refinery licence or certificate of exemption under section 615, the Minister shall refer the matter to a person appointed by him for a hearing and report.

Hearing

(2) Where a matter is referred by the Minister under subsection 1, the person appointed shall hold a hearing as to whether the refinery licence or certificate of exemption to which the hearing relates should be renewed or should be suspended, cancelled or revoked, as the case may be, and the licensee or certificate holder and such other persons as the person holding the hearing may specify are parties to the hearing.

Application
of 1971, c. ...

(3) Sections 6 to 16 and sections 21, 22 and 23 of *The Statutory Powers Procedure Act, 1971* apply in respect of a hearing under this section.

Report

(4) The person holding 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 reaching his recommendations, any conclusions of law he has arrived at relevant to these recommendations, and his recommendations as to the renewal, suspension, cancellation or revocation of the refinery licence or certificate of exemption, as the case may be, and shall send a copy of his report to the licensee or certificate holder to whom it relates.

Decision of
Minister

(5) After considering a report made under this section, the Minister shall thereupon decide whether or not to refuse to renew or to suspend, cancel or revoke the refinery licence or certificate of exemption to which the report relates, and shall give notice of his decision to the licensee or certificate holder specifying the reasons therefor.

R.S.O. 1960,
c. 241, s. 619
(1961-62,
c. 81, s. 1),
re-enacted

(22) Section 619 of *The Mining Act*, as re-enacted by section 1 of *The Mining Amendment Act, 1961-62*, is repealed and the following substituted therefor :

619. The Minister may appoint any person to conduct an inquiry into any charge or complaint that a person has contravened any of the provisions of this Part or into any matter or thing connected with or arising out of the operation of this Part, and such person, for the purposes of the inquiry, has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. Inquiry of complaints
1971. c. ...
- (23) Clause *d* of subsection 1 of section 647 of *The Mining Act* is repealed. R.S.O. 1960,
c. 241, s. 647,
subs. 1, cl. *d*,
repealed
- (24) Subsection 3 of section 653 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 241, s. 653,
subs. 3,
re-enacted
- (3) An order made under this section shall be served in such manner as the Commissioner directs. Service of order
- (3a) If a co-owner, upon whom an order made under subsection 1 has been served, disputes his liability to his co-owner or otherwise to make any payment under the order or the amount thereof, he may, within the time limited by the order for making the payment, apply to the Commissioner for a hearing and the Commissioner shall, after a hearing, determine the dispute and may affirm, amend or rescind the order or make such other order as he considers just, and, if the Commissioner orders that a payment be made, he may fix the time for payment thereof. Dispute as to liability
- (3b) Where the time for payment fixed by an order made under subsection 1 has expired and no application for determination of a dispute has been made, or where the time fixed by an order made under subsection 3a has expired, and where such additional time, if any, as has been granted by the Commissioner has expired, if it is proved to the satisfaction of the Commissioner that the payment has not been made, he may make an order vesting the interest of the delinquent co-owner or co-owners in the lands or mining rights to which the payment relates in the co-owner or co-owners who has or have paid the rents or made the expenditure. Vesting order
- (25) Section 669 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 241, s. 669,
re-enacted
- 669.—(1) Any person claiming an interest in any lands or mining rights entered on the tax roll or whose name Com-
missioner
may settle
dispute

has been entered on the tax roll, as being liable to the acreage tax or who disputes the amount of the tax levied on any lands or mining rights in which he has an interest may apply to the Commissioner to determine whether such lands and mining rights are or whether he is liable to the acreage tax and to be entered on the tax roll or the amount of the tax payable, and the Commissioner shall hear and determine such matter.

Minister
to be
party

(2) The Minister is a party to any proceedings before the Commissioner under this section.

Omissions
from tax
roll

(3) The Minister may refer to the Commissioner for hearing and adjudication any question or dispute as to whether any mining rights or lands have or any person has been wrongfully omitted from the tax roll.

R.S.O. 1960,
c. 241, s. 670,
subs. 3,
re-enacted

(26) Subsection 3 of section 670 of *The Mining Act* is repealed and the following substituted therefor:

Service of
order

(3) An order made under this section shall be served in such manner as the Commissioner may direct.

Disputes
as to
liability

(3a) If a co-owner, upon whom an order made under subsection 1 has been served, disputes his liability to his co-owner or otherwise to make any payment under the order or the amount thereof, he may, within the time limited by the order for making the payment, apply to the Commissioner for a hearing and the Commissioner shall hear and determine the dispute and may affirm, amend or rescind the order or make such other order as he considers just, and, if the Commissioner orders that a payment be made, he may fix the time for payment thereof.

Vesting
order

(3b) Where the time for payment fixed by an order made under subsection 1 has expired and no application for determination of a dispute has been made, or where the time fixed by an order made under subsection 3a has expired, and where such additional time, if any, as has been granted by the Commissioner has expired, if it is proved to the satisfaction of the Commissioner that the payment has not been made, he may make an order vesting the interest of the delinquent co-owner or co-owners in the lands or mining rights to which the payment relates in the co-owner or co-owners who has or have paid the taxes.



SECTION 60. See explanatory note to similar amendments to *The Collection Agencies Act, 1968-69* in section 21 of this Bill and also the explanatory note to the amendments to *The Department of Financial and Commercial Affairs Act, 1966* in section 28 of this Bill.

60.—(1) Section 1 of *The Mortgage Brokers Act, 1968-69* ^{1968-69, c. 71, s. 1, amended} is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses:

(a) “business premises” does not include a dwelling;

(ba) “dwelling” means any premises or any part thereof occupied as living accommodation.

(2) Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of *The Mortgage Brokers Act, 1968-69* are repealed and the following substituted therefor: ^{1968-69, c. 71, ss. 5-7, re-enacted; ss. 8-20, repealed}

5.—(1) An applicant is entitled to registration or re-
newal of registration by the Registrar except where, ^{Registration of mortgage brokers}

(a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or

(b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or

(c) the applicant is a corporation and,

(i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or

(ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or

(d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. ^{Conditions of registration}

- Refusal to register
- 6.—(1) Subject to section 7, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 5.
- Revocation
- (2) Subject to section 7, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a term or condition of the registration.
- Notice of proposal to refuse or revoke
- 7.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.
- Notice requiring hearing
- (2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing.
- Powers of Registrar where no hearing
- (3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.
- Powers of Tribunal where hearing
- (4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal, or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.
- Conditions of order
- (5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.
- Parties
- (6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

(7) Notwithstanding subsection 1, the Registrar may ^{Voluntary cancellation} cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

(8) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue, ^{Continuation of registration pending renewal}

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

(9) Notwithstanding that a registrant appeals from an ^{Order of Tribunal effective, stay} order of the Tribunal under section 8e of *The Department of Financial and Commercial Affairs Act, 1966*, ^{1966, c. 41} the order takes effect immediately but the Tribunal may grant a stay until disposition of the appeal.

(3) Clause a of subsection 1 of section 24 of *The Mortgage Brokers Act, 1968-69* is repealed and the following substituted therefor: ^{1968-69, c. 71, s. 24, subs. 1, cl. a, re-enacted}

(a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

(4) Section 25 of *The Mortgage Brokers Act, 1968-69* is ^{1968-69, c. 71, s. 25, re-enacted} repealed and the following substituted therefor:

25. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act. ^{Investigations on order of Minister} ^{1971, c. ...}

Investiga-
tions by
Director

25a.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has,

1953-54,
c. 51, (Can.)

- (a) contravened any of the provisions of this Act or the regulations;
- (b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for registration under this Act;
- (c) by any false, misleading or deceptive statement or advertisement, representation or promise, or by any dishonest concealment of material facts, induced or attempted to induce any person to borrow money or to be responsible for the repayment thereof or to agree to the terms of any transaction with respect to money lent on the security of a mortgage; or
- (d) induced or attempted to induce any person to pay or be responsible for the payment of excessive or exorbitant fees or expenses in connection with a loan on the security of a mortgage,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence or such conduct has occurred and the person appointed shall report the result of his investigation to the Director.

Powers of
investigator

- (2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,
 - (a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation; and
 - (b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated

in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. ^{1971, c. ...}

- (3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation. ^{Obstruction of investigator}
- (4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are, in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night. ^{Search warrant}
- (5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated. ^{Removal of books, etc.}

Admissibility
of copies

- (6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment
of experts

- (7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Matters
confidential

25*b*.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 22, 23, 24, 25 or 25*a* shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

Testimony
in civil suit

- (2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceedings with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

1968-69,
c. 71, s. 26,
subs. 1,
re-enacted

(5) Subsection 1 of section 26 of *The Mortgage Brokers Act, 1968-69* is repealed and the following substituted therefor:

Order to
refrain
from
dealing with
assets

26.—(1) Where,

- (a) an investigation of any person has been ordered under section 25*a*; or
- (b) criminal proceedings or proceedings in relation to a contravention of any Act or regulation are about to be or have been instituted against a person that are connected with or arise out

of the business in respect of which such person is registered,

the Director, if he believes it advisable for the protection of clients or customers of the person referred to in clause *a* or *b* may, in writing or by telegram, direct any person having on deposit or under control or for safekeeping any assets or trust funds of the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any person having any of them on deposit or under control or for safekeeping or to hold such assets or any trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act*, 1970 or the *Winding-up Act* (Canada) or until the Director revokes or the Tribunal cancels such direction or consents to the release of any particular assets or trust funds from the direction but, in the case of a bank, loan or trust company, the direction only applies to the office, branches or agencies thereof named in the direction.

R.S.O. 1960,
cc. 197, 71,
1970, c. 25

R.S.C. 1952,
cc. 14, 296

(6) The said section 26 is amended by adding thereto the following subsection:

1968-69,
c. 71, s. 26,
amended

(5) Any person referred to in clause *a* or *b* of subsection 1 in respect of whom a direction has been given by the Director under subsection 1 or any person having an interest in land in respect of which a notice has been registered under subsection 4 may, at any time, apply to the Tribunal for cancellation in whole or in part of the direction or registration and the Tribunal shall dispose of the application after a hearing and may, if it finds that such a direction or registration is not required in whole or in part for the protection of clients or customers of the applicant or of other persons interested in the land or that the interests of other persons are unduly prejudiced thereby, cancel the direction or registration in whole or in part, and the applicant, the Director and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal.

Cancellation
of direction
or
registration

(7) Section 28 of *The Mortgage Brokers Act*, 1968-69 is repealed and the following substituted therefor:

1968-69,
c. 71, s. 28,
re-enacted

False
advertising

28. Where the Registrar believes on reasonable and probable grounds that a mortgage broker is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and section 7 applies *mutatis mutandis* to the order in the same manner as to a proposal by the Registrar to refuse registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

1968-69,
c. 71, s. 29,
subs. 2,
re-enacted

(8) Subsection 2 of section 29 of *The Mortgage Brokers Act, 1968-69* is repealed and the following substituted therefor:

Where
service
deemed
to be
made

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

1968-69,
c. 71, s. 32,
cl. d,
amended

(9) Clause *d* of section 32 of *The Mortgage Brokers Act, 1968-69* is amended by striking out "or to any such person, document or material" in the second and third lines.

R.S.O. 1960,
c. 268, s. 1,
amended

61.—(1) Section 1 of *The Oleomargarine Act* is amended by relettering clause *a* as clause *ad* and by adding thereto the following clauses:

(a) "chief inspector" means the chief inspector appointed under this Act;

(ab) "Commission" means The Milk Commission of Ontario established by *The Milk Act, 1965*;

(ac) "licence" means a licence under this Act.

1965, c. 72

R.S.O. 1960,
c. 268, s. 6,
subs. 1,
re-enacted

(2) Subsection 1 of section 6 of *The Oleomargarine Act* is repealed and the following substituted therefor:

Licence
required

(1) No person shall manufacture or sell by wholesale oleomargarine without a licence therefor from the chief inspector.

R.S.O. 1960,
c. 268,
amended

(3) *The Oleomargarine Act* is amended by adding thereto the following sections:

SECTION 61. The amendments proposed to this Act are similar to the amendments proposed to *The Artificial Insemination of Cattle Act, 1962-63*, and are explained in the explanatory note to section 9 of this Bill.



6a.—(1) The chief inspector shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing,

Licence,
issue

(a) he finds that,

- (i) the applicant was previously the holder of a licence and such licence was cancelled under this Act, or
- (ii) the applicant or, where the applicant is a corporation, any officer or director thereof or any person who will be associated with the applicant in the operations pursuant to the licence was convicted of an offence under this Act,

and in his opinion the grounds for such cancellation or conviction warrant a refusal to issue the licence; or

(b) he is of opinion that,

- (i) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business that would be authorized by the licence will not be carried on in accordance with law, or
- (ii) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(2) Subject to section 6b, the chief inspector shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

Renewal

6b.—(1) The chief inspector may refuse to renew or may suspend or cancel a licence if, after a hearing, he finds that,

- (a) the licensee or, where the licensee is a corporation, any officer, director or servant thereof, has contravened or has permitted any person under his control or direction or associated with him in connection with his or its operations as a licensee to contravene any provision of this Act or the regulations or a term or condition of the licence or has been

Refusal
to renew,
suspension
or cancel-
lation

convicted of an offence under this Act and such contravention or conviction in his opinion warrants such refusal to renew, suspension or cancellation of the licence; or

(b) any other ground for refusal to renew, suspension or cancellation specified in the regulations exists.

Provisional suspension, etc.

(2) Notwithstanding subsection 1, the chief inspector, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the opinion of the chief inspector it is necessary to do so for the immediate protection of the safety or health of any person or the public and he so states in such notice giving his reasons therefor, and thereafter the chief inspector shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or cancelled under this Act and the regulations.

Continuation of licence pending renewal

(3) Subject to subsection 2, where, within the time prescribed or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and has paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the chief inspector on his application for renewal.

Notice of hearing

6c.—(1) The notice of a hearing by the chief inspector under section 6a or section 6b shall afford the applicant or licensee reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination of documentary evidence

(2) An applicant or licensee who is a party to proceedings in which the chief inspector holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Variation of decision by chief inspector

6d. Where the chief inspector has refused to issue or renew or has suspended or cancelled a licence pursuant to a hearing he may at any time of his own motion or on the application of the person who was

the applicant or licensee vary or rescind his decision, but he shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

- 6e.—(1) Where the chief inspector refuses to issue or renew, or suspends or cancels a licence, the applicant or licensee may, by written notice delivered to the chief inspector and filed with the Commission within fifteen days after receipt of the decision of the chief inspector, appeal to the Commission. Appeal to Commission
- (2) The Commission may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension. Extension of time for appeal
- (3) Where an applicant or licensee appeals to the Commission under this section, the Commission shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or cancelled and may, after the hearing, confirm or alter the decision of the chief inspector or direct the chief inspector to do any act he is authorized to do under this Act and as the Commission considers proper and, for such purpose, the Commission may substitute its opinion for that of the chief inspector. Powers of Commission
- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the chief inspector, unless the chief inspector otherwise directs, the decision of the chief inspector is effective until the appeal is disposed of. Effect of decision pending disposal of appeal
- 6f.—(1) The chief inspector, the appellant and such other persons as the Commission may specify are parties to the proceedings before the Commission under this Act. Parties
- (2) Members of the Commission assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation, etc. Members making decision not to have taken part in investigation, etc.

tion to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

- (3) The oral evidence taken before the Commission at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

- (4) The findings of fact of the Commission pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. ...

Only
members
at hearing
to participate
in decision

- (5) No member of the Commission shall participate in a decision of the Commission pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Commission shall be given unless all members so present participate in the decision.

Appeal
to court

- 6g.—(1) Any party to proceedings before the Commission may appeal from the decision of the Commission to the Supreme Court in accordance with the rules of court.

Minister
entitled to
be heard

- (2) The Minister is entitled to be heard by counsel or otherwise on the argument of an appeal under this section.

Record to
be filed
in court

- (3) The chairman of the Commission shall certify to the Registrar of the Supreme Court the record of the proceedings before the Commission which, together with a transcript of the evidence before the Commission, if it is not part of the Commission's record, shall constitute the record in the appeal.

Powers of
court on
appeal

- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Commission or direct the chief inspector to do any act he is authorized to do under this Act or may refer the matter back to the Commission for reconsideration by



SECTION 62. Section 12 of the Act provides that no new wholesale market for fruit and vegetables may be established in Metropolitan Toronto, The Regional Municipality of York, or the County of Peel without the approval of the Ontario Food Terminal Board. Provision is made for an appeal to the Minister.

No new rules made by the Board are to take effect until approved by the Minister.

SECTION 63.

1. A report on behalf of the Board as a result of a hearing can only be made by the member or members of the Board holding the hearing.

2. Provision is expressly made that the procedural provisions of *The Statutory Powers Procedure Act, 1971* apply to the Board, otherwise they would not apply to proceedings by the Board since the Board does not make decisions but only makes reports.

3. Standard provisions are enacted to ensure impartiality on the part of the Board.

4. Cases stated by the Board and appeals from the Board will go to the Divisional Court rather than the Court of Appeal.

These amendments should be read with the amendments to *The Public Commercial Vehicles Act* and *The Public Vehicles Act* under which the Board holds its hearings.

the Commission as the court considers proper and the court may substitute its opinion for that of the chief inspector or the Commission.

- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Commission, unless the Commission otherwise directs, the decision of the Commission is effective until the appeal is disposed of.
- Effect of decision of Commission pending disposal of appeal

(4) Subsection 1 of section 8 of *The Oleomargine Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 268, s. 8, subs. 1, re-enacted

- (1) The Lieutenant Governor in Council may appoint a chief inspector and such inspectors and analysts as are considered necessary for the administration and enforcement of this Act and the regulations.
- Inspectors, appointment

62.—(1) *The Ontario Food Terminal Act* is amended by adding thereto the following section:

R.S.O. 1960, c. 272, amended

- 12a.** Where the Board refuses an approval requested under section 12, the applicant for approval may appeal from the decision of the Board to the Minister who, after affording the applicant an opportunity to make representations, may confirm, rescind or alter the decision of the Board as the Minister considers proper, and the decision of the Minister is final.
- Appeal to Minister

(2) Section 14 of *The Ontario Food Terminal Act* is amended by adding thereto the following subsection:

R.S.O. 1960, c. 272, s. 14, amended

- (2) No rule hereafter made under subsection 1 takes effect until it is approved by the Minister.
- Approval of Minister

63.—(1) Section 5a of *The Ontario Highway Transport Board Act*, as enacted by section 3 of *The Ontario Highway Transport Board Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960, c. 273, s. 5a (1961-62, c. 92, s. 3), re-enacted

- 5a.**—(1) The chairman may authorize one member of the Board to hear and dispose of any application or reference to the Board, and such member may exercise all the powers of the Board with respect to the hearing and disposal of such application or reference.
- One member may be authorized to hear application

- (2) Any decision or report of a member of the Board made under subsection 1 shall be deemed to be a decision or report of the Board for the purposes of this Act.
- Decision of member

R.S.O. 1960,
c. 273, s. 9,
repealed

(2) Section 9 of *The Ontario Highway Transport Board Act* is repealed.

R.S.O. 1960,
c. 273, s. 11,
subs. 1,
re-enacted

(3) Subsection 1 of section 11 of *The Ontario Highway Transport Board Act* is repealed and the following substituted therefor:

Members of
Board not
personally
liable

(1) No member of the Board and no officer, agent or employee of the Board is personally liable for anything done by him in good faith under the authority of this Act or the regulations.

Crown not
relieved of
liability
1962-63, c. 109

(1a) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act, 1962-63*, relieve the Crown of liability in respect of a tort to which it would otherwise be subject, and the Crown is liable under that Act for any tort in a like manner as if subsection 1 had not been enacted.

R.S.O. 1960,
c. 273,
amended

(4) *The Ontario Highway Transport Board Act* is amended by adding thereto the following sections:

Application
of 1971, c. ...
to hearings

17a.—(1) Sections 4 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to any hearing by the Board and the proceedings relating thereto.

Parties to
rehearing

(2) Where the Board holds a rehearing under section 16, the parties to the proceedings relating to the rehearing are the persons who were parties to the initial hearing and such other persons as the Board may specify.

Members
making
decision not
to have
taken part
in prior
investigation

17b.—(1) Members of the Board assigned to render a decision or report after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or any party or his representative except upon notice to and opportunity for all parties to participate, but such members may without such notice,

(a) consult with other members of the Board; and

(b) seek legal advice from a legal adviser independent of the parties but in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

- (2) The findings of fact by the Board pursuant to a hearing shall be based exclusively on the evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact
1971, c. ...
- (3) The oral evidence admitted at a hearing by the Board relating to the suspension or cancellation of an operating licence or the issue or cancellation of a vehicle licence under *The Public Vehicles Act* or *The Public Commercial Vehicles Act* shall be taken down in writing or by any other method authorized by *The Evidence Act*. Recording of evidence
R.S.O. 1960, cc. 337, 319, 125
- (4) No member of the Board shall be a party to a decision or report of the Board made after a hearing unless he was present throughout the hearing and heard the evidence and arguments of the parties and no decision or report, except with the consent of the parties, shall be given unless all members so present participate in the decision or report. Only members at hearing to participate in decision
- (5) Section 19 of *The Ontario Highway Transport Board Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 273, s. 19, re-enacted

19.—(1) The Board shall, at the request of the Lieutenant Governor in Council, or may, of its own motion or upon the application of any party to proceedings before the Board, state a case in writing for the opinion of the Supreme Court upon any question of law. Stated case

(2) If, on the application of a party to proceedings before it, the Board refuses to state a case under subsection 1, such party may apply to the Supreme Court for an order directing the Board to state such a case. Where Board refuses to state case

(3) The Supreme Court shall hear and determine any case stated to it under this section and remit it to the Board with the opinion of the court thereon. Determination

(6) Subsection 1 of section 21 of *The Ontario Highway Transport Board Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 273, s. 21, subs. 1, re-enacted

(1) An appeal lies from the Board to the Supreme Court from any decision, order or report of the Board upon any question of jurisdiction or upon any question of law, but no such appeal lies unless Appeal on questions of jurisdiction and law

leave to appeal is obtained from the court within one month of the making of the decision or order sought to be appealed from or within such further time as the court under the special circumstances of the case allows after notice to the opposite party, if any, stating the grounds of appeal.

R.S.O. 1960,
c. 273, s. 23,
subs. 1,
re-enacted

(7) Subsection 1 of section 23 of *The Ontario Highway Transport Board Act* is repealed and the following substituted therefor:

Practice and
procedure

- (1) The Lieutenant Governor in Council may make regulations governing the practice and procedure in proceedings before the Board.

1961-62, c. 93,
ss. 12, 13,
re-enacted

64. Sections 12 and 13 of *The Ontario Human Rights Code, 1961-62* are repealed and the following substituted therefor:

Complaints

- 12.—(1) Any person who has reasonable grounds for believing that any person has contravened a provision of this Act may file with the Commission a complaint in the form prescribed by the Commission.

Consent of
offended
person

- (2) Where a complaint is made by a person other than the person whom it is alleged was dealt with contrary to the provisions of this Act, the Commission may refuse to file the complaint unless the person alleged to be offended against consents thereto.

Inquiry and
settlement

- 13.—(1) Where a complaint has been filed with the Commission, the Commission or a person designated by it shall inquire into the complaint and endeavour to effect a settlement of the matter complained of.

Access to
premises

- (2) For the purposes of an inquiry under subsection 1, the Commission, or any person so designated on production of evidence of his designation, shall have access to and may view the premises involved in the complaint, other than an occupied place of residence, at all reasonable times and at any time when the premises are open for business or when employees are engaged in their work.

Warrant

- (3) Where a justice of the peace is satisfied by information upon oath that there is reasonable ground for believing that access to an occupied place of residence is required for the purposes of an inquiry under this Act, he may, at any time issue a warrant pursuant to section 14 of *The Summary Convictions Act* authorizing the Commission or other person named therein

R.S.O. 1960,
c. 387

SECTION 64.

1. A person affected by a complaint must consent to proceedings being taken under the Act.

2. The operations of boards of inquiry are restricted to the exercise of judicial functions without investigatory functions and their powers are clarified.

3. A board of inquiry is required to act impartially in its proceedings.

4. Findings of fact of a board of inquiry must be based on evidence which is to be recorded.

5. An appeal is provided from a decision of a board of inquiry on all questions of law or fact or both to the Divisional Court.

6. Investigatory powers formerly conferred on boards of inquiry are now conferred on the Commission.

The procedure provided in *The Statutory Powers Procedure Act, 1971* will apply to proceedings by a board of inquiry.

... ..

to enter and view such place of residence and every such warrant shall be executed between sunrise and sunset, unless the justice otherwise directs.

- (4) The Commission or a person designated by it, has the same powers for the purposes of an inquiry under this section to inspect and examine books, payrolls, records and other documents and to take extracts or copies thereof, and to enter premises and to question employees as are possessed by the Director of Employment Standards under section 33 of *The Employment Standards Act, 1968*. Inspection of records
1968, c. 35

13a.—(1) Where it appears to the Commission that a complaint will not be settled, the Commission shall make a recommendation to the Minister as to whether or not a board of inquiry should be appointed, and the Minister may, in his discretion, appoint a board of inquiry consisting of one or more persons to hear and decide the complaint. Board of inquiry

- (2) Forthwith after the appointment of a board of inquiry, the Minister shall communicate the names of the members of the board to, Parties to be notified of membership of board

(a) the Commission; and

(b) the parties referred to in clauses *b*, *c* and *d* of subsection 1 of section 13*b*,

and thereupon it shall be presumed conclusively that the board was appointed in accordance with this Act.

- (3) The Lieutenant Governor in Council may determine the remuneration of the chairman and the members of a board of inquiry appointed under this section. Remuneration of members of board

13*b*.—(1) The parties to a proceeding before a board of inquiry with respect to any complaint are, Parties to proceeding

(a) the Commission, which shall have the carriage of the complaint;

(b) the person named in the complaint as the complainant;

(c) any person named in the complaint and alleged to have been dealt with contrary to the provisions of this Act;

- (d) any person named in the complaint as alleged to have contravened this Act; and
- (e) any other person specified by the board upon such notice as the board may determine and after such person has been given an opportunity to be heard against his joinder as a party.

Copy of complaint annexed to notice

- (2) A true copy of the complaint shall be annexed to the notice of the hearing that is given to any party except the Commission.

Members at hearing not to have taken part in investigation, etc.

- (3) A member of the board hearing a complaint, shall not have taken part in any investigation or consideration of the complaint prior to the hearing and shall not communicate directly or indirectly in relation to the complaint with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

- (4) The oral evidence taken before a board at a hearing shall be recorded, and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

- (5) The findings of fact of the board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. ...

Jurisdiction of board

- (6) Subject to appeal under section 13*d*, the board of inquiry has exclusive jurisdiction and authority to determine any question of fact or law or both required to be decided in reaching a decision as to whether or not any person has contravened this Act or for the making of any order pursuant to such decision.

Powers of board

- 13*c*. The board, after hearing a complaint,

- (a) shall decide whether or not any party has contravened this Act; and



SECTION 65.

1. Where the Board of Examiners proposes to refuse to renew or to suspend or cancel a certificate of qualification of an operating engineer or operator the holder of a certificate may apply to a judge of the county or district court for a hearing.

2. Where the holder of a certificate has duly applied for renewal of it, it continues until his application is finally disposed of.

3. Procedural provisions supplementing *The Statutory Powers Procedure Act, 1971* are proposed.

4. An appeal may be taken from the decision of a judge to the Divisional Court.

5. An appeal is provided from the decision of the chief officer to the judge of the county or district court.

- (b) may order any party who has contravened this Act to do any act or thing that, in the opinion of the board, constitutes full compliance with such provision and to rectify any injury caused to any person or to make compensation therefor.

13d.—(1) Any party to a hearing before a board may appeal from the decision or order of the board to the Supreme Court in accordance with the rules of court. Appeal from decision of board

(2) Where notice of an appeal is served under this section, the board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision or order appealed from was made, which, together with a transcript of the oral evidence taken before the board if it is not part of the record of the board, shall constitute the record in the appeal. Record to be filed in court

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Minister entitled to be heard

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or reverse the decision or order of the board or direct the board to make any decision or order that the board is authorized to make under this Act and the court may substitute its opinion for that of the board. Powers of court

65.—(1) Subsection 1 of section 24 of *The Operating Engineers Act, 1965* is amended by adding at the commencement thereof "Subject to section 24a". 1965, c. 92, s. 24, subs. 1, amended

(2) Subsections 2 and 3 of the said section 24 are repealed. 1965, c. 92, s. 24, subs. 2, 3, repealed

(3) *The Operating Engineers Act, 1965* is amended by adding thereto the following sections: 1965, c. 92, amended

24a.—(1) Where the Board proposes to refuse to renew or proposes to suspend or cancel a certificate of qualification, it shall serve notice of its proposal, together with written reasons therefor, on the holder of the certificate. Notice of proposal to suspend, etc., certificate

(2) A notice under subsection 1 shall inform the holder of the certificate that he is entitled to a hearing by a judge if he applies therefor to a judge of the county or Hearing

district court for the county or district in which he resides within fifteen days after the notice under subsection 1 is served on him and he may so apply for such a hearing.

Powers of Board where no hearing

- (3) Where a holder of a certificate does not apply to a judge for a hearing in accordance with subsection 2, the Board may carry out the proposal stated in its notice under subsection 1.

Powers of Board where hearing

- (4) Where a holder of a certificate applies to a judge for a hearing in accordance with subsection 2, the judge shall appoint a time for and hold the hearing and, on the application of the Board at the hearing, may by order direct the Board to carry out its proposal or refrain from carrying out its proposal and to take such action as the judge considers the Board ought to take in accordance with this Act and the regulations, and for such purposes the judge may substitute his opinion for that of the Board.

Service of notice by Board

- (5) The Board may serve notice under subsection 1 personally or by registered mail addressed to the holder of the certificate at his address last known to the Board and, where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the judge to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Extension of time for application

- (6) A judge to whom application is made by a holder of a certificate for a hearing under this section, may extend the time for making the application, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the holder of the certificate pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as he considers proper consequent upon the extension.

Continuation of certificate pending renewal

- (7) Where, within the time prescribed therefor or, if no time is prescribed, prior to the expiry of his certificate, a holder of a certificate has applied for renewal of his certificate and paid the prescribed fee, his certificate shall be deemed to continue,

(a) until the renewal is granted; or

- (b) where he is served with notice that the Board proposes to refuse to grant the renewal, until the time for applying for a hearing by a judge has expired and, where a hearing is applied for, until the judge has made his decision.

- 24b.—(1) The Board, the holder of the certificate who has applied for the hearing and such other persons as are specified by the judge are parties to the proceedings before a judge under section 24a. Parties
- (2) Notice of a hearing under section 24a shall afford to the holder of the certificate a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the retention of the certificate. Notice of hearing
- (3) A holder of a certificate who is a party to proceedings under section 24a shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence
- (4) The oral evidence taken before the judge at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
- (5) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact
1971. c. ...
- (4) Section 25 of *The Operating Engineers Act, 1965* is repealed and the following substituted therefor: 1965. c. 92,
s. 25,
re-enacted
- 25.—(1) Any party to proceedings before a judge under section 24a may appeal from the decision or order of the judge to the Supreme Court in accordance with the rules of court. Appeal from decision of judge to court
- (2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision or order was made, which, together with the transcript of the evidence before the judge if it is not part of the record of the judge, shall constitute the record in the appeal. Records to be filed in court

Minister
entitled to
be heard

- (3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Powers of
court on
appeal

- (4) The Supreme Court may, on the appeal, affirm the decision of the judge appealed from or may rescind it and make such new decision as the court considers proper under this Act and the regulations and may order the Board to do any act or thing it is authorized to do under this Act and as the court considers proper and for such purpose the court may substitute its opinion for that of the Board or of the judge, or the court may refer the matter back to the judge for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Appeal from
decision of
chief officer

- 25a.—(1) Any person who deems himself aggrieved by a decision of the chief officer under this Act or the regulations may, within ten days after the decision comes to his attention, appeal to a judge of the county or district court for the county or district in which the plant, boiler or other subject-matter to which the decision relates is located, by notice in writing sent by prepaid mail to the chief officer and the judge.

Powers of
judge on
appeal

- (2) Where a person has appealed to a judge under subsection 1, the judge shall appoint a time for a hearing and shall hear the appeal and may affirm, rescind or vary the decision of the chief officer and may direct the chief officer to take any action that he is authorized to take under this Act or the regulations and as the judge considers proper and for such purpose the judge may substitute his opinion for that of the chief officer.

Application
of section 24a

- (3) Subsection 6 of section 24a applies *mutatis mutandis* to an appeal under this section.

Parties

- (4) The chief officer, the appellant and such other persons as the judge may specify are parties to an appeal under this section.

Decision of
judge final

- (5) A decision of a judge under this section is final.

Effect of
decision
pending
disposal
of appeal

- 25b. The bringing of an appeal under section 25 or 25a does not affect the operation of the decision appealed from pending disposition of the appeal.

1965, c. 92,
s. 33, cl. o,
repealed

- (5) Clause o of section 33 of *The Operating Engineers Act, 1965* is repealed.



SECTION 66.

1. A hearing is required to be held before refusal to issue or renew a licence.

2. If application has been duly made for renewal of a licence the licence is continued until the application is disposed of.

SECTION 67.

1. The grounds for refusal to issue or renew or for revocation or suspension of a licence are transferred from the regulations to the Act.

2. Where the Director proposes to issue or renew or to suspend or revoke a licence he is required to give notice of his proposal to the applicant or licensee who may require a hearing by the Pesticide Licence Review Board.

3. Where a licensee has duly applied for a renewal of his licence it is continued until his application is finally disposed of.

4. Procedural provisions supplementary to *The Statutory Powers Procedure Act, 1971* are proposed.

5. An appeal lies from the Board to the Divisional Court.

6. The Act now relieves the Director, any member of the Board or of the Committee or anyone acting under their direction from personal liability for acts done in good faith in the execution of their duty. The amendments propose that this should not relieve the Crown of liability it might otherwise bear.

7. The designated officer who hears appeals from orders of the inspectors is required to afford a hearing to the parties affected.

66. *The Pawnbrokers Act, 1966* is amended by adding ^{1966, c. 111, amended} thereto the following section:

2a.—(1) No application for a licence or renewal of a ^{Application for renewal} licence to carry on the business of a pawnbroker shall be refused until after the applicant has been afforded a hearing by the licence issuing authority.

(2) Where, within the time prescribed therefor or, if no time is prescribed, prior to the expiry of his licence, ^{Continuation of licence pending renewal} the holder of a licence to carry on the business of a pawnbroker has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) until the application has been finally determined by the licence issuing authority or, where there is an appeal from the decision of the licence issuing authority, until the last day for launching an appeal or such later date as may be fixed by the body to whom the appeal may be taken.

67.—(1) Clause *h* of section 1 of *The Pesticides Act, 1967* ^{1967, c. 74, s. 1, cl. h, amended} is amended by inserting after “under” in the first line “this Act and”.

(2) Section 6 of *The Pesticides Act, 1967*, as re-enacted by section 2 of *The Pesticides Amendment Act, 1970*, is repealed ^{1967, c. 74, s. 6 (1970, c. 104, s. 2), re-enacted} and the following substituted therefor:

6.—(1) Subject to subsection 2, where a person applies for a licence in accordance with this Act and the regulations and otherwise complies with the requirements of this Act and the regulations for the particular class of licence applied for, the Director shall issue a licence to him. ^{Licence issue}

(2) Subject to section 7*a*, where an applicant for a licence does not comply with the requirements of subsection 1, the Director shall refuse to issue a licence to him. ^{Refusal to issue}

6a.—(1) A licence expires on the 15th day of February in the year next following the year in which it was issued. ^{Term of licence}

(2) Subject to section 6*b*, where a licensee applies for a renewal of his licence in accordance with this Act ^{Renewal}

and the regulations, the Director shall renew the licence.

Refusal to renew, suspension or cancellation

6b. Subject to section 7a, the Director may refuse to renew or may revoke or suspend a licence if the licensee,

- (a) has contravened this Act or the regulations;
- (b) is in breach of a condition of the licence;
- (c) is found to be incompetent or grossly negligent;
or
- (d) is found to have fraudulently misrepresented his services in performing an extermination or in carrying on the business of extermination.

1967, c. 74, ss. 7a-7c (1970, c. 104, s. 2), re-enacted; ss. 7d-7g (1970, c. 104, s. 2), repealed

(3) Sections 7a, 7b, 7c, 7d, 7e, 7f and 7g of *The Pesticides Act, 1967*, as enacted by section 2 of *The Pesticides Amendment Act, 1970*, are repealed and the following substituted therefor:

Proposal to suspend, etc.

7a.—(1) Where the Director proposes to refuse to issue or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

Notice

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Director and the Board and he may so require such a hearing.

Powers of Director where no hearing

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1.

Powers of Board where hearing

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Director.

- (5) The Director may serve notice under subsection 1 ^{Service of notice} personally or by registered mail addressed to the applicant or licensee at his address last known to the Director and, where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the Board to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.
- (6) The Board may extend the time for the giving of notice ^{Extension of time for requiring hearing} requiring a hearing by an applicant or licensee under subsection 2, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension.
- (7) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue, ^{Continuation of licence pending renewal}
- (a) until the renewal is granted ; or
- (b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.
- 7b.—(1) The Director, the applicant or licensee who has ^{Parties} required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under section 7a.
- (2) Notice of a hearing under section 7a shall afford to the applicant or licensee a reasonable opportunity ^{Notice of hearing} to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination
of docu-
mentary
evidence

- (3) An applicant or licensee who is a party to proceedings under section 7a shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members
holding
hearing
not to
have taken
part in
investigation,
etc.

- (4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

- (5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

- (6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. ...

Only
members
at hearing
to participate
in decision

- (7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

- (8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal
to court

- 7c.—(1) Any party to proceedings before the Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

- (2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before

it in which the decision was made, which, together with the transcript of the evidence if it is not part of the Board's record, shall constitute the record in the appeal.

(3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section. Minister entitled to be heard

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Director to take any action which the Board may direct him to take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the Director or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper. Powers of court on appeal

(4) Section 7h of *The Pesticides Act, 1967*, as enacted by section 2 of *The Pesticides Amendment Act, 1970*, is amended by adding thereto the following subsection: 1967, c. 74, s. 7h (1970, c. 104, s. 2), amended

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act, 1962-63*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. Crown not relieved of liability 1962-63, c. 109

(5) Section 8 of *The Pesticides Act, 1967* is amended by inserting after "designate" in the first line "in writing". 1967, c. 74, s. 8, amended

(6) Section 9 of *The Pesticides Act, 1967* is amended by inserting after "regulations" in the first and second lines "upon the production of his designation as an inspector". 1967, c. 74, s. 9, amended

(7) Section 10 of *The Pesticides Act, 1967* is repealed and the following substituted therefor: 1967, c. 74, s. 10, re-enacted

10. Where an inspector has reasonable grounds for believing that an extermination is or may be dangerous to health, he may order that the extermination be terminated. Order for termination of extermination

(8) Subsection 3 of section 12 of *The Pesticides Act, 1967* is repealed and the following substituted therefor: 1967, c. 74, s. 12, subs. 3, re-enacted

Disposal of appeal

(3) The designated officer who hears the appeal under this section may after a hearing, to which the inspector making the order and the appellant shall be parties, vary, rescind or confirm the order of the inspector.

Effect of order pending disposal of appeal

(4) Notwithstanding that an appeal has been taken under this section from an order of an inspector, the order of the inspector is effective until confirmed, varied or rescinded on the appeal.

1967, c. 74, s. 13, amended

(9) Section 13 of *The Pesticides Act, 1967* is amended by adding thereto the following clauses:

(*pa*) providing for the remuneration and expenses of members of the Pesticides Licence Review Board;

(*pb*) prescribing procedure for the issue or renewal of licences.

1967, c. 74, s. 13, cl. *y*, repealed

(10) Clause *y* of the said section 13 is repealed.

R.S.O. 1960, c. 297, s. 1, amended

68.—(1) Section 1 of *The Plant Diseases Act*, as amended by section 1 of *The Plant Diseases Amendment Act, 1966*, is further amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses:

(*a*) “Board” means the Plant Diseases Licence Review Board established by this Act;

.

(*ca*) “licence” means a licence under this Act.

R.S.O. 1960, c. 297, s. 3, re-enacted

(2) Section 3 of *The Plant Diseases Act* is repealed and the following substituted therefor:

Nursery licence required

3.—(1) No person shall operate a nursery without a licence therefor from the Director.

Dealer licence required

(2) No person, other than a person licensed to operate a nursery, shall be a dealer in nursery stock without a licence therefor from the Director.

R.S.O. 1960, c. 297, amended

(3) *The Plant Diseases Act* is amended by adding thereto the following sections:

Licence, issue

4*a*.—(1) The Director shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed

SECTION 68. The amendments proposed to this Act are similar to the amendments proposed to *The Artificial Insemination of Cattle Act, 1962-63*, and are explained in the explanatory note to section 9 of this Bill.



fee unless, after a hearing, he is of opinion that the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

- (2) Subject to section 4*b*, the Director shall renew a ^{Renewal} licence on application by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.
- 4*b*.—(1) The Director may refuse to renew or may sus- ^{Refusal to renew, suspension or revocation} pend or revoke a licence if, after a hearing, he is of opinion that the licensee or, where the licensee is a corporation, any officer, director or servant thereof, has contravened or has permitted any person under his control or direction in connection with his business of operating a nursery or dealing in nursery stock, to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder or of any law applying to the carrying on of the business of operating a nursery or dealing in nursery stock and such contravention warrants such refusal to renew or suspension or revocation of the licence.
- (2) Where, within the time prescribed therefor or, if no ^{Continuation of licence pending renewal} time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee and has observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.
- 4*c*.—(1) Notice of a hearing by the Director under section ^{Notice of hearing} 4*a* or section 4*b* shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.
- (2) An applicant or licensee who is a party to pro- ^{Examination of documentary evidence} ceedings under section 4*a* or 4*b* shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.
- 4*d*. Where the Director has refused to issue or renew or ^{Variation of decision by Director} has suspended or revoked a licence pursuant to a hearing, he may at any time of his own motion or on the application of the person who was the applicant or licensee vary or rescind his decision, but

the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

Review Board established

4e.—(1) A board to be known as the “Plant Diseases Licence Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure.

Term of office

(2) A member of the Board shall hold office for not more than five consecutive years.

Chairman

(3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

(4) A majority of the members of the Board constitutes a quorum.

Remuneration

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine.

Appeal to Board

4f.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director appeal to the Board.

Extension of time for appeal

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1 either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Powers of Board

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director.

- (4) Notwithstanding that an applicant or licensee has ^{Effect of decision pending disposal of appeal} appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of.
- 4g.—(1) The Director, the appellant and such other ^{Parties} persons as the Board may specify are parties to the proceedings before the Board under this Act.
- (2) Members of the Board assigned to render a decision ^{Members making decision not to have taken part in investigation, etc.} after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.
- (3) The oral evidence taken before the Board at a hearing ^{Recording of evidence} shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.
- (4) The findings of fact of the Board pursuant to a ^{Findings of fact} hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act*, 1971, c. ... 1971.
- (5) No member of the Board shall participate in a ^{Only members at hearing to participate in decision} decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.
- 4h.—(1) Any party to the hearing before the Board may ^{Appeal to court} appeal from the decision of the Board to the Supreme Court in accordance with the rules of court.
- (2) The Minister is entitled to be heard by counsel or ^{Minister entitled to be heard} otherwise upon the argument of an appeal under this section.

Record to
be filed
in court

- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of
court on
appeal

- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Director to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper, and the court may substitute its opinion for that of the Director or the Board.

Effect of
decision of
Board
pending
disposal of
appeal

- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

R.S.O. 1960,
c. 297, s. 6,
subs. 1,
amended

- (4) Subsection 1 of section 6 of *The Plant Diseases Act* is amended by adding at the commencement thereof "Subject to subsection 1a".

R.S.O. 1960,
c. 297, s. 6,
amended

- (5) The said section 6, as amended by section 3 of *The Plant Diseases Amendment Act, 1966*, is further amended by adding thereto the following subsection:

Power
to enter
dwelling
R.S.O. 1960,
c. 387

- (1a) Except under the authority of a warrant under section 14 of *The Summary Convictions Act*, an inspector shall not enter any part of a dwelling without the consent of the occupant.

R.S.O. 1960,
c. 297, s. 8,
subs. 2,
re-enacted

- (6) Subsection 2 of section 8 of *The Plant Diseases Act* is repealed and the following substituted therefor:

Powers of
Provincial
Entomologist
on appeal

- (2) Upon receipt of a notice of appeal, the Provincial Entomologist shall, after a hearing, confirm, revoke or modify the order appealed against and may make such order as the inspector might have made and the appellant shall carry out such order as is given by the Provincial Entomologist.

Parties

- (3) The appellant, the inspector who made the decision and such other persons as the Provincial Entomologist may specify are parties to proceedings before the Provincial Entomologist under subsection 2.



SECTION 69. The Act presently specifies grounds for refusing to issue or renew or for suspension or revocation of licences and establishes a Licence Review Board. The amendments now proposed are procedural and are explained in the explanatory note to the amendments to *The Artificial Insemination of Cattle Act, 1962-63* in section 9 of the Bill. Provisions on matters now covered by *The Statutory Powers Procedure Act, 1971* are repealed.

- (4) An appeal under this section may be made in writing or orally or by telephone to the Provincial Entomologist, but the Provincial Entomologist may require the grounds for appeal to be specified in writing before the hearing. How appeal made

69.—(1) Section 1 of *The Pregnant Mare Urine Farms Act, 1968-69* is amended by adding thereto the following clause: 1968-69, c. 97, s. 1, amended

(da) "licence" means a licence under this Act,

(2) Subsections 3, 4, 5, 6 and 7 of section 4 of *The Pregnant Mare Urine Farms Act, 1968-69* are repealed and the following substituted therefor: 1968-69, c. 97, s. 4, subs. 3-7, re-enacted

- (3) Where the Director is of the opinion that an applicant for a licence as an operator of a P.M.U. farm does not comply with clauses *a* and *b* of subsection 2 of section 3, he may, after a hearing, refuse to issue the licence. Refusal to issue

- (4) Subject to subsection 5, the Director shall renew a licence, on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee. Renewal

- (5) Where the Director is of the opinion, in the case of a licensee, that clause *a* or *b* of subsection 3 of section 3 applies, he may, after a hearing, refuse to renew or may suspend or revoke the licence. Refusal to renew, suspension or revocation

- (6) Notwithstanding subsection 5, the Director, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of, or the prevention of cruelty or maltreatment to, or neglect of any animal and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or revoked under this Act and the regulations. Provisional suspension, etc.

- (7) Subject to subsection 6, where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee Continuation of licence pending renewal

and has observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.

1968-69, c. 97,
ss. 5-9,
re-enacted;
ss. 10, 11, 13,
repealed

(3) Sections 5, 6, 7, 8, 9, 10, 11 and 13 of *The Pregnant Mare Urine Farms Act, 1968-69* are repealed and the following substituted therefor:

Notice of
hearing

5.—(1) The notice of a hearing by the Director under section 4 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination
of docu-
mentary
evidence

(2) An applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Variation of
decision by
Director

6. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing he may at any time of his own motion or on the application of the person who was the applicant or licensee vary or rescind his decision, but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

Appeal to
Board

7.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may, by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director, appeal to the Board.

Extension of
time for
appeal

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1 either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

- (3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director. Powers of Board on appeal
- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of. Effect of decision of Director pending disposal of appeal
- 8.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act. Parties
- (2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members making decision not to have taken part in investigation, etc.
- (3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
- (4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact
1971, c. ...
- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, Only members at hearing to participate in decision

except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Appeal
to court

9.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court.

Minister
entitled to
be heard

(2) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Record to
be filed
in court

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of
court on
appeal

(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Board or direct the Director to do any act the Director is authorized to do under this Act and as the court considers proper and the court may substitute its opinion for that of the Board.

Effect of
decision of
Board
pending
disposal
of appeal

(5) Notwithstanding that an applicant or licensee has appealed under this section, from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

R.S.O. 1960,
c. 312, s. 1,
re-enacted

70.—(1) Section 1 of *The Provincial Auctioneers Act* is repealed and the following substituted therefor:

Interpreta-
tion

1. In this Act,

(a) "Board" means the Provincial Auctioneers Licence Review Board established by this Act;

(b) "Commissioner" means the Live Stock Commissioner;

(c) "licence" means a licence under this Act.

Licence,
issue

1a.—(1) The Commissioner shall issue a licence to sell pure-bred live stock only, by public auction in Ontario, to a person who makes application therefor and pays the prescribed fee unless, after a hearing, he is of opinion that,

SECTION 70. The amendments proposed to this Act are similar to the amendments proposed to *The Artificial Insemination of Cattle Act, 1962-63*, and are explained in the explanatory note to section 9 of this Bill.



- (a) the applicant is not competent or does not have sufficient experience with and knowledge of pure-bred live stock to conduct public auctions of such live stock; or
- (b) the past conduct of the applicant affords reasonable grounds for belief that he may not engage in such business in accordance with law and with honesty and integrity.
- (2) Any person who resides in Ontario shall pay a fee of ^{Fee} \$50, and any person who does not reside in Ontario shall pay a fee of \$100, for a licence.
- 1b.—(1) The Commissioner may revoke a licence if, ^{Revocation} after a hearing, he is of opinion that the licensee or any person under his control or direction or associated with him in connection with his operations as a licensee has not carried on his business as an auctioneer in accordance with law and with honesty and integrity.
- (2) The Commissioner, by notice to a licensee and with- ^{Suspension} out a hearing, may suspend the licensee's licence where in the Commissioner's opinion it is necessary to do so for the immediate protection of the interests of persons dealing with the licensee and the Commissioner so states in such notice giving his reasons therefor, and thereafter the Commissioner shall hold a hearing to determine whether the licence should be revoked under this Act.
- 1c.—(1) Notice of a hearing by the Commissioner ^{Notice of hearing} under section 1a or section 1b shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.
- (2) An applicant or licensee who is a party to proceedings ^{Examination of documentary evidence} in which the Commissioner holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.
- 1d. Where the Commissioner has refused to issue or has ^{Variation of decision by Commissioner} revoked a licence pursuant to a hearing he may at any time of his own motion or on the application of

the person who was the applicant or licensee, vary or rescind his decision, but the Commissioner shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act.

Review Board established

1e.—(1) A board to be known as the "Provincial Auctioneers Licence Review Board" is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure.

Term of office

(2) A member of the Board shall hold office for not more than five consecutive years.

Chairman

(3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

(4) A majority of the members of the Board constitutes a quorum.

Remuneration

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine.

Appeal to Board

1f.—(1) Where the Commissioner refuses to issue or revokes a licence, the applicant or licensee may, by written notice delivered to the Commissioner and filed with the Board within fifteen days after receipt of the decision of the Commissioner, appeal to the Board.

Extension of time for appeal

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Powers of Board

(3) Where an applicant or licensee appeals to the Board under this section the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued or revoked and may, after the hearing, confirm or alter the decision

of the Commissioner or direct the Commissioner to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Commissioner.

- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Commissioner, unless the Commissioner otherwise directs, the decision of the Commissioner is effective until the appeal is disposed of. Effect of decision pending disposal of appeal
- 1g.—(1) The Commissioner, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act. Parties
- (2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members making decision not to have taken part in investigation, etc.
- (3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
- (4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. ...
- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing who was not present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision
- 1h.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court. Appeal to court

Minister
entitled to
be heard

- (2) The Minister is entitled to appear, by counsel or otherwise, upon the argument of an appeal under this section.

Records to
be filed
in court

- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, constitutes the record on the appeal.

Powers of
court on
appeal

- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Commissioner to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Commissioner or the Board.

Effect of
decision of
Board
pending
disposal of
appeal

- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

R.S.O. 1960,
c. 312, s. 4,
repealed

- (2) Section 4 of *The Provincial Auctioneers Act* is repealed.

1961-62,
c. 111, s. 18,
subs. 4,
re-enacted

71.—(1) Subsection 4 of section 18 of *The Provincial Land Tax Act, 1961-62* is repealed and the following substituted therefor:

Assessment
by judge final

- (4) Subject to subsections 5 and 6, the assessment as determined by the judge is final and binding and is not open to question or dispute in any action or proceeding or otherwise.

Stated case

- (5) The judge, upon request of the complainant or the collector within thirty days after the determination of the assessment by him, shall state a case in writing to the Supreme Court upon any question of law arising in the assessment.

Powers
of court

- (6) Where a case is stated to the Supreme Court under this section, the court shall hear the case and may vary or annul the assessment or may refer it back to the judge for re-assessment in accordance with the judgment of the court.

1961-62, c. 111,
s. 38, cl. a,
repealed

(2) Clause g of section 38 of *The Provincial Land Tax Act, 1961-62* is repealed.

SECTION 71. A judge hearing an assessment appeal is required, if requested, to state a case to the Divisional Court upon any question of law arising in the assessment.

SECTION 72.

1. The amendments are concerned mainly with transferring to the Act important provisions governing the following matters now largely contained in the regulations:

- (a) the issue, transfer, review, expiry, suspension or cancellation of licences;
- (b) the rights and responsibilities of licensees;
- (c) the tolls for services under operating licences;
- (d) statutory terms and conditions of bills of lading; and
- (e) the stoppage and search of vehicles and entry and inspection of books, records and premises.

2. Rules or standards are stated or clarified to govern the making of decisions under the Act.

3. The Minister exercises the powers of decision under the Act since they are primarily policy decisions. They are exercised only after a hearing and a report by the Ontario Highway Transport Board which is required to be considered by the Minister before making his decision. The resultant procedure is a compromise between recommended procedure for judicial powers and for administrative powers. The need for compromise is recognized in the McRuer Report (pp. 130, 131).

The proposed amendments to this Act should be read with the proposed amendments to *The Ontario Highway Transport Board Act* in section 63 which govern the procedure and course to be followed by the Ontario Highway Transport Board in conducting hearings and proceedings under this Act.

72.—(1) Section 1 of *The Public Commercial Vehicles Act*, as amended by section 1 of *The Public Commercial Vehicles Amendment Act, 1961-62* and section 1 of *The Public Commercial Vehicles Amendment Act, 1968*, is further amended by adding thereto the following clauses:

R.S.O. 1960,
c. 319, s. 1,
amended

(fa) “officer of the Department” means an officer of the Department designated, in writing, by the Minister to assist in the enforcement of this Act;

(ha) “prescribed” means prescribed by the regulations.

(2) Subsection 3 of section 2 of *The Public Commercial Vehicles Act* is repealed.

R.S.O. 1960,
c. 319, s. 2,
subs. 3,
repealed

(3) Section 4 of *The Public Commercial Vehicles Act*, as amended by section 4 of *The Public Commercial Vehicles Amendment Act, 1961-62* and section 4 of *The Public Commercial Vehicles Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 319, s. 4,
re-enacted

4.—(1) The Minister may issue an operating licence,

Operating
licence,
issue

(a) for the transportation, other than by a tank truck vehicle, of,

(i) sand, gravel, earth, crushed or uncut rock and stone, slag and rubble, or

(ii) salt, calcium chloride, a mixture of sand and salt, and asphalt mixes directly to highway construction or maintenance sites or to stock piles for further use on highway construction or maintenance sites; or

(b) in any other case in accordance with a certificate of necessity and convenience issued by the Board under section 5.

(2) An operating licence authorizes the licensee to conduct upon a highway by means of a public commercial vehicle the business of transportation of goods in accordance with this Act and the regulations and the terms and conditions of the licence.

Rights
under
licence

(3) The holder of an operating licence shall not discontinue any transportation service authorized under his licence until after he has given the Minister ten days written notice of his intention to do so.

Discontinu-
ance of
transportation
service

R.S.O. 1960,
c. 319, s. 5
(1961-62,
c. 114, s. 6),
re-enacted

(4) Section 4a of *The Public Commercial Vehicles Act*, as enacted by section 5 of *The Public Commercial Vehicles Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,
c. 319, s. 5
(1961-62,
c. 114, s. 6),
re-enacted

(5) Section 5 of *The Public Commercial Vehicles Act*, as re-enacted by section 6 of *The Public Commercial Vehicles Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Approval
of Board

5.—(1) Except under clause *a* of subsection 1 of section 4, the Minister shall not issue an operating licence to any person unless the Board, upon the application of that person in the prescribed form has, after a hearing of the application as required by *The Ontario Highway Transport Board Act*, approved the issue of the licence to him on the ground that public necessity and convenience warrant the issue of the licence and will be served thereby, and has issued a certificate to that effect to the Minister.

R.S.O. 1960,
c. 273

Certificate

- (2) The Board may, in a certificate issued by it under this section, having regard to the requirements of public necessity and convenience,
- (a) prescribe terms and conditions to govern the transportation of goods by public commercial vehicles pursuant to the licence; or
 - (b) approve the conferring by the licence of special, exclusive or limited rights with respect to the operation of public commercial vehicles and with respect to any highway or highways or portions thereof described in the certificate.

R.S.O. 1960,
c. 319, ss. 6-10,
re-enacted

(6) Sections 6, 7, 8, 9 and 10 of *The Public Commercial Vehicles Act* are repealed and the following substituted therefor:

Transfer of
licence

6.—(1) No operating licence shall be transferred without the approval of the Minister, in writing, obtained on application in the prescribed form and payment of the prescribed fee.

Reference
to Board

(2) The Minister shall refer an application for approval of the transfer of an operating licence to the Board, and the Board shall hold a hearing and shall report to the Minister whether or not the public necessity and convenience served by the transportation service carried on under the licence will be prejudiced by the transfer of the licence.

- (3) The Minister, the proposed transferor and transferee and such other persons as the Board may specify are parties to the proceedings under this section. Parties
- (4) The Minister shall consider a report made by the Board to him under this section and may thereafter approve or refuse to approve the transfer and the Minister shall give reasons for his decision to the other parties to the proceedings. Decision of Minister
- (5) The Minister may require the directors of a corporation that is the holder of an operating licence to report to the Board any issue or transfer of shares of its capital stock and where the Board finds, after a hearing, that the number of shares so issued or transferred affects the *de facto* control of the operations of the corporation such issue or transfer shall be deemed to constitute a transfer of all operating licences held by such corporation and unless the transfer is approved, such operating licences shall terminate. Issue or transfer of shares of corporation
7. The Minister may at any time refer an operating licence to the Board with a recommendation that the terms and conditions of the licence be reviewed having regard to the requirements of public necessity and convenience and the Board shall, after a hearing of the reference as required by *The Ontario Highway Transport Board Act*, report thereon to the Minister, and the Minister may confirm, amend or cancel the terms and conditions of the licence and shall give reasons for his decision to the licensee. Review of terms of licence
R.S.O. 1960, c. 273
- 8.—(1) An operating licence expires on the 1st day of July in each year or on the expiry of the vehicle licences for the vehicles operated pursuant to the operating licence unless before such date or such expiry, as the case may be, the holder of the operating licence has applied for and acquired vehicle licences for such vehicles for the period immediately following such date or such expiry, as the case may be. Expiry of licence
- (2) Where the holder of an operating licence has acquired vehicle licences in accordance with subsection 1, his operating licence is deemed to be renewed for the period for which the vehicle licences are issued. Operating licence renewed on acquisition of vehicle licences
9. Subject to section 10j, the Minister may suspend or cancel an operating licence, Suspension or cancellation of operating licence

- (a) where the licensee fails to begin to provide transportation services in accordance with the licence within thirty days after the issue of the licence, or within such further period as is specified in the licence;
- (b) where the licensee fails for a continuous period of thirty days to provide transportation services in accordance with the licence;
- (c) where the licensee is financially incapable of providing or continuing to provide transportation services in accordance with this Act and the regulations or the terms and conditions of the licence or of meeting his financial responsibilities to persons using such services; or
- (d) where the licensee or any person under his control and direction contravenes this Act or *The Highway Traffic Act* or the regulations hereunder or thereunder or the terms and conditions of the licence and such contravention affords reasonable grounds for believing that the transportation services required by the licence will not be carried on in accordance with the requirements of such Acts or regulations or such terms and conditions.

R.S.O. 1960,
c. 172

Vehicle
licence
required

10. Notwithstanding the provisions of any private Act, no person shall operate a public commercial vehicle unless the vehicle is licensed as a public commercial vehicle under this Act.

R.S.O. 1960,
c. 319, s. 10*a*,
(1968, c. 105,
s. 5),
re-enacted

(7) Section 10*a* of *The Public Commercial Vehicles Act*, as enacted by section 5 of *The Public Commercial Vehicles Amendment Act, 1968*, is repealed and the following substituted therefor:

Issue to
holder of
operating
licence

10*a*.—(1) Subject to subsection 2 and section 10*d*, the holder of an operating licence is entitled, upon application to the Minister in the prescribed form and payment of the prescribed fee, to be issued by the Minister vehicle licences for public commercial vehicles for operation pursuant to his operating licence.

Idem

(2) No vehicle licence shall be issued for a public commercial vehicle except,

(a) to the holder of an operating licence who is registered as the owner of the vehicle under *The Highway Traffic Act*; or

R.S.O. 1960,
c. 172

(b) to the holder of an operating licence who has entered into an agreement for the lease of the public commercial vehicle in accordance with this Act and the regulations.

10b.—(1) A vehicle licence authorizes the holder to operate the vehicle for which it is issued as a public commercial vehicle in providing the transportation designated in his operating licence.

Rights
under
vehicle
licence

(2) A vehicle licence expires at the end of the last day of the period for which the licence was issued.

Expiry of
licence

(3) Where a vehicle for which a vehicle licence has been issued is sold to the holder of an operating licence authorizing the operation of that class of vehicle, such holder is entitled to a transfer by the Minister of the vehicle licence and licence plate for the vehicle, but no vehicle licence may be transferred from the person to whom it was issued to another person in any other case.

Transfer

(4) Where the holder of a vehicle licence applies to replace the vehicle for which the licence was issued with another vehicle for which no vehicle licence is in effect, the Minister may permit the vehicle licence and licence plate to be transferred to the substituted vehicle upon payment of the prescribed transfer fee and the amount, if any, by which the fee prescribed for a vehicle licence for the substituted vehicle would exceed the fee prescribed for a vehicle licence for the replaced vehicle.

Replacement
of licensed
vehicle

10c.—(1) The Minister may in a vehicle licence fix the tonnage that may be carried in the vehicle pursuant to the licence and no vehicle shall at any time carry more tonnage than is fixed by the licence.

Tonnage

(2) Every public commercial vehicle operating on a highway shall have attached thereto, and exposed in a conspicuous position, a licence plate issued by the Minister showing in plain figures the number of the vehicle licence issued for the vehicle for the current year.

Licence
plate

Refusal to
issue or
cancellation
of vehicle
licence

R.S.O. 1960,
c. 172

10*d*. Subject to section 10*j*, the Minister may refuse to issue or may cancel a vehicle licence if the applicant or licensee is not, or ceases to be, eligible to be issued a licence under subsection 2 of section 10*a* or if the vehicle does not comply with the requirements of this Act or *The Highway Traffic Act* or the regulations hereunder or thereunder.

Freight
forwarder's
licence
required

10*e*.—(1) No person shall carry on business as a freight forwarder unless he is the holder of a freight forwarder's licence under this Act.

Restrictions
on trans-
portation
of goods
beyond
urban zone

(2) No holder of a freight forwarder's licence shall transport goods upon a highway beyond an urban zone except in a vehicle operated by the holder of an operating licence issued pursuant to this Act, the terms of which operating licence authorize the holder to perform the transportation.

Issue to
holder of
operating
licence
prohibited

(3) No freight forwarder's licence shall be issued to the holder of an operating licence.

Issue
of freight
forwarder's
licence

10*f*.—(1) The Minister may,

(a) upon application in the prescribed form and payment of the prescribed fee; and

(b) upon the filing by the applicant with the Minister of a policy of insurance or bond in a form and amount that affords adequate security for the protection of the public in the event of damage or loss to goods undertaken to be transported by the applicant,

issue a freight forwarder's licence to the applicant.

Terms and
conditions

(2) The Minister may, in a licence issued to a freight forwarder under this section, prescribe terms and conditions in the licence to govern the carrying on of the business of freight forwarder under the licence.

Applicant
may require
hearing by
Board

10*g*. Where the applicant for a freight forwarder's licence is dissatisfied with the terms and conditions prescribed by the Minister in the licence, the applicant may, by written notice to the Minister and the Board, within fifteen days after receiving the licence, require

a hearing by the Board and section 10*j* applies to the proceedings as if such notice were a notice requiring a hearing under that section.

- 10*h*. A freight forwarder's licence expires on the 31st day of December in the year in which it was issued. Expiry of licence
- 10*i*. Subject to section 10*j*, the Minister may suspend or cancel a freight forwarder's licence, Suspension and cancellation of licence
- (a) where the licensee fails to maintain in force a policy of insurance or bond that meets the requirements of clause *b* of subsection 1 of section 10*f*; or
 - (b) where the licensee or any person under his control and direction contravenes this Act or the regulations or the terms and conditions of the licence and such contravention or failure affords reasonable grounds for believing that the business of a freight forwarder will not be carried on in accordance with the requirements of this Act and the regulations and the terms and conditions of the licence.
- 10*j*.—(1) Where the Minister proposes, Notice of proposal to cancel, etc., hearing
- (a) to suspend or cancel an operating licence under section 9;
 - (b) to refuse to issue or to cancel a vehicle licence under section 10*d*; or
 - (c) to refuse to issue a freight forwarder's licence under section 10*f* or to suspend or cancel a freight forwarder's licence under section 10*i*,
- he shall cause notice of his proposal together with written reasons therefor to be served on the applicant or licensee informing him that he has a right to a hearing by the Board if he mails or delivers, within fifteen days after service on him of the notice from the Minister, notice in writing requiring a hearing to the Minister and the Board and the applicant or licensee may so require such a hearing.
- (2) Where an applicant or licensee, Where hearing required or not required
- (a) does not give notice in accordance with subsection 1 requiring a hearing by the Board, the Minister may forthwith refuse to issue or may suspend or cancel the licence; or

(b) gives notice in accordance with subsection 1 requiring a hearing by the Board, the Minister shall refer the matter to the Board for a hearing.

Service
of notice

(3) The Minister may cause a notice under subsection 1 to be served personally or by registered mail addressed to the applicant or licensee at his address last known to the Minister and, where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person on whom notice is being served establishes to the Board that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Extension of
time for
giving
notice by
applicant

(4) The Board, on application of an applicant or licensee, may extend the time for giving notice requiring a hearing under subsection 1 either before or after expiration of the time fixed therein where the Board is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as the Board considers proper consequent upon the extension.

Parties
to hearing

(5) The Minister, the applicant or licensee and such other persons as the Board may specify are parties to a hearing under this section.

Notice of
hearing

(6) Notice of a hearing under this section shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of his licence.

Examination
of docu-
mentary
evidence

(7) The Minister shall afford to the applicant or licensee, or his representative, an opportunity to examine before the hearing any written or documentary evidence that will be introduced, or any report the contents of which will be given in evidence at the hearing.

Report to
Minister

(8) The Board shall, after a hearing under this section, make a report to the Minister, which shall set out its findings of fact and conclusions of law and its recommendations as to the issue, suspension or cancellation of the licence to which it relates.

- (9) After considering a report of the Board under this section, the Minister may carry out the proposal or refrain from carrying out the proposal to which it relates and shall give reasons for his decision to the applicant or licensee. Decision of Minister
- 10k.—(1) Except as provided by the regulations, each holder of an operating licence or of a freight forwarder's licence shall, on payment of the prescribed fee, file with the Board a tariff of tolls showing all the rates or charges for the transportation of goods to and from points in respect of which the transportation is provided or offered by the licensee or by arrangement with any other licensee or any other carrier. Tariff of tolls to be filed with Board
- (2) No holder of an operating licence or freight forwarder's licence shall charge a toll that is not contained in, and in accordance with, the tariff filed by him under subsection 1. Charging of tolls
- 10l. A tariff of tolls shall be filed in a form prescribed by the Board and published and maintained available to the public. Form and publication of tariff
- 10m.—(1) A licensee who has filed a tariff of tolls with the Board may file with the Board an amendment to the tariff but, subject to subsection 2, such amendment shall not become effective until the expiry of thirty days from the date the amendment was filed. Amendment to tariff
- (2) The Board, upon the application of a licensee who has filed an amendment to his tariff of tolls under this section, may fix the effective date of the amendment on a specified date prior to the expiry of thirty days from the date the amendment was filed. Effective date
- 10n. A tariff of tolls filed under section 10k and amendments thereto expires two years from the date upon which the tariff was filed under section 10k. Expiry of tariff
- 10o.—(1) Except as provided in the regulations, every holder of an operating licence or of a freight forwarder's licence shall issue a bill of lading to the person delivering or releasing goods to the licensee for transportation for compensation. Bill of lading, issue of
- (2) A bill of lading shall contain such information as may be prescribed and shall include an acknowledgment of receipt by the carrier or the freight forwarder Contents

of the goods therein described and an undertaking to carry such goods for delivery to the consignee or the person entitled to receive the goods and shall be signed by, or on behalf of, the issuing carrier or issuing freight forwarder and by the consignor.

Statutory conditions

- (3) The conditions set out in Schedule A shall be deemed to be a part of every contract for the transportation of goods for compensation other than a contract for transportation for compensation between a freight forwarder and a shipper.

Idem

- (4) The conditions set out in Schedule B shall be deemed to be a part of every contract for transportation for compensation between a freight forwarder and a shipper.

Copy of bill of lading to be carried by driver

- (5) Every driver operating a public commercial vehicle shall carry on each trip a copy or memorandum of the bill of lading and shall produce it when required for inspection by a member of the Ontario Provincial Police Force or an officer of the Department.

Idem

- (6) Where a carrier is transporting goods on behalf of a freight forwarder, the driver transporting the goods by public commercial vehicle shall carry on each trip a copy or memorandum of the bill of lading issued by the freight forwarder and shall produce it when required for inspection by a member of the Ontario Provincial Police Force or an officer of the Department.

R.S.O. 1960, c. 319, amended

- (8) *The Public Commercial Vehicles Act* is amended by adding thereto the following sections:

Vehicle licence, etc., to be carried by driver

- 13a. The vehicle licence issued for a public commercial vehicle together with a copy of the conditions set out in the operating licence under which it is operated, shall, whenever the vehicle is on a highway be carried by the driver or be kept in a readily accessible place in the vehicle and shall be produced upon the demand of a member of the Ontario Provincial Police Force or of an officer of the Department.

Examination of vehicle, etc.

- 13b.—(1) A member of the Ontario Provincial Police Force or an officer of the Department may at any time examine any public commercial vehicle, its contents and equipment for the purpose of ascertaining whether this Act and the regulations and the operating licence under which the vehicle is operated

are being complied with in the operation of the vehicle, and for that purpose the member or officer may require the driver or other person in charge of a public commercial vehicle to stop on a highway.

- (2) Every driver or other person in charge of a public commercial vehicle on a highway who is required by a member of the Ontario Provincial Police Force or an officer of the Department, by signals or otherwise, to stop the vehicle for the purpose of examination, shall stop the vehicle and assist in the examination of the vehicle, its contents and equipment.

Stopping
of vehicle
for
examination

- 13c. An officer of the Department may at any reasonable time examine all books, records and documents of the holder of an operating licence relating to the business of operating public commercial vehicles for the purpose of ensuring that the provisions of this Act and the regulations are being complied with and such officer may, for the purposes of such examination, upon producing his designation as an officer, enter at any reasonable time the business premises of the holder.

Examination
of records,
etc., of
holder of
operating
licence

- 13d. Each person employed in the administration of this Act, including any person making an examination under section 13c, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties or employment or on an examination under section 13c and shall not communicate any such matters to any other person except,

Matters
confidential

- (a) as may be required in connection with the administration of this Act and the regulations or any proceeding under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

- (9) Clause *a* of section 16 of *The Public Commercial Vehicles Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 319, s. 16,
cl. *a*,
re-enacted

- (a) prescribing classes of licences and the forms of applications and licences.

R.S.O. 1960,
c. 319, s. 16,
cl. *h*,
repealed

- (10) Clause *h* of the said section 16 is repealed.

R.S.O. 1960,
c. 319, s. 16,
cl. 1,
re-enacted

(11) Clause *l* of the said section 16 is repealed and the following substituted therefor:

(*l*) prescribing the method of bookkeeping or accounting to be used and the returns or statements to be filed by persons licensed under this Act.

R.S.O. 1960,
c. 319, s. 16,
cl. 7,
repealed

(12) Clause *q* of the said section 16 is repealed.

R.S.O. 1960,
c. 319,
amended

(13) *The Public Commercial Vehicles Act* is amended by adding thereto the following Schedules:

SCHEDULE A

1. The carrier of the goods herein described is liable for any loss thereof or damage or injury thereto, except as herein provided.
2. Where shipments are handled by more than one carrier, the carrier issuing the bill of lading, in addition to any other liability hereunder, is liable for any loss, damage or injury to the goods caused by or resulting from the act, neglect or default of any other carrier to whom the goods are delivered and from whom the other carrier is not by the terms of the bill of lading relieved and the onus of proving that such loss, damage or injury was not so caused and did not so result is upon the carrier issuing the bill of lading.
3. The carrier issuing the bill of lading is entitled to recover from any other carrier to whom the goods are delivered in the course of their conveyance to their final destination the amount of the loss, damage or injury that the carrier issuing the bill of lading may be required to pay hereunder caused by or resulting from the handling of the goods by the other carrier, if the carrier issuing the bill of lading is not relieved therefrom by the terms of the bill of lading, and if the loss, damage or injury was not caused by the act, neglect or default of the carrier issuing the bill of lading, subject to the onus set out in paragraph 2.
4. Nothing in paragraph 2 or 3 deprives the holder of the bill of lading or the party entitled to the goods of any remedy or right of action that he may have against the carrier issuing the bill of lading or against any other carrier.
5. The carrier is not liable for loss, damage or delay to any of the goods described in the bill of lading caused by an act of God, the Queen's or public enemies, riots, strikes, defect or inherent vice in the goods, the act or default of the shipper or owner, the authority of law, quarantine or differences in weights of grain, seed, live stock or other commodities caused by natural shrinkage.
6. Where goods are stopped and held in transit at the request of the party entitled to request it, the goods are held at the risk of the owner.
7. No carrier is bound to transport the goods by any particular public commercial vehicle or in time for any particular market or otherwise than with due despatch, unless by agreement specifically endorsed on the bill of lading and signed by the parties thereto.

8. In the case of physical necessity, the carrier has the right to forward the goods by any conveyance or by any route between the point of shipment and the point of destination but, if the goods are forwarded by a conveyance that is not a public commercial vehicle, the liability of the carrier is the same as though the entire carriage were by public commercial vehicle.
9. Subject to paragraph 10, the amount of any loss, damage or injury for which the carrier is liable, whether or not the loss, damage or injury results from negligence, shall be computed on the basis of,
- (a) the value of the goods at the place and time of shipment including the freight and other charges if paid; or
 - (b) where a value lower than that referred to in clause *a* has been represented in writing by the consignor or has been agreed upon, such lower value.
10. Subject to paragraph 11, the amount of any loss or damage computed under clause *a* or *b* of paragraph 9 shall not exceed \$1.50 per pound unless a higher value is declared on the face of the bill of lading by the consignor.
11. Paragraph 10 does not apply to,
- (a) a shipment of uncrated used household, office or store furniture; or
 - (b) where specially designed vehicles of the drop-frame type are used and equipped with pads, belts, hooks, wardrobes, and special packing containers, a shipment of,
 - (i) new uncrated furniture and fixtures that are part of the dwelling in which they are to be used,
 - (ii) new uncrated furniture and fixtures that are part of the furnishing of offices, museums, hospitals, factories and public institutions, or
 - (iii) objects of art, displays and exhibits that because of their unusual nature or value require specialized handling and the employment of pads, belts, hooks, wardrobes and special packing containers,
- where such shipment is made under an operating licence authorizing such shipment.
12. Where it is a term or condition that the goods are carried at the risk of the consignor or owner, the condition covers only such risks as are necessarily incidental to transportation and does not relieve the carrier from liability for any loss, damage, injury or delay that may result from any negligence or omission of the carrier, its agents or employees, and the burden of proving the absence of negligence or omission is on the carrier.
13. The carrier is not liable for loss, damage, injury or delay to any goods carried under the bill of lading unless notice thereof setting out particulars of the origin, destination and date of shipment of the goods and the estimated amount claimed in respect of such loss, damage, injury or delay is given in writing to the carrier at the point of delivery or at the point or origin within ninety days after the delivery of the goods, or, in the case of failure to make delivery, within ninety days after a reasonable time for delivery has elapsed.

14. Where, through no fault of the carrier, the carrier is unable to effect delivery of goods to the person entitled to receive them, the goods may,
 - (a) be kept in the warehouse of the carrier, subject to a reasonable charge for storage and to the carrier's responsibility as warehouseman only; or
 - (b) at the option of the carrier, after written notice of the carrier's intention to do so has been served on the consignor and consignee of the goods in person or by registered mail, be removed to, and stored in, a public or licensed warehouse at the expense of the owner of the goods and there held at the risk of the owner, without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges including a reasonable charge for storage.
15. No carrier is bound to carry any documents, specie or any articles of extraordinary value unless by a special agreement to do so and, where the nature and stipulated value of the goods is disclosed to him, the duty of obtaining such special agreement is on the carrier.
16. The owner or consignee of the goods shall pay the freight and all other lawful charges accruing on the goods and, if required by the carrier, shall pay them before delivery and, if the goods shipped are not those described in the bill of lading, the freight charges shall be paid upon the goods actually shipped with any additional penalties due.
17. Every person, whether as principal or agent, shipping explosives or dangerous goods without previous full written disclosure to the carrier of their nature, shall indemnify the carrier against all loss, damage or injury caused thereby, and the goods may be warehoused at the risk and expense of the owner of the goods.
18. Any alteration, addition or erasure in a bill of lading shall be signed or initialled by the parties thereto.

SCHEDULE B

1. The freight forwarder of the goods herein described is liable for any loss thereof or damage or injury thereto, except as herein provided.
2. The freight forwarder is not liable for loss, damage or delay to any of the goods described in the bill of lading caused by an act of God, the Queen's or public enemies, riots, strikes, defect or inherent vice in the goods, the act or default of the shipper or owner, the authority of law, quarantine or differences in weights of grain, seed, live stock or other commodities caused by natural shrinkage.
3. No freight forwarder is bound to transport the goods in time for any particular market or otherwise than with due despatch, unless by agreement specifically endorsed on the bill of lading and signed by the parties thereto.
4. The amount of any loss, damage or injury for which the freight forwarder is liable, whether or not the loss, damage or injury results from negligence, shall be computed on the basis of,
 - (a) the value of the goods at the place and time of shipment including the freight and other charges if paid; or



SECTION 73. A hearing is required before refusal of a licence.

SECTION 74.

1. Reference to *The Public Inquiries Act* is amended to refer to Part II of *The Public Inquiries Act, 1971*.
2. Information acquired by any person under the Act is required to be kept confidential.
3. The Public Trustee is required to make an annual report.

- (b) where a value lower than that referred to in clause a has been represented in writing by the consignor or has been agreed upon, such lower value.
5. Where it is a term or condition that the goods are carried at the risk of the consignor or owner, the condition covers only such risks as are necessarily incidental to transportation and does not relieve the freight forwarder from liability for any loss, damage or injury or delay that may result from any negligence or omission of the freight forwarder, its agents or employees, and the burden of proving the absence of negligence or omission is on the freight forwarder.
 6. The freight forwarder is not liable for loss, damage, injury or delay to any goods carried under the bill of lading unless notice thereof setting out particulars of the origin, destination and date of shipment of the goods and the estimated amount claimed in respect of such loss, damage, injury or delay is given in writing to the freight forwarder at the point of delivery or at the point of origin within ninety days after the delivery of the goods, or, in the case of failure to make delivery, within ninety days after a reasonable time for delivery has elapsed.
 7. No freight forwarder is bound to carry any documents, specie or any articles of extraordinary value unless by a special agreement to do so and, where the nature and stipulated value of the goods is disclosed to him, the duty of obtaining such special agreement is on the freight forwarder.
 8. Every person, whether as principal or agent, shipping explosives or dangerous goods without previous full written disclosure to the freight forwarder of their nature, shall indemnify the freight forwarder against all loss, damage or injury caused thereby, and the goods may be warehoused at the risk and expense of the owner of the goods.
 9. Any alteration, addition or erasure in a bill of lading shall be signed or initialed by the parties thereto.

73. Section 2 of *The Public Halls Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 320, s. 2,
amended

- (2) No application for a licence for a public hall for use as a place of public assembly shall be refused until after the applicant has been afforded a hearing by the licence issuing authority. Hearing

74.—(1) Sections 5 and 6 of *The Public Trustee Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 334, ss. 5, 6,
re-enacted

5. The Public Trustee shall discharge the duties imposed upon him by *The Crown Administration of Estates Act*, *The Charities Accounting Act* and any other Act of the Legislature or by the Lieutenant Governor in Council, and he shall also make inquiries from time to time as to property that has escheated, or become forfeited for any cause to the Crown, or in which the Crown in right of Ontario may be interested. Duties
R.S.O. 1960,
cc. 80, 52

Powers of
inquiry

1971, c. . . .

6. For the purposes of an inquiry under section 5, the Public Trustee has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

R.S.O. 1960,
c. 334, s. 14,
cl. h,
repealed

- (2) Clause *h* of section 14 of *The Public Trustee Act* is repealed.

R.S.O. 1960,
c. 334,
amended

- (3) *The Public Trustee Act* is amended by adding thereto the following sections:

Matters
confidential

18. Every person employed in the performance of the duties imposed upon the Public Trustee by this or any other Act or by the Lieutenant Governor in Council shall preserve secrecy with respect to all matters that come to his knowledge in the course of such employment and shall not communicate any such matters to any person other than to a person legally entitled thereto or to his legal counsel except as may be required in connection with the administration of this Act and the regulations under this Act or any proceedings thereunder.

Report

19. The Public Trustee shall, at the end of each fiscal year, prepare a report on his operations and submit it to the Minister of Justice and Attorney General who shall submit the report to the Lieutenant Governor in Council and then lay the report before the Assembly, if it is in session, or, if not, at the next ensuing session.

R.S.O. 1960,
c. 337, s. 1,
amended

- 75.**—(1) Section 1 of *The Public Vehicles Act* is amended by adding thereto the following clauses:

(*ea*) “officer of the Department” means an officer of the Department designated, in writing, by the Minister to assist in the enforcement of this Act;

.

(*fa*) “prescribed” means prescribed by the regulations.

R.S.O. 1960,
c. 337, s. 2,
subs. 2,
repealed

- (2) Subsection 2 of section 2 of *The Public Vehicles Act* is repealed.

R.S.O. 1960,
c. 337, ss. 3-6,
re-enacted;
s. 7, repealed

- (3) Sections 3 to 7 of *The Public Vehicles Act* are repealed and the following substituted therefor:

SECTION 75.

1. The amendments are concerned mainly with transferring to the Act important provisions concerning the following matters now largely contained in the regulations:

- (a) the issue, transfer, review, expiry, suspension or cancellation of licences;
- (b) the rights and responsibilities of licensees;
- (c) the fixing of tolls for services under operating licences;
- (d) fees for operating licences; and
- (e) the stoppage and search of vehicles and entry and inspection of books, records and premises.

2. Rules or standards are stated or clarified to govern the making of decisions under the Act.

3. The Minister exercises the powers of decision under the Act since they are primarily policy decisions. They are exercised only after a hearing and a report by the Ontario Highway Transport Board which is required to be considered by the Minister before making his decision. The resultant procedure is a compromise between the recommended procedure for judicial powers and for administrative powers. The need for compromise is recognized in the McRuer Report (see pp. 130, 131).

The proposed amendments to this Act should be read with the proposed amendments to *The Ontario Highway Transport Board Act* in section 63 which govern the procedure and course to be followed by the Ontario Highway Transport Board in conducting hearings and proceedings under this Act.



- 3.—(1) The Minister may issue an operating licence in accordance with a certificate of necessity and convenience issued by the Board under section 4. ^{Operating licence, issue}
- (2) An operating licence authorizes the licensee to conduct upon a highway by means of a public vehicle the business of a carrier of passengers or of passengers and express freight, in accordance with this Act and the regulations and the terms and conditions of the licence. ^{Rights under}
- (3) The holder of an operating licence shall not discontinue any scheduled service authorized under his licence until after giving the Minister ten days written notice of his intention to do so. ^{Discontinuance of scheduled service}
- (4) Where the holder of an operating licence fails to provide a scheduled service authorized by his licence for more than twenty-four hours, he shall give, ^{Failure to provide scheduled service}
- (a) a written report to the Minister; and
- (b) a notice to the public in the area affected,
- indicating the cause of the failure and its probable duration.
- (5) A notice to the public under subsection 4 shall be given by publication in a newspaper published in the area affected and by posting it at the scheduled stopping places on the highway in respect of which the service has not been provided. ^{Notice}
- 4.—(1) The Minister shall not issue an operating licence to any person unless the Board, upon the application of that person in the prescribed form has, after a hearing of the application as required by *The Ontario Highway Transport Board Act*, approved the issue of the licence to him on the ground that public necessity and convenience warrant the issue of the licence and will be served thereby, and has issued a certificate to that effect to the Minister. ^{Approval by Board} R.S.O. 1960,
c. 273
- (2) The Board may, in a certificate issued by it under this section, having regard to the requirements of public necessity and convenience, ^{Certificate}
- (a) prescribe terms and conditions to govern the transportation of passengers or of passengers and express freight by public vehicles pursuant to the licence; or

- (b) approve the conferring by the licence of special, exclusive or limited rights with respect to the operation of public vehicles and with respect to any highway or highways or portions thereof described in the certificate.
- Approval for renewal** (3) Notwithstanding subsection 1, the approval of the Board is not required for renewal of a licence unless the Minister refers the application for renewal to the Board, in which case subsection 1 applies.
- Transfer of operating licence** 5.—(1) No operating licence shall be transferred without the approval, in writing, of the Minister obtained on application in the prescribed form and payment of the prescribed fee.
- Application for approval, hearing** (2) The Minister shall refer an application for approval of the transfer of an operating licence to the Board and the Board shall hold a hearing and shall report to the Minister whether or not the public necessity and convenience served by the transportation service carried on under the licence will be prejudiced by the transfer of the licence.
- Parties** (3) The Minister, the proposed transferor and transferee and such other persons as the Board specifies are parties to the proceedings under this section.
- Decision of Minister** (4) The Minister shall consider a report made by the Board to him under this section and may thereafter approve or refuse to approve the transfer and the Minister shall give reasons for his decision to the other parties to the proceedings.
- Issue or transfer of shares of corporation** (5) The Minister may require the directors of a corporation that is the holder of an operating licence to report to the Board any issue or transfer of shares of its capital stock and where the Board finds, after a hearing, that the number of shares so issued or transferred affects the *de facto* control of the operations of the corporation such issue or transfer shall be deemed to constitute a transfer of all operating licences held by such corporation and, unless the transfer is approved, such operating licences shall terminate.
- Review of terms of licence** (6) The Minister may at any time refer an operating licence to the Board with a recommendation that the terms and conditions of the licence be reviewed, having regard to the requirements of public necessity

and convenience and the Board shall, after a hearing of the reference as required by *The Ontario Highway Transport Board Act*, report thereon to the Minister, and the Minister may confirm, amend or cancel the terms and conditions of the licence and shall give reasons for his decision to the licensee.

R.S.O. 1960,
c. 273

6.—(1) An operating licence expires on the 1st day of July in each year unless on or before that day the licensee has applied for and acquired vehicle licences for the vehicles operated pursuant to the operating licence for the current year.

Expiry of
licence

(2) Where the holder of an operating licence has acquired vehicle licences in accordance with subsection 1, his operating licence shall be deemed to be renewed.

Operating
licence
renewed on
acquisition
of vehicle
licences

(4) *The Public Vehicles Act* is amended by adding thereto the following sections:

R.S.O. 1960,
c. 337,
amended

9a. Subject to section 9g, the Minister may suspend or cancel an operating licence,

Suspension
or cancel-
lation of
operating
licence

(a) where the licensee fails to begin operations as a carrier in accordance with the licence within thirty days after the issue of the licence or within such further period as is specified in the licence;

(b) where the licensee fails for a continuous period of thirty days to carry on operations as a carrier in accordance with the licence;

(c) where the licensee is financially incapable of providing or continuing to provide transportation services in accordance with this Act and the regulations or the terms and conditions of the licence or of meeting his financial responsibilities to persons using such services;
or

(d) where the licensee or any person under his control and direction contravenes this Act or *The Highway Traffic Act* or the regulations hereunder or thereunder or the terms and conditions of the licence and such contravention affords reasonable grounds for believing that the business of a carrier will not be carried on pursuant to the licence in accordance with the requirements of such Acts or regulations or such terms and conditions.

R.S.O. 1960,
c. 172.

Vehicle
licence,
required

9b. Notwithstanding the provisions of any private Act, no person shall operate a public vehicle unless the vehicle is licensed as a public vehicle under this Act.

Issue to
holder of
operating
licence

9c.—(1) Subject to subsection 2 and section 9f; the holder of an operating licence is entitled, upon application to the Minister in the prescribed form, to be issued by the Minister vehicle licences for public vehicles for operation pursuant to his operating licence.

To registered
owner only

(2) No vehicle licence shall be issued for a public vehicle except to the person registered as owner of the vehicle under *The Highway Traffic Act*.

R.S.O. 1960,
c. 172

Rights
under
vehicle
licence

9d.—(1) A vehicle licence authorizes the holder to operate the vehicle for which it is issued as a public vehicle on the highways designated in his operating licence or on charter or special trips in accordance with the regulations.

Expiry of
licence

(2) A vehicle licence expires on the 31st day of March in each year.

Transfer

(3) Where a vehicle for which a vehicle licence was issued is sold to the holder of an operating licence, the Minister may transfer the vehicle licence and licence plate for the vehicle to such holder, but no vehicle licence may be transferred in any other case.

Number of
passengers
and tonnage
of freight

9e.—(1) The Minister may, in a vehicle licence fix the number of passengers or tonnage of express freight or both, that the vehicle may carry and, subject to subsection 1 of section 16, no vehicle shall at any time carry more passengers or more tonnage than is fixed by the licence issued with respect to the vehicle.

Licence
plate

(2) Every public vehicle shall, while operated on a highway, have attached thereto and exposed in a conspicuous place, a licence number issued by the Minister showing in plain figures the number of the vehicle licence issued for the vehicle for the current year.

Refusal to
issue or
cancellation
of vehicle
licence

9f. Subject to section 9g, the Minister may refuse to issue or may cancel a vehicle licence if the applicant or licensee is not, or ceases to be, registered as owner of the vehicle under *The Highway Traffic Act* or if the vehicle does not comply with the requirements of this Act or *The Highway Traffic Act* or the regulations hereunder or thereunder.

9g.—(1) Where the Minister proposes,

Notice of
proposal
to cancel, etc.,
hearing

- (a) to suspend or cancel an operating licence under section 9a; or
- (b) to refuse to issue or to cancel a vehicle licence under section 9f,

he shall cause notice of his proposal together with written reasons therefor to be served on the applicant or licensee informing him that he has a right to a hearing by the Board if he mails or delivers, within fifteen days after service on him of the notice from the Minister, notice in writing requiring a hearing to the Minister and the Board and the applicant or licensee may so require such a hearing.

(2) Where an applicant or licensee,

Where
hearing
required or
not required

- (a) does not give notice in accordance with subsection 1 requiring a hearing by the Board, the Minister may forthwith refuse to issue or suspend or cancel his licence; or
- (b) gives notice in accordance with subsection 1 requiring a hearing by the Board, the Minister shall refer the matter to the Board for a hearing.

(3) The Minister may cause a notice under subsection 1 to be served personally or by registered mail addressed to the applicant or licensee at his address last known to the Minister and, where notice is served by registered mail, the notice shall be presumed to have been served on the third day after the day of mailing unless the person on whom notice is being served establishes to the Board that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Service
of notice

(4) The Board, on application of an applicant or licensee, may extend the time for giving notice requiring a hearing under subsection 1 either before or after expiration of the time fixed therein, where the Board is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as the Board considers proper consequent upon the extension.

Extension
time for
giving
notice by
applicant

Parties
to hearing

(5) The Minister, the applicant or licensee and such other persons as the Board may specify are parties to a hearing under this section.

Notice of
hearing

(6) Notice of a hearing under this section shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of his licence.

Examination
of docu-
mentary
evidence

(7) The Minister shall afford to the applicant or licensee, or his representative, an opportunity to examine before the hearing any written or documentary evidence that will be introduced, or any report the contents of which will be given in evidence at the hearing.

Report to
Minister

(8) The Board shall, after a hearing under this section, make a report to the Minister which shall set out its findings of fact and conclusions of law and its recommendations as to the issue, suspension or cancellation of the licence to which it relates.

Decision of
Minister

(9) After considering a report of the Board under this section, the Minister may carry out the proposal or refrain from carrying out the proposal to which it relates and shall give reasons for his decision to the applicant or licensee.

R.S.O. 1960,
c. 337,
ss. 10-12,
re-enacted

(5) Sections 10, 11 and 12 of *The Public Vehicles Act* are repealed and the following substituted therefor:

Tolls

10.—(1) Subject to section 11, no tolls shall be charged by the licensee for services rendered pursuant to his operating licence until a tariff thereof has been filed with and approved by the Minister as being fair and reasonable, or otherwise than in accordance with such tariff.

Revised
tariff of
tolls

(2) Subject to section 11, where a tariff of tolls has been approved by the Minister under subsection 1, the Minister may at any time revise such tariff and make such changes therein as are fair and reasonable and thereafter no tolls shall be charged except in accordance with the revised tariff.

Reference
to Board

11.—(1) Before refusing to approve a tariff of tolls filed with him or before revising a tariff of tolls without the consent of the licensee who filed the tariff, the Minister shall refer the matter to the Board for a hearing and report.

- (2) Pursuant to a reference under this section, the Board shall hold a hearing to inquire whether the tariff of tolls should be approved as filed or approved with amendments or revised. ^{Hearing}
- (3) The Minister, the licensee and such other persons as the Board may specify are parties to a hearing under this section. ^{Parties}
- (4) The Board shall at the conclusion of a hearing under this section make a report to the Minister, which shall set out a summary of the representations of the parties, its findings of fact and any other information that it considers relevant to determining fair and reasonable rates. ^{Report to Minister}
- (5) After considering the report of the Board under this section, the Minister may approve the tariff of tolls filed with him either as the tariff was filed or as amended or may revise the tariff of tolls to which the report relates and shall give written notice of his decision to the licensee stating the reasons therefor. ^{Decision of Minister}
- 12.—(1) The holder of an operating licence shall pay to the Minister fees in accordance with this section for his operating and vehicle licences for each month during the currency of his operating licence on or before the 15th day of the next succeeding month. ^{Fees, payable}
- (2) The fees payable under this section are, amount of
- (a) three cents for each one hundred passenger miles of travel, or portion thereof, over a Class A highway; and
- (b) two cents for each one hundred passenger miles of travel, or portion thereof, over a Class B highway.
- (3) For the purposes of subsection 2, passenger miles of travel shall be computed, ^{Passenger miles of travel}
- (a) in the case of scheduled trips, by multiplying,
- (i) the seating capacity of each vehicle operated, or

- (ii) the average seating capacity where two or more vehicles having different seating capacities are operated,

by the number of miles travelled in the month; and

- (b) in the case of a chartered trip or a special trip as prescribed by the regulations, by multiplying the seating capacity of each vehicle used by the number of miles actually travelled on the trip each way.

Seating capacity

- (4) For the purposes of subsection 3, seating capacity shall be computed by dividing by eighteen the aggregate length of inches of all seats provided for passengers in a vehicle but, where a seat is designed for the accommodation of one or two passengers only, the actual aggregate number of passenger seats shall be used.

Report where more than one vehicle operated

- (5) Where more than one vehicle is operated by a licensee on a scheduled trip, the licensee shall forward to the Department on the day following the trip a report indicating the number of vehicles.

Exemptions

- (6) No fees are payable under this section for the operation of,
 - (a) vehicles licensed as school buses in accordance with the regulations; or
 - (b) public vehicles owned by non-residents of Ontario and,
 - (i) operated in Ontario on a scheduled service originating outside Ontario only within ten miles of the provincial boundary, or
 - (ii) operated in Ontario exclusively on chartered trips originating outside Ontario,

if the province or state of the non-residents grants similar exemptions and privileges for public vehicles owned by residents of Ontario.

(7) In this section,

Class
A and B
highways

(a) "Class A highway" means The King's Highway; and

(b) "Class B highway" means a highway other than,

(i) the King's Highway,

(ii) a highway under the jurisdiction of The Niagara Parks Commission, and

(iii) a highway under the jurisdiction of the council of a city, town or village.

(6) *The Public Vehicles Act* is amended by adding thereto the following sections:

R.S.O. 1960,
c. 337,
amended

22a.—(1) A member of the Ontario Provincial Police Force or an officer of the Department may examine at any reasonable time, any public vehicle, its contents and equipment.

Examination
of vehicle,
etc.

(2) An officer of the Department may at any reasonable time examine all books, records and documents of the holder of an operating licence relating to the business of operating public vehicles for the purpose of ensuring that the provisions of this Act and the regulations are being complied with and such officer may, for the purposes of such examination, upon producing his designation as an officer, enter at any reasonable time the business premises of the holder.

Examination
of records,
etc., of
holder of
operating
licence

22b. Each person employed in the administration of this Act, including any person making an examination under section 22a, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties or employment or on an examination under section 22a and shall not communicate any such matters to any other person except,

Matters
confidential

(a) as may be required in connection with the administration of this Act and the regulations or any proceeding under this Act or the regulations; or

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

R.S.O. 1960,
c. 337, s. 25,
cl. a,
re-enacted;
cl. b,
repealed

(7) Clauses *a* and *b* of section 25 of *The Public Vehicles Act* are repealed and the following substituted therefor:

(a) governing the forms of applications and licences under this Act.

R.S.O. 1960,
c. 337, s. 25,
cls. *h, n*,
repealed

(8) Clauses *h* and *n* of the said section 25 are repealed.

R.S.O. 1960,
c. 343, s. 4,
subs. 2,
re-enacted

76.—(1) Subsection 2 of section 4 of *The Railway Fire Charge Act* is repealed and the following substituted therefor:

Apportionment of charge

(2) If at any time any question arises between the owner and tenant of any railway land as to the proportion in which the charge imposed by this Act is to be borne as between the owner and tenant, either the owner or the tenant may apply to the collector to fix the proportion and the decision of the collector is, unless appealed from as provided in this Act, final and binding as between the owner and the tenant.

R.S.O. 1960,
c. 343, s. 5,
re-enacted

(2) Section 5 of *The Railway Fire Charge Act* is repealed and the following substituted therefor:

Exemption of agricultural lands

5. Where railway lands or any part thereof were during a calendar year actually and in good faith in use for agricultural purposes, the owner or tenant is entitled to a reduction of the charge payable by him under this Act in the following year to the extent to which such railway lands were so used if he applies therefor to the collector on or before the first day of January in the following year, and the collector may decide whether such owner or tenant has established that he is entitled to such reduction and the decision of the collector is, unless appealed from as provided in this Act, final and binding.

R.S.O. 1960,
c. 343,
amended

(3) *The Railway Fire Charge Act* is amended by adding thereto the following section:

Appeal

8a.—(1) An owner or tenant may appeal to the county or district court of the county or district in which the lands are situate by filing in the prescribed form a notice of appeal claiming that,

(a) he has been wrongly included by the collector in the roll;

(b) the amount of the charge stated in a bill sent by the collector to him is wrong; or

SECTION 76. The powers of the Minister to determine the apportionment of charges between owners and tenants or eligibility for exemption of agricultural lands are transferred to the collector. An appeal is provided from a tax bill sent out by the collector or from any decision of the collector.

SECTION 77. See explanatory note to similar amendments made to *The Collection Agencies Act, 1968-69* in section 21 of this Bill and also the explanatory note to the amendments to *The Department of Financial and Commercial Affairs Act, 1966*, in section 28 of this Bill.

- (c) any decision of the collector under section 4 or 5 is wrong.
- (2) The notice of appeal shall be filed with the court ^{Notice} and served on the collector not later than sixty days after receipt of a bill by the appellant sent to to him by the collector under section 8.
- (3) Where a notice of appeal has been filed with the court ^{Hearing} within the time limited by subsection 2, the judge thereof shall, on the application of either the appellant or collector, fix a time for hearing the appeal and the party who obtains the appointment shall serve on the other party notice of the hearing fifteen days before the hearing.
- (4) The judge, after hearing the appellant and the collector ^{Decision} and any evidence adduced, may vary or annul the entry of the appellant's name in the roll or the amount of the charge stated in the bill sent to the appellant by the collector or the decision of the collector complained of.
- (5) Subsections 4, 5 and 6 of section 18 of *The Provincial Land Tax Act, 1961-62* apply *mutatis mutandis* with respect to the decision of the court and the proceedings on an appeal under this section. ^{Application of 1961-62, c. 111}

77.—(1) Subsection 1 of section 1 of *The Real Estate and Business Brokers Act*, as amended by section 1 of *The Real Estate and Business Brokers Amendment Act, 1964* and section 1 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is further amended by relettering clauses *cb* and *cc* as clauses *cc* and *cd* and by adding thereto the following clauses: ^{R.S.O. 1960, c. 344, s. 1, subs. 1, cls. *cb*, *cc* (1968-69, c. 105, s. 1, subs. 1), amended}

(*ba*) "business premises" does not include a dwelling;

(*cb*) "dwelling" means any premises or any part thereof occupied as living accommodation.

(2) Sections 6, 8 and 9 of *The Real Estate and Business Brokers Act*, as re-enacted by section 2 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, are repealed and the following substituted therefor: ^{R.S.O. 1960, c. 344, ss. 6, 8, 9 (1968-69, c. 105, s. 2), re-enacted}

6.—(1) An applicant is entitled to registration or renewal of registration by the Registrar except where, ^{Registration of agencies}

(*a*) having regard to his financial position, the

applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or

(b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or

(c) the applicant is a corporation and,

(i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or

(ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or

(d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

Conditions of registration

(2) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations

Refusal to register

8.—(1) Subject to section 9, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 6 or 7.

Revocation

(2) Subject to section 9, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 6 or 7 if he were an applicant or where the registrant is in breach of a term or condition of the registration.

Notice of proposal to refuse or revoke

9.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

- (2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under section 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing. Notice requiring hearing
- (3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1. Powers of Registrar where no hearing
- (4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar. Powers of Tribunal where hearing
- (5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act. Conditions of order
- (6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section. Parties
- (7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration. Voluntary cancellation
- (8) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue, Continuation of registration pending renewal
- (a) until the renewal is granted; or
- (b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

Order of
Tribunal
effective,
stay

1966, c. 41

- (9) Notwithstanding that a registrant appeals from an order of the Tribunal under section 8e of *The Department of Financial and Commercial Affairs Act, 1966*, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal.

R.S.O. 1960,
c. 344, ss. 10-22
(1968-69,
c. 105, s. 2),
repealed

- (3) Sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of *The Real Estate and Business Brokers Act*, as re-enacted by section 2 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, are repealed.

R.S.O. 1960,
c. 344, s. 26
(1968-69,
c. 105, s. 2),
subs. 1,
cl. a,
re-enacted

- (4) Clause a of subsection 1 of section 26 of *The Real Estate and Business Brokers Act*, as re-enacted by section 2 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is repealed and the following substituted therefor:

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

R.S.O. 1960,
c. 344, s. 27
(1968-69,
c. 105, s. 2),
re-enacted

- (5) Section 27 of *The Real Estate and Business Brokers Act*, as enacted by section 2 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Investiga-
tions by
order of
Minister

1971, c. ...

27. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act.

Investigation
by Director

- 27a.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has,

- (a) contravened any of the provisions of this Act or the regulations; or

1953-54, c. 51,
(Can.)

- (b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for registration under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred, and the person appointed shall report the result of his investigation to the Director.

- (2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may, ^{Powers of investigator}

(a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation; and

(b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. ^{1971, c. ...}

- (3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation. ^{Obstruction of investigator}

- (4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are, in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an ^{Search warrant}

order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of books, etc.

- (5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

Admissibility of copies

- (6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment of experts

- (7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Matters confidential

- 27*b*.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 24, 25, 26, 27 or 27*a* shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (*a*) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations. Testimony in civil suit

(6) Section 28 of *The Real Estate and Business Brokers Act*, as enacted by section 2 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is amended by striking out "27" in the second line and inserting in lieu thereof "27a". R.S.O. 1960, c. 344, s. 28 (1968-69, c. 105, s. 2), amended

(7) Subsection 1 of section 29 of *The Real Estate and Business Brokers Act*, as re-enacted by section 2 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is repealed and the following substituted therefor: R.S.O. 1960, c. 344, s. 29 (1968-69, c. 105, s. 2), subs. 1, re-enacted

(1) Where,

(a) an investigation of any person has been ordered under section 27a; or

(b) criminal proceedings or proceedings in relation to a contravention of any Act or regulation are about to be or have been instituted against a person that are connected with or arise out of the business in respect of which such person is registered,

Order to refrain from dealing with assets

the Director, if he believes it advisable for the protection of clients or customers of the person referred to in clause *a* or *b*, may, in writing or by telegram, direct any person having on deposit or under control or for safekeeping any assets or trust funds of the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any person having any of them on deposit or under control or for safekeeping or to hold such assets or any trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The*

R.S.O. 1960,
cc. 197, 71
1970, c. 25
R.S.C. 1952,
cc. 14, 296

Judicature Act, The Corporations Act, The Business Corporations Act, 1970 or the Winding-up Act (Canada), or until the Director revokes or the Tribunal cancels such direction or consents to the release of any particular assets or trust funds from the direction but, in the case of a bank, loan or trust company, the direction only applies to the office, branches or agencies thereof named in the direction.

R.S.O. 1960,
c. 344, s. 29
(1968-69,
c. 105, s. 2),
amended

(8) The said section 29 is amended by adding thereto the following subsection:

Application
for cancella-
tion of
direction or
registration

- (5) Any person referred to in clause *a* or *b* of subsection 1 in respect of whom a direction has been given by the Director under subsection 1 or any person having an interest in land in respect of which a notice has been registered under subsection 4 may, at any time, apply to the Tribunal for cancellation in whole or in part of the direction or registration and the Tribunal shall dispose of the application after a hearing and may, if it finds that such a direction or registration is not required in whole or in part for the protection of clients or customers of the applicant or of other persons interested in the land or that the interests of other persons are unduly prejudiced thereby, cancel the direction or registration in whole or in part, and the applicant, the Director and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal.

R.S.O. 1960,
c. 344, s. 54f,
subs. 1
(1968-69,
c. 105, s. 14),
re-enacted

(9) Subsection 1 of section 54f of *The Real Estate and Business Brokers Act*, as re-enacted by section 14 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Inquiries
re prospectus

- (1) The Registrar may make such inquiries with respect to a prospectus as are necessary to determine whether a certificate of acceptance should be issued, including,
- (a) an examination of the subdivision and any of the surrounding circumstances; and
 - (b) the obtaining of reports from public authorities or others within or outside Ontario.

R.S.O. 1960,
c. 344, s. 54g
(1962-63, c. 123,
s. 24),
re-enacted;
ss. 54h, 54j
(1962-63,
c. 123, s. 24),
repealed

(10) Sections 54g, 54h and 54j of *The Real Estate and Business Brokers Act*, as enacted by *The Real Estate and Business Brokers Amendment Act, 1962-63*, are repealed and the following substituted therefor:

- 54g.—(1) The Registrar shall grant the certificate of acceptance where the requirements of this Act and the regulations have been complied with and he shall not refuse to grant such a certificate without serving a notice of his proposal to refuse on the person on whose behalf the prospectus was filed, and section 9 applies *mutatis mutandis* to the proposal in the same manner as to a proposal to refuse to register an applicant. Powers of Registrar
- (2) Where it appears to the Registrar, subsequent to the filing of a prospectus and the granting of a certificate of acceptance therefor, that any of the conditions referred to in section 54e exist, he may revoke the certificate of acceptance and order that all trading in the subdivisions to which the prospectus refers shall cease forthwith. Stop orders
- (3) Subject to subsection 4, the Registrar shall not revoke a certificate of acceptance and make an order under subsection 2 without serving notice of his proposal to revoke the certificate and make the order, together with written reasons therefor, on the person on whose behalf the prospectus was filed, and section 9 applies *mutatis mutandis* to the proposal in the same manner as to a proposal by the Registrar to revoke a registration. Notice of revocation of hearing
- (4) The Registrar, by notice to the person on whose behalf a prospectus was filed, may provisionally suspend the certificate of acceptance and make a provisional order under subsection 2, where continued trading in the subdivision is, in the Registrar's opinion an immediate threat to the public interest and the Registrar so states in such notice giving his reasons therefor, and thereafter section 9 applies as if the notice given under this section was a notice of proposal to revoke the certificate and make the order under subsection 3. Provisional order
- (11) Section 55 of *The Real Estate and Business Brokers Act*, as re-enacted by section 16 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is repealed and the following substituted therefor: R.S.O. 1960, c. 344, s. 55 (1968-69, c. 105, s. 16), re-enacted
55. Where the Registrar believes on reasonable and probable grounds that a broker is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the False advertising

use of such material and section 9 applies *mutatis mutandis* to the order in the same manner as to a proposal by the Registrar to refuse a registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

R.S.O. 1960,
c. 344, s. 56
(1968-69, c. 105,
s. 10),
subs. 2,
re-enacted

(12) Subsection 2 of section 56 of *The Real Estate and Business Brokers Act*, as enacted by section 16 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Where
service
deemed
to be made

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

R.S.O. 1960,
c. 344, s. 57b
(1968-69, c. 105,
s. 16), cl. d,
amended

(13) Clause *d* of section 57b of *The Real Estate and Business Brokers Act*, as enacted by section 16 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is amended by striking out "or to any such person, document or material," in the second and third lines.

R.S.O. 1960,
c. 344, s. 58,
cl. i,
repealed

(14) Clause *i* of section 58 of *The Real Estate and Business Brokers Act* is repealed.

R.S.O. 1960,
c. 348, s. 122,
re-enacted

78. Section 122 of *The Registry Act* is repealed and the following substituted therefor:

Powers of
Inspector
under
1971, c. ...

122. Where the Inspector in the performance of his duties under this Act has occasion to make an inquiry or to determine any matter he has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry or determination as if it were an inquiry under that Act.

R.S.O. 1960,
c. 375, s. 1,
subs. 1, cl. a,
re-enacted

79.—(1) Clause *a* of section 1 of *The Silicosis Act* is repealed and the following substituted therefor:

(a) "Director" means the Senior Physician of the Occupational Chest Disease Section of the Department of Health;

(aa) "health certificate" means a health certificate issued under the regulations;

SECTION 78. Powers of the Inspector to make inquiries are defined by reference to Part II of *The Public Inquiries Act, 1971*.

SECTION 79. Under the present Act a single medical examiner may refuse a health certificate. The amendment provides for a review where a certificate is refused.

SECTION 80. An unnecessary power to make regulations is repealed.

SECTION 81. No new stock yard may be established without the approval of the Ontario Stock Yards Board. Provision is made for an appeal to the Minister.

(ab) "medical examiner" means a medical examiner designated or appointed in accordance with the regulations;

(ac) "Minister" means the Minister of Health;

(2) *The Silicosis Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 375,
amended

3a.—(1) Health certificates under this Act may be issued, renewed or cancelled by medical examiners in accordance with the regulations. Health
certificates,
issue, etc.

(2) Where a medical examiner, after an examination of any person, refused to issue to him a health certificate or refuses to renew or cancels his health certificate, the person examined may apply in writing to the Director for a re-examination. Application
for re-
examination

(3) An application under subsection 2 for a re-examination shall be accompanied by a report by a legally qualified medical practitioner other than the medical examiner referred to in subsection 2 reporting that in his opinion the applicant is eligible to be issued a health certificate under this Act and the regulations. Application
to be
accompanied
by report of
physician

(4) Upon receiving an application for re-examination under this section, accompanied by the report referred to in subsection 3, the Director shall cause the applicant to be re-examined by a medical examiner other than the medical examiner referred to in subsection 2 or the medical practitioner referred to in subsection 3, and the examiner conducting the re-examination shall, after examining the applicant and considering the reports of such medical examiner and such medical practitioner, determine whether or not a health certificate should be issued to the applicant or his certificate renewed or the cancellation of his certificate revoked and the decision of the examiner making the re-examination shall be final. Re-
examination

80. Section 2 of *The Spruce Pulpwood Exportation Act* is repealed. R.S.O. 1960,
c. 379, s. 2,
repealed

81. *The Stock Yards Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 385,
amended

12a. Where the Board refuses an approval requested under section 12, the applicant for approval may appeal Appeal to
Minister

the decision of the Board to the Minister who, after affording the applicant an opportunity to make representations, may confirm, rescind or alter the decision of the Board as the Minister considers proper, and the decision of the Minister is final.

R.S.O. 1960,
c. 390, s. 7,
re-enacted

82.—(1) Section 7 of *The Surveys Act* is repealed and the following substituted therefor:

Examination
re
boundaries,
etc.

7.—(1) Where a surveyor has reasonable grounds for believing that a person has information concerning a line, boundary, corner or post that may assist him in ascertaining its true position, or has a writing, plan or document concerning the true position of a line, boundary, corner or post, he may examine such person under oath or require such person to produce such writing, plan or document for his inspection and for such purposes the surveyor has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

1971, c. ...

Statement
under oath

(2) The surveyor may cause evidence taken by him under this section to be put in writing in the form of a statement under oath.

R.S.O. 1960,
c. 390, s. 60,
cl. c,
repealed

(2) Clause *c* of section 60 of *The Surveys Act* is repealed.

R.S.O. 1960,
c. 396, s. 4,
subs. 2,
cls. *c-e*,
re-enacted

83.—(1) Clauses *c* and *d* and clause *e*, as amended by section 3 of *The Theatres Amendment Act, 1960-61*, of subsection 2 of section 4 of *The Theatres Act*, are repealed and the following substituted therefor:

(*c*) by order in writing, to prohibit the use or exhibition of any film that he believes on reasonable and probable grounds may not be safely used or exhibited;

(*d*) by order in writing, to prohibit the use of a projector that he believes on reasonable and probable grounds was installed or operated contrary to this Act or the regulations;

(*e*) to seize, remove and hold any projector that he believes on reasonable and probable grounds was installed or was or is operated, or any film or advertising that he believes on reasonable and probable grounds was exhibited or was or is used, contrary to this Act or the regulations.

SECTION 82. Powers conferred upon a surveyor to subpoena witnesses and take evidence under oath are replaced by the powers of a commission under Part II of *The Public Inquiries Act, 1971*.

SECTION 83.

1. The powers of inspectors to make orders prohibiting the use of films or projectors and to seize projectors or advertising are clarified and an appeal is given to the Director.

2. The powers of the Director to issue or renew licences are clarified and made subject to certain safeguards in favour of an applicant or licensee.

3. Throughout the Act rights to the issue of licences are conferred subject to specified grounds for refusal.

4. Grounds for refusing to renew or suspending or cancelling licences are specified.

5. An appeal is given from any decision of the Director or the Assistant Director to a judge of the county or district court and thereafter to the Divisional Court.



(2) Section 6 of *The Theatres Act*, as amended by section 4 of *The Theatres Amendment Act, 1960-61*, is repealed and the following substituted therefor: R.S.O. 1960, c. 396, s. 6, re-enacted

6.—(1) Any person to whom an inspector has issued an order under section 4 or who claims an interest in any projector, film or advertising seized by an inspector under section 4 may, within ten days after the issue of such order or after seizure, apply to the Director for a review of the order or release of the projector, film or advertising and the Director may, after a hearing, confirm, vary or annul the order of the inspector or direct the release of the projector, film or advertising. Review of inspector's order

(2) Where a projector, film or advertising has been seized by an inspector under section 4, Forfeiture of seized projector, etc.

(a) if no application for a review of the seizure is made to the Director within ten days after the seizure; or

(b) if the Director finds after a hearing that the projector, film or advertising was installed, used or exhibited in contravention of this Act or the regulations,

the Director may, subject to appeal as herein provided, direct that the projector, film or advertising is forfeited to the Crown.

(3) Section 9 of *The Theatres Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 396, s. 9, re-enacted

9.—(1) All licences and renewals, suspensions or cancellations thereof under this Act shall be issued or made by the Director. Issue, renewal, suspension, etc., of licences

(2) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue, Continuation of licences pending renewal

(a) until the renewal is granted; or

(b) where he is served with notice of a hearing by the Director, until the decision of the Director has become final.

Notice of hearing

- (3) Where, under this Act, the Director is authorized to refuse to renew or to suspend or cancel a licence after a hearing, the notice of the hearing shall contain a statement of the facts or conduct which the Director believes warrant the intended action and shall afford to the licensee a reasonable opportunity to show or to achieve compliance before such hearing with all lawful requirements for the issue or retention of the licence.

Examination of documentary evidence

- (4) The Director shall afford to an applicant or licensee who will be affected by a decision pursuant to a hearing, or his representative, an opportunity to examine, before such hearing any written or documentary evidence that will be introduced, or any report the contents of which will be given in evidence at the hearing.

R.S.O. 1960, c. 396, s. 13, re-enacted

- (4) Section 13 of *The Theatres Act* is repealed and the following substituted therefor:

Application for licence

- 13.—(1) Subject to subsection 2, an applicant for a theatre licence is entitled, on payment of the prescribed fee, to be granted a theatre licence for the class of theatre prescribed by this Act applicable to the building in which the theatre is located, or the premises in which the films are exhibited.

Refusal to issue licence

- (2) The Director may, after a hearing, refuse to issue a theatre licence to an applicant therefor if,
- (a) a theatre licence was previously issued to him under this Act and such licence is suspended or such licence was cancelled and the grounds for such cancellation continue to exist; or
 - (b) the theatre or the building in which the theatre is located or the premises in which films are exhibited do not conform to the requirements of this Act and the regulations.

R.S.O. 1960, c. 396, ss. 15, 17, re-enacted

- (5) Section 15 and section 17, as amended by section 8 of *The Theatres Amendment Act, 1960-61*, of *The Theatres Act* are repealed and the following substituted therefor:

Application for renewal

15. Subject to section 17, the holder of a theatre licence is entitled to a renewal thereof upon application therefor and payment of the prescribed fee.

17.—(1) The Director may, after a hearing, refuse to renew, or suspend or cancel a theatre licence,

Refusal to
renew,
suspension,
or
cancellation

- (a) if the licensee, manager or person in charge of the theatre has contravened any of the provisions of this Act or the regulations and his conduct raises a reasonable doubt as to whether he will comply with this Act and the regulations in operating the theatre; or
- (b) if the theatre, or the building in which the theatre is located or the premises in which the films are exhibited do not conform to the requirements of this Act and the regulations.

(2) The Director may provisionally suspend a theatre licence if he believes on reasonable grounds that the theatre cannot be safely operated as a theatre and shall immediately give notice of such provisional suspension to the licensee, manager or person in charge of the theatre.

Provisional
suspension

(3) Where the Director has provisionally suspended a theatre licence under subsection 2, if the licensee,

Hearing
may be
required

- (a) within ten days after receiving notice of the provisional suspension requests the Director to hold a hearing, the Director shall hold a hearing and may thereafter revoke the provisional suspension or, if he finds that the theatre cannot be safely operated, may suspend or cancel the licence; or
- (b) does not request the Director to hold a hearing within ten days after receiving notice of the provisional suspension, the Director may cancel the licence and no new licence in place of it shall be issued until such time as the Director finds, on application of the licensee, that the theatre can be safely operated.

(6) *The Theatres Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 396,
amended

30a. The examinations and tests provided by the Director shall be designed to determine the competence and ability of an applicant to act as a projectionist under the class of licence for which he applies.

Examinations
and tests

(7) Sections 32, 33, 34, 35 and 36 of *The Theatres Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 396,
ss. 32-36,
re-enacted

Licences,
first-class

32.—(1) Subject to subsection 4, the holder of a second-class licence who has passed the examination and tests required by the Director for a first-class licence is entitled, on payment of the prescribed fee, to be issued a first-class licence by the Director.

second-class

(2) Subject to subsection 4, a person,

(a) who is the holder of an apprentice licence and who has served as an apprentice for the period prescribed by the regulations; or

(b) who has operated projection equipment elsewhere than in Ontario for a period longer than the period prescribed by the regulations to be served by an apprentice,

and who has passed the examinations and tests required by the Director for a second-class licence, is entitled, on payment of the prescribed fee, to be issued a second-class licence by the Director.

Apprentice

(3) Subject to subsection 4, a person,

(a) who is eighteen years or more of age; and

(b) who furnishes to the Director,

(i) proof of age,

(ii) satisfactory evidence of physical ability to handle projection and fire-fighting equipment, and

(iii) satisfactory evidence that he does not suffer from any physical or mental disability that would prevent him from operating projection equipment safely,

is entitled, on payment of the prescribed fee, to be issued an apprentice licence by the Director.

Refusal to
issue

(4) The Director may, after a hearing, refuse to issue a projectionist licence to a person to whom a projectionist licence was previously issued under this Act if such licence is suspended or such licence was cancelled and the grounds for such cancellation continue to exist.

33. Every projectionist licence expires on the 31st day of March in each year unless renewed on or before that day. Expiry of licence
34. Projectionist licences are not transferable. Transfer of licence
35. Subject to section 36, the holder of a projectionist licence is entitled to a renewal thereof upon application therefor and payment of the prescribed fee. Renewal
36. The Director may, after a hearing, refuse to renew or suspend or cancel the licence of a projectionist, Refusal to renew, suspension or cancellation
- (a) if he has contravened any of the provisions of this Act or the regulations and his conduct raises a reasonable doubt as to whether he will comply with this Act and the regulations in the operation of a projector; or
- (b) if he suffers from any physical or mental disability that prevents him from operating projection equipment safely or from handling fire-fighting equipment.
- (8) Section 45 of *The Theatres Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 396, s. 45, re-enacted
- 45.—(1) Subject to subsection 2, an applicant for a film exchange licence is entitled, on payment of the prescribed fee, to be granted a film exchange licence. Film exchange licence, application
- (2) The Director may, after a hearing, refuse to issue a film exchange licence to an applicant therefor, Refusal to issue
- (a) if a film exchange licence was previously issued to him under this Act and such licence is suspended or such licence was cancelled and the grounds for such cancellation continue to exist; or
- (b) where the application is for a standard film exchange licence, if the building in which the film exchange is located,
- (i) is not of fire resistive construction in that portion of the building in which film is handled or stored,
- (ii) is occupied in whole or in part as a dwelling,

- (iii) is occupied in whole or in part by another business that is dangerous to the carrying on of the business of the film exchange,
- (iv) otherwise does not comply with this Act and the regulations.

R.S.O. 1960,
c. 396,
ss. 47-49,
re-enacted

(9) Section 47, as amended by section 15 of *The Theatres Amendment Act, 1960-61*, and sections 48 and 49 of *The Theatres Act* are repealed and the following substituted therefor:

Renewal
of licence

47. Subject to section 49, the holder of a film exchange licence is entitled to a renewal thereof upon application therefor and payment of the prescribed fee.

Transfer
of licence

48.—(1) The holder of a film exchange licence is entitled to transfer his licence with the written consent of the Director.

Consent of
Director

(2) The Director shall not refuse his consent under subsection 1 if the transferee would be entitled to the issue of the film exchange licence if he made application therefor.

Refusal to
renew,
suspension or
cancellation

49. The Director may, after a hearing, refuse to renew or suspend or cancel any film exchange licence if,

(a) the licensee has contravened any of the provisions of this Act or the regulations and his conduct raises a reasonable doubt as to whether he will comply with this Act and the regulations in carrying on the business of a film exchange; or

(b) the issue of a licence would be refused under clause *b* of subsection 2 of section 45 if the licensee were an applicant for a licence.

R.S.O. 1960,
c. 396, s. 55,
re-enacted

(10) Section 55 of *The Theatres Act* is repealed and the following substituted therefor:

Approval of
building
plans

55.—(1) No person shall construct or alter any building or premises intended for use as a theatre or to be occupied by a film exchange until the plans of the proposed construction or alteration have been submitted to the Director and have been approved by the Director in that they comply with the provisions of this Act and the regulations and provide for the safe operation of the theatre or film exchange.

(2) Before refusing approval of any plans submitted to him under subsection 1, the Director shall hold a hearing of the application for approval. Hearing

(11) Subsection 2 of section 58 of *The Theatres Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 396, s. 58,
subs. 2,
re-enacted

(2) Subject to section 59a, an applicant for a licence under this section is entitled, on payment of the prescribed fee, to be issued the licence. Issue

(12) Subsection 2 of section 59 of *The Theatres Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 396, s. 59,
subs. 2,
re-enacted

(2) Subject to section 59a, an applicant for a licence under this section is entitled, on payment of the prescribed fee, to be issued the licence. Issue

(13) *The Theatres Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 396,
amended

59a.—(1) The Director may, after a hearing, refuse to issue a licence to an applicant for a licence under section 58 or 59 who was previously issued a licence of the type for which he applies if such licence was cancelled and the grounds for such cancellation continue to exist. Refusal
to issue

(2) The Director may, after a hearing, cancel a licence issued under section 58 or 59 if the licensee has contravened any of the provisions of this Act or the regulations and his conduct raises a reasonable doubt as to whether he will comply with this Act and the regulations in operating a projector or exhibiting films pursuant to the licence. Cancellation

(14) Section 60 of *The Theatres Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 396, s. 60,
re-enacted

60. No licence shall be suspended under this Act for a period longer than three months. Suspension
period
limited

60a.—(1) Any person who considers himself aggrieved by a decision of the Director, or Assistant Director under this Act may, within fifteen days after receipt of the decision, appeal to the judge of the county or district court of the county or district, Appeal
to judge

(a) in the case of a decision relating to a licence for or approval of a theatre or film exchange, in which the building or premises to which the decision relates are located; or

(b) in any other case, where the person to whom the decision relates resides,
by applying to the judge for a hearing.

Extension of
time for
appeal

(2) A judge to whom an application is made under subsection 1 may extend the time for making the application either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension and may give such direction as he considers proper consequent upon the extension.

Hearing
de novo

(3) Where a person appeals under this section to a judge, the judge shall appoint a time for and hear the appeal by way of a hearing *de novo* and the judge may affirm or reverse the decision of the Director or make a new decision in substitution therefor and for such purpose has all the powers of the Director to make such decision as he considers proper.

Parties

(4) The appellant and the Director or the Assistant Director from whose decision the appeal is taken are parties to an appeal under this section.

Recording
of evidence

(5) The oral evidence taken before the judge at a hearing shall be recorded, and if so required, copies or a transcript thereof shall be furnished upon the same terms as in the county court.

Findings of
fact

(6) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. . . .

Appeal
to court

60b.—(1) Any party to proceedings before a judge under section 60a may appeal from his decision to the Supreme Court in accordance with the rules of court.

Record of
proceedings

(2) Where any party appeals from a decision of a judge, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision was made, which, together with the transcript of the evidence if it is not part of the judge's record, shall constitute the record in the appeal.

Minister
entitled
to be heard

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.



SECTION 84.

1. An appeal is given from an inspector's stop-work order to the chief officer.

2. General provision is made for an appeal from any other decision, order, direction, approval, finding or permission made or given by an inspector.

(4) An appeal under this section may be made on questions of law or fact or both and the court may exercise all the powers of the judge, and for such purpose the court may substitute its opinion for that of the Director or of the judge, or the court may refer the matter back to the judge for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Powers of
court

60c. The bringing of an appeal under section 60a or 60b does not affect the suspension or cancellation of a licence pending the disposition of the appeal.

Effect of
appeal on
suspension,
etc.

60d. Where a licence has been suspended or cancelled under this Act pursuant to a decision of the Director or Assistant Director or by a judge or court on appeal therefrom, the Minister may, where he considers that undue hardship will be caused by such suspension or cancellation, and that it is not contrary to the purposes of this Act to do so, annul the suspension or cancellation.

Amendment
of suspension,
etc., by
Minister

(15) Section 61 of *The Theatres Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 396, s. 61,
re-enacted

61. Every person who contravenes any of the provisions of this Act or the regulations or any order of the Board, Director, Assistant Director or an inspector is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500.

Offence

(16) Subsection 1 of section 63 of *The Theatres Act* is amended by adding thereto the following paragraph:

R.S.O. 1960,
c. 396, s. 63,
subs. 1,
amended

21a. prescribing the period of time to be served by a person holding an apprentice licence as a projectionist before he is eligible to be granted a second-class licence as a projectionist.

(17) Paragraph 29 of subsection 1 of the said section 63 is repealed.

R.S.O. 1960,
c. 396, s. 63,
subs. 1,
par. 29,
repealed

84.—(1) Section 5 of *The Trench Excavators' Protection Act*, as amended by section 6 of *The Trench Excavators' Protection Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 407, s. 5,
re-enacted

Order of
inspector

5.—(1) Where an inspector is of opinion that any provision of this Act or the regulations is being contravened, he may give such order in writing as is necessary to ensure compliance with such provision and, until such order is carried out, the work on that part of the trench in which the contravention occurs, other than such work as is necessary to carry out the order with safety, shall be suspended.

Appeal

(2) Any person who considers himself aggrieved by an order of an inspector made under subsection 1 may appeal to the chief officer who shall hear and dispose of the appeal as promptly as is practicable, but the bringing of such appeal does not affect the operation of the order appealed from pending disposition of the appeal.

Powers of
chief officer

(3) After hearing an appeal under this section, the chief officer may substitute his findings for those of the inspector and may,

(a) if he finds that no provision of this Act or the regulations is being contravened, rescind the order of the inspector; or

(b) if he finds that any provision of this Act or the regulations is being contravened, affirm the order of the inspector or make such new order in substitution therefor as is necessary to ensure compliance with this Act and the regulations.

Suspension
of work

(4) Where, on an appeal under this section, the chief officer affirms the order of an inspector appealed from or makes a new order under subsection 3, the work upon that part of the trench in which the contravention occurs, other than such work as is necessary to carry out the order with safety, shall be suspended until such affirmed or new order is carried out.

Contra-
vention of
order

(5) No person to whom an order of an inspector or the chief officer is directed under this section shall contravene or knowingly permit any person under his direction or control to contravene such order or to carry on work in contravention of subsection 1 or 3.

5a.—(1) Any person who considers himself aggrieved ^{Appeal from inspector} by a decision of an inspector under this Act or the regulations, other than an order under section 5, may appeal to the chief officer who shall hear and dispose of the appeal.

(2) On an appeal under this section, the chief officer may ^{Powers of chief officer} substitute his findings or opinions for those of the inspector who made the decision appealed from and may affirm or reverse the decision or make a new decision in substitution therefor and for such purpose the chief officer has all the powers of the inspector, and the decision of the chief officer shall stand in the place of and have like effect under this Act and the regulations as the decision of the inspector.

(3) In this section, a decision of an inspector under this Act or the regulations includes any decision, ^{Decision includes approvals, etc.} order, direction, approval, finding or permission made or given by an inspector under the authority of this Act or the regulations or the refusal thereof.

5b.—(1) An appeal under section 5 or 5a may be made ^{How appeals made} in writing or orally or by telephone, but the chief officer may require the grounds for appeal to be specified in writing before the hearing.

(2) The appellant, the inspector from whom the appeal ^{Parties} is taken and such other persons as the chief officer may specify are parties to an appeal under section 5 or 5a.

(2) Subsection 2 of section 24 of *The Trench Excavators' Protection Act*, as re-enacted by section 18 of *The Trench Excavators' Protection Amendment Act, 1965*, is repealed and the ^{R.S.O. 1960, c. 407, s. 24 (1965, c. 133, s. 18), subs. 2, re-enacted} following substituted therefor:

(2) Every person who is convicted of an offence for a ^{Additional penalty} contravention of subsection 5 of section 5, in addition to the penalties mentioned in subsection 1, is liable to a fine of not more than \$100 a day for every day upon which the contravention continued.

(3) Clause *d* of section 26 of *The Trench Excavators' Protection Act* is repealed. ^{R.S.O. 1960, c. 407, s. 26, cl. d, repealed}

1968, c. 140,
s. 1, subs. 1,
amended

85.—(1) Subsection 1 of section 1 of *The Upholstered and Stuffed Articles Act, 1968*, as amended by section 1 of *The Upholstered and Stuffed Articles Amendment Act, 1968-69*, is further amended by relettering clauses *a* and *aa* as clauses *aa* and *ab* respectively and by adding thereto the following clauses:

(a) “business premises” does not include a dwelling;

.

(ac) “dwelling” means any premises or any part thereof occupied exclusively as living accommodation.

1968, c. 140,
s. 4, subs. 2
(1968-69,
c. 135, s. 3),
amended

(2) Subsection 2 of section 4 of *The Upholstered and Stuffed Articles Act, 1968*, as re-enacted by section 3 of *The Upholstered and Stuffed Articles Amendment Act, 1968-69*, is amended by striking out “the Registrar may refuse to grant registration where” in the first and second lines and inserting in lieu thereof “Subject to section 9, the Registrar may refuse to grant registration to a person who otherwise has complied with the requirements of subsection 1 where”.

1968, c. 140,
s. 7, subs. 2,
re-enacted

(3) Subsection 2 of section 7 of *The Upholstered and Stuffed Articles Act, 1968*, as amended by subsection 2 of section 6 of *The Upholstered and Stuffed Articles Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Power of
entry

(2) For the purposes of subsection 1, the Registrar or any person designated in writing by him may enter at any reasonable time the business premises of such person and make an inspection in relation to the complaint.

1968, c. 140,
s. 7b (1968-69,
c. 135, s. 7),
subs. 1, cl. a,
re-enacted

(4) Clause *a* of subsection 1 of section 7b of *The Upholstered and Stuffed Articles Act, 1968*, as enacted by section 7 of *The Upholstered and Stuffed Articles Amendment Act, 1968-69*, is repealed and the following substituted therefor:

(a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

.

1968, c. 140,
amended

(5) *The Upholstered and Stuffed Articles Act, 1968* is amended by adding thereto the following section:

Matters
confidential

7c. Every person employed in the administration of this Act, including any person making an inspection under

SECTION 85. See explanatory note to similar amendments made to *The Collection Agencies Act, 1968-69* in section 21 of this Bill and also the explanatory note to the amendments to *The Department of Financial and Commercial Affairs Act, 1966* in section 28 of this Bill.

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section 7, 7a, 7b or 20 shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment or inspection and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(6) Section 8, as re-enacted by section 8 of *The Upholstered and Stuffed Articles Amendment Act, 1968-69*, and sections 9, 10, 11, 12 and 13, as re-enacted by section 9 of *The Upholstered and Stuffed Articles Amendment Act, 1968-69*, of *The Upholstered and Stuffed Articles Act, 1968*, are repealed and the following substituted therefor:

1968, c. 140,
s. 8 (1968-69,
c. 135, s. 8),
re-enacted;
s. 9 (1968-69,
c. 135, s. 9),
re-enacted;
ss. 10-13
(1968-69,
c. 135, s. 9),
repealed

8. Subject to section 9, the Registrar may suspend or revoke a registration where the registrant has contravened this Act or the regulations and has refused to comply with this Act or the regulations after being requested to do so by the Registrar in writing.

Suspension
and
revocation

9.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

Notice of
proposal
to refuse
or revoke

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing.

Notice
requiring
hearing

(3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of
Registrar
where no
hearing

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection

Powers of
Tribunal
where
hearing

2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions
of order

(5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

(6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary
cancellation

(7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Order of
Tribunal
effective,
stay
1966, c. 41

(8) Notwithstanding that a registrant appeals from an order of the Tribunal under section 8e of *The Department of Financial and Commercial Affairs Act, 1966*, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal.

1968, c. 140,
ss. 13a-13i
(1968-69,
c. 135, s. 9),
repealed

(7) Sections 13a, 13b, 13c, 13d, 13e, 13f, 13g, 13h and 13i of *The Upholstered and Stuffed Articles Act, 1968*, as enacted by section 9 of *The Upholstered and Stuffed Articles Amendment Act, 1968-69*, are repealed.

1968, c. 140,
s. 19,
subss. 3-6,
re-enacted

(8) Subsection 3, as amended by subsection 1 of section 10 of *The Upholstered and Stuffed Articles Amendment Act, 1968-69*, subsection 4, subsection 5, as amended by subsection 2 of section 10 of *The Upholstered and Stuffed Articles Amendment Act, 1968-69*, and subsection 6 of section 19 of *The Upholstered and Stuffed Articles Act, 1968*, are repealed and the following substituted therefor:

Appeal

(3) Where the Registrar or local medical officer of health orders that an article be destroyed, he shall serve personally notice of such order, together with written reasons therefor, on the dealer informing him that he has a right to appeal to the Tribunal if he gives notice of appeal within five days after service of the notice by the Registrar or local medical officer of

health, and the dealer may, within such time, file a notice of appeal with the Registrar and the Tribunal requiring a hearing by the Tribunal.

(4) Pending an appeal, the appellant shall not dispose of the article forming the subject-matter of an appeal. Disposal of article prohibited

(5) Where a dealer within five days after service on him of a notice by the Registrar or local medical officer of health under subsection 3, Notice of appeal

(a) does not file a notice of appeal requiring a hearing by the Tribunal, the dealer shall forthwith carry out the order of the Registrar or local medical officer of health; or

(b) files a notice of appeal requiring a hearing by the Tribunal, the Tribunal shall appoint a time for and hold a hearing and, after the hearing, may by order confirm, revoke or modify the order appealed from and the appellant shall carry out the order of the Tribunal.

(6) The Registrar or the local medical officer of health, the dealer who has required the hearing and such other persons as the Tribunal may specify are parties to the appeal before the Tribunal under this section. Parties

(7) Section 8e of *The Department of Financial and Commercial Affairs Act, 1966* does not apply to proceedings before the Tribunal under this section. Application of 1966, c. 41, s. 8e

(9) Clauses *a*, *b* and *c* of subsection 1 of section 20 of *The Upholstered and Stuffed Articles Act, 1968* are amended by inserting after "the" in the first line of each clause "business". 1968, c. 140, s. 20, subs. 1, cls. a-c, amended

(10) *The Upholstered and Stuffed Articles Act, 1968* is amended by adding thereto the following section: 1968, c. 140, amended

20a.—(1) Where an off-sale label is affixed to an article under section 20, the person affected may within five days thereafter file a notice of appeal with the Registrar and the Tribunal requiring a hearing by the Tribunal. Appeal

Hearing by
Tribunal

- (2) Where a person affected within five days after the affixing of an off-sale label under subsection 1 files a notice of appeal requiring a hearing by the Tribunal, the Tribunal shall appoint a time for and hold a hearing and may by order confirm the affixing of the off-sale label or direct the Registrar or person designated in writing by him forthwith to remove the off-sale label.

Parties

- (3) The Registrar or person designated in writing by him, the person affected who has required the hearing and such other persons as the Tribunal may specify are parties to the appeal before the Tribunal under this section.

Application
of 1966, c. 41,
s. 8e

- (4) Section 8e of *The Department of Financial and Commercial Affairs Act, 1966* does not apply to proceedings under this section.

1968, c. 140,
s. 21, subs. 1,
amended

(11) Subsection 1 of section 21 of *The Upholstered and Stuffed Articles Act, 1968*, is amended by adding "or" at the end of clause *b* and by adding thereto the following clause:

- (c) that has been ordered to be removed by the Tribunal under section 20a.

1968, c. 140,
s. 24i (1968-69,
c. 135, s. 12),
subs. 2,
re-enacted

(12) Subsection 2 of section 24a of *The Upholstered and Stuffed Articles Act, 1968*, as enacted by section 12 of *The Upholstered and Stuffed Articles Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Where service
deemed to
be made

- (2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

1968-69,
c. 136, s. 1,
amended

86.—(1) Section 1 of *The Used Car Dealers Act, 1968-69* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses:

- (a) "business premises" does not include a dwelling;

- (ba) "dwelling" means any premises or any part thereof occupied as living accommodation.

SECTION 86. See explanatory note to similar amendments made to *The Collection Agencies Act, 1968-69* in section 21 of this Bill and also the explanatory note to the amendments to *The Department of Financial and Commercial Affairs Act, 1966* in section 28 of this Bill.

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(2) Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of *The Used Car Dealers Act, 1968-69* are repealed and the following substituted therefor: 1968-69, c. 136, ss. 5-7, re-enacted; ss. 8-20, repealed

5.—(1) An applicant is entitled to registration or re-Registration
newal of registration by the Registrar except where,

- (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or
- (c) the applicant is a corporation and,
 - (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or
 - (ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or
- (d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

(2) A registration is subject to such terms and con-Conditions of registration
ditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations.

6.—(1) Subject to section 7, the Registrar may refuse Refusal to register
to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 5.

(2) Subject to section 7, the Registrar may refuse to Suspension or revocation
renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a term or condition of the registration.

Notice of proposal to refuse or revoke

7.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

Notice requiring hearing

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing.

Powers of Registrar where no hearing

(3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of Tribunal where hearing

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions of order

(5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

(6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary cancellation

(7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Continuation of registration pending renewal

(8) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

(9) Notwithstanding that a registrant appeals from an order of the Tribunal under section 8e of *The Department of Financial and Commercial Affairs Act, 1966*, the order takes effect immediately but the Tribunal may grant a stay until disposition of the appeal. Order effective, stay 1966, c. 41

(3) Clause a of subsection 1 of section 24 of *The Used Car Dealers Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 136, s. 24, subs. 1, cl. a, re-enacted

(a) is entitled to free access to all books of accounts, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

.

(4) Section 25 of *The Used Car Dealers Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 136, s. 25, re-enacted

25. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act. Investigations by order of Minister 1971, c. ...

25a.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has, Investigation by Director

(a) contravened any of the provisions of this Act or the regulations; or

(b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction 1953-54, c. 51 (Can.)

that is relevant to his fitness for registration under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulations or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

Powers of
investigator

- (2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

(a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation; and

(b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

1971, c. ...

Obstruction
of
investigator

- (3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

Search
warrant

- (4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are, in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being

investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

- (5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated. Removal of books, etc.
- (6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents. Admissibility of copies
- (7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4. Appointment of experts
- 25b.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 22, 23, 24, 25 or 25*a* shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except, Matters confidential
- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

Testimony
in civil suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

1968-69,
c. 136, s. 26,
amended

(5) Section 26 of *The Used Car Dealers Act, 1968-69* is amended by striking out "25" in the second line and inserting in lieu thereof "25a".

1968-69, c. 136,
s. 27, subs. 1,
re-enacted

(6) Subsection 1 of section 27 of *The Used Car Dealers Act, 1968-69* is repealed and the following substituted therefor:

Order to
refrain from
dealing with
assets

(1) Where,

(a) an investigation of any person has been ordered under section 25a; or

(b) criminal proceedings or proceedings in relation to a contravention of any Act or regulation are about to be or have been instituted against a person that are connected with or arise out of the business in respect of which such person is registered,

the Director, if he believes it advisable for the protection of clients or customers of the person referred to in clause *a* or *b* may, in writing or by telegram, direct any person having on deposit or under control or for safekeeping any assets or trust funds of the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any person having any of them on deposit or under control or for safekeeping or to hold such assets or any trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act, 1970*, or the *Winding-up Act* (Canada), or until the Director revokes or the Tribunal cancels such direction or consents to the release of any particular assets or trust

R.S.O. 1960,
cc. 197, 71,
1970, c. 25,

R.S.C. 1952,
cc. 14, 296

funds from the direction but, in the case of a bank, loan or trust company, the direction only applies to the office, branches or agencies thereof named in the direction.

(7) The said section 27 is amended by adding thereto the following subsection: 1968-69, c. 136, s. 27, amended

(5) Any person referred to in clause *a* or *b* of subsection 1 in respect of whom a direction has been given by the Director under subsection 1 or any person having an interest in land in respect of which a notice has been registered under subsection 4 may, at any time, apply to the Tribunal for cancellation in whole or in part of the direction or registration and the Tribunal shall dispose of the application after a hearing and may, if it finds that such a direction or registration is not required in whole or in part for the protection of clients or customers of the applicant or of other persons interested in the land or that the interests of other persons are unduly prejudiced thereby, cancel the direction or registration in whole or in part, and the applicant, the Director and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal. Cancellation of direction or registration

(8) Section 30 of *The Used Car Dealers Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 136, s. 30, re-enacted

30. Where the Registrar believes on reasonable and probable grounds that a used car dealer is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and section 7 applies *mutatis mutandis* to the order in the same manner as to a proposal by the Registrar to refuse registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. False advertising

(9) Subsection 2 of section 31 of *The Used Car Dealers Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 136, s. 31, subs. 2, re-enacted

(2) Where service is made by registered mail the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date. When service deemed to be made

1968-69,
c. 136, s. 34,
cl. d,
amended

(10) Clause *d* of section 34 of *The Used Car Dealers Act, 1968-69* is amended by striking out "or to any such person, document or material" in the second and third lines.

1966, c. 159,
s. 7, subs. 1,
cl. b,
re-enacted

87.—(1) Clause *b* of subsection 1 of section 7 of *The Vocational Rehabilitation Services Act, 1966* is repealed and the following substituted therefor:

- (b) receive applications for vocational rehabilitation services and shall exercise such powers and perform such duties in relation thereto and in relation to such services provided under this Act as are conferred or imposed on him by this Act and the regulations.

1966, c. 159,
s. 7,
amended

(2) The said section 7 is amended by adding thereto the following subsections:

Delegation
of powers of
Director

- (3) The Director, with the consent in writing of the Deputy Minister of Social and Family Services, may authorize any employee or class of employee of the Vocational Rehabilitation Services Branch of the Department of Social and Family Services to exercise and discharge any of the powers conferred or the duties imposed upon him under this Act.

Decision
of person
exercising
power of
Director

- (4) Any decision, order or directive made or given by a person exercising powers and performing duties of the Director under subsection 2 or 3 shall be deemed to be a decision, order or directive of the Director for the purposes of this Act.

1966, c. 159,
amended

(3) *The Vocational Rehabilitation Services Act, 1966* is amended by adding thereto the following sections:

Eligibility
of applicant

- 7a. The Director shall determine the eligibility of each applicant to receive vocational rehabilitation services and, where the applicant is eligible, determine the amount or nature of the services in accordance with this Act and the regulations and direct provision thereof accordingly.

Suspension,
etc., of
services

- 7b. The Director may suspend or cancel vocational rehabilitation services being provided for a disabled person where the disabled person,

- (a) ceases to be eligible for vocational rehabilitation services under this Act or the regulations;
- (b) fails to avail himself of vocational rehabilitation services authorized for him;

SECTION 87.

1. The main grounds for suspending or cancelling vocational rehabilitation services are transferred from the regulations to the Act.

2. The revised provisions of *The Family Benefits Act, 1966* relating to applications for, or the reduction, suspension or cancellation of services are made applicable under this Act.

SECTION 88. The amendments proposed to this Act are similar to the amendments proposed to *The Artificial Insemination of Cattle Act, 1962-63*, and are explained in the explanatory note to section 9 of this Bill.

- (c) is not benefiting from the vocational rehabilitation services being provided for him;
- (d) is not making satisfactory progress towards rehabilitation;
- (e) fails to provide to the Director or his representative, including a field worker, the information required to determine initial or continuing eligibility to vocational rehabilitation services; or
- (f) fails to comply with any provision of this Act and the regulations.

(4) Section 8 of *The Vocational Rehabilitation Services Act, 1966*, as re-enacted by section 1 of *The Vocational Rehabilitation Services Amendment Act, 1968*, is repealed and the following substituted therefor: 1966, c. 159, s. 8 (1968, c. 141, s. 1), re-enacted

8. Sections 10c, 11a, 11b, 11c and 11e of *The Family Benefits Act, 1966*, apply, *mutatis mutandis*, to refusal of an application for, or the reduction, suspension or cancellation of vocational rehabilitation services by the Director, to requests for hearings by, and to hearings, proceedings and powers of the board of review established under that Act and to appeals therefrom to the Supreme Court, as if vocational rehabilitation services were benefits under that Act. Application of 1966, c. 54

(5) *The Vocational Rehabilitation Services Act, 1966* is amended by adding thereto the following section: 1966, c. 159, amended

8a. Notwithstanding any decision of the Director, the board or the Supreme Court, a further application for vocational rehabilitation services may be made by an applicant upon new or other evidence or where material circumstances have changed. Further application for services

(6) Clause *m* of section 9 of *The Vocational Rehabilitation Services Act, 1966* is repealed. 1966, c. 159, s. 9, cl. m, repealed

88.—(1) Section 1 of *The Weed Control Act*, as amended by section 1 of *The Weed Control Amendment Act, 1966*, is further amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses: R.S.O. 1960, c. 427, s. 1, amended

(a) "Board" means the Seed-Cleaning Licence Review Board established by this Act;

(ba) "Director" means the Director appointed under this Act;

.

(da) "licence" means a licence to operate a seed-cleaning plant;

.

(ja) "seed-cleaning plant" means a plant for the cleaning of grains or seeds for seed purposes.

R.S.O. 1960, c. 427, s. 2, re-enacted

(2) Section 2 of *The Weed Control Act* is repealed and the following substituted therefor:

Director, inspectors chief and district

2. The Lieutenant Governor in Council may appoint a Director to administer and enforce this Act, a chief inspector and a district weed inspector for any district designated in his appointment.

R.S.O. 1960, c. 427, s. 10, subs. 6, re-enacted

(3) Subsection 6 of section 10 of *The Weed Control Act* is repealed and the following substituted therefor:

Disposition of appeal

(6) The chief inspector may, after hearing an appeal under this section, confirm or revoke the order appealed from or may make a new order in place of such order, which shall be served in accordance with subsections 3 and 4.

Parties

(7) The appellant, the inspector who issued the order and such other persons as the chief inspector may specify are parties to proceedings before the chief inspector under subsection 6.

How appeal made

(8) An appeal under this section may be made in writing or orally or by telephone to the chief inspector but the chief inspector may require the grounds for appeal to be specified in writing before the hearing.

Examination of land

(9) The chief inspector may, in the presence of the parties or after affording them an opportunity to be present, view and examine land in relation to which an order appealed from under this section is made and may give his decision upon the evidence adduced by the parties and on such view and examination.

R.S.O. 1960, c. 427, s. 18, re-enacted

(3) Section 18 of *The Weed Control Act* is repealed and the following substituted therefor:

18. No person shall operate a seed-cleaning plant without a licence therefor from the Director. Seed-cleaning plant licence required

18a.—(1) The Director shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that, Licence, issue

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to operate a seed-cleaning plant;
- (b) the applicant does not possess or will not have available all premises, facilities and equipment necessary to engage in the business of operating a seed-cleaning plant in accordance with this Act and the regulations; or
- (c) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(2) Subject to section 18b, the Director shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee. Renewal

(3) No fee is payable for a licence or any renewal thereof for a seed-cleaning plant that is used only for cleaning the grain or seed of the owner of the plant. Fee, exemption

18b.—(1) The Director may refuse to renew or may suspend or revoke a licence if, after a hearing, he is of opinion that, Refusal to renew, suspension or cancellation

- (a) the premises, facilities and equipment used in the business of operating the seed-cleaning plant pursuant to the licence do not comply with this Act and the regulations;
- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof, has contravened or has permitted any person under his control or direction in connection with his business of operating the seed-cleaning plant to contravene any provision of this Act or the regulations or of

any other Act or the regulations thereunder or of any law applying to the carrying on of the business of operating a seed-cleaning plant or any condition of the licence and such contravention warrants such refusal to renew, suspension or revocation of the licence; or

(c) any other ground for refusal to renew, suspension or revocation specified in the regulation exists.

Provisional suspension, etc.

(2) Notwithstanding subsection 1, the Director, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of any person or the public and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or revoked under this Act and the regulations.

Continuation of licence pending renewal

(3) Subject to subsection 2, where within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee and has observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.

Notice of hearing

18c.—(1) Notice of a hearing by the Director under section 18a or section 18b shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination of documentary evidence

(2) An applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Variation of decision by Director

18d. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing he may at any time of his own motion or

on the application of the person who was the applicant or licensee vary or rescind his decision but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

- 18e.—(1) A board to be known as the “Seed-Cleaning Licence Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure. Review Board established
- (2) A member of the Board shall hold office for not more than five consecutive years. Term of office
- (3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman. Chairman
- (4) A majority of the members of the Board constitutes a quorum. Quorum
- (5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. Remuneration
- 18f.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director appeal to the Board. Appeal to Board
- (2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1 either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension. Extension of time for appeal
- (3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, Powers of Board on appeal

suspended or revoked and may after the hearing confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Board considers proper, and, for such purpose, the Board may substitute its opinion for that of the Director.

Effect of
decision
pending
disposal of
appeal

- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of.

Parties

- 18g.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Members
making
decision
not to
have taken
part in
investigation,
etc.

- (2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

- (3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

- (4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. ...

Only
members
at hearing
to participate
in decision

- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.



SECTION 89. The Act at present requires a licence from the Deputy Minister for the harvesting of wild rice on Crown lands. The amendments provide for control and direction by the Minister and for an inquiry procedure before refusing to issue or cancelling a licence with an appeal to the Minister.

- 18h.—(1) Any party to the hearing before the Board may ^{Appeal to court} appeal from the decision of the Board to the Supreme Court in accordance with the rules of court.
- (2) The Minister is entitled to be heard, by counsel or ^{Minister entitled to be heard} otherwise, upon the argument of an appeal under this section.
- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the ^{Record to be filed in court} proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal.
- (4) An appeal under this section may be made on any ^{Powers of court on appeal} question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Director to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper, and the court may substitute its opinion for that of the Director or the Board.
- (5) Notwithstanding that an applicant or licensee has ^{Effect of decision of Board pending disposal of appeal} appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.
- 89.**—(1) Subsections 3 and 4 of section 3 of *The Wild Rice Harvesting Act* are repealed and the following substituted therefor: ^{R.S.O. 1960, c. 431, s. 3, subss. 3, 4, re-enacted}
- (3) The Minister shall control the issue of licences and ^{Issue, etc., of licences} may give directions relating thereto and to the cancellation thereof and may prescribe terms and conditions of licences.
- (4) Subject to any directions given by the Minister, the ^{Deputy Minister may issue, etc.} Deputy Minister may issue, refuse to issue or cancel licences.
- (5) Before refusing to issue a licence or cancelling a ^{Hearing} licence, the Deputy Minister shall cause an officer in the Department to hold a hearing to which the applicant or licensee shall be a party.

- Report (6) An officer holding a hearing under subsection 5 shall make a report to the Deputy Minister of his findings of fact and law at the hearing.
- Application of 1971, c. ss. 6-16, 21-23 (7) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section.
- Decision after hearing (8) After considering the report of an officer holding a hearing under this section, the Deputy Minister may issue, refuse to issue or cancel the licence to which the hearing related and shall give his reasons for his decision to the applicant or licensee.
- Appeal (9) An applicant or licensee who has been refused a licence or whose licence has been cancelled by the Deputy Minister may appeal to the Minister from the decision of the Deputy Minister and the Minister shall consider the report of the officer holding the hearing and of the Deputy Minister and may issue, refuse to issue or cancel the licence to which the appeal relates.
- R.S.O. 1960, c. 431, s. 4, subs. 1, cl. a, re-enacted (2) Clause *a* of subsection 1 of section 4 of *The Wild Rice Harvesting Act* is repealed and the following substituted therefor:
- (a) governing the issue, form, renewal or transfer of licences and prescribing fees therefor.
- R.S.O. 1960, c. 431, s. 4, subs. 1, cl. d, repealed (3) Clause *d* of subsection 1 of the said section 4 is repealed.
- R.S.O. 1960, c. 434, s. 15, re-enacted **90.** Section 15 of *The Wolf and Bear Bounty Act* is repealed and the following substituted therefor:
- Entitlement to claim 15. Where a claimant for a bounty under this Act so requests, the Minister shall refer any question as to whether the claimant is entitled to the bounty or as to the amount thereof to a provincial judge having jurisdiction in the area in which the claimant resides, and the provincial judge shall hear and determine the question and his decision shall be given effect to by the Minister or the appropriate officers under this Act.

SECTION 90. Provision is made for the judicial determination of claims for bounty.

SECTION 91.

1. A board of inquiry is required to act impartially in its proceedings.
2. Findings of fact of a board are required to be based on evidence which is to be recorded.
3. The powers of a board are clarified.
4. The provisions providing for an appeal to the Court of Appeal are revised to provide that the appeal is to the Divisional Court.
5. Since *The Statutory Powers Procedure Act, 1971*, will apply to the proceedings of a board of inquiry, provisions in this Act on matters dealt with in it are repealed.

91.—(1) Subsections 2, 3, 4 and 5 of section 15 of *The Women's Equal Employment Opportunity Act, 1970* are repealed and the following substituted therefor: 1970, c. 33, s. 15, subss. 2-5, re-enacted

(2) A true copy of the complaint shall be annexed to the notice of the hearing that is given to any party except the Director. Copy of complaint

(3) A member of the board hearing a complaint shall not have taken part in any investigation or consideration of the complaint prior to the hearing and shall not communicate directly or indirectly in relation to the complaint with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members at hearing not to have taken part in investigation, etc.

(4) The oral evidence taken before a board at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence

(5) The findings of fact of the board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. ...

(6) Subject to appeal under section 24, the board has exclusive jurisdiction and authority to determine any question of fact or law or both required to be decided in reaching a decision as to whether or not any person has contravened this Act or for the making of any order pursuant to such decision. Jurisdiction of board

(2) Sections 16, 17, 18, 19, 20 and 21 of *The Women's Equal Employment Opportunity Act, 1970* are repealed. 1970, c. 33, ss. 16-21, repealed

(3) Section 23 of *The Women's Equal Employment Opportunity Act, 1970* is repealed. 1970, c. 33, s. 23, repealed

(4) Section 24 of *The Women's Equal Employment Opportunity Act, 1970* is repealed and the following substituted therefor: 1970, c. 33, s. 24, re-enacted

Appeal from
order of
board

24.—(1) Any party to the hearing before a board may appeal from the decision or order of the board to the Supreme Court in accordance with the rules of court.

Records to
be filed in
court

(2) Where notice of an appeal is served under this section, the board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision or order appealed from was made, which, together with a transcript of the oral evidence taken before the board, if it is not part of the record of the board, shall constitute the record in the appeal.

Minister
entitled
to be heard

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of
court

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or reverse the decision or order of the board or direct the board to make any decision or order that the board is authorized to make under this Act and the court may substitute its opinion for that of the board.

1970, c. 33,
ss. 25, 29,
repealed

(5) Sections 25 and 29 of *The Women's Equal Employment Opportunity Act, 1970* are repealed.

R.S.O. 1960,
c. 435, s. 7,
re-enacted;
ss. 8, 9,
repealed

92. Sections 7, 8 and 9 of *The Woodmen's Employment Act* are repealed and the following substituted therefor:

Powers of
inspector in
investiga-
tions

7. The inspector for the purpose of making an investigation under this Act may,

(a) upon production of his appointment as an inspector, enter at any reasonable time upon any land and premises upon which Crown timber is being cut and removed or which are used in connection with the cutting or removal of Crown timber and examine the interior of any room, tent, cabin, house or other place of accommodation provided for the living or working places of employees and of any kitchen, dining room, storeroom or other place used for the preparation, serving or storing of food provided to employees; and

(b) for purposes relevant to the subject-matter of the investigation, make inquiries from any person and require the production of and

SECTION 92. The inspector's right of entry is clarified and his powers of inquiry are conferred by reference to Part II of *The Public Inquiries Act, 1971*.

1848

examine documents, books and papers, including payrolls, price lists, diet sheets and shanty books, and for those purposes the inspector has the powers of a Commission under Part II of *The Public Inquiries Act, 1971*, which Part ^{1971, c. . . .} applies to such inquiries as if it were an inquiry under that Act.

93. Where an appeal is provided in this Act to the ^{Appeals to} Supreme Court, the appeal, until section 14a of ^{Supreme} *The Court* ^{Court} *Judicature Act* comes into force, shall be to the Court of Appeal. ^{R.S.O. 1960,} ^{c. 197}

94. This Act comes into force on a day to be named by ^{Commence-} the Lieutenant Governor by his proclamation. ^{ment}

95. This Act may be cited as *The Civil Rights Statute Law* ^{Short title} *Amendment Act, 1971*.





1st Reading

June 4th, 1971

2nd Reading

3rd Reading

THE HON. W. G. DAVIS
Prime Minister

(Government Bill)

BILL 56

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

Bill 56 Amended at 1st reading
but not printed because
of size.

The Civil Rights Statute Law Amendment Act, 1971

THE HON. W. G. DAVIS
Prime Minister

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The Civil Rights Statute Law Amendment Act, 1971

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

1. Sections 4, 5 and 6 of *The Abandoned Orchards Act*, 1966, c. 1, ss. 4-6, re-enacted 1966 are repealed and the following substituted therefor:

4.—(1) Where an inspector reports in writing to the Director that in his opinion the majority of the fruit trees in an orchard, Report of inspector

- (a) are infected with any fruit tree disease;
- (b) are affected by such other conditions as are designated in the regulations;
- (c) have not been properly pruned, sprayed or treated with chemicals; or
- (d) have not otherwise been properly maintained,

so as to seriously affect at that time the ability of the fruit trees to produce fruit commercially, the Director shall cause a copy of such report to be served on the owner of the orchard and on the Provincial Entomologist together with a notice that unless the owner or a person having an interest in the orchard mails or delivers to the Provincial Entomologist within fifteen days after service of the notice, a notice requesting a hearing, the Provincial Entomologist may issue a certificate designating the orchard as a neglected orchard.

(2) The copy of the report and notice mentioned in subsection 1 shall be served upon the owner by personal service or by mailing them addressed to him at his address shown on the last revised assessment roll, and shall be posted in a conspicuous place in the orchard. Service

Issue of
certificate

5.—(1) If, within fifteen days after service of the copy and notice mentioned in subsection 1 of section 4,

(a) the owner or a person having an interest in the orchard does not mail or deliver a request for a hearing to the Provincial Entomologist, the Provincial Entomologist may issue a certificate designating the orchard as a neglected orchard; or

(b) the owner or a person having an interest in the orchard mails or delivers to the Provincial Entomologist, a notice requesting a hearing, the Provincial Entomologist shall hold a hearing and if, after the hearing, he concurs in the report he may issue a certificate designating the orchard as a neglected orchard.

Parties to
hearing

(2) The person requesting the hearing, the inspector making the report and such other persons as the Provincial Entomologist may specify, are parties to a hearing required under subsection 1.

Inspection by
Provincial
Entomologist

(3) Where the Provincial Entomologist holds a hearing under this section, he may inspect the orchard to which it relates, affording to the person requesting the hearing or his representative an opportunity of being present at the time of such inspection, and may take into consideration the result of the inspection in reaching his decision.

Service of
certificate

(4) A certificate designating an orchard as a neglected orchard shall be served upon the owner and, where a hearing was held, upon the person requesting the hearing if he is not the owner, by mailing or delivering a copy thereof to his address last known to the Provincial Entomologist, and a copy of the certificate shall be posted in a conspicuous place in the orchard.

Revocation
of certificate

6. The Provincial Entomologist may at any time revoke a certificate issued under section 5.

Where
service
deemed
made

6a. Where service of a report, notice or certificate under section 4 or 5 is made by mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the report, notice or certificate until a later date.

2. Section 6 of *The Age Discrimination Act, 1966* is repealed and the following substituted therefor: 1966, c. 3,
s. 6,
re-enacted

6.—(1) Any person who has reasonable grounds for believing that any person has contravened a provision of this Act may file with the Commission a complaint in the form prescribed by the Commission. Complaints

(2) Where a complaint is made by a person other than the person whom it is alleged was dealt with contrary to the provisions of this Act, the Commission may refuse to file the complaint unless the person alleged to be offended against consents thereto. Consent of
offended
person

6a.—(1) Where a complaint has been filed with the Commission, the Commission or a person designated by it shall inquire into the complaint and endeavour to effect a settlement of the matter complained of. Inquiry and
settlement

(2) For the purposes of an inquiry under subsection 1, the Commission, or any person so designated, on production of evidence of his designation, shall have access to and may view the premises involved in the complaint, other than an occupied place of residence, at all reasonable times and at any time when the premises are open for business or when employees are engaged in their work. Access to
premises

(3) Where a justice of the peace is satisfied by information upon oath that there is reasonable ground for believing that access to an occupied place of residence is required for the purposes of an inquiry under this Act, he may, at any time issue a warrant pursuant to section 14 of *The Summary Convictions Act* authorizing the Commission or other person named therein to enter and view such place of residence and every such warrant shall be executed between sunrise and sunset, unless the justice otherwise directs. Warrant

R.S.O. 1960,
c. 387

(4) The Commission or a person designated by it, has the same powers for the purposes of an inquiry under this section to inspect and examine books, payrolls, records and other documents and to take extracts or copies thereof, and to enter premises and to question employees as are possessed by the Director of Employment Standards under section 33 of *The Employment Standards Act, 1968*. Inspection of
records, etc.

1968, c. 35

6b.—(1) Where it appears to the Commission that a complaint will not be settled, the Commission shall Board of
inquiry

make a recommendation to the Minister as to whether or not a board of inquiry should be appointed, and the Minister may, in his discretion, appoint a board of inquiry consisting of one or more persons to hear and decide the complaint.

Parties to be notified of membership of board

- (2) Forthwith after the appointment of a board of inquiry, the Minister shall communicate the names of the members of the board to,

(a) the Commission; and

(b) the parties referred to in clauses *b*, *c* and *d* of subsection 1 of section 6c,

and thereupon it shall be presumed conclusively that the board was appointed in accordance with this Act.

Remuneration of members of board

- (3) The Lieutenant Governor in Council may determine the remuneration of the chairman and the members of a board of inquiry appointed under this section.

Parties to proceedings

- 6c.—(1) The parties to a proceeding before a board of inquiry with respect to any complaint are,

(a) the Commission, which shall have the carriage of the complaint;

(b) the person named in the complaint as the complainant;

(c) any person named in the complaint and alleged to have been dealt with contrary to the provisions of this Act;

(d) any person named in the complaint as alleged to have contravened this Act; and

(e) any other person specified by the board upon such notice as the board may determine and after such person has been given an opportunity to be heard against his joinder as a party.

Copy of complaint annexed to notice

- (2) A true copy of the complaint shall be annexed to the notice of the hearing that is given to any party except the Commission.

(3) A member of the board hearing a complaint, shall not have taken part in any investigation or consideration of the complaint prior to the hearing and shall not communicate directly or indirectly in relation to the complaint with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Members at hearing not to have taken part in investigation, etc.

(4) The oral evidence taken before a board at a hearing shall be recorded, and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Recording of evidence

(5) The findings of fact of the board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

Findings of fact

1971, c. ...

(6) Subject to appeal under section 6e, the board of inquiry has exclusive jurisdiction and authority to determine any question of fact or law, or both, required to be decided by the board in reaching its decision as to whether or not any person has contravened this Act or for the making of any order pursuant to such decision.

Jurisdiction of board

6d. The board, after hearing a complaint,

Powers of board

(a) shall decide whether or not any party has contravened this Act; and

(b) may order any party who has contravened this Act to do any act or thing that, in the opinion of the board, constitutes full compliance with such provision and to rectify any injury caused to any person by such contravention or to make compensation therefor.

6e.—(1) Any party to a hearing before a board may appeal from the decision or order of the board to the Supreme Court in accordance with the rules of court.

Appeal from decision of board

(2) Where notice of an appeal is served under this section, the board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision or order appealed from was made, which,

Record to be filed in court

together with a transcript of the oral evidence before the board, if it is not part of the record of the board, shall constitute the record in the appeal.

Representations by Minister

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of court

- (4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or reverse the decision or order of the board or direct the board to make any decision or order that the board is authorized to make under this Act, and the court may substitute its opinion for that of the board.

R.S.O. 1960, c. 6, s. 1, amended

3.—(1) Section 1 of *The Agricultural Associations Act* is amended by adding thereto the following clause:

- (c) "Superintendent" means an officer of the Department of Agriculture and Food designated by the Minister as the Superintendent of Agricultural Associations.

R.S.O. 1960, c. 6, s. 18, re-enacted

(2) Section 18 of *The Agricultural Associations Act* is repealed and the following substituted therefor:

Forfeiture of powers in non-user

- 18.—(1) Where the Superintendent is satisfied, after a hearing, that an Association has ceased for twelve months to do business as required by this Act and by its constitution and by-laws, or that the business of the Association is not being properly conducted, he may recommend to the Minister that the corporate powers of the Association be forfeited and the Minister may, after considering the record of the proceedings before the Superintendent and affording to any party to the proceedings an opportunity for argument, by order declare that the corporate powers of the Association are forfeited, and such powers shall thereupon cease and the Minister may give such directions as he considers proper to wind up the affairs of the Association.

Parties

- (2) The Association, the complainant if any, and such other persons as the Superintendent may specify are parties to proceedings before the Superintendent under subsection 1.

Stated case

- (3) The Superintendent or the Minister, as the case may be, may, of his own motion or upon the request of any party to proceedings under this section, state

a case in writing to the Supreme Court setting forth any question of law that arises in the proceedings and the facts material thereto.

(4) If the Superintendent or the Minister, as the case may be, ^{Refusal to state case} refuses to state a case under this section, the party requesting it may apply to the Supreme Court for an order directing him to state such a case.

(5) Where a case is stated under this section, the ^{Decision of court} Supreme Court shall hear and determine in a summary manner the question raised and shall certify its decision to the Superintendent or to the Minister, as the case may be, and the Superintendent or the Minister shall dispose of the proceedings under subsection 1 in accordance therewith.

4.—(1) Section 2 of *The Agricultural Societies Act* is ^{R.S.O. 1960, c. 11, s. 2, re-enacted} repealed and the following substituted therefor:

2.—(1) Where any ^{Disputes} dispute arises as to the operation or construction of this Act, the Superintendent shall, after a hearing, decide such dispute.

(2) A party to a dispute under this section may ^{Appeal} appeal from a decision of the Superintendent to the Minister within fifteen days after receipt of a copy of the decision of the Superintendent and the Minister may, after considering the record of the proceedings before the Superintendent and affording to the party an opportunity to submit argument on the appeal, affirm, vary or annul the decision of the Superintendent.

(3) The Superintendent or the Minister, as the case may ^{Stated case} be, may of his own motion, or upon the request of any party to a dispute or an appeal, state a case in writing to the Supreme Court setting forth any question of law that arises at the hearing or on the appeal and the facts material thereto.

(4) If the Superintendent or the Minister, as the case ^{Idem} may be, refuses to state a case under this section, the party requesting it may apply to the Supreme Court for an order directing him to state such a case.

(5) Where a case is stated under this section, the ^{Idem} Supreme Court shall hear and determine the question raised in a summary manner and shall certify its

decision to the Superintendent or the Minister, as the case may be, and the Superintendent or the Minister shall dispose of the dispute in accordance therewith.

R.S.O. 1960,
c. 11,
ss. 31, 32,
re-enacted

(2) Sections 31 and 32 of *The Agricultural Societies Act* are repealed and the following substituted therefor:

Inspection

31.—(1) The Minister may appoint a person to inspect the books and accounts of any society receiving legislative grants under this Act or to inquire into the affairs of such society, and every officer of the society shall, when required by such person, make available the books and accounts thereof for the purposes of such inspection or inquiry.

Powers
under
1971, c. ...
Pt. II

(2) A person appointed under subsection 1 has, for the purposes of an inspection or inquiry thereunder, the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the inspection or inquiry as if it were an inquiry under that Act.

Fraud or
misrepresentation
by
exhibitor

32.—(1) Where the board of a society has reason to believe that any member or other person exhibiting any farm product, animal, fowl or other goods at an exhibition of the society has committed a fraud or made any misrepresentation in respect of such farm product, animal, fowl or other goods, the board may withhold payment or delivery of any premium or prize to such person, and the board shall forthwith furnish to him a written statement of its reasons for so doing.

Appeal

(2) A member or other person from whom a premium or prize has been withheld by the board of a society under subsection 1 may appeal, within fifteen days after receipt of the statement of the reasons of the board furnished under subsection 1, to a judge of the county or district court of the county or district in which the head office of the society is situate by filing a notice of appeal in the office of the clerk of the court and leaving a copy of the notice of appeal at the head office of the board.

Parties

(3) The appellant and the board from whose decision the appeal is taken are parties to an appeal under this section.

Hearing
de novo

(4) An appeal to a judge under this section shall be held by way of a hearing *de novo*.

(5) On an appeal under this section, the judge may ^{Powers of judge} affirm, vary or annul the decision of the board and may order the board to pay or deliver any premium or prize withheld by it under this section.

5.—(1) Section 8 of *The Ambulance Act, 1968-69* is ^{1968-69, c. 3, s. 8, amended} amended by striking out “The Director may refuse to issue a licence” in the first line and inserting in lieu thereof “Subject to section 10, the Director may refuse to issue a licence”.

(2) Clauses *b*, *c* and *d* of the said section 8 are repealed ^{1968-69, c. 3, s. 8, cl. b-d, re-enacted} and the following substituted therefor:

(*b*) where there is no public need for the ambulance service to be operated pursuant to the licence in the area where the applicant proposes to operate;

(*c*) where the applicant is not competent to operate or financially capable of operating the ambulance service reliably; or

(*d*) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the ambulance service will not be operated in accordance with law and with honesty and integrity.

(3) Section 9 of *The Ambulance Act, 1968-69* is amended by ^{1968-69, c. 3, s. 9, amended} adding at the commencement thereof “Subject to section 10”.

(4) *The Ambulance Act, 1968-69* is amended by adding ^{1968-69, c. 3, amended} thereto the following section:

9a.—(1) Where the Director issues a licence under this Act and the licensee is dissatisfied with the terms and conditions thereof prescribed by the Director, the licensee may by written notice given to the Director and the Commission require a hearing by the Commission and the Commission shall appoint a time for and hold a hearing. ^{Hearing re terms of licence}

(2) Pursuant to a hearing under subsection 1, the Commission may affirm the terms and conditions prescribed for the licence by the Director or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in the place of those prescribed by the Director as it considers proper and such terms and conditions shall be terms and conditions of the licence. ^{Powers of Commission}

1968-69,
c. 3,
ss. 10, 11,
re-enacted;
ss. 12-15,
repealed

(5) Sections 10, 11, 12, 13, 14 and 15 of *The Ambulance Act, 1968-69* are repealed and the following substituted therefor:

Proposal
to suspend,
etc.

10.—(1) Where the Director proposes to refuse to issue or renew a licence or proposes to revoke or suspend a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

Notice

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Commission if he mails or delivers within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Director and the Commission and he may so require such a hearing.

Powers of
Director
where no
hearing

(3) Where an applicant or licensee does not require a hearing by the Commission in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1.

Powers of
Commission
where
hearing

(4) Where an applicant or licensee requires a hearing by the Commission in accordance with subsection 2, the Commission shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Commission considers the Director ought to take in accordance with this Act and the regulations, and for such purpose the Commission may substitute its opinion for that of the Director.

Terms and
conditions

(5) The Commission may attach such terms and conditions to its order or to the licence as it considers proper to give effect to the purposes of this Act.

Extension of
time for
appeal

(6) The Commission may extend the time for the giving of notice requiring a hearing by an applicant or licensee under this section either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Commission may give such directions as it considers proper consequent upon the extension.

(7) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

Continuation
of licence
pending
renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Commission has expired and, where a hearing is required, until the Commission has made its decision.

11.—(1) The Director, the applicant or licensee who has required the hearing and such other persons as are specified by the Commission are parties to proceedings before the Commission under this Act.

Parties

(2) Notice of a hearing under section 10 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Notice of
hearing

(3) An applicant or licensee who is a party to proceedings under section 10 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Examination
of docu-
mentary
evidence

(4) Members of the Commission holding a hearing shall not have taken part in any investigation or consideration of the subject-matter of the hearing before the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Commission may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Members
holding
hearing
not to have
taken
part in
Investigation,
etc.

(5) The oral evidence taken before the Commission at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Recording
of evidence

**Findings
of fact**

1971, c. ...

- (6) The findings of fact of the Commission pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

**Only
members at
hearing to
participate
in decision**

- (7) No member of the Commission shall participate in a decision of the Commission pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Commission shall be given unless all members so present participate in the decision.

1968-69,
c. 3, s. 16,
subs. 1,
amended

- (6) Subsection 1 of section 16 of *The Ambulance Act, 1968-69* is amended by striking out "under subsection 4 of section 15" in the third line.

1968-69,
c. 3, s. 16,
subs. 3,
re-enacted

- (7) Subsection 3 of the said section 16 is repealed and the following substituted therefor:

**Appeal to
Court**

- (3) Any person requesting a review under subsection 1 may appeal the Minister's decision on any point of law to the Supreme Court in accordance with the rules of court.

1968-69,
c. 3, s. 17,
re-enacted

- (8) Section 17 of *The Ambulance Act, 1968-69* is repealed and the following substituted therefor:

**Service
of notices**

17. Except where otherwise provided, any notice required by this Act to be served shall be served personally or by registered mail addressed to the person to whom notice is to be given at his last known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

1968-69,
c. 3, s. 18,
subs. 2,
amended

- (9) Subsection 2 of section 18 of *The Ambulance Act, 1968-69* is amended by inserting after "inspector" in the first line "upon the production of his appointment under subsection 1" and by inserting after "the" in the first line "business".

1968-69,
c. 3, s. 18,
amended

- (10) The said section 18 is amended by adding thereto the following subsection:

**Confidential
matters**

- (3) Each person employed in the administration of this Act, including any person making an inquiry,

inspection or an investigation under this section shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

6.—(1) Section 1 of *The Animals for Research Act, 1968-69* is amended by adding thereto the following clauses: 1968-69, c. 4, s. 1, amended

(ca) "licence" means a licence under this Act;

(fa) "registration" means a registration under this Act.

(2) Subsections 2, 3 and 4 of section 4 of *The Animals for Research Act, 1968-69* are repealed and the following substituted therefor: 1968-69, c. 4, s. 4, subs. 2-4, re-enacted

(2) Where the Director is of the opinion that an applicant does not comply with clauses *a* and *b* of subsection 3 of section 3, he may, after a hearing, refuse to issue the licence. Refusal to issue

(3) Subject to subsection 4, the Director shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee. Renewal

(4) Where the Director is of the opinion, in the case of a licensee, that clause *a* or *b* of subsection 4 of section 3 applies, he may, after a hearing, refuse to renew or may suspend or revoke the licence. Refusal to renew, suspension, etc.

(3) Subsections 2, 3 and 4 of section 6 of *The Animals for Research Act, 1968-69* are repealed and the following substituted therefor: 1968-69, c. 4, s. 6, subs. 2-4, re-enacted

Refusal
to register

- (2) Where the Director is of the opinion that a research facility in respect of which an application for registration is made does not contain the facilities, equipment or materials referred to in subsection 2 of section 5, he may, after a hearing, refuse to register the research facility.

Renewal

- (3) Subject to subsection 4, the Director shall renew a registration on application therefor by the registrant in accordance with this Act and the regulations and payment of the prescribed fee.

Refusal
to renew,
suspension,
etc.

- (4) Where the Director is of the opinion that clause *a* or *b* of subsection 3 of section 5 applies, he may, after a hearing, refuse to renew or may suspend or revoke the registration of the research facility.

1968-69,
c. 4, ss. 7-12,
re-enacted;
ss. 13, 14, 16,
repealed

- (4) Sections 7, 8, 9, 10, 11, 12, 13, 14 and 16 of *The Animals for Research Act, 1968-69* are repealed and the following substituted therefor:

Provisional
suspension,
etc.

- 7.—(1) Notwithstanding section 4 and section 6, the Director, by notice to an operator and without a hearing, may provisionally refuse to renew or suspend the operator's licence or registration where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of, or the prevention of cruelty or maltreatment to, or of neglect of any animal and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence or registration should be refused or whether the licence or registration should be further suspended or revoked under this Act and the regulations.

Continuation
of licence or
registration
pending
renewal

- (2) Subject to subsection 1, where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence or registration, an operator has applied for a renewal thereof and paid the prescribed fee and has observed or carried out the provisions of this Act and the regulations, his existing licence or registration shall be deemed to continue until he has received the decision of the Director on his application for renewal.

Notice of
hearing

- 8.—(1) The notice of a hearing by the Director under section 4 or section 6 shall afford to the applicant or operator a reasonable opportunity to show or to

achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence or registration.

(2) An applicant or operator who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Examination
of docu-
mentary
evidence

9. Where the Director has refused to issue or renew or has suspended or revoked a licence or registration pursuant to a hearing he may at any time of his own motion or on the application of the person who was the applicant or operator vary or rescind his decision but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act or the regulations.

Variation of
decision by
Director

10.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence or registration, the applicant or operator may by written notice delivered to the Director and filed with the Review Board within fifteen days after receipt of the decision of the Director, appeal to the Review Board.

Appeal to
Review
Board

(2) The Review Board may extend the time for the giving of notice by an applicant or operator under subsection 1 either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Extension
of time
for appeal

(3) Where an applicant or operator appeals to the Review Board in accordance with subsection 1, the Review Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence or registration should be issued, renewed, suspended or revoked and may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Review Board considers proper and, for such purpose, the Review Board may substitute its opinion for that of the Director.

Disposal
of appeal

(4) Notwithstanding that an applicant or operator has appealed under this section, from a decision of the

Effect of
decision
pending
disposal
of appeal

Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of.

Parties

11.—(1) The Director, the appellant and such other persons as the Review Board may specify are parties to the proceedings before the Review Board under this Act.

Members making decision not to have taken part in investigation, etc.

(2) Members of the Review Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

(3) The oral evidence taken before the Review Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

(4) The findings of fact of the Review Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. ...

Only members at hearing to participate in decision

(5) No member of the Review Board shall participate in a decision of the Review Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Review Board shall be given unless all members so present participate in the decision.

Appeal to court

12.—(1) Any party to the hearing before the Review Board may appeal from the decision of the Review Board to the Supreme Court in accordance with the rules of court.

Minister entitled to be heard

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

- (3) The chairman of the Review Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Review Board which, together with a transcript of the evidence before the Review Board, if it is not part of the Review Board's record, shall constitute the record in the appeal. Record to be filed in court
- (4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Review Board or direct the Director to do any act the Director is authorized to do under this Act and as the court considers proper and the court may substitute its opinion for that of the Review Board. Powers of court on appeal
- (5) Notwithstanding that an applicant or licensee has appealed under this section, from a decision of the Review Board, unless the Review Board otherwise directs, the decision of the Review Board is effective until the appeal is disposed of. Effect of decision of Board pending disposal of appeal

7.—(1) Section 1 of *The Apprenticeship and Tradesmen's Qualification Act, 1964* is amended by adding thereto the following clauses: 1964, c. 3, s. 1, amended

(aa) "certified trade" means a trade designated as a certified trade under section 10;

(ca) "licence" means a licence under this Act and the regulations to operate a trade school and "licensee" means the holder of a licence.

(2) Clause *a* of subsection 1 of section 7 of *The Apprenticeship and Tradesmen's Qualification Act, 1964* is amended by inserting after "inspect" in the first line "upon production of his authorization under this subsection". 1964, c. 3, s. 7, subs. 1, cl. a, amended

(3) Clause *e* of subsection 1 of the said section 7 is repealed. 1964, c. 3, s. 7, subs. 1, cl. e, repealed

(4) *The Apprenticeship and Tradesmen's Qualification Act, 1964* is amended by adding thereto the following sections: 1964, c. 3, amended

7a.—(1) Subject to subsection 2, the Director, or any person authorized by the Minister in writing, may cancel for cause a contract of apprenticeship. Cancellation of contract

Notice of proposal to cancel, right to hearing

- (2) Where the Director, or any person authorized under subsection 1, proposes to cancel for cause a contract of apprenticeship under subsection 1, he shall serve notice of his proposal, together with written reasons therefor, on each party to the contract informing him that he has a right to a hearing by a judge if he applies therefor within fifteen days after service of such notice, and a party to the contract may within such time apply for a hearing to the judge of the county or district court of the county or district where the apprentice who is a party to the contract resides.

Powers of Director where no hearing

- (3) Where none of the parties to a contract to which a notice under subsection 2 relates, applies to a judge for a hearing within fifteen days after service of such notice, the Director or person authorized under subsection 1 may forthwith cancel the contract.

Powers of judge where hearing

- (4) Where a party to a contract to which a notice under subsection 2 relates, applies to a judge for a hearing within fifteen days after service of such notice, the judge shall appoint a time for and hold a hearing and on application at the hearing by the Director or person serving the notice, may by order direct the Director or such person to cancel the contract or to refrain from cancelling the contract, as the case may be, and as the judge considers proper in accordance with this Act and the regulations.

Parties

- (5) The Director or person serving the notice under subsection 1, the parties to the contract to which the notice relates and such other persons as the judge may specify are parties to proceedings before the judge under this section.

Certificate of apprenticeship

- 16a. Where an apprentice has completed an apprenticeship training programme for a certified trade and has passed such final examinations as are prescribed by the Director to determine his competency and has complied with the provisions of this Act and the regulations, the Director shall issue to him a certificate of apprenticeship for the certified trade.

Certificate of qualification, to holder of certificate of apprenticeship

- 16b.—(1) Where an applicant for a certificate of qualification for a certified trade is the holder of a certificate of apprenticeship in the trade issued under this Act or a predecessor of this Act, the Director shall,

upon payment of the prescribed fee and without examination, issue to him a certificate of qualification for the trade.

- (2) Where an applicant for a certificate of qualification for a certified trade who is not the holder of a certificate of apprenticeship in the trade has complied with the requirements of this Act and the regulations to entitle him to such certificate of qualification, the Director shall, upon payment of the prescribed fee, issue to him a certificate of qualification for the certified trade.

To non-holder of certificate of apprenticeship

16c.—(1) Unless otherwise prescribed by regulation, a certificate of qualification expires two years after the date of its issue.

Term of certificate

- (2) Subject to section 16d, a certificate of qualification shall be renewed by the Director upon application and payment of the prescribed fee by the holder.

Renewal

16d. Subject to section 16f, the Director may refuse to renew or may suspend or revoke a certificate of qualification where,

Refusal to renew, suspension or revocation

- (a) the holder is convicted of an offence under this Act or the regulations; or
- (b) there are reasonable grounds for believing that the holder is without capacity or not competent to perform work in the certified trade to which the certificate relates with reasonable skill.

16e. Where under the regulations a licence is required for the operation of a trade school teaching any trade to which this Act applies and a licence for a trade school has been issued thereunder, subject to section 16f, the Director may refuse to renew or may suspend or revoke the licence where the school is not being operated,

Suspension, etc., of trade school licence

- (a) in accordance with this Act and the regulations; or
- (b) so as to provide reasonable and adequate training for the students taught therein.

16f.—(1) Where the Director proposes to refuse to renew or to suspend or revoke a certificate of qualification

Proposal to suspend, etc., licence

or a licence under section 16*d* or 16*e*, he shall serve notice of his proposal, together with written reasons therefor, on the holder of the certificate or licensee.

Notice

- (2) A notice under subsection 1 shall inform the holder of the certificate or licensee that he is entitled to a hearing by a judge of the county or district court for the county or district in which he resides if he applies to a judge thereof within fifteen days after the notice under subsection 1 is served on him and he may so apply for such a hearing.

Powers of Director where no hearing

- (3) Where a holder of a certificate or licensee does not apply to a judge for a hearing in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1.

Powers of judge where hearing

- (4) Where a holder of a certificate or licensee applies to a judge for a hearing in accordance with subsection 2, the judge shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may, by order, direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the judge considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the judge may substitute his opinion for that of the Director.

Continuation of certificate or licence pending renewal

- (5) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his certificate of qualification or licence, a holder of the certificate or the licensee has applied for renewal thereof and paid the prescribed fee, the certificate or licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for applying for a hearing by a judge has expired and, where a hearing is applied for, until the judge has made his decision.

Parties

- (6) The Director, the holder of a certificate or licensee who has applied for the hearing and such other persons as the judge may specify are parties to proceedings before a judge under this section.

Service of notice

- 16*g*.—(1) Service of a notice under section 7*a* or section 16*f* may be made personally or by registered mail

- addressed to the person to be served at his last known address, and, where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person on whom notice is being served establishes to the judge to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.
- (2) A judge to whom application is made for a hearing under section 7a or section 16f may extend the time for making the application, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension. Extension of time for appeal
- (3) Notice of a hearing under section 7a or 16f shall afford the parties or the holder of a certificate or licence, as the case may be, a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the continuation of the contract of apprenticeship or retention of the certificate of qualification or licence. Notice of hearing
- (4) A party to a contract of apprenticeship or a holder of a certificate of qualification or licensee who is a party to proceedings under section 7a or 16f shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence
- (5) The oral evidence taken before the judge at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
- (6) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact

Appeal to
court

16h.—(1) Any party to proceedings before a judge under this Act may appeal from the decision or order of the judge to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

(2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision or order was made which, together with the transcript of the evidence before the judge, if it is not part of the record of the judge, shall constitute the record in the appeal.

Minister
entitled to
be heard

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of
court on
appeal

(4) The Supreme Court may affirm the decision of the judge appealed from or may rescind it and make such new decision as the court considers proper under this Act and the regulations, and may order the Director to do any act or thing he is authorized to do under this Act and as the court considers proper and for such purpose the court may substitute its opinion for that of the Director or of the judge, or the court may refer the matter back to the judge for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

1964, c. 3,
s. 18, cl. f,
re-enacted

(5) Clause *f* of section 18 of *The Apprenticeship and Tradesmen's Qualification Act, 1964* is repealed and the following substituted therefor:

(*f*) providing licences for trade schools teaching any trade to which this Act applies and respecting their issue and prescribing courses of study and methods of training in such trade schools and respecting their operation.

1964, c. 3,
s. 18, cl. l,
re-enacted

(6) Clause *l* of the said section 18 is repealed and the following substituted therefor:

(*l*) providing for Interprovincial Standards Examinations and standing thereunder and for the recognition of certificates or standings granted under Inter-

provincial Standards Examinations in other provinces and the granting of certificates of qualification pursuant thereto;

- (la) providing for the granting of provisional certificates of qualification and the grounds therefor and the conditions thereof;
- (lb) respecting the renewal of certificates of qualification that have expired without being renewed and the conditions of renewal;
- (lc) providing for the issue of certificates of qualification or licences to persons whose certificates or licences have been cancelled and the conditions upon which they may be issued.

(7) Clause *r* of the said section 18 is repealed.

1964, c. 3,
s. 18, cl. *r*,
repealed

8.—(1) Section 1 of *The Archaeological and Historic Sites Protection Act* is amended by adding thereto the following clause:

R.S.O. 1960,
c. 19, s. 1,
amended

(da) "land" does not include buildings or structures other than ruins.

(2) Section 2 of *The Archaeological and Historic Sites Protection Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 19, s. 2,
re-enacted

2. Subject to sections 2*a* and 2*b*, the Minister may designate any land that he has reasonable grounds for believing to be of value for the purposes of,

Designation
of sites

- (a) the promotion or advancement of archaeological research and knowledge; or
- (b) the protection and preservation of historical associations and knowledge,

to be an archaeological or an historic site.

2*a*.—(1) Subject to section 2*b*, where the owner of any land does not consent to its designation as an archaeological site or as an historic site, the Minister shall, before designating it under section 2, refer the matter to the advisory board established under section 9 for a hearing and report.

Reference to
advisory
board

- Hearing (2) Pursuant to a reference by the Minister under this section, the advisory board shall forthwith hold a hearing as to whether the land in question should be designated under section 2 and the Minister, the owner or any person having an interest in the land and such other persons as the advisory committee may specify are parties to the hearing.
- Application of 1971, c. ... (3) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply *mutatis mutandis* with respect to a hearing under this section.
- Report (4) The advisory board shall, at the conclusion of a hearing under this section, make a report to the Minister setting out its findings of fact and any information or knowledge used by it in reaching its recommendations, and its recommendations as to whether the land should be designated under section 2, and shall send a copy of its report to other parties to the hearing.
- Decision of Minister (5) After considering a report made under this section, the Minister may designate the land in question under section 2 and shall give notice of his decision to the owner and any person interested in the land stating the reasons therefor.
- Designation of site on grounds of urgency 2b.--(1) Where the Minister has reasonable grounds for believing that any land is of value for the purposes specified in section 2 and that it is urgent to protect the land for such purposes, he may forthwith designate such land as an archaeological site or as an historic site and cause notice in writing of such designation stating the reasons therefor to be given to the owner of such land or to any other person, and such designation shall be effective forthwith in relation to any person to whom such notice has been given or who has knowledge of it.
- Notice of designation (2) A notice under subsection 1 may be delivered personally to any person or may be sent by telegram addressed to such person and a copy of such notice may be posted on the land to which it relates and when so posted every person occupying or present on such land shall be presumed to have knowledge of the notice.

- (3) The Minister may by order appoint one or more persons to make an investigation to ascertain whether any lands designated under this section are of value for the purposes specified in section 2 and shall forthwith refer the matter to the advisory board appointed under section 9 for a hearing and report. Investigation and hearing
- (4) A person appointed under subsection 3 may enter upon and inspect the lands designated under subsection 1. Powers of inspection
- (5) No person shall obstruct a person appointed under subsection 3 in conducting his investigation or withhold or destroy or conceal or refuse to furnish any information or thing required by the person conducting the investigation for the purposes of the investigation. Obstruction and withholding of information
- (6) A person conducting an investigation under this section shall, as promptly as is practicable, report the result of his investigation to the Minister and to the advisory board and the advisory board shall thereupon hold a hearing and the provisions of subsections 2 to 5 of section 2a apply to the proceedings of the advisory board. Report of investigation
- (7) Unless sooner revoked by the Minister, a designation made under this section shall be effective until sixty days after the advisory board makes its report to the Minister, but the Minister may, prior to that time, designate the lands under section 2. Effect of order
- 2c. Where land is designated under section 2 or 2b and no agreement as to the terms and conditions upon which the designation is made, including payment of compensation, if any, has been reached by the Minister with the owner, the owner shall be entitled to compensation, Compensation
- (a) for any reduction in market value of the land designated;
- (b) for any reduction in the market value of any land contiguous to the lands designated owned by the owner or used under unified control with the lands designated by the owner; and

(c) for any personal or business damages, resulting from the designation,

1968-69, c. 36

and the provisions of *The Expropriations Act, 1968-69*, with respect to the negotiation, payment and fixing of compensation, apply *mutatis mutandis* as if the designation and the resulting restrictions imposed by this Act were an expropriation of rights.

R.S.O. 1960,
c. 19, s. 4,
subss. 2, 3,
re-enacted

(3) Subsections 2 and 3 of section 4 of *The Archaeological and Historic Sites Protection Act* are repealed and the following substituted therefor:

Terms and
conditions

(2) The Minister may limit the time during which, or the location or area in which, excavations or alterations may be made under a permit and may impose other terms and conditions for the purposes specified in section 2 for the protection of archaeological or historic sites or archaeological or historical objects.

Cancellation
of permit

(3) Subject to subsection 4, the Minister may cancel a permit at any time where he has reasonable grounds for believing it is advisable for the protection of archaeological or historic sites or archaeological or historical objects.

Reference to
advisory
board for
hearing

(4) Where the Minister cancels a permit under subsection 3, he shall forthwith notify the permittee in writing of the cancellation and of the reasons therefor, and if the permittee requests a hearing within ten days after receiving notice of the cancellation, the Minister shall refer the matter to the advisory board appointed under section 9 for a hearing and report, and subsections 2 to 5 of section 2a apply *mutatis mutandis* to the proceedings thereafter and, after considering the report of the advisory board, the Minister may affirm or rescind cancellation of the permit.

1962-63,
c. 5, s. 1,
amended

9.—(1) Section 1 of *The Artificial Insemination of Cattle Act, 1962-63* is amended by adding thereto the following clauses:

(aa) "Board" means the Artificial Insemination of Cattle Licence Review Board established by this Act;

(ea) "licence" means a licence under this Act.

(2) Section 8 of *The Artificial Insemination of Cattle Act, 1962-63*, 1962-63, c. 5, s. 8, is repealed and the following substituted therefor: re-enacted

8.—(1) The Commissioner shall issue a licence to a Licence, issue person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to carry on the operations that would be authorized by the licence;
- (b) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the operations that would be authorized by the licence will not be carried on in accordance with law;
- (c) the applicant does not possess or will not have available all premises, facilities and equipment necessary to carry on the operations that would be authorized by the licence in accordance with this Act and the regulations; or
- (d) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(2) Subject to section 8a, the Commissioner shall renew Renewal a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

8a.—(1) The Commissioner may refuse to renew or may Refusal to renew, suspension or cancellation suspend or cancel a licence if, after a hearing, he is of opinion that,

- (a) the premises, facilities and equipment used in the operations authorized by the licence do not comply with this Act and the regulations;
- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has permitted any person under his control or direction in connection with the operations authorized by the licence to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder or of any law applying to the operations authorized by the licence and such contravention warrants such refusal to renew, suspension or cancellation of the licence; or
- (c) any other ground for refusal to renew, suspension or cancellation specified in the regulations exists.

Provisional
suspension,
etc.

- (2) Notwithstanding subsection 1, the Commissioner, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of any animal and the Commissioner so states in such notice giving his reasons therefor, and thereafter the Commissioner shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or cancelled under this Act and the regulations.

Continuation
of licence
pending
renewal

- (3) Subject to subsection 2, where, within the time prescribed or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and has paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Commissioner on his application for renewal.

Notice of
hearing

- 8b.—(1) The notice of a hearing by the Commissioner under section 8 or section 8a shall afford to the applicant or licensee a reasonable opportunity to

show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

(2) An applicant or licensee who is a party to proceedings in which the Commissioner holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. ^{Examination of documentary evidence}

8c. Where the Commissioner has refused to issue or renew or has suspended or cancelled a licence pursuant to a hearing he may at any time of his own motion or on the application of the person who was the applicant or licensee vary or rescind his decision, but the Commissioner shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations. ^{Variation of decision by Commissioner}

8d.—(1) A board to be known as the “Artificial Insemination of Cattle Licence Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure. ^{Review Board established}

(2) A member of the Board shall hold office for not more than five consecutive years. ^{Term of office}

(3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman. ^{Chairman}

(4) A majority of the members of the Board constitutes a quorum. ^{Quorum}

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. ^{Remuneration}

Appeal to Board

8e.—(1) Where the Commissioner refuses to issue or renew or suspends or cancels a licence, the applicant or licensee may by written notice delivered to the Commissioner and filed with the Board within fifteen days after receipt of the decision of the Commissioner appeal to the Board.

Extension of time for appeal

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1 either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Disposal of appeal

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or cancelled and may, after the hearing, confirm or alter the decision of the Commissioner or direct the Commissioner to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Commissioner.

Effect of decision pending disposal of appeal

(4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Commissioner, unless the Commissioner otherwise directs, the decision of the Commissioner is effective until the appeal is disposed of.

Parties

8f.—(1) The Commissioner, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Members making decision not to have taken part in investigation, etc.

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the

nature of the advice should be made known to the parties in order that they may make submissions as to the law.

- (3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
- (4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971, c. ... 1971.* Findings of fact
- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision
- 8g—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court. Appeal to court
- (2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Minister entitled to be heard
- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal. Record to be filed in court
- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Commissioner to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Powers of court on appeal

Board as the court considers proper, and the court may substitute its opinion for that of the Commissioner or the Board.

Effect of
decision of
Board
pending
disposal
of appeal

- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

1960-61,
c. 5, s. 1,
amended

10.—(1) Section 1 of *The Bailiffs Act, 1960-61*, as amended by section 1 of *The Bailiffs Amendment Act, 1964*, is further amended by adding thereto the following clause:

(aa) “business premises” does not include a dwelling.

1960-61, c. 5,
s. 1, cl. *ca*
(1964, c. 5, s. 1),
re-enacted

(2) Clause *ca* of the said section 1, as enacted by section 1 of *The Bailiffs Amendment Act, 1964*, is repealed and the following substituted therefor:

(ca) “Director” means the Director of the Consumer Protection Division of the Department of Financial and Commercial Affairs;

(cb) “dwelling” means any premises or any part thereof occupied as living accommodation;

(cc) “Registrar” means the Registrar of Collection Agencies under *The Collection Agencies Act, 1968-69*.

1968-69, c. 11

1960-61,
c. 5, s. 1,
amended

(3) The said section 1 is further amended by adding thereto the following clause:

(f) “Tribunal” means the Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*.

1966, c. 41

1960-61,
c. 5, s. 7,
amended

(4) Section 7 of *The Bailiffs Act, 1960-61*, as amended by section 2 of *The Bailiffs Amendment Act, 1964*, is further amended by striking out “Director” in the amendment of 1964 and inserting in lieu thereof “Registrar”.

1960-61,
c. 5, s. 9,
re-enacted

(5) Section 9 of *The Bailiffs Act, 1960-61*, as amended by section 1 of *The Bailiffs Amendment Act, 1965*, is repealed and the following substituted therefor:

9. Subject to section 9a, the Registrar may revoke an appointment where the bailiff, Revocation of appointment

(a) has not complied with this Act or the regulations or *The Costs of Distress Act*; or R.S.O. 1960, c. 74

(b) is, in the opinion of the Registrar, incompetent or without capacity to act responsibly as a bailiff.

9a.—(1) Where the Registrar proposes to revoke an appointment, he shall serve notice of his proposal, together with written reasons therefor, on the bailiff. Notice of proposal to revoke

(2) A notice under subsection 1 shall inform the bailiff that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing. Notice requiring hearing

(3) Where a bailiff does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1. Powers of Registrar where no hearing

(4) Where a bailiff requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take. Powers of Tribunal where hearing

(5) The Registrar, the bailiff who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section. Parties

(6) The Registrar may serve notice under subsection 1 on a bailiff personally or by registered mail addressed to his address last known to the Registrar and, where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the bailiff on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date. Service of notice

Order effective notwithstanding appeal 1966, c. 41

9b. Notwithstanding that a bailiff appeals from an order of the Tribunal under section 8e of *The Department of Financial and Commercial Affairs Act, 1966*, the order takes effect immediately but the Tribunal may grant a stay until disposition of the appeal.

1960-61, c. 5, s. 10, subs. 2, amended

(6) Subsection 2 of section 10 of *The Bailiffs Act, 1960-61*, as amended by section 3 of *The Bailiffs Amendment Act, 1964*, is further amended by striking out "Director" in the amendment of 1964 and inserting in lieu thereof "Registrar".

1960-61, c. 5, s. 10a (1964, c. 5, s. 4), subs. 2, amended

(7) Subsection 2 of section 10a of *The Bailiffs Act, 1960-61*, as enacted by section 4 of *The Bailiffs Amendment Act, 1964*, is amended by striking out "Director" in the second line and inserting in lieu thereof "Registrar".

1960-61, c. 5, s. 10a, subs. 4 (1966, c. 11, s. 1), amended

(8) Subsection 4 of the said section 10a, as enacted by section 1 of *The Bailiffs Amendment Act, 1966*, is amended by striking out "Director" in the first line and in the third line and inserting in lieu thereof in each instance "Registrar".

1960-61, c. 5, s. 10a, subs. 5 (1966, c. 11, s. 1), re-enacted

(9) Subsection 5 of the said section 10a, as enacted by section 1 of *The Bailiffs Amendment Act, 1966*, is repealed and the following substituted therefor:

Investigation

(5) The Registrar may appoint in writing a person to investigate the business of a bailiff as a bailiff and any such person, upon the production of evidence of his appointment under this subsection, may enter between 9 o'clock in the forenoon and 5 o'clock in the afternoon the business premises of the bailiff and examine books, papers, documents and things relating to his business as a bailiff.

Obstruction of investigator

(5a) No person shall obstruct a person appointed to make an investigation under subsection 5 or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

1960-61, c. 5, s. 12, subs. 1, amended

(10) Subsection 1 of section 12 of *The Bailiffs Act, 1960-61* is amended by inserting after "9" in the second line "or 9a".

1960-61, c. 5, amended

(11) *The Bailiffs Act, 1960-61* is amended by adding thereto the following section:

Matters confidential

13a. Every person employed in the administration of this Act, including any person making an examination under section 10a shall preserve secrecy in respect of all matters that come to his knowledge in the course

of his duties, employment or examination and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

○ (12) Clause *d* of section 15 of *The Bailiffs Act, 1960-61* is repealed. 1960-61,
c. 5, s. 15,
cl. d,
repealed

11.—(1) Subsection 1 of section 2 of *The Beach Protection Act* is amended by striking out “and may suspend or cancel any licence” in the fifth and sixth lines. R.S.O. 1960,
c. 31, s. 2,
subs. 1,
amended

(2) *The Beach Protection Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 31,
amended

2a.—(1) The Minister may refuse to issue a licence to take sand from a bed, bank, beach, shore, waters, bar or flat mentioned in subsection 1 of section 2 that is the property of the Crown on any ground upon which he considers it to be contrary to the public interest to issue the licence. Refusal to
issue
licence

(2) Subject to section 9, where a bed, bank, beach, shore, waters, bar or flat mentioned in subsection 1 of section 2 is owned by a person other than the Crown, the owner or a person who has acquired from the owner the right to remove sand therefrom, is entitled to be issued a licence by the Minister unless the Minister is of opinion that, Idem

(a) the taking or removal of sand therefrom is contrary to the public interest on the ground that it will,

- (i) unduly impair or interfere with the natural state or use of waters or the value or use of property,
- (ii) likely cause undue erosion of or accretion to lands, or

- (iii) likely create a threat to roads, rights-of-way, structures or installations or to health or safety,

in the place from which the sand is to be taken or the area adjacent or near to such place; or

- (b) the equipment that the applicant proposes to use for removal of the sand is not proper or suitable for such purpose.

Suspension,
etc., of
licence

- (3) The Minister may, in accordance with section 2b, refuse to renew or may suspend or revoke a licence,

(a) if the licensee has contravened or failed to comply with the terms and conditions of the licence; or

(b) on any grounds upon which he might refuse to issue the licence if application was being made for it in the first instance.

Reference to
Mining
Com-
missioner

- 2b.--(1) Subject to subsection 7, before refusing to issue a licence under subsection 2 of section 2a or to renew any licence or before suspending or revoking any licence, the Minister shall refer the matter to the Mining Commissioner appointed under *The Mining Act* for a hearing and report.

R.S.O. 1960,
c. 241

Hearing

- (2) Pursuant to a reference by the Minister under this section, the Mining Commissioner shall hold a hearing as to whether the licence to which the hearing relates should be issued or renewed or should be suspended or revoked, as the case may be, and the applicant or licensee and such other person as the Commissioner specifies shall be parties to the hearing.

Application
of 1971, c.
ss. 6-16, 21-23

- (3) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section.

Assistance
for Com-
missioner

- (4) The Mining Commissioner may obtain the assistance of engineers, surveyors or other scientific persons who may under his order view and examine the property in question, and in making his report he may give such weight to their opinion or report as he considers proper.

Report
of Com-
missioner

- (5) At the conclusion of a hearing under this section, the Mining Commissioner shall make a report to the

Minister setting out his findings of fact and any information or knowledge used by him in reaching his recommendations, any conclusions of law he has arrived at relevant to his recommendations and his recommendations as to the issue, renewal, suspension or revocation of the licence to which the hearing relates, as the case may be, and shall send a copy of his report to the applicant or licensee to whom it relates.

- (6) After considering the report of the Mining Commissioner under this section, the Minister may thereupon refuse to issue or to renew or may suspend or revoke the licence to which the report relates and shall give notice of his decision to the applicant or licensee specifying the reasons therefor. Decision of Minister

- (7) Notwithstanding subsection 1, the Minister, by notice to a licensee and without referring the matter to the Mining Commissioner for a hearing, may provisionally refuse renewal of, or suspend the licensee's licence where the continuation of operations under the licence 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 the Minister shall forthwith thereafter refer the matter to the Mining Commissioner and the provisions of subsections 1 to 6 shall apply. Provisional suspension, etc.

- (3) Section 13 of *The Beach Protection Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 31, s. 13, re-enacted

13. Where it is proved in any prosecution under this Act that the accused has done or committed any act or thing for which a licence or the consent of any person or persons is required under this Act, the burden of proving that the required licence was issued or consent was given shall rest upon the accused. Burden of proof

- (4) Subsection 1 of section 14 of *The Beach Protection Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 31, s. 14, subs. 1, re-enacted

- (1) A person to whom a licence to take sand from property of the Crown in right of Ontario is issued may be required to pay to the Crown, in addition to his licence fee, a fixed sum for every yard of sand removed under the authority of the licence. Royalties

- (5) Clause *d* of section 16 of *The Beach Protection Act* is repealed. R.S.O. 1960, c. 31, s. 16, cl. d, repealed

R.S.O. 1960,
c. 33, s. 5,
subss. 1, 2,
re-enacted

12.—(1) Subsections 1 and 2 of section 5 of *The Bees Act* is repealed and the following substituted therefor:

Destruction
or treatment
of infected
bees

(1) Where an inspector has reasonable grounds for believing that disease of a virulent type exists in any bees or the causal organisms of such disease exist in or on any hives or equipment pertaining to the keeping of bees, he may, by order in writing,

(a) require the bee-keeper to disinfect such bees, hives or equipment in such manner and within such period as the order requires; or

(b) require the bee-keeper to destroy by fire, within such period as the order requires, such bees, hives or equipment as in the opinion of the inspector cannot be disinfected.

Treatment
of infected
bees

(2) Where an inspector has reasonable grounds for believing that disease not of a virulent type exists in any bees or the causal organisms of such disease exist in or on any hives or equipment pertaining to the keeping of bees, he may, by order in writing, require the bee-keeper to disinfect such bees, hives or equipment in such manner and within such period as the order requires.

R.S.O. 1960,
c. 33, s. 5,
subs. 4,
re-enacted

(2) Subsection 4 of the said section 5 is repealed and the following substituted therefor:

Order

(4) Every order under this section shall be delivered to the bee-keeper by an inspector or mailed by prepaid mail to his last or usual place of abode and shall contain notice to the bee-keeper that he may appeal from the order to the Provincial Apiarist within five days after receipt of the order and where the order is mailed, the bee-keeper shall be deemed to have received the order on the third day after the day of mailing unless he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the order until a later date.

R.S.O. 1960,
c. 33, s. 7,
subs. 2,
re-enacted

(3) Subsection 2 of section 7 of *The Bees Act* is repealed and the following substituted therefor:

Appeal

(2) An appeal under this section may be made in writing or orally or by telephone to the Provincial Apiarist, but the Provincial Apiarist may require the grounds for appeal to be specified in writing before the hearing.

- (3) Upon being notified of an appeal, the Provincial ^{Hearing} Apiarist shall, after a hearing, confirm, revoke or modify the order appealed against and shall notify the appellant of his decision by prepaid mail and the appellant shall carry out such order as is given by the Provincial Apiarist in his decision.
- (4) The bee-keeper and the inspector who made the ^{Parties} order appealed from are parties to an appeal under this section.
- 13.**—(1) Section 4 of *The Boundaries Act* is repealed. R.S.O. 1960,
c. 38, s. 4,
repealed
- (2) *The Boundaries Act* is amended by adding thereto the R.S.O. 1960,
c. 38,
amended following section:
- 11a.**—(1) The applicant, any person who delivers a state- ^{Parties} ment of objections under section 11 and such other person as the director may specify are parties to the proceeding for the confirmation of the survey and plan.
- (2) Notwithstanding *The Statutory Powers Procedure Act, 1971*, the publication of and the giving of notice in accordance with subsection 1 of section 10 is a sufficient compliance with section 6 of that Act. Notice of
hearing
1971, c. ...
- (3) Subsection 6 of section 12 of *The Boundaries Act*, as R.S.O. 1960,
c. 38, s. 12,
subs. 6
(1961-62,
c. 9, s. 5),
re-enacted enacted by section 5 of *The Boundaries Amendment Act, 1961-62*, is repealed and the following substituted therefor:
- (6) In addition to giving notice of his decision to the Publication
of notice of
confirmation parties in accordance with *The Statutory Powers Procedure Act, 1971*, the director shall cause notice of the confirmation to be published in *The Ontario Gazette*.
- (7) The oral evidence taken before the director at a hear- <sup>Recording
of evidence</sup> ing shall be recorded, and, if so required, copies or a transcript thereof shall be furnished upon payment of the prescribed fees.
- (4) Subsection 2 of section 13 of *The Boundaries Act* is R.S.O. 1960,
c. 38, s. 13,
subs. 2,
re-enacted repealed and the following substituted therefor:
- (2) Notice of an appeal under this section shall be served <sup>Notice of
appeal</sup> by the appellant upon the director and the other parties to the proceedings before him within twenty days after the date of the publication in *The Ontario Gazette* of the notice of confirmation. R.S.O. 1960,
c. 38, s. 21,
cl. e,
repealed
- (5) Clause *e* of section 21 of *The Boundaries Act* is repealed.

R.S.O. 1960,
c. 48, s. 2
(1961-62,
c. 13, s. 1),
s. 3,
repealed

14.—(1) Section 2, as re-enacted by section 1 of *The Certification of Titles Amendment Act, 1961-62*, and section 3 of *The Certification of Titles Act* are repealed.

R.S.O. 1960,
c. 48, s. 7,
subs. 1,
cls. c, d,
re-enacted

(2) Clauses *c* and *d* of subsection 1 of section 7 of *The Certification of Titles Act* are repealed and the following substituted therefor:

(c) to be served on,

- (i) the owner, mortgagee or chargee, or his assignee, of land adjoining the land of the applicant,
- (ii) any person shown in the application to have a claim adverse to the claim of the applicant,
- (iii) any person other than the applicant shown in the application to be in possession of the land, and
- (iv) such other person as the Director of Titles may specify.

R.S.O. 1960,
c. 48, s. 7,
subs. 2
(1961-62, c. 13,
s. 2),
re-enacted

(3) Subsection 2 of section 7 of *The Certification of Titles Act*, as enacted by section 2 of *The Certification of Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Service of
notice

- (2) A notice to be served on the owner, mortgagee or chargee, or his assignee, of the land adjoining the land of the applicant under subclause i of clause *c* of subsection 1 is sufficiently served if it is sent by registered mail addressed to him at the address furnished under section 176 of *The Land Titles Act* or section 45 of *The Registry Act* or, where no such address has been furnished, addressed to the solicitor whose name appears on the conveyance, mortgage or charge, or assignment thereof, under which he appears to have an interest in such adjoining land.

Idem

- (3) Notice to be served on any person under subclauses ii, iii and iv of clause *c* of subsection 1 may be served in such manner as the Director of Titles considers proper.

R.S.O. 1960,
c. 48, s. 8,
subs. 2,
re-enacted

(4) Subsection 2 of section 8 of *The Certification of Titles Act* is repealed and the following substituted therefor:

Hearing

- (2) Where a claim adverse to or inconsistent with the claim set out in an application is filed with the

Director of Titles, the Director, before refusing an application in whole or in part, shall afford an opportunity for a hearing.

- (3) The applicant, a person, if any, filing a claim adverse to or inconsistent with the claim set out in the application and such other persons as the Director of Titles may specify are parties to the proceedings in which a hearing is held under this section. Parties
- (4) The oral evidence taken before the Director of Titles at a hearing shall be recorded, and, if so required, copies or a transcript thereof shall be furnished upon the payment of the prescribed fees. Evidence
- (5) The Director of Titles, in the place of holding a hearing under this section to determine the validity of a claim adverse to or inconsistent with the claim set out in an application, may refer the determination to a judge of the Supreme Court who shall hear and determine the claim on the evidence before him or may direct the trial of an issue. Reference to judge of Supreme Court
- (5) Subsection 3 of section 9 of *The Certification of Titles Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 48, s. 9, subs. 3, re-enacted
- (3) Any person aggrieved by the written findings of the Director of Titles may, within fifteen days after the date of the mailing of the copies under subsection 2, appeal to the Supreme Court, which may decide the matter on the evidence before it or may direct the trial of an issue. Appeal
- (6) The said section 9 is amended by adding thereto the following subsection: R.S.O. 1960, c. 48, s. 9, amended
- (6) Sections 17 and 18 of *The Statutory Powers Procedure Act, 1971* do not apply to proceedings to determine an application for a certificate of title under this Act. Certain provisions of 1971, c. ..., not to apply
- (7) Section 16 of *The Certification of Titles Act*, as re-enacted by subsection 1 of section 3 of *The Certification of Titles Amendment Act, 1970*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 48, s. 16 (1970, c. 37, s. 3, subs. 1.), amended
- (4a) Before refusing a claim for compensation under this section, in whole or in part, the Director of Land Registration shall hold a hearing, and the person Hearing

claiming compensation and such other persons as the Director of Land Registration may specify are parties to the proceedings.

R.S.O. 1960,
c. 48, s. 18,
cl. h,
repealed

(8) Clause *h* of section 18 of *The Certification of Titles Act* is repealed.

R.S.O. 1960,
c. 50, s. 7,
re-enacted

15. Section 7 of *The Charitable Gifts Act* is repealed and the following substituted therefor:

Investigation

7.—(1) The Treasurer of Ontario may appoint any person to make an investigation for any purpose related to the administration or enforcement of this Act respecting any interest in any business that has been given to or vested in any person for any religious, charitable, educational or public purpose or respecting any person to or in whom any such interest has been given or vested.

Powers

1971, c. ...

(2) Every person appointed under subsection 1 to make an investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the investigation as if it were an inquiry under that Act.

1962-63,
c. 11, s. 2
(1968, c. 11,
s. 2),
re-enacted

16.—(1) Section 2 of *The Charitable Institutions Act, 1962-63*, as re-enacted by section 2 of *The Charitable Institutions Amendment Act, 1968*, is repealed and the following substituted therefor:

Approval of
corporations

R.S.O. 1960,
c. 71

2. Where the Lieutenant Governor in Council is satisfied that any corporation without share capital having objects of a charitable nature to which Part III of *The Corporations Act* applies or that is incorporated under a general or special Act of the Parliament of Canada is, with financial assistance under this Act, financially capable of establishing, maintaining and operating a charitable institution and that its affairs are carried on under competent management in good faith for charitable purposes, he may approve such corporation for the purposes of this Act.

1962-63,
c. 11, s. 3,
re-enacted

(2) Section 3 of *The Charitable Institutions Act, 1962-63*, as amended by section 3 of *The Charitable Institutions Amendment Act, 1968*, is repealed and the following substituted therefor:

3.—(1) Where the Lieutenant Governor in Council is ^{Approval of buildings} satisfied that a building is suitable for providing accommodation as a charitable institution in accordance with this Act and the regulations, he may approve such building as a charitable institution for the maintenance and operation of which assistance may be given under this Act.

(2) An approval given under subsection 1 may take ^{Effective date of approval} effect on any date fixed by the Lieutenant Governor in Council that is prior to the date on which the approval is given, but in no case shall the date upon which the approval takes effect precede the date of the approval given under section 2 to the corporation maintaining and operating the charitable institution.

(3) Section 10 of *The Charitable Institutions Act, 1962-63* is ^{1962-63, c. 11, s. 10, re-enacted} repealed and the following substituted therefor:

10.—(1) Subject to this section, any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister if, ^{Suspension and revocation of approvals}

(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 provision; or

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

(2) Subject to subsection 6 and except where an ^{Hearing} 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.

(3) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a ^{Application of 1971, c. ...} 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.

1962-63,
c. 11, s. 11,
cl. n,
repealed

- (4) Clause *n* of section 11 of *The Charitable Institutions Act, 1962-63* is repealed.

R.S.O. 1960,
c. 52, s. 5,
subs. 1,
cl. e,
repealed

- 17.**—(1) Clause *e* of subsection 1 of section 5 of *The Charities Accounting Act* is repealed.

R.S.O. 1960,
c. 52, s. 6,
subs. 4,
re-enacted

- (2) Subsection 4 of section 6 of *The Charities Accounting Act* is repealed and the following substituted therefor:

Powers of
Public
Trustee

- (4) In making an investigation directed under subsection 3, the Public Trustee has and may exercise any of the powers conferred on him by this Act and any of the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the investigation as if it were an inquiry under that Act.

R.S.O. 1960,
c. 54, s. 1,
amended

- 18.**—(1) Section 1 of *The Children's Boarding Homes Act*, as amended by section 1 of *The Children's Boarding Homes Amendment Act, 1962-63*, is further amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses:

(a) "Board" means the Day Nursery Review Board established under *The Day Nurseries Act, 1966*; 1966, c. 37

(da) "occupier" means the occupier of a children's boarding home who applied for registration of the home under this Act.

(2) Subsections 1 and 2 of section 6 of *The Children's Boarding Homes Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 54, s. 6, subss. 1, 2, re-enacted

(1) Subject to section 8, upon application in the prescribed form and upon payment of the prescribed fee, the Registrar shall record in a register kept by him for the purpose the name and address of the applicant, the name, if any, and address of the children's boarding home, the date of registration and such other particulars as the regulations prescribe. Registration

(2) Subject to section 8a, every registration remains in force for twelve months and, upon application therefor in the prescribed form and upon payment of the prescribed fee, is renewable for a period of twelve months. Idem

(3) Subsection 2 of section 7 of *The Children's Boarding Homes Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 54, s. 7, subss. 2, re-enacted

(2) Where the applicant for registration is dissatisfied with the maximum number of children referred to in subsection 1 fixed by the Registrar, he may by written notice given to the Registrar and the Board require a hearing by the Board and the Board shall appoint a time for and hold a hearing. Review of decision of Registrar

(3) Pursuant to a hearing under subsection 1, the Board may affirm the maximum number of children determined by the Registrar or may determine such other number of children that may be lodged, boarded or cared for at any one time in the registered premises as it considers proper. Decision of Board

(4) Where a children's boarding home is used at any time, except in the case of emergency, to lodge, board or care for a greater number of children than the maximum finally determined under this section, the occupier or, where the occupier is a corporation, Offence

the corporation and every officer, director or servant thereof concerned in the management of the home are severally guilty of an offence and on summary conviction are liable to a fine of not more than \$25 for every day during which such use is continued.

R.S.O. 1960,
c. 54, s. 8,
re-enacted

(4) Section 8 of *The Children's Boarding Homes Act* is repealed and the following substituted therefor:

Refusal to
register

8. Subject to section 8b, the Registrar may refuse to register a children's boarding home if in his opinion,

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to operate a children's boarding home in a responsible manner in accordance with this Act and the regulations;
- (b) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the home will not be operated in accordance with this Act and the regulations; or
- (c) the building or accommodation in which it is proposed to operate the home does not comply with the requirements of this Act and the regulations.

Revocation
or refusal to
review
registration

8a. Subject to section 8b, the Registrar may refuse to renew or may revoke registration of a children's boarding home if in his opinion,

- (a) the registrant or, where the registrant is a corporation, any officer, director or servant thereof, has contravened or has knowingly permitted any person under his control or direction or associated with him in the operation of the home to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder applying to the carrying on of the home and such contravention occurred through lack of competence or with intent to evade the requirements of such provision;
- (b) the building or accommodation in which the children's boarding home is operated does not comply with the requirements of this Act or the regulations; or

(c) the children's boarding home is operated in a manner that is prejudicial to the safety or welfare of the children boarded therein.

8b.—(1) Where the Registrar proposes to refuse to register or to renew or to revoke registration under this Act, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant. Notice of proposal to refuse to register, etc.

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Board and he may so require such a hearing. Notice requiring hearing

(3) Where an applicant or registrant does not require a hearing by the Board in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1. Powers of Registrar where no hearing

(4) Where an applicant or registrant requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Registrar. Powers of Board where hearing

8c.—(1) Service of a notice under subsection 1 of section 8b on an applicant or registrant may be made personally or by registered mail addressed to the applicant or registrant at his address last known to the Registrar and, where it is served by registered mail, it shall be deemed to have been served on the third day after the day of mailing unless the applicant or registrant establishes to the Board that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive it until a later date. Service of notice

(2) The Board may extend the time for requiring a hearing under section 8b, either before or after expiration of the time fixed therein, where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or registrant pursuant to a hearing and Extension of time for requiring hearing

that there are reasonable grounds for applying for the extension and may give such directions as it considers proper consequent upon the extension.

Continuation
of
registration
pending
renewal

- (3) Subject to section 8e where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for requiring a hearing has expired and, where a hearing is required, until the Board has made its decision.

Application
of 1966, c. 37

- 8d. Sections 5g and 5h of *The Day Nurseries Act, 1966* apply *mutatis mutandis* to proceedings by the Board under this Act and to appeals therefrom.

Provisional
suspension,
etc.

- 8e. Notwithstanding section 8b, the Registrar by notice to a registrant and without a hearing, may provisionally refuse renewal of or suspend registration of the registrant where the operation of the children's boarding home is, in the Registrar's opinion, an immediate threat to the safety or welfare of the children boarded therein and the Registrar so states in such notice giving his reasons therefor, and thereafter the provisions of section 8b apply as if the notice given under this section were a notice of a proposal to revoke the registration under subsection 1 of section 8b.

R.S.O. 1960,
c. 54, s. 14,
cl. i,
repealed

- (5) Clause *i* of section 14 of *The Children's Boarding Homes Act* is repealed.

1962-63,
c. 14, s. 2
(1968, c. 13,
s. 2),
re-enacted

- 19.—(1) Section 2 of *The Children's Institutions Act, 1962-63*, as re-enacted by section 2 of *The Children's Institutions Amendment Act, 1968*, is repealed and the following substituted therefor:

Approval of
corporations

2. Where the Lieutenant Governor in Council is satisfied that any corporation without share capital having objects of a charitable nature to which Part III of *The Corporations Act* applies or that is incorporated under a general or special Act of the Parliament of Canada is, with financial assistance under this Act, financially capable of establishing, maintaining and operating a children's institution and that its affairs

R.S.O. 1960,
c. 71

are carried on under competent management in good faith for charitable purposes, he may approve such corporation for the purposes of this Act.

(2) Section 3 of *The Children's Institutions Act, 1962-63*,^{1962-63, c. 14, s. 3, re-enacted} as amended by section 3 of *The Children's Institutions Amendment Act, 1968*, is repealed and the following substituted therefor:

3.—(1) Where the Lieutenant Governor in Council is satisfied that a building is suitable for providing accommodation as a children's institution in accordance with this Act and the regulations, he may approve such building as a children's institution for the maintenance and operation of which assistance may be given under this Act. Approval of children's institutions

(2) An approval given under subsection 1 may take effect on any date fixed by the Lieutenant Governor in Council that is prior to the date on which the approval is given, but in no case shall the date upon which the approval takes effect precede the date of the approval given under section 2 to the corporation maintaining and operating the children's institution. Effective date of approval

(3) Section 10 of *The Children's Institutions Act, 1962-63* is^{1962-63, c. 14, s. 10, re-enacted} repealed and the following substituted therefor:

10.—(1) Subject to this section, any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister if, Suspension and revocation of approvals

(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 provision; or

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

(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 Hearing

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. . . .

- (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 of
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 may 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.

1962-63,
c. 14, s. 11,
cl. q,
repealed

- (4) Clause q of section 11 of *The Children's Institutions Act, 1962-63* is repealed.

1968-69,
c. 10, ss. 5, 6,
re-enacted

20.—(1) Sections 5 and 6 of *The Children's Mental Health Centres Act, 1968-69* are repealed and the following substituted therefor:

Issue of
licence

- 5.—(1) Subject to subsection 2, any person who applies in accordance with this Act and the regulations for a licence to operate a centre and pays the prescribed fee is entitled to be issued such licence on reasonable terms and conditions by the Director.

(2) Subject to section 9, the Director may refuse to issue ^{Refusal to issue} a licence if in his opinion,

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to operate a centre in a responsible manner in accordance with this Act and the regulations;
- (b) the past conduct of the applicant or, where the applicant is a corporation, of any of its officers or directors, affords reasonable grounds for belief that the centre will not be operated in accordance with this Act and the regulations;
- (c) the premises or facilities in which it is proposed to operate the centre do not comply with the requirements of this Act or the regulations;
- (d) the applicant is not in a position to provide services in accordance with this Act and the regulations; or
- (e) there is no public need for the centre in the area where the applicant proposes to establish, operate or maintain a centre.

6. Subject to section 9, the Director may revoke a ^{Revocation} licence under this Act if in his opinion,

- (a) the licensee or, where the licensee is a corporation, any officer, director or servant thereof, has contravened or has knowingly permitted any person under his control or direction or associated with him in the operation of the centre to contravene,
 - (i) any provision of this Act or the regulations or of any other Act or the regulations thereunder applying to the carrying on of the centre, or
 - (ii) any term or condition of the licence,

and such contravention occurred through lack of competence or with intent to evade the requirements of such provision or such term or condition;

(b) the premises or facilities in which the centre is operated do not comply with the requirements of this Act; or

(c) the centre is operated in a manner that is prejudicial to the health, safety or welfare of the children cared for therein.

1968-69,
c. 10, ss. 8-12,
re-enacted;
ss. 13, 14,
repealed

(2) Sections 8, 9, 10, 11, 12, 13, and 14 of *The Children's Mental Health Centres Act, 1968-69* are repealed and the following substituted therefor:

Hearing
re terms
of licence

8.—(1) Where the Director issues a licence under this Act and the licensee is dissatisfied with the terms and conditions thereof prescribed by the Director, the licensee may by written notice given to the Director and the Board require a hearing by the Board, and the Board shall appoint a time for and hold a hearing.

Decision
of Board

(2) Pursuant to a hearing under subsection 1, the Board may affirm the terms and conditions prescribed for the licence by the Director or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in the place of those prescribed by the Director as it considers proper and such terms and conditions shall be terms and conditions of the licence.

Proposal
to refuse
to issue
or revoke

9.—(1) Where the Director proposes to refuse to issue or to revoke a licence under this Act, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

Notice

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Director and the Board and he may so require such a hearing.

Powers of
Director
where no
hearing

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1.

Powers of
Board
where
hearing

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director

to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Director.

- (5) The Board may extend the time for the giving of notice requiring a hearing by an applicant or licensee under this section either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension and the Board may give such directions as it considers proper consequent upon the extension.
- Extension of time for requiring hearing

- (6) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,
- Continuation of licence pending renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.

- 10.—(1) The Director, the applicant or licensee who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act.
- Parties

- (2) Notice of a hearing under section 9 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.
- Notice of hearing

- (3) An applicant or licensee who is a party to proceedings under section 9 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.
- Examination of documentary evidence

Members holding hearing not to have taken part in investigation, etc.

- (4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

- (5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

- (6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. ...

Only members at hearing to participate in decision

- (7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of documentary evidence

- (8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal to court

- 11.—(1) Any party to the proceedings before the Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to be filed in court

- (2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Minister entitled to be heard
- (4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Director to take any action which the Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper. Powers of court on appeal
12. Notwithstanding section 9, the Director, by notice to a licensee and without a hearing, may provisionally suspend the licensee's licence where the operation of the centre under the licence is, in the Director's opinion, an immediate threat to the health, safety or welfare of the children cared for therein and the Director so states in such notice giving his reasons therefor, and thereafter the provisions of section 9 apply as if the notice given under this section were a notice of a proposal to revoke the licence under subsection 1 of section 9. Provisional suspension
- (3) Section 15 of *The Children's Mental Health Centres Act, 1968-69* is amended by striking out "14" in the second line and inserting in lieu thereof "12". 1968-69, c. 10, s. 15, amended
- (4) Subsection 3 of section 17 of *The Children's Mental Health Centres Act, 1968-69* is amended by inserting after "time" where it appears the third time in the fifth line "upon the production of his appointment under this section". 1968-69, c. 10, s. 17, subs. 3, amended
- (5) Section 18 of *The Children's Mental Health Centres Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 10, s. 18, re-enacted
18. Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his last known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date. Service of notice

1968-69,
c. 10, s. 21,
cl. b,
re-enacted

(6) Clause *b* of section 21 of *The Children's Mental Health Centres Act, 1968-69* is repealed and the following substituted therefor:

- (b) providing for the remuneration and expenses of members of the Licensing Board of Review;
- (ba) providing for the issuing or renewal of licences or provisional licences for centres and prescribing the terms and conditions of licences.

1968-69,
c. 11, s. 1,
amended

21.—(1) Section 1 of *The Collection Agencies Act, 1968-69* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses:

(a) "business premises" does not include a dwelling;

.

(da) "dwelling" means any premises or any part thereof occupied as living accommodation.

1968-69,
c. 11, ss. 6-8,
re-enacted,
ss. 9-21,
repealed

(2) Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of *The Collection Agencies Act, 1968-69* are repealed and the following substituted therefor:

Registration

6.—(1) An applicant is entitled to registration or renewal of registration by the Registrar except where,

- (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or
- (c) the applicant is a corporation and,
 - (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or
 - (ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or

(d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. Conditions of registration

7.--(1) Subject to section 8, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 6. Refusal to register

(2) Subject to section 8, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 6 if he were an applicant, or where the registrant is in breach of a term or condition of the registration. Refusal to renew, suspend or revoke

8.--(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant. Notice of proposal to refuse or revoke

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing. Notice requiring hearing

(3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1. Powers of Registrar where no hearing

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar. Powers of Tribunal where hearing

Conditions
of order

- (5) The Tribunal may attach such terms and conditions to its order or, to the registration as it considers proper to give effect to the purposes of this Act.

Parties

- (6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary
cancellation

- (7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Continuation
of
registration
pending
renewal

- (8) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

Order
effective,
stay
1966, c. 41

- (9) Notwithstanding that a registrant appeals from an order of the Tribunal under section 8e of *The Department of Financial and Commercial Affairs Act, 1966*, the order takes effect immediately but the Tribunal may grant a stay until disposition of the appeal.

1968-69,
c. 11, s. 25,
subs. 1,
cl. a,
re-enacted

- (3) Clause a of subsection 1 of section 25 of *The Collection Agencies Act, 1968-69* is repealed and the following substituted therefor:

- (a) is entitled to free access to all books of accounts, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

1968-69,
c. 11, s. 26,
re-enacted

- (4) Section 26 of *The Collection Agencies Act, 1968-69* is repealed and the following substituted therefor:

26. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister, and for the purposes of the investigation the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act.

Investigation
on order
of Minister

1971, c. ...

26a.---(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has,

Investigation
by Director

- (a) contravened any of the provisions of this Act or the regulations; or
- (b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for registration under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

Powers of
investigation

- (a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation; and
- (b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers conferred upon a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

1971, c. ...

Obstruction
of
investigator

- (3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.
- (4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are, in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of
books, etc.

- (5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

Idem

- (6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

(7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4. Appointment of expert

26b.--(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 23, 24, 25, 26 or 26*a* shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except, Matters confidential

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations. Testimony in civil suit

(5) Section 27 of *The Collection Agencies Act, 1968-69* is amended by striking out "26" in the second line and inserting in lieu thereof "26*a*". 1968-69, c. 11, s. 27, amended

(6) Subsection 1 of section 28 of *The Collection Agencies Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 11, s. 28, subs. 1, re-enacted

(1) Where,

- (a) an investigation of any person has been ordered under section 26*a*; or
- (b) criminal proceedings or proceedings in relation to a contravention of any Act or regulation are about to be or have been instituted against a person that are connected with or arise out of the business in respect of which such person is registered,

Order to refrain from dealing with assets

the Director, if he believes it advisable for the protection of clients or customers of the person referred to in clause *a* or *b*, may in writing or by telegram, direct any person having on deposit or under control or for safekeeping any assets or trust funds of the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any person having any of them on deposit or under control or for safekeeping or to hold such assets or any trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act*, 1970 or the *Winding-up Act* (Canada), or until the Director revokes or the Tribunal cancels such direction or consents to the release of any particular assets or trust funds from the direction but, in the case of a bank, loan or trust company, the direction only applies to the office, branches or agencies thereof named in the direction.

R.S.O. 1960,
cc. 197, 71,
1970, c. 25,
R.S.C. 1952,
cc. 14, 296

1968-69,
c. 11, s. 28,
amended

(7) The said section 28 is amended by adding thereto the following subsection:

Cancellation
of direction
or
registration

(5) Any person referred to in clause *a* or *b* of subsection 1 in respect of whom a direction has been given by the Director under subsection 1 or any person having an interest in land in respect of which a notice has been registered under subsection 4, may, at any time apply to the Tribunal for cancellation in whole or in part of the direction or registration, and the Tribunal shall dispose of the application after a hearing and may, if it finds that such a direction or registration is not required in whole or in part for the protection of clients or customers of the applicant or of other persons interested in the land or that the interests of other persons are unduly prejudiced thereby, cancel the direction or registration in whole or in part, and the applicant, the Director and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal.

1968-69,
c. 11, s. 30,
subs. 1,
amended

(8) Subsection 1 of section 30 of *The Collection Agencies Act*, 1968-69 is amended by inserting after "other" in the fourth line "similar".

1968-69,
c. 11, s. 30,
subs. 2,
re-enacted

(9) Subsection 2 of section 30 of *The Collection Agencies Act*, 1968-69 is repealed and the following substituted therefor:

- (2) Where the Registrar believes on reasonable and probable grounds that any of the material referred to in subsection 1 is harsh, false, misleading or deceptive, the Registrar may alter, amend, restrict or prohibit the use of such material, and section 8 applies *mutatis mutandis* to the order in the same manner as to a proposal by the Registrar to refuse registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. False
advertising
- (10) Section 34 of *The Collection Agencies Act, 1968-69* is repealed and the following substituted therefor: 1968-69,
c. 11, s. 34,
re-enacted
34. Where the Registrar believes on reasonable and probable grounds that a collection agency is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material, and section 8 applies *mutatis mutandis* to the order in the same manner as to a proposal by the Registrar to refuse registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. False
advertising
- (11) Subsection 2 of section 35 of *The Collection Agencies Act, 1968-69* is repealed and the following substituted therefor: 1968-69,
c. 11, s. 35,
subs. 2,
re-enacted
- (2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date. When
service
deemed
made
- (12) Clause *d* of section 38 of *The Collection Agencies Act, 1968-69* is amended by striking out "or to any such person, document or material" in the second and third lines. 1968-69,
c. 11, s. 38,
cl. *d*,
amended
- 22.—(1) Section 17 of *The Construction Safety Act, 1961-62*, as amended by section 8 of *The Construction Safety Amendment Act, 1965*, is repealed and the following substituted therefor: 1961-62,
c. 18, s. 17,
re-enacted
- 17.—(1) Where an inspector is of opinion that any provision of this Act or the regulations is being contravened, he may give such order in writing to such person or persons as is necessary to ensure compliance with such provision and such order shall specify that Order
of inspector

it shall be carried out forthwith or before the expiry of such period as is specified therein and,

- (a) where the order specifies that it be carried out forthwith, all work on the project or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with; or
- (b) where the order specifies the period within which it is to be carried out and it is not carried out within that period, all work on the project or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with.

Appeal

- (2) Any person who considers himself aggrieved by an order of an inspector made under subsection 1 may appeal to the chief officer who shall hear and dispose of the appeal as promptly as is practicable but the bringing of such appeal does not affect the operation of the order appealed from pending disposition of the appeal.

Powers of
chief
officer

- (3) After hearing an appeal under this section, the chief officer may substitute his opinion for that of the inspector and,
 - (a) if he is of opinion that no provision of this Act or the regulations is being contravened, may rescind the order of the inspector; or
 - (b) if he is of opinion that any provision of this Act or the regulations is being contravened,
 - (i) may affirm the order of the inspector, or
 - (ii) may give a new order to the appellant in substitution therefor and for such purpose the chief officer has the powers of an inspector under subsection 1 and clauses *a* and *b* of subsection 1 apply to the order of the chief officer as if it were an order of an inspector under subsection 1.

(4) Where an order is given by an inspector or the chief officer under subsection 1 or 3, a copy thereof may be affixed to the project or any part thereof, and no person, except the inspector or the chief officer, shall remove such copy unless authorized by the inspector or chief officer. Affixing a copy of order to project

(5) Every person to whom an order is given under this Act shall comply with it in accordance with its terms. Compliance with order

(2) *The Construction Safety Act, 1961-62* is amended by renumbering section 17a, as enacted by section 9 of *The Construction Safety Amendment Act, 1965*, as section 17c and by adding thereto the following sections: 1961-62, c. 18, amended

17a.—(1) Any person who considers himself aggrieved by a decision of an inspector under this Act or the regulations, other than an order under section 17, may appeal to the chief officer who shall hear and dispose of the appeal. Appeals from decisions of inspector

(2) On an appeal under this section, the chief officer may substitute his findings or opinions for those of the inspector who made the decision appealed from and may affirm or reverse such decision or make a new decision in substitution therefor and for such purpose has all the powers of the inspector and the decision of the chief officer shall stand in the place of and have like effect under this Act and the regulations as the decision of the inspector. Powers of chief officer

17b.—(1) An appeal under section 17 or 17a may be made in writing or orally or by telephone, but the chief officer may require the grounds for appeal to be specified in writing before the hearing. How appeal made

(2) The appellant, the inspector from whom the appeal is taken and such other persons as the chief officer may specify are parties to an appeal under section 17 or 17a. Parties

(3) Subsection 2 of section 22 of *The Construction Safety Act, 1961-62*, as enacted by section 15 of *The Construction Safety Amendment Act, 1965*, is repealed and the following substituted therefor: 1961-62, c. 18, s. 22, subs. 2 (1965, c. 19, s. 15), re-enacted

(2) Every person to whom an order of an inspector or of the chief officer is given under section 17, Penalty

(a) who contravenes or who knowingly permits any person under his direction and control to contravene such order; or

- (b) who carries on work or knowingly permits any person under his direction or control to carry on work in contravention of subsection 1 or 3 of section 17,

is guilty of an offence and on summary conviction, in addition to the penalties mentioned in subsection 1, is liable to a fine of not more than \$100 a day for every day upon which the offence continued.

1966, c. 23,
s. 1,
amended

23.—(1) Section 1 of *The Consumer Protection Act, 1966*, as amended by section 1 of *The Consumer Protection Amendment Act, 1967*, section 1 of *The Consumer Protection Amendment Act, 1968* and section 1 of *The Consumer Protection Amendment Act, 1968-69*, is further amended by adding thereto the following clauses:

(ab) “business premises” does not include a dwelling;

.

(ea) “dwelling” means any premises or any part thereof occupied as living accommodation.

1966, c. 23,
ss. 5-7
(1968-69,
c. 14, s. 2),
re-enacted;
ss. 8-14
(1968-69,
c. 14, s. 2),
repealed

(2) Sections 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of *The Consumer Protection Act, 1966*, as re-enacted by section 2 of *The Consumer Protection Amendment Act, 1968-69*, are repealed and the following substituted therefor:

Registration

5.—(1) An applicant is entitled to registration or renewal of registration by the Registrar except where,

- (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or
- (c) the applicant is a corporation and,
- (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or

- (ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or
- (d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.
- (2) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. Conditions of registration
- 6.—(1) Subject to section 7, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 5. Refusal to register
- (2) Subject to section 7, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a term or condition of the registration. Refusal to renew, suspend or revoke
- 7.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant. Notice of proposal to refuse or revoke
- (2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing. Notice requiring hearing
- (3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1. Powers of Registrar where no hearing
- (4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar Powers of Tribunal where hearing

to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions
of order

- (5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

- (6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary
cancellation

- (7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Continuation
of
registration
pending
renewal

- (8) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,
- (a) until the renewal is granted; or
 - (b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

Order
effective,
stay

1966, c. 41

- (9) Notwithstanding that a registrant appeals from an order of the Tribunal under section 8e of *The Department of Financial and Commercial Affairs Act, 1966*, the order takes effect immediately but the Tribunal may grant a stay until disposition of the appeal.

1966, c. 23,
ss. 14a-14f
(1968-69,
c. 14, s. 2),
repealed

- (3) Sections 14a, 14b, 14c, 14d, 14e and 14f of *The Consumer Protection Act, 1966*, as enacted by section 2 of *The Consumer Protection Amendment Act, 1968-69*, are repealed.

1966, c. 23,
s. 14j (1968-69,
c. 14, s. 2),
subs. 1,
cl. a,
re-enacted

- (4) Clause a of subsection 1 of section 14j of *The Consumer Protection Act, 1966*, as enacted by section 2 of *The Consumer Protection Amendment Act, 1968-69*, is repealed and the following substituted therefor:

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

.

(5) Subsection 2 of section 14m of *The Consumer Protection Act, 1966*, as enacted by section 2 of *The Consumer Protection Amendment Act, 1968-69*, is repealed and the following substituted therefor: 1966, c. 23, s. 14m (1968-69, c. 14, s. 2), subs. 2, re-enacted

- (2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date. When service deemed made

(6) Clause d of subsection 2 of section 14o of *The Consumer Protection Act, 1966*, as enacted by section 2 of *The Consumer Protection Amendment Act, 1968-69*, is amended by striking out "or to any such person, document or material" in the second and third lines. 1966, c. 23, s. 14o (1968-69, c. 14, s. 2), subs. 2, cl. d, amended

(7) Part I of *The Consumer Protection Act, 1966*, as re-enacted by section 2 of *The Consumer Protection Amendment Act, 1968-69*, is amended by adding thereto the following section: 1966, c. 23, Part I (1968-69, c. 14, s. 2), amended

14p.—(1) Each person employed in the administration of this Act, including any person making an inspection under section 14h, 14i or 14j shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment or inspection and shall not communicate any such matters to any other person except, Matters confidential

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

Testimony
in civil suit

- (2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

1966, c. 23,
s. 31 (1968-69,
c. 14, s. 3),
re-enacted

(8) Section 31 of *The Consumer Protection Act, 1966*, as re-enacted by section 3 of *The Consumer Protection Amendment Act, 1968-69*, is repealed and the following substituted therefor:

False
advertising

31. Where the Registrar believes on reasonable and probable grounds that a seller or lender is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and section 7 applies *mutatis mutandis* to the order in the same manner as to a proposal by the Registrar to refuse registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

1966, c. 23,
s. 33, cl. 1,
repealed

(9) Clause 1 of section 33 of *The Consumer Protection Act, 1966*, as relettered by section 6 of *The Consumer Protection Amendment Act, 1967*, is repealed.

R.S.O. 1960,
c. 67, s. 10,
subs. 1,
re-enacted

24. Subsection 1 of section 10 of *The Co-Operative Loans Act* is repealed and the following substituted therefor:

Inspection of
books, etc.

- (1) The Treasurer may appoint a person to inspect the books, accounts and property and to inquire into the affairs of any co-operative association that has a loan under this Act and a person so appointed has for the purpose of the inspection and inquiry the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the inspection or inquiry as if it were an inquiry under that Act.

1971, c. . . .

1966, c. 37,
s. 1, cl. aa
(1968-69 c. 23,
s. 1, subs. 1)
re-enacted

25.—(1) Clause aa of section 1 of *The Day Nurseries Act, 1966*, as enacted by subsection 1 of section 1 of *The Day Nurseries Amendment Act, 1968-69*, is repealed and the following substituted therefor:

(aa) "Board" means the Day Nursery Review Board established under section 5.

1966, c. 37,
s. 5,
ss. 5a-5i
(1968-69 c. 23,
s. 5),
re-enacted

(2) Section 5, as amended by section 4 of *The Day Nurseries Amendment Act, 1968-69*, and sections 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h and 5i, as enacted by section 5 of *The Day Nurseries Amendment Act, 1968-69*, of *The Day Nurseries Act, 1966*, are repealed and the following substituted therefor:

- 5.—(1) The Lieutenant Governor in Council may ^{Day Nursery Review Board, appointment} appoint a board, consisting of not more than five members to be known as the Day Nursery Review Board and may designate one member of the Board as chairman.
- (2) Three members of the Board constitute a quorum. ^{Quorum}
- (3) The members of the Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council may from time to time determine. ^{Remuneration}
- 5a.—(1) No person shall operate a day nursery without ^{Licence required} a licence therefor issued by the Director and the Director may prescribe in the licence reasonable terms and conditions to the operation of the day nursery.
- (2) Subject to section 5b, any person who applies in ^{Issue} accordance with this Act and the regulations for a licence to operate a day nursery and pays the prescribed fee is entitled to be issued a licence by the Director subject to reasonable terms and conditions.
- (3) Subject to section 5c, a licensee who makes application ^{Renewal} in accordance with this Act and the regulations for renewal of his licence and pays the prescribed fee is entitled to a renewal of his licence by the Director.
- 5b. Subject to section 5e, the Director may refuse to issue ^{Refusal to issue} a licence if in his opinion,
- (a) the applicant, or where the applicant is a corporation, its officers or directors, is or are not competent to operate a day nursery in a responsible manner in accordance with this Act and the regulations;
 - (b) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the day nursery will not be operated in accordance with this Act and the regulations; or
 - (c) the building or accommodation in which it is proposed to operate the day nursery does not comply with the requirements of this Act and the regulations.

Refusal to
renew or
revocation

5c. Subject to section 5e, the Director may refuse to renew or may revoke a licence if in his opinion,

(a) the licensee or, where the licensee is a corporation, any officer, director or servant thereof, has contravened or has knowingly permitted any person under his control or direction or associated with him in the operation of the day nursery to contravene,

(i) any provision of this Act or the regulations or of any other Act or the regulations thereunder applying to the carrying on of the day nursery; or

(ii) any term or condition of the licence,

and such contravention occurred through lack of competence or with intent to evade the requirements of such provision or term or condition;

(b) the building or accommodation in which the day nursery is operated does not comply with the requirements of this Act and the regulations; or

(c) the day nursery is operated in a manner that is prejudicial to the safety or welfare of the children cared for therein.

Review
of terms
of licence
by Board

5d.—(1) Where the Director issues a licence and the licensee is dissatisfied with the terms and conditions thereof prescribed by the Director, the licensee may by written notice given to the Director and the Board require a hearing by the Board and the Board shall appoint a time for and hold a hearing.

Decision
of Board

(2) Pursuant to a hearing under subsection 1, the Board may affirm the terms and conditions prescribed for the licence by the Director or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in the place of those prescribed by the Director as it considers proper, and terms and conditions so prescribed shall be terms and conditions of the licence.

Notice of
proposal
to refuse
to issue or
to revoke

5e.—(1) Where the Director proposes to refuse to issue or renew or to revoke a licence under this Act, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

- (2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Director and the Board and he may so require such a hearing. ^{Notice requiring hearing}
- (3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1. ^{Powers of Director where no hearing}
- (4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Director. ^{Powers of Board where hearing}
- 5f.—(1) Service of a notice under section 5e may be made personally or by registered mail addressed to the applicant or licensee at his address last known to the Director and, where the notice is served by registered mail, it shall be deemed that the notice was served on the third day after the day of mailing unless the applicant or licensee establishes to the Board that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive it until a later date. ^{Service of notice}
- (2) The Board may extend the time for requiring a hearing under section 5e, either before or after expiration of the time fixed therein, where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as it considers proper consequent upon the extension. ^{Extension of time for requiring hearing}
- (3) Subject to section 5i, where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue, ^{Continuation of licence pending renewal}

- (a) until the renewal is granted ; or
- (b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for requiring a hearing has expired and, where a hearing is required, until the Board has made its decision.

Parties

5g.—(1) The Director, the applicant or licensee who has applied for the hearing and such other persons as are specified by the Board are parties to proceedings before a Board under this Act.

Members at hearing not to have taken part in investigation, etc.

(2) A member of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Notice of hearing

(3) Notice of a hearing under section 5e shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the renewal or retention of the licence.

Examination of documentary evidence

(4) An applicant or licensee who is a party to proceedings under section 5d or 5e shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced, or any report the contents of which will be given in evidence at the hearing.

Recording of evidence

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. ...

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision

5h.—(1) Any party to the proceedings before the Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court. Appeal

(2) Where notice of an appeal is served under this section, the Board shall forthwith file with the Registrar of the Supreme Court the record of the proceedings before it in which the decision or order appealed from was made, which, together with the transcript of evidence before the Board if it is not part of the Board's record, shall constitute the record in the appeal. Record to be filed in court

(3) The Minister is entitled to be heard, by counsel or otherwise, on the argument of an appeal under this section. Minister entitled to be heard

(4) The Supreme Court may affirm the decision of the Board appealed from or may rescind it and make such new decision as the court considers proper and, for such purpose, the court may exercise all the powers of the Board after a hearing before it and may substitute its opinion for that of the Board. Powers of court

5i. Notwithstanding section 5e, the Director, by notice to a licensee and without a hearing, may provisionally refuse renewal of or suspend the licensee's licence where the operation of the day nursery under the licence is, in the Director's opinion, an immediate threat to the safety or welfare of the children cared for therein and the Director so states in such notice giving his reasons therefor, and thereafter the provisions of section 5e apply as if the notice given under this section were a notice of a proposal to revoke the licence under subsection 1 of section 5e. Provisional suspension, etc.

(3) Clause h of section 7 of *The Day Nurseries Act, 1966* is repealed. 1966, c. 37, s. 7, cl. h, repealed

26.—(1) Section 1 of *The Dead Animal Disposal Act*, as amended by section 1 of *The Dead Animal Disposal Amend-* R.S.O. 1960, c. 88, s. 1, amended

ment Act, 1965, is further amended by relettering clause *a* as clause *b* and by adding thereto the following clauses:

- (a) "Board" means the Dead Animal Disposal Licence Review Board established by this Act;

(*ea*) "licence" means a licence under this Act.

R.S.O. 1960,
c. 88, s. 5,
subss. 2, 3
(1961-62,
c. 28, s. 3),
repealed

(2) Subsections 2 and 3 of section 5 of *The Dead Animal Disposal Act*, as enacted by section 3 of *The Dead Animal Disposal Amendment Act, 1961-62* and amended by subsections 2 and 3 of section 2 of *The Dead Animal Disposal Amendment Act, 1965*, are repealed.

R.S.O. 1960,
c. 88,
amended

(3) *The Dead Animal Disposal Act* is amended by adding thereto the following sections:

Licence,
issue

5a.—(1) The Director shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to carry on the business that would be authorized by the licence;
- (b) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business that would be authorized by the licence will not be carried on in accordance with law;
- (c) the applicant does not possess or will not have available all premises, facilities and equipment necessary to carry on the business authorized by the licence in accordance with this Act and the regulations; or
- (d) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

Renewal

(2) Subject to section 5*b*, the Director shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

5b.—(1) The Director may refuse to renew or may suspend or revoke a licence if, after a hearing, he is of opinion that, Refusal to renew, suspension or cancellation

- (a) the premises, facilities and equipment used in the business carried on pursuant to the licence do not comply with this Act and the regulations;
- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has permitted any person under his control or direction in connection with the business carried on pursuant to the licence to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder or of any law applying to the carrying on of such business or the conditions for licencing and such contravention warrants such refusal to renew, suspension or revocation of the licence; or
- (c) any other ground for refusal to renew, suspension or revocation specified in the regulations exists.

(2) Notwithstanding subsection 1, the Director, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of any person or of the public and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or revoked under this Act and the regulations. Provisional suspension, etc.

(3) Subject to subsection 2, where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and has paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal. Continuation of licence pending renewal

5c.—(1) The notice of a hearing by the Director under section 5a or section 5b shall afford to the applicant or licensee a reasonable opportunity to show or to Notice of hearing

achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination
of docu-
mentary
evidence

- (2) An applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Variation
of decision
by Director

- 5d. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing he may at any time of his own motion or on the application of the person who was the applicant or licensee vary or rescind his decision, but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

Review
Board
established

- 5e.—(1) A board to be known as the "Dead Animal Disposal Licence Review Board" is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure.

Term
of office

- (2) A member of the Board shall hold office for not more than five consecutive years.

Chairman

- (3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

- (4) A majority of the members of the Board constitutes a quorum.

Remunera-
tion

- (5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine.

Appeal to
Board

- 5f.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director appeal to the Board.

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Extension
of time
for appeal

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director.

Disposal
of appeal

(4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of.

Effect of
decision
pending
disposal
of appeal

5g.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Parties

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Members
making
decision
not to
have taken
part in
investigation,
etc.

(3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Recording
of evidence

(4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence ad-

Findings
of fact

- 1971, c. ...
- missible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.
- Only members at hearing to participate in decision
- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all persons so present participate in the decision.
- Appeal to court
- 5h.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of Court.
- Minister entitled to be heard
- (2) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.
- Record to be filed in court
- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal.
- Powers of court on appeal
- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Director to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Director or the Board.
- Effect of decision of Board pending disposal of appeal
- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.
- R.S.O. 1960, c. 88, s. 8, subs. 3, amended
- (4) Subsection 3 of section 8 of *The Dead Animal Disposal Act*, as amended by section 3 of *The Dead Animal Disposal Amendment Act, 1965*, is further amended by adding at the commencement thereof "Subject to subsection 4".
- R.S.O. 1960, c. 88, s. 8, amended
- (5) The said section 8 is amended by adding thereto the following subsection:

- (4) Except under the authority of a warrant under section 14 of *The Summary Convictions Act*, the Director or an inspector shall not enter any part of a dwelling without the consent of the occupant. Power to enter dwelling
R.S.O. 1960, c. 387

27. *The Department of Correctional Services Act, 1968* is amended by adding thereto the following section: 1968, c. 27, amended

34a. *The Statutory Powers Procedure Act, 1971* does not apply to proceedings for the discipline of inmates in correctional institutions or to their transfer under section 11 or for the authorization under section 19 or 20 of temporary absences of inmates or to proceedings of the Board notwithstanding anything in that Act. Application of 1971, c. ...

28. *The Department of Financial and Commercial Affairs Act, 1966* is amended by adding thereto the following sections: 1966, c. 41, amended

8d.—(1) This section applies to proceedings before the Tribunal. Application of section

(2) Members of the Tribunal holding a hearing shall not have taken part in any investigation or consideration of the subject-matter of the hearing before the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Tribunal may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members holding hearing not to have taken part in investigation, etc.

(3) Where a hearing by the Tribunal is required, Notice of hearing

(a) notice of the hearing shall afford to the person requiring the hearing a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements concerning the subject-matter of the hearing; and

(b) the person requiring the hearing shall be afforded an opportunity to examine before the

hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Recording
of evidence

- (4) The oral evidence taken before the Tribunal at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the payment of such fees therefor as the Lieutenant Governor in Council may prescribe by regulation.

Findings
of fact

- (5) The findings of fact of the Tribunal pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. ...

Only
members at
hearing to
participate
in decision

- (6) No member of the Tribunal shall participate in a decision of the Tribunal pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and except with the consent of the parties no decision of the Tribunal shall be given unless all members so present participate in the decision.

Extension of
time for
giving notice

- (7) Notwithstanding any limitation of time for the giving of any notice requiring a hearing by the Tribunal fixed by or under any Act, and where it is satisfied that there are *prima facie* grounds for granting relief and that there are reasonable grounds for applying for the extension, the Tribunal may extend the time for giving the notice either before or after expiration of the time so limited, and may give such directions as it considers proper consequent upon such extension.

Appeal
from
decision
of Tribunal

- 8e.—(1) Any party to proceedings before the Tribunal may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to be
filed in court

- (2) Where any party appeals from a decision of the Tribunal, the Tribunal shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of the evidence if it is not part of the Tribunal's record, shall constitute the record in the appeal.

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Minister entitled to be heard

(4) An appeal under this section may be made on questions of law or fact or both and the court may exercise all the powers of the Tribunal, and for such purpose the court may substitute its opinion for that of the Registrar or of the Tribunal, or the court may refer the matter back to the Tribunal for rehearing, in whole or in part, in accordance with such directions as the court considers proper. Powers of court on appeal

29.—(1) Subsection 2 of section 9 of *The Department of Labour Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 97, s. 9, subs. 2, re-enacted

(2) For the purpose of procuring such information or for the purpose of assisting the Department in carrying out any of the provisions of section 6, the Minister may authorize the Board or any members of the Board to conduct a public inquiry and the Board and the member or members thereof acting under such authority have, for the purpose of conducting such public inquiry, the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such public inquiry as if it were an inquiry under that Act. Public inquiries by Board 1971. c. ...

(2) Section 11 of *The Department of Labour Act*, as re-enacted by section 2 of *The Department of Labour Amendment Act, 1962-63*, is amended by adding thereto the following subsections: R.S.O. 1960, c. 97, s. 11 (1962-63, c. 33, s. 2), amended

(3) Any person who considers himself aggrieved by an order made by an inspector under this section may appeal to the chief inspector or chief officer having supervision over the inspector or if there is no such chief inspector or chief officer, to the Deputy Minister who shall designate a person to hear and determine the appeal. Appeal

(4) A chief inspector or chief officer to whom an appeal is made under this section or the person designated under subsection 3 to hear an appeal shall hear and dispose of the appeal as promptly as is practicable, but the bringing of such appeal does not affect the operation of the order appealed from pending disposition of the appeal. Hearing

How appeal
made

- (5) An appeal under this section may be made in writing or orally or by telephone, but the person to whom the appeal is made may require the grounds for appeal to be specified in writing before the hearing.

Parties

- (6) The appellant, the inspector from whom the appeal is taken and such other persons as the person to whom the appeal is made may specify are parties to an appeal under this section.

Powers of
person
hearing
appeal

- (7) The person hearing an appeal under this section may substitute his findings or opinions for those of the inspector who made the order appealed from and may affirm or rescind the order or make a new order in substitution therefor and has all the powers of the inspector for such purpose and the decision or order on the appeal shall stand in the place of and have a like effect under this Act and the regulations as the decision or order of the inspector.

1967, c. 23,
s. 7,
re-enacted

30.—(1) Section 7 of *The Department of Social and Family Services Act, 1967* is repealed and the following substituted therefor:

Regulations
governing
occupation
and
operation of
institutions

- 7.—(1) Where any institution or organization is operated or managed for charitable objects or purposes and where,
- (a) the persons operating and managing the institution so request; or
 - (b) the institution or organization procures funds for its operation from the public and the Lieutenant Governor in Council considers it necessary to ensure proper application of such funds; or
 - (c) any approval, licence or registration for the operation of the institution or organization required by any Act administered by the Minister, has been refused or revoked; or
 - (d) the Lieutenant Governor in Council considers it necessary in the best interests of those residing in or relying on the services of such institution or organization and for their immediate protection,

the Lieutenant Governor in Council may make regulations,

- (e) designating such institution or organization to be subject to the control of the Minister;
- (f) governing the operation and activities of any institution or organization designated under clause e and the procuring of funds from the public and the application thereof by such institution or organization;
- (g) authorizing the Minister to operate and manage any such institution or organization designated under clause e and for that purpose, notwithstanding sections 25 and 40 of *The Expropriations Act, 1968-69*, authorizing ^{1968-69, c. 36} the Minister to immediately occupy and operate, or arrange for the occupation and operation by a person or organization designated by him, any premises occupied or used by such institution or organization, but the rights of the owner under that Act, except the right to possession, shall not be affected thereby.
- (2) Where the Minister has been authorized under this section to occupy any premises, if the persons in ^{Warrant for entry and occupation} occupation refuse to permit the Minister or persons authorized by him for that purpose to enter upon and occupy the premises or resist such entry, the Minister may apply *ex parte* to a judge of the county or district court of the county or district in which the premises are situate for a warrant directing the sheriff to put the Minister or persons authorized by him in occupation of the premises and the judge, upon being satisfied that the Minister is so authorized to occupy the premises and of such refusal or resistance, may issue such warrant and the sheriff shall forthwith execute the warrant and make a return to the judge of the execution thereof.
- (3) Except with the consent of the person operating ^{Period of occupation} and managing an institution, the Minister shall not occupy and operate or arrange for the occupation and operation of the premises of an institution under subsection 1 for a period longer than a year, but the Lieutenant Governor in Council may from time to time extend such period.

31.—(1) Section 1 of *The Department of Tourism and Information Act, 1966* is amended by adding thereto the ^{1966, c. 44, s. 1,} amended following clauses:

(ba) "licence issuer" means the tourist industry officer of the Department of Tourism and Information or other official of the Department designated as such by the Minister;

(da) "operator" means the resident manager or other person in charge of a tourist establishment.

1966, c. 44,
s. 5,
re-enacted

(2) Section 5 of *The Department of Tourism and Information Act, 1966* is repealed and the following substituted therefor:

Investigations

5. The Minister may by order appoint one or more persons to investigate, inquire into and report to him upon any matter connected with or affecting the tourist industry, including accommodation, facilities, or services offered to tourists or the advertising or publicizing thereof, or of the resources, attractions or advantages of Ontario, and, for the purposes of the investigation and inquiry, any person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the investigation as if it were an inquiry under that Act.

1971, c. ...

1966, c. 44,
s. 6,
re-enacted

(3) Section 6 of *The Department of Tourism and Information Act, 1966* is repealed and the following substituted therefor:

Construction permit required

6.—(1) No person shall construct a tourist establishment or make an addition to or a structural alteration in a tourist establishment except in accordance with a permit therefor in the prescribed form issued under this Act.

Issue of permit

(2) Subject to subsection 3, a person is entitled to be issued a permit for the construction of, or the making of additions to or structural alterations in, a tourist establishment upon filing with the proper licence issuer,

(a) an application therefor in the prescribed form; and

(b) plans and specifications of the proposed tourist establishment showing that the establishment as constructed, added to or altered will comply with the requirements of this Act and the regulations and of any other law, regulation or by-law applicable to the establishment.

(3) A licence issuer may, after hearing the applicant, ^{Refusal of permit} refuse to issue a permit under this section if the plans and specifications for the tourist establishment or for additions to or alterations in a tourist establishment do not comply with clause *b* of subsection 2.

(4) A permit under this section expires one year after ^{Expiry of permit} the date it was issued.

(5) No holder of a permit shall construct a tourist establishment or make an addition to or structural alteration in a tourist establishment except in accordance with the plans and specifications in relation to which the permit was granted. ^{Plans and specifications}

6a.—(1) No person shall operate a tourist establishment except in accordance with a licence in the ^{Operator's licence required} prescribed form issued therefor under this Act.

(2) Subject to section 6b, a person is entitled to be ^{Issue of licence} issued a licence to operate a tourist establishment upon application therefor in the prescribed form to the proper licence issuer, accompanied by such information as may be prescribed by the regulations, and payment of the prescribed fee.

(3) A licence issued under this section, ^{Term of licence}

(a) becomes effective on the first day of April of the year in which it is issued or the date on which it is issued, whichever is the later; and

(b) expires on the 31st day of March next following unless sooner suspended or cancelled.

6b.—(1) A licence issuer may, after a hearing, refuse ^{Refusal of licence} to issue a licence to operate a tourist establishment if,

(a) the tourist establishment does not comply with the requirements of this Act or the regulations or any other law, regulation or by-law applicable to the establishment;

(b) a licence to operate a tourist establishment was previously issued to the applicant and such licence is suspended or such licence was cancelled and the grounds for such cancellation continue to exist; or

- (c) the owner, lessee or operator of the establishment has been convicted of any offence for conduct that affords reasonable grounds for believing that the tourist establishment will not be operated in accordance with law and with honesty and integrity.

Transmission
of report, etc.,
to Minister
and applicant

- (2) Within forty-eight hours after a refusal to issue a licence, the licence issuer shall transmit,

- (a) to the Minister the application and a report setting forth the reasons for the refusal; and
(b) to the applicant by registered mail, a copy of the report and a notification that a refund has been authorized and will be issued from the office of the Provincial Treasurer in due course.

Renewal
of licence

- 6c.—(1) Subject to section 6*d*, the holder of a licence to operate a tourist establishment is entitled to a renewal thereof upon application therefor in the prescribed form to the proper licence issuer and payment of the prescribed fee.

Application

- (2) Application for renewal of a licence to operate a tourist establishment shall be made,
(a) where the establishment is operated throughout the year, before expiry of the current licence; or
(b) where the establishment is operated for only part of the year, before the 15th day of May in each year.

Continuation
of registration
pending
renewal

- (3) Where, within the time prescribed therefor or, if no time is prescribed, prior to the expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,
(a) until the renewal is granted; or
(b) where he is served with notice of a hearing by the licence issuer, until the decision of the licence issuer has become final.

Suspension,
etc., of
licence

- 6*d*.—(1) A licence issuer may, after a hearing, refuse to renew or suspend or cancel a licence to operate a tourist establishment if,

- (a) the tourist establishment does not comply with the requirements of this Act or the regulations or of any other law, regulation or by-law applicable to the establishment ;
- (b) the owner, lessee or operator of the establishment,
- (i) has contravened any provision of this Act or the regulations, or
 - (ii) has been convicted of any offence for conduct that affords reasonable grounds for believing that the tourist establishment will not be operated in accordance with law or with honesty and integrity; or
- (c) the establishment, or any part thereof, is declared a public place under subsection 2 of section 42 of *The Liquor Control Act*,

R.S.O. 1960,
c. 217

notwithstanding that the grounds for refusal, suspension or cancellation existed at the time the licence was issued.

- (2) A notice of a hearing under subsection 1 relating to a refusal to renew or the suspension or cancellation of a licence shall be served personally or by registered mail on the licensee and shall afford to him a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the retention of the licence. ^{Notice of hearing}
- (3) A licence issuer shall afford to an applicant or licensee who will be affected by a decision pursuant to a hearing by the licence issuer, or to his representative, an opportunity to examine, before the hearing, any written or documentary evidence that will be introduced, or any report the contents of which will be given in evidence at the hearing. ^{Examination of documentary evidence}
- 6e. Where a licensed tourist establishment is sold or legal ownership thereof passes, the purchaser or other person to whom the legal ownership has passed is entitled to obtain a transfer of the licence from the proper licence issuer upon application therefor in the prescribed form and payment of the prescribed fee if he would have been entitled to be issued the licence if he were making an initial application ^{Transfer of licence}

therefor and surrenders the existing licence, and the provisions of section 6b apply to his application.

Appeal to
judge

6f.—(1) Where a licence issuer has,

- (a) refused to issue or renew a licence;
- (b) suspended or cancelled a licence; or
- (c) refused to transfer a licence,

the owner, lessee or operator of the tourist establishment to which the licence relates may, within fifteen days after receipt of the decision of the licence issuer, appeal to the judge of the county or district court of the county or district in which the tourist establishment is situate by sending a notice of appeal specifying the grounds of his appeal by registered mail to the Deputy Minister of Tourism and Information and filing a copy thereof in the office of the clerk of the court.

Parties

(2) The Minister represented by such person as he may nominate and the person filing the notice of appeal are parties to an appeal under this section.

Hearing
de novo

(3) Where an appeal is brought under this section, the judge shall appoint a time and a place for and shall hear the appeal by way of a hearing *de novo* and may by order direct the licence issuer to take such action as the judge considers the licence issuer ought to take in accordance with this Act and the regulations and as the judge deems proper.

Burden of
establishing
grounds for
refusal, etc.

(4) Where the appeal is from a decision of a licence issuer refusing to renew or transfer or suspending or cancelling a licence, the Minister or his representative shall, on the hearing of the appeal, be deemed to be the complainant, and the burden of establishing the grounds for the refusal to renew or transfer or the suspension or cancellation shall be upon him, and the appellant shall be deemed to be the respondent.

Extension of
time for
hearing

(5) A judge to whom an appeal may be taken under this section may extend the time for making the appeal, either before or after expiration of the time fixed therefor, where he is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension.

- (6) The oral evidence taken before the judge on an appeal shall be recorded, and if so required, copies or a transcript thereof shall be furnished upon the same terms as in the county court. Recording of evidence
- (7) The findings of fact of a judge on an appeal shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact
1971, c. ...
- 6g.—(1) Any party to proceedings before a judge under section 6f may appeal from the decision or order of the judge to the Supreme Court in accordance with the rules of court. Appeal from order of judge
- (2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision or order was made, which, together with the transcript of the evidence before the judge, if it is not part of the record of the judge, shall constitute the record in the appeal. Record to be filed in court
- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Minister entitled to be heard
- (4) The Supreme Court may, on the appeal, exercise all the powers of the judge appealed from or the court may refer the matter back to the judge for a rehearing, in whole or in part, in accordance with such directions as the court considers proper. Decision
- (4) Section 9 of *The Department of Tourism and Information Act, 1966* is amended by adding thereto the following subsection: 1966, c. 44, s. 9, amended
- (3) Nothing in this section authorizes an inspector to enter any premises or dwelling unit forming part of a tourist establishment that is rented and actually occupied by a tourist or member of the public without the consent of the occupant, except under the authority of a warrant issued under section 14 of *The Summary Convictions Act*. Entry of rented and occupied premises with consent
R.S.O. 1960, c. 387
- (5) *The Department of Tourism and Information Act, 1966* is amended by adding thereto the following section: 1966, c. 44, amended
- 9a.—(1) Notwithstanding section 6d, an inspector, by notice delivered to the operator of a tourist establish- Provisional suspension of licence

ment, may provisionally suspend the licence to operate the establishment if he believes on reasonable grounds that the continued operation of the establishment will be dangerous to the safety or health of any person and, upon delivery of such notice to the operator, the suspension takes effect.

Hearing

- (2) Where an inspector has provisionally suspended a licence to operate a tourist establishment under subsection 1, he shall forthwith notify the licence issuer by whom the licence was issued and the licence issuer shall, as soon as is practicable, hold a hearing and determine whether the licence should be suspended or cancelled under this Act, and the provisions of sections 6d, 6f and 6g apply to such proceedings and to the decision of the licence issuer.

1966, c. 44,
s. 10, subs. 3,
re-enacted

- (6) Subsection 3 of section 10 of *The Department of Tourism and Information Act, 1966* is repealed and the following substituted therefor:

Acquisition
of land
R.S.O. 1960,
c. 338,
1968-69, c. 36

- (3) Lands may be acquired for the purposes of this section under *The Public Works Act* and, where expropriated, *The Expropriations Act, 1968-69* applies.

1966, c. 44,
s. 12, subs. 1,
cl. a,
re-enacted

- (7) Clause a of subsection 1 of section 12 of *The Department of Tourism and Information Act, 1966* is repealed and the following substituted therefor:

- (a) providing for the issuance of permits and licences and prescribing the terms and conditions of permits or licences or any class thereof.

1966, c. 44,
s. 12, subs. 1,
cl. m,
repealed

- (8) Clause m of subsection 1 of the said section 12 is repealed.

1962-63,
c. 36, s. 1,
amended

- 32.**—(1) Section 1 of *The Deposits Regulation Act, 1962-63* is amended by adding thereto the following clauses:

(aa) “business premises” does not include any dwelling;

(da) “dwelling” means any premises or any part thereof occupied as living accommodation.

1962-63,
c. 36, s. 5,
subs. 5,
re-enacted

- (2) Subsection 5 of section 5 of *The Deposits Regulation Act, 1962-63* is repealed and the following substituted therefor:

Powers on
inspection

- (5) For purposes relevant to the subject-matter of an investigation under subsection 4, the representative

of the Commission may inquire into and examine the affairs of the person or corporation whose affairs are being investigated and may,

(a) upon production of his authorization from the Commission, enter at any reasonable time the business premises of such person or corporation and examine books, papers, documents and things relevant to the subject-matter of the investigation ;

(b) inquire into,

(i) negotiations, investigations, transactions, loans, borrowings and payments to, by, or on behalf of or in relation to or connected with such person or corporation and into any property, assets or things owned, acquired or alienated in whole or in part by such person or corporation or any person or company acting on his or its behalf that are relevant to the subject-matter of the investigation, and

(ii) the assets at any time held, the liabilities, debts, undertakings and obligations at any time existing, the financial or other conditions at any time prevailing in or in relation to or in connection with any such person or corporation and any other person or corporation and the relationship that may at any time exist or have existed between such person or corporation and any other person or corporation by reason of investments, commissions promised, secured or paid, interests held or acquired, the loaning or borrowing of money, stock or other property, the transfer, negotiation or holding of stock, interlocking directorates, common control, undue influence or control or any other relationship.

(6) No person shall obstruct a person making an investigation under subsection 4 or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation. Offence

Powers
under
1971, c.
Pt. II

- (7) For the purposes of an investigation under this section, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act.

Search
warrant

- (8) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are, in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person or corporation whose affairs are being investigated and that relate to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 5, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the judge, by the order, authorizes the person making the investigation, to make the search at night.

Removal of
books, etc.

- (9) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 5 or subsection 8 relating to the person or corporation whose affairs are being investigated and that relate to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person or corporation whose affairs are being investigated.

Admissibility
of copies

- (10) Any copy made as provided in subsection 9 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

(11) The Commission may appoint any expert to examine ^{Appointment of experts} books, papers, documents or things examined under clause *a* of subsection 5 or subsection 8.

(3) *The Deposits Regulation Act, 1962-63* is amended by ^{1962-63, c. 36, amended} adding thereto the following section:

5a. Every person employed in the administration of this ^{Matters confidential} Act, including any person making an investigation or inquiry under this Act shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, investigation or inquiry and shall not communicate any such matters to any other person except,

(a) as may be required in connection with the administration of this Act and the regulations, or any proceedings under this Act or the regulations; or

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

(4) Clause *f* of section 8 of *The Deposits Regulation Act, 1962-63* is repealed. ^{1962-63, c. 36, s. 8, cl. f, repealed}

33. Section 14 of *The Dog Tax and Live Stock and Poultry Protection Act*, as amended by section 9 of *The Dog Tax and Live Stock and Poultry Protection Amendment Act, 1965*, is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 111, s. 14, re-enacted}

14.—(1) The council of a municipality may conduct an ^{Inquiry to ascertain owner of dog} inquiry in order to ascertain the owner of a dog that has killed or injured live stock or poultry within the municipality.

(2) The council of a municipality for the purposes of ^{Powers on inquiry} an inquiry under subsection 1 has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it ^{1971, c. ...} were an inquiry under that Act.

34.—(1) Section 1 of *The Edible Oil Products Act* is ^{R.S.O. 1960, c. 115, s. 1, amended} amended by adding thereto the following clauses:

(aa) "chief inspector" means the chief inspector appointed under this Act;

1965, c. 72 (ab) "Commission" means The Milk Commission of Ontario established by *The Milk Act, 1965*;

(da) "licence" means a licence under this Act.

R.S.O. 1960,
c. 115, s. 4,
re-enacted

(2) Section 4 of *The Edible Oil Products Act* is repealed and the following substituted therefor:

Licence
required

4. No person shall manufacture or sell by wholesale an edible oil product to which this Act applies without a licence therefor from the chief inspector.

R.S.O. 1960,
c. 115,
amended

(3) *The Edible Oil Products Act* is amended by adding thereto the following sections:

Licence,
issue

4a.—(1) The chief inspector shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing,

(a) he finds that;

- (i) the applicant was previously the holder of a licence and such licence was cancelled under this Act; or
- (ii) the applicant or, where the applicant is a corporation, any officer, director or servant thereof or any person who will be in any way associated with the applicant in the operations pursuant to the licence was convicted of an offence under this Act,

and in his opinion the grounds for such cancellation or conviction warrant a refusal to issue the licence, or

(b) he is of opinion that,

- (i) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business that would be authorized by the licence will not be carried on in accordance with law; or
- (ii) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(2) Subject to section 4b, the chief inspector shall renew ^{Renewal} a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

4b.—(1) The chief inspector may refuse to renew or may ^{Refusal to renew, suspension or cancellation} suspend or cancel a licence if, after a hearing, he finds that,

(a) the licensee or, where the licensee is a corporation, any officer, director or servant thereof, has contravened or has permitted any person under his control or direction or associated with him in connection with his or its operations as a licensee to contravene any provision of this Act or the regulations or a term or condition of the licence or has been convicted of an offence under this Act and such contravention or conviction in his opinion warrants such refusal to renew, suspension or cancellation of the licence; or

(b) any other ground for refusal to renew, suspension or cancellation specified in the regulations exists.

(2) Notwithstanding subsection 1, the chief inspector, ^{Provisional suspension, etc.} by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the opinion of the chief inspector it is necessary to do so for the immediate protection of the safety or health of any person or the public and he so states in such notice giving his reasons therefor, and thereafter the chief inspector shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or cancelled under this Act and the regulations.

(3) Subject to subsection 2, where, within the time ^{Continuation of licence pending renewal} prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and has paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the chief inspector on his application for renewal.

Notice of hearing

4c.—(1) The notice of a hearing by the chief inspector under section 4a or section 4b shall afford the applicant or licensee reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination of documentary evidence

(2) An applicant or licensee who is a party to proceedings in which the chief inspector holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Variation of decision by chief inspector

4d. Where the chief inspector has refused to issue or renew or has suspended or cancelled a licence pursuant to a hearing he may at any time of his own motion or on the application of the person who was the applicant or licensee vary or rescind his decision, but he shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

Appeal to Commission

4e.—(1) Where the chief inspector refuses to issue or renew, or suspends or cancels a licence, the applicant or licensee may, by written notice delivered to the chief inspector and filed with the Commission within fifteen days after receipt of the decision of the chief inspector, appeal to the Commission.

Extension of time for appeal

(2) The Commission may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Disposal of appeal

(3) Where an applicant or licensee appeals to the Commission under this section, the Commission shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or cancelled and may, after the hearing, confirm or alter the decision of the chief inspector or direct the chief inspector to do any act he is authorized to do under this Act and as the Commission considers proper, and, for such purpose, the Commission may substitute its opinion for that of the chief inspector.

- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the chief inspector, unless the chief inspector otherwise directs, the decision of the chief inspector is effective until the appeal is disposed of. Effect of decision pending disposal of appeal
- 4f.—(1) The chief inspector, the appellant and such other persons as the Commission may specify are parties to the proceedings before the Commission under this Act. Parties
- (2) Members of the Commission assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members making decision not to have taken part in investigation, etc.
- (3) The oral evidence taken before the Commission at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
- (4) The findings of fact of the Commission pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact
- (5) No member of the Commission shall participate in a decision of the Commission pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Commission shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision
- 4g.—(1) Any party to the hearing before the Commission may appeal from the decision of the Commission to the Supreme Court in accordance with the rules of court. Appeal to court
- (2) The Minister is entitled to be heard, by counsel or otherwise, on the argument of an appeal under this section. Minister entitled to be heard

Record to
be filed
in court

- (3) The chairman of the Commission shall certify to the Registrar of the Supreme Court the record of the proceedings before the Commission which, together with a transcript of the evidence before the Commission, if it is not part of the Commission's record, shall constitute the record in the appeal.

Powers of
court on
appeal

- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Commission or direct the chief inspector to do any act he is authorized to do under this Act or may refer the matter back to the Commission for reconsideration by the Commission as the court considers proper, and the court may substitute its opinion for that of the chief inspector or the Commission.

Effect of
decision of
Commission
pending
disposal
of appeal

- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Commission, unless the Commission otherwise directs, the decision of the Commission is effective until the appeal is disposed of.

R.S.O. 1960,
c. 115, s. 6,
subs. 1,
re-enacted

- (4) Subsection 1 of section 6 of *The Edible Oil Products Act* is repealed and the following substituted therefor:

Inspectors, etc.,
appointment

- (1) The Lieutenant Governor in Council may appoint a chief inspector and such inspectors and analysts as are deemed necessary for the administration and enforcement of this Act and the regulations.

1966, c. 50,
s. 2,
re-enacted

35.—(1) Section 2 of *The Elderly Persons Centres Act, 1966*, as amended by section 2 of *The Elderly Persons Centres Amendment Act, 1970*, is repealed and the following substituted therefor:

Approval of
corporation

- 2.—(1) Where the Lieutenant Governor in Council is satisfied that any corporation is, with assistance in accordance with this Act, financially capable of establishing, maintaining and operating a centre and that its affairs are carried on under competent management in good faith for charitable purposes, he may approve such corporation as a corporation for the purpose of the Act.

Approval
of building

- (2) Where the Lieutenant Governor in Council is satisfied that a building or premises is suitable for providing accommodation as a centre in accordance with this Act and the regulations, he may approve such building or premises as a centre for the purposes of this Act.

(3) An approval given under subsection 2 or section 2a ^{Effective date of approval} may take effect on any date fixed by the Lieutenant Governor in Council that is prior to the date on which the approval is given, but in no case shall the date upon which the approval takes effect precede the date of the approval given under subsection 1 to the corporation maintaining and operating the centre or the date of the approval given under section 2a to the municipal by-law establishing the centre, as the case may be.

(2) Section 6a of *The Elderly Persons Centres Act, 1966*, ^{1966, c. 50, s. 6a} as enacted by section 6 of *The Elderly Persons Centres Amendment Act, 1970*, is repealed and the following substituted ^{(1970, c. 82, s. 6), re-enacted} therefor:

6a.—(1) Subject to this section, any approval given under this Act may be suspended by the Minister or revoked ^{Suspension or revocation of approval} by the Lieutenant Governor in Council on the recommendation of the Minister if,

(a) any director, officer or servant of the approved corporation or municipality 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 provision; or

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

(2) Subject to subsection 6 and except where an approval is suspended or revoked with consent, before ^{Hearing} suspending, or before recommending to the Lieutenant Governor in Council revocation of an approval to a corporation or to a centre operated by an approved corporation 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 appointed by the Minister.

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

(4) The person conducting a hearing under this section ^{Report} 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

- (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 health or safety of any person or to the public 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.

1966, c. 50,
s. 7, cl. k,
repealed

- (3) Clause *k* of section 7 of *The Elderly Persons Centres Act, 1966* is repealed.

R.S.O. 1960,
c. 121, s. 3,
re-enacted

- 36.**—(1) Section 3 of *The Employment Agencies Act* is repealed and the following substituted therefor:

Licence,
issue

- 3.—(1) Subject to section 6, an applicant for a licence to carry on a class of employment agency who,

- (a) applies in the prescribed form;
- (b) pays the prescribed fee;
- (c) furnishes such security as is prescribed by the regulations; and
- (d) complies with the qualifications prescribed by the regulations,

is entitled to be issued such licence by the supervisor.

Renewal

- (2) Subject to section 6a, a licensee who applies for a renewal of his licence in accordance with this Act and the regulations and pays the prescribed fee is entitled to renewal of his licence by the supervisor.

(2) Section 6 of *The Employment Agencies Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 121, s. 6,
re-enacted

6. Subject to section 6*b*, the supervisor may refuse to issue a licence to an applicant who otherwise has complied with the requirements of section 3 if in his opinion, Refusal
to issue
licence

(a) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on the employment agency in accordance with law and with honesty and integrity; or

(b) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the carrying on of the employment agency; or

(c) where the applicant is a corporation,

(i) the past conduct of its officers or directors affords reasonable grounds for belief that the employment agency will not be carried on by it in accordance with law or with honesty and integrity, or

(ii) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the carrying on of the employment agency.

6*a*. Subject to section 6*b*, the supervisor may refuse to renew or may suspend or revoke a licence if in his opinion, Suspension,
revocation,
etc.

(a) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has knowingly permitted any person under his control or direction or associated with him in the carrying on of the employment agency carried on pursuant to the licence to contravene any provision of this Act or of the regulations or of any other Act or regulations applying to the carrying on of the employment agency and such contravention occurred through lack of competence or with intent to evade the requirements of such provision; or

- (b) the licence would be refused under section 6 if the licensee were making application for it in the first instance.

Notice of proposal to refuse or revoke

6b.—(1) Where the supervisor proposes to refuse to issue or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee informing him that he has a right to a hearing by a judge of the county or district court of the county or district in which he intended to carry on or carried on his employment agency under the licence if he applies to the judge within fifteen days after service of the notice by the supervisor, and the applicant or licensee may within such time apply to the judge for a hearing.

Powers of supervisor where no hearing

(2) Where an applicant or licensee does not apply for a hearing in accordance with subsection 1, the supervisor may carry out the proposal stated in his notice under subsection 1.

Powers of judge where hearing

(3) Where an applicant or licensee applies to a judge for a hearing in accordance with subsection 1, the judge shall appoint a time for and hold the hearing and, on the application of the supervisor at the hearing, may by order direct the supervisor to carry out his proposal or refrain from carrying out his proposal and to take such action as the judge considers the supervisor ought to take in accordance with this Act and the regulations, and for such purposes the judge may substitute his opinion for that of the supervisor.

Service of notice

(4) The supervisor may serve notice under subsection 1 personally or by registered mail addressed to the applicant or licensee at his address last known to the supervisor and where notice is served by registered mail the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the judge to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Extension of time for hearing

(5) A judge to whom application is made by an applicant or licensee for a hearing under subsection 1 may extend the time for making the application, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie*

grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension.

(6) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue, Continuation of licences pending renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the supervisor proposes to refuse to grant the renewal, until the time for applying to a judge for a hearing expires and, where a hearing is applied for, until the judge has made his order.

6c.—(1) The supervisor, the applicant or licensee who has applied for the hearing and such other persons as the judge may specify are parties to the proceedings before a judge under section 6b. Parties

(2) Notice of a hearing under section 6b shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence. When notice to be given

(3) An applicant or licensee who is a party to proceedings under section 6b shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

(4) The oral evidence taken before the judge at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the county court. Recording of evidence

(5) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. ...

6d.—(1) Any party to proceedings before a judge may appeal from the decision or order of the judge to the Supreme Court in accordance with the rules of court. Appeal from order of judge

Record
to be filed
in court

- (2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision or order was made, which, together with the transcript of the evidence before the judge if it is not part of the record of the judge, shall constitute the record in the appeal.

Representa-
tions by
Minister

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Decision

- (4) The Supreme Court may, on the appeal, exercise the powers of the judge appealed from and for such purpose the court may substitute its opinion for that of the supervisor or of the judge or the court may refer the matter back to the judge for a hearing, in whole or in part, in accordance with such directions as the court considers proper.

Provisional
order of
supervisor

- 6e. Notwithstanding section 6*b*, the supervisor, by notice to a licensee, and without a hearing, may provisionally refuse renewal of or suspend the licensee's licence where the carrying on of the employment agency under the licence is, in the supervisor's opinion, an immediate threat to the interests of persons dealing with the agency or to the public interest and the supervisor so states in the notice giving his reasons therefor, and thereafter sections 6*b*, 6*c* and 6*d* apply as if the notice given under this section were a notice of a proposal to revoke the licence served under subsection 1 of section 6*b*.

R.S.O. 1960,
c. 121, s. 9,
cl. 1,
repealed

- (3) Clause 1 of section 9 of *The Employment Agencies Act* is repealed.

1968, c. 35,
s. 5 (1970,
c. 45, s. 3),
cl. a,
re-enacted

37.—(1) Clause *a* of section 5 of *The Employment Standards Act, 1968*, as re-enacted by section 3 of *The Employment Standards Amendment Act, 1970*, is repealed and the following substituted therefor:

1971, c. ...

- (a) summon and examine witnesses and require them to produce such documents and things as he considers requisite to the full investigation and consideration of the matter or thing he is authorized to inquire into and for such purpose he has the powers of a commission in Part II of *The Public Inquiries Act, 1971*, which Part applies to his inquiry as if it were an inquiry under that Act.

(2) The said section 5 is amended by adding thereto the following subsections: 1968, c. 35, s. 5 (1970, c. 45, s. 3), amended

(2) Before making a determination under subsection 1, the Director or the person designated to do so shall afford to the persons who will be affected by the determination an opportunity for a hearing. Hearing

(3) Where a group of persons having the same interest will be affected by a determination under subsection 1 and such group of persons have not specified a person to represent all persons in the group, the Director or the person designated to make the determination may, if he considers it proper, specify one or more persons to represent all persons constituting the group in the proceedings in which such determination is to be made and all persons so represented are parties to the decision. Persons to represent groups

(3) Subsections 3 and 4 of section 20 of *The Employment Standards Act, 1968* are repealed and the following substituted therefor: 1968, c. 35, s. 20, subss. 3, 4, re-enacted

(3) The board shall investigate the amount of moneys owing to an employee under section 19 and, after a hearing, shall make recommendations to the Director as to the determination he should make and the Director may, after considering such recommendations, make his determination. Recommendations to Director

(4) Sections 4 to 18 and 20 to 24 of *The Statutory Powers Procedure Act, 1971* apply to the proceedings of the board as if it were a tribunal exercising a statutory power of decision and for such purpose the recommendations of the board shall be deemed to be a decision of the board. Application of 1971, c. ...

(4) Subsections 4, 5 and 6 of section 28 of *The Employment Standards Act, 1968*, as re-enacted by section 8 of *The Employment Standards Amendment Act, 1970*, are repealed and the following substituted therefor: 1968, c. 35, s. 28 (1970, c. 45, s. 8), subss. 4-6, re-enacted

(4) Where an employer has applied under subsection 3 for a review of a determination made under subsection 1, the Minister shall designate a person to review the determination and such person may, after hearing the parties, vary, rescind or confirm the amount payable by the employer and for such purpose the person designated may exercise any of the powers conferred by clauses *c* to *h* of section 5. Review of determination

Appeal

(5) An employer who is dissatisfied with a decision made under subsection 4 may appeal from the decision to the Supreme Court, within fifteen days from the day he received the decision, upon the grounds that the decision is,

(a) erroneous in point of law; or

(b) in excess of jurisdiction or otherwise unauthorized.

Stated case

(6) Upon the request of an employer desiring to appeal to the Supreme Court, the person who made the decision under subsection 4 shall state a case setting forth the facts as found and the grounds upon which the decision is questioned.

1968, c. 35,
s. 28 (1970,
c. 45, s. 8),
subs. 8,
re-enacted

(5) Subsection 8 of the said section 28 is repealed and the following substituted therefor:

Order of court

(8) The Supreme Court shall hear and determine the appeal in accordance with the rules of court and may make such order as the court considers proper or may refer the matter or any part thereof to the person who made the decision appealed from to review the determination with such directions as the court considers proper.

Minister entitled to be heard

(8a) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

1966, c. 54,
s. 1,
amended

38.—(1) Section 1 of *The Family Benefits Act, 1966* is amended by inserting therein the following clause:

(da) "board of review" means the board of review established under this Act.

1966, c. 54,
s. 3, subs. 1,
re-enacted

(2) Subsection 1 of section 3 of *The Family Benefits Act, 1966* is repealed and the following substituted therefor:

Duties of Director

(1) The Director shall perform such duties and exercise such powers under this Act as are conferred or imposed by this Act and the regulations.

1966, c. 54,
s. 3,
amended

(3) The said section 3, as amended by section 1 of *The Family Benefits Amendment Act, 1968*, is further amended by adding thereto the following subsection:

- (4) Any decision made by a person performing duties or exercising powers of the Director under subsection 2 or 3 shall be deemed to be a decision of the Director for the purposes of this Act. Decision of acting Director

(4) Subsection 1 of section 7 of *The Family Benefits Act, 1966* is amended by striking out "An allowance shall and other benefits may be provided in accordance with the regulations to any person in need who is resident in Ontario as determined by the regulations and" in the first, second, third and fourth lines and inserting in lieu thereof "An allowance shall and other benefits may be provided in accordance with the regulations to any person in need who is resident in Ontario and" 1966, c. 54, s. 7, subs. 1, amended

(5) *The Family Benefits Act, 1966* is amended by adding thereto the following sections: 1966, c. 54, amended

10a. The Director shall,

- (a) receive applications for benefits; and
- (b) in accordance with this Act and the regulations,
 - (i) determine whether any person is entitled to or eligible to receive a benefit,
 - (ii) where an applicant is so entitled or eligible, determine the amount of the allowance or other benefit and direct provision thereof, and
 - (iii) from time to time vary the amount or benefit so determined.

Application for and determination of benefits

10b. Subject to section 10c, the Director may refuse to provide or may suspend or cancel a benefit where, Refusal or suspension of benefit

- (a) the applicant or recipient is not or ceases to be entitled thereto, or eligible therefor, under this Act or the regulations;
- (b) the applicant or recipient is absent from Ontario;
- (c) the applicant or recipient fails to provide to the Director or his representative, including a field worker, the information required to determine initial or continuing entitlement to or eligibility for a benefit or the amount of an allowance; or

- (d) any other ground for refusal, suspension or cancellation specified in the regulations exists.

Notice of proposal to suspend, etc.

10c.—(1) The Director shall not refuse an application for a benefit or suspend or cancel a benefit until more than ten days have elapsed after he has given notice of a proposal to do so, together with his reasons therefor, to the applicant or recipient.

Contents of notice

(2) A notice under subsection 1 shall inform the applicant or recipient that he may within ten days after receipt by him of the notice, file with the Director written representations against the proposed action.

Powers of Director

(3) Where an applicant or recipient,

(a) does not file representations with the Director within ten days after receipt by him of a notice under subsection 1; or

(b) has so filed such representations and the Director has given consideration to them,

the Director may carry out the proposed action, and shall give notice of his decision, together with the reasons therefor to the applicant or recipient.

Notice of variation

(4) Where the Director varies the amount of any allowance or benefit, he shall give notice of such variation, together with his reasons therefor, to the recipient.

Notice of decision

(5) A notice under subsection 3 or 4 shall inform the applicant or recipient that he is entitled to a hearing by the board of review if he delivers or mails to the chairman of the board a request therefor in the prescribed form within thirty days after receipt by him of the notice and an applicant or recipient who so mails or delivers such a request is entitled to a hearing by the board.

Extension of time for requesting hearing

(6) The board may extend the time for giving notice by an applicant or recipient under subsection 5 either before or after expiration of the time therein specified where it is satisfied there are *prima facie* grounds for claiming relief pursuant to a hearing or for appeal and that there are reasonable grounds for applying for the extension.

- (7) A notice by the Director under this section may be given by delivering it personally or by sending it by prepaid mail addressed to the applicant or recipient at his address last known to the Director and, where notice is sent by mail, the notice shall be presumed to have been received on the third day after the day of mailing unless the person to whom notice is given did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice until a later date. How notice may be given
- (8) A decision of the Director under this section shall be effective from such date either before or after the date of the making of the decision as the Director may fix. Effective date of decision
- (9) *The Statutory Powers Procedure Act, 1971* does not apply to proceedings of the Director under this section. 1971, c. ... not to apply
- (10) This section does not apply to refusal of an application for or cancellation of a benefit on the death of the applicant or recipient. Application of section
- (6) Subsection 5 of section 11 of *The Family Benefits Act, 1966*, as enacted by section 2 of *The Family Benefits Amendment Act, 1968*, is repealed and the following substituted therefor: 1966, c. 54, s. 11 (1968, c. 39, s. 2), subs. 5, re-enacted
- (5) The chairman of the board of review may authorize one or more members of the board to conduct a hearing and such member or members has or have all the powers of the board for the purpose of such hearing and any decision of such member or members shall be a decision of the board. One or more members may conduct hearing
- (7) Sections 11a and 11b of *The Family Benefits Act, 1966*, as enacted by section 2 of *The Family Benefits Amendment Act, 1968*, are repealed and the following substituted therefor: 1966, c. 54, ss. 11a, 11b (1968, c. 39, s. 2), re-enacted
- 11a.—(1) Where an applicant or recipient files a request for a hearing in accordance with section 10c, the board of review shall fix a time for and hold a hearing to review the decision of the Director. Review
- (2) The Director, the applicant or recipient who requested the hearing and such other persons as the board may specify are parties to the proceedings before the board of review. Parties

Hearings
in camera

1971, c. ...

- (3) Notwithstanding *The Statutory Powers Procedure Act, 1971*, all hearings of the board of review shall be heard *in camera*.

Members
holding
hearing
not to
have taken
part in
prior con-
sideration
of matter

- (4) Subject to subsection 5, members of the board holding a hearing,
- (a) shall not have taken part in any investigation or consideration of the subject-matter of the hearing prior to the hearing; and
 - (b) shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate.

Legal
advice

- (5) The board of review may seek legal advice from an adviser independent from the parties and members of the board may at any time consult with other members of the board.

Submission
by Director

- (6) The Director may make his submissions at a hearing of the board of review in writing, but the applicant or recipient who is a party to the hearing shall be afforded an opportunity to examine before the hearing any such submission or any written or documentary evidence that the Director proposes will be produced or any report the contents of which the Director proposes will be given in evidence at the hearing.

Recording
of evidence

- (7) The oral evidence taken before the board of review at a hearing shall be recorded,
- (a) by notes taken by or under the supervision of the members of the board conducting the hearing; or
 - (b) in such other manner as such members may direct, in which case copies of a transcript shall, on request, be furnished upon the same terms as in the Supreme Court.

Findings
of fact

- (8) The findings of fact of the board of review pursuant to a hearing under this section shall be based exclusively on evidence admissible and facts of which notice may be taken under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. ...

(9) No member of the board of review shall make any decision of the board pursuant to a hearing under this section unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the board shall be given unless all members so present take part in the decision. Only members at hearing to participate in decision

(10) Where, after a hearing, the board of review has reviewed the decision of the Director, the board may, Powers of board after hearing

(a) affirm the decision ;

(b) rescind the decision and direct the Director to make any other decision that the Director is authorized to make under this Act and the regulations and as the board considers proper and for such purpose the board may substitute its opinion for the opinion of the Director; or

(c) refer the matter back to the Director for reconsideration in accordance with such directions as the board considers proper under this Act and the regulations,

and the Director shall give effect to any directions given by the board under this section.

(11) The board of review may, on application of any party, reconsider and vary any decision made by it after hearing the parties to the proceedings in which the original decision was made, and the provisions of this section, except subsection 4, apply *mutatis mutandis* to the proceedings on such reconsideration. Variation of decision by board

11b.—(1) Any party to the proceedings before the board of review under section 11a may appeal from the decision of the board to the Supreme Court on a question that is not a question of fact alone in accordance with the rules of court. Appeal to court

(2) Where any party appeals from a decision of the board of review, the board shall forthwith file with the Registrar of the Supreme Court the record of the proceedings before it in which the decision was made, which together with the transcript of the evidence, if any, before the board if it is not part of the board's record, shall constitute the record in the appeal. Record to be filed in court

Minister
entitled to
be heard

- (3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Powers of
court on
appeal

- (4) On an appeal under this section, the court may affirm the decision of the board of review or may rescind it and refer the matter back to the board or to the Director to be disposed of in accordance with such directions as the court considers proper under this Act and the regulations, and the board or the Director shall give effect to any direction given by the court under this section.

Effect of
decision
pending
disposal
of appeal

- 11c. Notwithstanding that an applicant or recipient has requested a hearing by the board of review under section 11a, or has appealed from a decision of the board under section 11b, the decision of the Director or of the board, as the case may be, is effective until the decision of the board is made after the hearing or the decision of the court is made on the appeal, as the case may be.

Recovery of
over-
payments,
etc.

- 11d. Notwithstanding section 5 and subject to the regulations, the Director may recover from a recipient any sum paid to him by way of an allowance under this Act or any predecessor Act mentioned in subsection 1 of section 14 to which he was not entitled under this Act or such predecessor Act or in excess of any amount to which he was so entitled, whether by reason of non-disclosure of facts, misrepresentation or fraud, or for any other cause disintitling him to such an allowance, by reducing or suspending any allowance payable to the recipient or by proceedings to recover such sum as a debt due to the Crown in any court of competent jurisdiction.

Further
application

- 11e. Notwithstanding any decision of the Director, the board of review or of the court, a further application for a benefit may be made to the Director by the applicant or recipient upon new or other evidence or where material circumstances have changed.

1966, c. 54,
s. 13,
amended

- (8) Section 13 of *The Family Benefits Act, 1966* is amended by striking out "The Lieutenant Governor in Council may make such regulations with respect to benefits as are deemed necessary for carrying out the purposes of this Act, and in particular" in the first, second and third lines and inserting in lieu thereof "The Lieutenant Governor in Council may make regulations".

(9) Clause *e* of the said section 13 is repealed.

1966, c. 54,
s. 13, cl. *e*,
repealed

(10) Clause *n* of the said section 13 is repealed and the following substituted therefor:

1966, c. 54,
s. 13, cl. *n*,
re-enacted

(*n*) providing for the reinstatement and transfer of allowances and other benefits.

39. Section 2 of *The Fire Fighters' Exemption Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 146, s. 2,
re-enacted

2.—(1) Upon complaint to the council of neglect of duty by a member of such fire company, the council shall examine into the complaint and, for any such cause and also in case a member of the company is convicted of a breach of any of the rules legally made for the regulation of the company, may, after a hearing, strike off the name of any such member from the list of the company and thenceforward the certificate granted to the member has no effect in exempting him from any duty or service.

Forfeiting
exemption
after hearing

(2) The member of the fire company against whom the complaint has been made and the complainant, if any, are parties to a hearing under subsection 1.

Parties to
hearing

40.—(1) Subsection 3 of section 4 of *The Fish Inspection Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 150, s. 4,
subs. 3,
re-enacted

(3) Where a person is convicted of an offence under this Act or the regulations, any fish or containers seized under subsection 1 by means of or in relation to which the offence was committed, shall be ordered to be forfeited to Her Majesty by the court or judge convicting such person and may be disposed of as the Minister directs.

Disposal
of fish
seized

(4) Where a person pleads guilty to an offence against this Act or the regulations and fish or containers were seized under subsection 1 by an inspector as being fish or containers by means of or in relation to which the offence was committed, it shall be presumed by the court or judge convicting such person, in the absence of evidence to the contrary, that the offence was committed by means of or in relation to such fish or containers.

Where offence
deemed com-
mitted in
relation to
fish seized

(2) Section 11 of *The Fish Inspection Act* is repealed.

R.S.O. 1960,
c. 150, s. 11,
repealed

1968, c. 44,
amended

41. *The Forest Fires Prevention Act, 1968* is amended by adding thereto the following section:

Appeal

23a.—(1) Any person who is refused a fire permit, a forest travel permit or a work permit by an officer, or who is aggrieved by the terms and conditions contained in such permit or whose fire permit, forest travel permit or work permit has been cancelled or suspended by an officer may appeal to the district forester for the forest district to which the permit relates from the decision of the officer, and the district forester shall hear the appeal and may affirm or vary the terms and conditions or the decision of the officer and may, if he rescinds the decision, grant a permit.

Parties

(2) The appellant and the officer from whose decision the appeal is taken are parties to an appeal under this section.

How appeal made

(3) An appeal under this section may be made in writing or orally or by telephone to the district forester, but the district forester may require the grounds for the appeal be made in writing before the hearing.

Decision of officer

(4) Notwithstanding that an appeal has been brought, the decision of an officer relating to a permit, unless varied by the officer, is binding and effective until varied or rescinded by the district forester.

R.S.O. 1960,
c. 153, s. 5,
subs. 3,
re-enacted

42.—(1) Subsection 3 of section 5 of *The Forestry Act* is repealed and the following substituted therefor:

Cutting and removing trees

(3) The owner of a private forest reserve shall not cut or remove any trees growing thereon without the consent of the Minister who, in giving or refusing his consent, shall have regard to the sound management of the reserve for forestry purposes and the reasonable business requirements of the owner and who, where he refuses his consent, shall give reasons to the owner for his refusal.

R.S.O. 1960,
c. 153, s. 9,
cl. g,
repealed

(2) Clause g of section 9 of *The Forestry Act* is repealed.

1968-69, c. 41,
s. 1,
amended

43.—(1) Section 1 of *The Gasoline Handling Act, 1968-69* is amended by adding thereto the following subsection:

Chief officer

(2) The Minister may designate an officer of the Department of Labour to be chief officer for the purposes of this Act.

(2) Section 6 of *The Gasoline Handling Act, 1968-69* is 1968-69,
c. 41, s. 6,
re-enacted repealed and the following substituted therefor:

6.—(1) No person shall,

Licence to
operate
service
station, etc.

(a) operate a service station ;

(b) operate a marina ;

(c) operate a bulk plant ; or

(d) transport gasoline or an associated product,

unless licensed to do so by the chief officer.

(2) Subject to section 6a, any person who makes application for a licence for any of the purposes enumerated in subsection 1 in accordance with this Act and the regulations and pays the prescribed fee is entitled to be issued such licence by the chief officer. Entitlement
to licence

(3) Subject to section 6b, a licensee who makes application for a renewal of his licence in accordance with this Act and the regulations and pays the prescribed fee is entitled to a renewal of his licence by the chief officer. Entitlement
to renewal
of licence

6a. Subject to section 6c, the chief officer may refuse to issue a licence to an applicant who has otherwise complied with the requirements of section 6 if in his opinion the past conduct of the applicant or, where the applicant is a corporation, of its officers, directors or servants, affords reasonable grounds for belief that the operations to be carried on pursuant to the licence will not be carried on in accordance with law and in a safe manner. Refusal to
issue licence

6b. Subject to section 6c, the chief officer may refuse to renew or may suspend or revoke a licence if in his opinion the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has knowingly permitted any person under his control or direction or associated with him in the carrying on of operations pursuant to the licence to contravene any provision of this Act or of the regulations or of any other Act or regulations applying to the carrying on of such operations and such contravention occurred through lack of competence or with intent to evade the requirements of such provision. Suspension,
etc., of
licence

Notice of
proposal to
refuse or
revoke

6c.—(1) Where the chief officer proposes to refuse to issue or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee informing him that he has a right to a hearing by a judge of the county or district court of the county or district in which he intended to carry on or carried on his operations under the licence if he applies therefor within fifteen days after service of the notice by the chief officer, and the applicant or licensee may within such time apply to the judge for a hearing.

Powers of
chief officer
where no
hearing

(2) Where an applicant or licensee does not apply for a hearing in accordance with subsection 1, the chief officer may carry out the proposal stated in his notice under subsection 1.

Powers of
judge where
hearing

(3) Where an applicant or licensee applies to a judge for a hearing in accordance with subsection 1, the judge shall appoint a time for and hold the hearing and, on the application of the chief officer at the hearing, may by order direct the chief officer to carry out his proposal or refrain from carrying out his proposal and take such action as the judge considers the chief officer ought to take in accordance with this Act and the regulations, and for such purposes the judge may substitute his opinion for that of the chief officer.

Service of
notice

(4) The chief officer may serve notice under subsection 1 personally or by registered mail addressed to the applicant or licensee at his address last known to the chief officer and, where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the judge to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice until a later date.

Extension of
time for
hearing

(5) A judge to whom application is made by an applicant or licensee for a hearing under subsection 1 may extend the time for making the application either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension.

(6) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee his licence shall be deemed to continue, Continuation
of licences
pending
renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the chief officer proposes to refuse to grant the renewal, until the time for applying to a judge for a hearing expires and, where a hearing is applied for, until the judge has made his order.

6d.—(1) The chief officer, the applicant or licensee who has applied for the hearing and such other persons as the judge may specify are parties to the proceedings before a judge under section 6c. Parties

(2) Notice of a hearing under section 6c shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence. Notice of
hearing

(3) An applicant or licensee who is a party to proceedings under section 6c shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination
of
documentary
evidence

(4) The oral evidence taken before the judge at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the county court. Recording
of evidence

(5) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings
of fact 1971, c. ...

6e.—(1) Any party to proceedings before a judge may appeal from the decision or order of the judge to the Supreme Court in accordance with the rules of court. Appeal from
order of
judge

(2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in Record to be
filed in court

which the decision or order was made, which, together with the transcript of the evidence before the judge if it is not part of the record of the judge, shall constitute the record in the appeal.

Minister
entitled to
be heard

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Decision

- (4) The Supreme Court may, on the appeal, exercise all the powers of the judge appealed from and for such purpose the court may substitute its opinion for that of the chief officer or of the judge or the court may refer the matter back to the judge for a rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Provisional
order of
chief officer

- 6f. Notwithstanding section 6c, the chief officer, by notice to a licensee and without a hearing, may provisionally refuse renewal of or suspend the licensee's licence where the carrying on of the operations under the licence is, in the chief officer's opinion, an immediate threat to public safety or the safety of any person and the chief officer so states in the notice giving his reasons therefor, and thereafter sections 6c, 6d and 6e apply as if the notice given under this section were a notice of a proposal to revoke the licence served under subsection 1 of section 6c.

1968-69,
c. 41, s. 8,
amended

- (3) Section 8 of *The Gasoline Handling Act, 1968-69* is amended by adding thereto the following subsections:

Appeal from
instructions
of inspector

- (4a) Any person who considers himself aggrieved by any instructions given by an inspector under this section may forthwith appeal to the chief officer, but the bringing of such appeal does not affect the operation of the instructions appealed from until disposition of the appeal.

How
made

- (4b) An appeal under subsection 4a may be made in writing or orally or by telephone, but the chief officer may require the grounds for appeal to be specified in writing before the hearing.

Parties

- (4c) The appellant, the inspector from whom the appeal is taken and such other persons as the chief officer may specify are parties to an appeal under this section.

(4d) On an appeal under this section, the chief officer shall hear and dispose of it as promptly as is practicable and may substitute his findings or opinions for those of the inspector who gave the instructions appealed from and may affirm or reverse such instructions or give new instructions in substitution therefor and for such purpose has all the powers of the inspector and the instructions of the chief officer shall stand in the place of and have like effect under this Act and the regulations as the instructions of the inspector.

Powers of chief officer on appeal

(7) Subsection 6 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act, 1962-63*, relieve the Crown of liability in respect of a tort committed by an inspector and to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection 6 had not been enacted.

Crown not relieved of liability 1962-63, c. 109

(4) Clause *j* of section 9 of *The Gasoline Handling Act, 1968-69* is repealed.

1968-69, c. 41, s. 9, cl. j, repealed

44.—(1) *The General Welfare Assistance Act* is amended by adding thereto the following section:

R.S.O. 1960, c. 164, amended

6a. A municipal welfare administrator or a regional welfare administrator may, in writing, authorize any person employed on his staff to exercise under his supervision and direction any of the powers conferred or the duties imposed on him under this Act or the regulations.

Administrator may delegate powers and duties

(2) Section 7d of *The General Welfare Assistance Act*, as enacted by section 1 of *The General Welfare Assistance Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960, c. 164, s. 7d (1968, c. 48, s. 1), re-enacted

7d.—(1) In this section and section 7e, “welfare administrator” means municipal welfare administrator or regional welfare administrator, as the case may be.

Welfare administrator defined

(2) A welfare administrator may refuse to provide or may suspend or cancel assistance under this Act where,

Suspension, etc., of assistance

(a) the applicant or recipient is not or ceases to be entitled thereto or eligible therefor under this Act or the regulations;

- (b) the applicant or recipient fails to provide to the welfare administrator or his representative the information required to determine initial or continuing entitlement to or eligibility for assistance or the amount of the assistance; or
- (c) any other ground for refusal, suspension or cancellation specified in the regulations exists.

Opportunity
to make
submissions

- (3) Where practicable, a welfare administrator shall afford an applicant for or recipient of assistance prescribed as general in the regulations an opportunity to make submissions before suspension, cancellation or refusal of the assistance to show why such action should not be taken and *The Statutory Powers Procedure Act, 1971* does not apply to proceedings of a welfare administrator under this section.

1971. c. ...

R.S.O. 1960,
c. 164,
amended

- (3) *The General Welfare Assistance Act* is amended by adding thereto the following sections:

Application
for review

- 7e.—(1) Any applicant or recipient affected by a decision of a welfare administrator made under this Act or the regulations in respect of the payment of a class of assistance prescribed as general in the regulations may by notice mailed within thirty days after he receives notice of the decision to the chairman of the board of review established under *The Family Benefits Act, 1966* request a hearing and review of the decision by the board and an applicant or recipient who so mails or delivers such request is entitled to a hearing by the board.

1966, c. 54

Extension of
time for
requesting
hearing

- (2) The board of review may extend the time for giving notice by an applicant or recipient under subsection 1 either before or after expiration of the time therein specified where it is satisfied there are *prima facie* grounds for claiming relief pursuant to a hearing or for appeal and that there are reasonable grounds for applying for the extension.

Application
of 1966, c. 54

- (3) Where an applicant or a recipient has filed a notice requesting a hearing under subsection 1, the provisions of sections 11a, 11b, 11c and 11e of *The Family Benefits Act, 1966* apply *mutatis mutandis* to a hearing and review by the board of review under this Act and appeals therefrom.

7f. A municipal welfare administrator or a regional welfare administrator may recover from a recipient any sum paid to him by way of assistance to which he was not entitled under this Act or in excess of any amount to which he was so entitled whether by reason of non-disclosure of facts, misrepresentation or fraud or for any other cause disentitling him to such assistance by reducing or suspending any assistance payable to the recipient or by proceedings to recover such sum as a debt due to the municipality or to the Crown, as the case may be, in any court of competent jurisdiction.

Recovery where recipient not entitled to assistance

45.—(1) Section 2, and section 3 as amended by section 2 of *The Homes for Retarded Persons Amendment Act, 1968*, of *The Homes for Retarded Persons Act, 1966*, are repealed and the following substituted therefor:

1966, c. 65, ss. 2, 3, re-enacted

2. Where the Lieutenant Governor in Council is satisfied that any corporation is, with financial assistance under this Act, financially capable of establishing, maintaining and operating a home for retarded persons and that its affairs are carried on under competent management in good faith for charitable purposes, he may approve such corporation for the purposes of this Act.

Approval of corporations

3.—(1) Where the Lieutenant Governor in Council is satisfied that a building is suitable for providing accommodation as a home for retarded persons in accordance with this Act and the regulations, he may approve such building as a home for retarded persons for the maintenance and operation of which assistance may be given under this Act.

Approval of homes

(2) An approval given under subsection 1 may take effect on any date fixed by the Lieutenant Governor in Council that is prior to the date on which the approval is given, but in no case shall the date upon which the approval takes effect precede the date of the approval given under section 2 to the corporation maintaining and operating the home for retarded persons.

Effective date of approval

(2) Section 11 of *The Homes for Retarded Persons Act, 1966* is repealed and the following substituted therefor:

1966, c. 65, s. 11, re-enacted

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

Suspension and revocation of approvals

- (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. ...

- (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.

(3) Clause *m* of section 12 of *The Homes for Retarded Persons Act, 1966* is repealed. 1966, c. 65,
s. 12, cl. *m*,
repealed

46. Section 14 of *The Homes for the Aged and Rest Homes Act* as amended by section 9 of *The Homes for the Aged and Rest Homes Amendment Act, 1968*, is repealed. R.S.O. 1960,
c. 174, s. 14,
repealed

47.—(1) Section 2 of *The Horticultural Societies Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 175, s. 2,
re-enacted

2.—(1) Where any dispute arises as to the operation or construction of this Act, the Superintendent shall, after a hearing, decide such dispute. Disputes

(2) A party to a dispute under this section may appeal from a decision of the Superintendent to the Minister within fifteen days after receipt of the decision of the Superintendent and the Minister may, after considering the record of the proceedings before the Superintendent and affording to the parties an opportunity for an argument on the appeal, affirm, vary or annul the decision of the Superintendent. Appeal from
decision of
Super-
intendent

(3) The Superintendent or the Minister, as the case may be, may of his own motion, or upon the request of any party to a dispute or an appeal, state a case in writing to the Supreme Court setting forth any question of law that arises at the hearing or on the appeal and the facts material thereto. Stated case

(4) If the Superintendent or the Minister, as the case may be, refuses to state a case under this section, the party requesting it may apply to the Supreme Court for an order directing him to state such a case. Refusal to
state case

(5) Where a case is stated under this section, the Supreme Court shall hear and determine the question raised in a summary manner and shall certify its decision to the Superintendent or the Minister, as the case may be, and the Superintendent or the Minister shall dispose of the dispute in accordance therewith. Decision
of court

(2) Sections 21 and 22 of *The Horticultural Societies Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 175,
ss. 21, 22,
re-enacted

Inspection
and inquiry

21.—(1) The Minister may appoint a person to inspect the books and accounts of any society receiving legislative grants under this Act or to inquire into the affairs of such society, and every officer of the society shall, when required by such person, make available the books and accounts thereof for the purpose of such inspection or inquiry.

Powers on
inquiry

1971, c. . . .

(2) A person appointed under subsection 1 has, for the purposes of an inspection or inquiry thereunder, the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the inspection or inquiry as if it were an inquiry under that Act.

Fraud in
obtaining
prizes

22.—(1) Where the board of a society has reason to believe that any member or other person exhibiting a product at an exhibition at which prizes are offered by the society has committed a fraud or made any misrepresentation in respect of the product, the board may withhold payment or delivery of any prize money or other prize award to the member or person and the board shall, forthwith, furnish to him a written statement of its reasons for so doing.

Appeal

(2) A member or other person from whom prize money or a prize award has been withheld by the board of a society under subsection 1 may appeal to a judge of the county or district court of the county or district in which the head office of the society is situate by filing a notice of appeal in the office of the clerk of the court and leaving a copy of the notice of appeal at the head office of the board within fifteen days after receipt of the statement of the reasons of the board furnished under subsection 1.

Parties

(3) The appellant and the board from whose decision the appeal is taken are parties to an appeal under this section.

Hearing
de novo

(4) An appeal to a judge under this section shall be held by way of a hearing *de novo*.

Decision
of judge

(5) On an appeal under this section, the judge may affirm, vary or annul the decision of the board and may order the board to pay or deliver any prize money or prize award withheld by it under this section.

48. Sections 1 and 2 of *The Hospital and Charitable Institutions Inquiries Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 177, s. 1,
re-enacted;
s. 2, repealed

1. Whenever the Lieutenant Governor in Council considers it expedient to cause inquiry to be made concerning any matter connected with or affecting a hospital, sanatorium, charitable institution or other organization that is granted aid out of moneys appropriated by the Legislature, he may, by commission, appoint one or more persons to conduct such inquiry, and every person so appointed has for that purpose the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. Inquiry
1971, c. ...

49. Section 3 of *The Industrial Standards Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 186, s. 3,
re-enacted

3. Every officer has such powers and duties as are prescribed by this Act and the regulations and has authority to conduct inquiries and investigations respecting all matters coming within the scope of such powers and duties and, for such purposes, has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiries and investigations as if they were inquiries under that Act. Powers and
duties of
officers
1971, c. ...

50.—(1) *The Lakes and Rivers Improvement Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 203,
amended

- 1a. The purpose of this Act is to provide for the use of waters of the lakes and rivers of Ontario and to regulate improvements in them, and to provide for: Exercise of
powers under
Act
- (a) the preservation and equitable exercise of public rights in or over such waters;
 - (b) the protection of the interests of the riparian owners;
 - (c) the use, management and perpetuation of the fish, wildlife and other natural resources dependent on such waters;
 - (d) the preservation of the natural amenities of such waters and on the shores and banks thereof; and

(e) ensuring the suitability of the location and nature of improvements in such waters, including their efficient and safe maintenance and operation and having regard to matters referred to in clauses *a*, *b*, *c* and *d*, their operation in a reasonable manner.

R.S.O. 1960,
c. 203, s. 2,
subs. 1, cl. c.
repealed

(2) Clause *c* of subsection 1 of section 2 of *The Lakes and Rivers Improvement Act* is repealed.

R.S.O. 1960,
c. 203, s. 2,
amended

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

Penalty

(3) Every person who contravenes any provision of this Act or the regulations, is guilty of an offence and on summary conviction is liable, where no other penalty is provided in this Act, to a fine of not more than \$5,000.

R.S.O. 1960,
c. 203, s. 7a
(1960-61,
c. 43, s. 1),
amended

(4) Section 7a of *The Lakes and Rivers Improvement Act*, as enacted by section 1 of *The Lakes and Rivers Improvement Amendment Act, 1960-61*, is amended by adding thereto the following subsection:

Crown not
relieved of
liability
1962-63,
c. 109

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act, 1962-63*, relieve the Crown of liability in respect of a tort committed by any agent or servant of the Crown to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted.

R.S.O. 1960,
c. 203,
amended

(5) *The Lakes and Rivers Improvement Act* is amended by adding thereto the following sections:

Inquiry

7b.—(1) Subject to subsection 2, where under this Act the approval of the Minister is required for any matter, or where under this Act the Minister is empowered to make an order directing the construction, repair, improvement or removal of a dam in any lake or river or the doing of any other act or thing requiring the incurring of costs, the Minister shall, before refusing such an approval or making an order, give notice to the person seeking the approval or to the person to whom the proposed order will be directed of his intention to refuse the approval or to make the order, and if such person, within fifteen days of receipt of the notice, requests an inquiry, the Minister, before refusing the approval or making the order shall cause an inquiry to be made under section 7c.

- (2) Where in the opinion of the Minister the making of an order referred to in subsection 1 is immediately necessary for the protection of persons from injury or property from damage or for the public safety and he so states in the order, the Minister may make such order without the holding of an inquiry. Where order necessary without hearing
- 7c.—(1) The Minister may appoint a person to hold an inquiry under section 7b and shall specify particulars of the inquiry and the person so appointed shall fix a time and place for the holding of the inquiry. Appointment of person to hold inquiry
- (2) The Minister and the person seeking the approval referred to in section 7b or to whom the proposed order referred to therein may be directed are parties to the inquiry, but any person having a direct interest in the subject-matter of the inquiry may notify the person holding the inquiry of his interest and become a party, and the person holding the inquiry may cause notice of the inquiry to be published or otherwise given in such manner as he considers reasonably adequate to inform all persons who may have direct interests in the subject-matter of the inquiry. Notice of inquiry
- (3) At least five days before the date fixed for the hearing, the Minister shall serve upon each other party to the inquiry a notice indicating the grounds upon which he intends to rely at the hearing and shall make available for inspection by the parties any documents, including maps and plans that the Minister proposes to use at the hearing. Notice of grounds
- (4) The person holding an inquiry under this section shall hold a hearing as to whether the refusal of approval or the proposed order is fair, sound and reasonably necessary for the achievement of the purposes of this Act. Holding of inquiry
- (5) A person holding an inquiry under this section shall report to the Minister pursuant to the inquiry giving a summary of the evidence and arguments advanced by the parties, his findings of fact and his opinion on the merits of the granting of approval or of the proposed order with his reasons therefor, and shall furnish a copy of his report to the other parties. Report of inquiry
- (6) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section. Application of 1971, c. ...

Decision of
Minister

- (7) The Minister shall consider a report made to him under this section and may grant or refuse the requested approval or refrain from making or make the proposed order, with or without such modifications as he considers proper having regard to the report, and the Minister shall give reasons for his decision to the parties.

Appeal

- 7d. Upon the petition of a person who has been refused approval by the Minister of any matter or to whom an order is directed by the Minister after an inquiry under section 7c filed with the Clerk of the Executive Council within twenty-eight days after the date of the refusal or order, the Lieutenant Governor in Council may,

(a) confirm, vary or rescind the refusal or order; or

(b) require the Minister to cause a new inquiry to be held,

and the decision of the Minister after the new inquiry is not subject to petition under this section.

R.S.O. 1960,
c. 203, s. 9
(1962-63, c. 71,
s. 1), subs. 3,
re-enacted

(6) Subsection 3 of section 9 of *The Lakes and Rivers Improvement Act*, as re-enacted by section 1 of *The Lakes and Rivers Improvement Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Refusal of
approval
where
contrary to
purposes of
Act

- (3) The Minister may refuse to give his approval under this section to the location of a dam where it appears to him that the construction of a dam at that location would be contrary to any of the purposes of this Act.

R.S.O. 1960,
c. 203, s. 9
(1962-63, c. 71,
s. 1), subs. 5,
re-enacted

(7) Subsection 5 of the said section 9 is repealed and the following substituted therefor:

Approval
of plans

- (5) The Minister may approve the plan and specifications of a dam as submitted to him or may approve them with such alterations as he considers advisable having regard to the purposes of this Act, and without limiting the generality of the foregoing, may require that the dam shall be provided with a fishway that will permit the free and unobstructed passage of fish.

R.S.O. 1960,
c. 203, s. 9a
(1962-63, c. 71,
s. 1), subs. 2,
re-enacted

(8) Subsection 2 of section 9a of *The Lakes and Rivers Improvement Act*, as enacted by section 1 of *The Lakes and Rivers Improvement Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Order for
repair, etc.,
of dam

- (2) The Minister may, where he considers it necessary for any of the purposes of this Act, order the owner of a dam to which subsection 1 applies to repair, re-

construct or remove the dam within the time specified in the order and, upon non-compliance with the order within the time limited, the Minister may repair, reconstruct or remove the dam to the extent that he considers it necessary to comply with the purposes of this Act, and the cost of any such work shall be a debt due by the owner to the Crown and is recoverable with costs in any court of competent jurisdiction.

(9) Section 10 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 203, s. 10,
re-enacted

10. Where a dam has heretofore been or is hereafter constructed in a lake or river and it is proposed to make improvements to the dam, the improvements shall not be proceeded with until complete copies of the plans and specifications have been approved by the Minister as being in accordance with the purposes of this Act. Approval
of plans

(10) Subsection 2 of section 11 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 203, s. 11,
subs. 2,
re-enacted

(2) Upon failure on the part of the owner to furnish plans and other particulars required under subsection 1 within the time specified, the Minister may require the engineer to make an examination and report on the dam, and the expenses incurred in making the examination and report shall be a debt due by the owner to the Crown, and the amount thereof is recoverable with costs in any court of competent jurisdiction. Failure to
furnish
plans

(11) Subsection 5 of the said section 11 is repealed and the following substituted therefor: R.S.O. 1960,
c. 203, s. 11,
subs. 5,
re-enacted

(5) Upon non-compliance with the order within the time limited or in case the Minister considers that the repairs, improvements, opening up or removal ordered is immediately required in an emergency, the Minister may repair, improve, open up or remove the dam in so far as he considers it necessary to ensure the safety of the public or of persons whose lands or property may be endangered by the dam, and the cost of any such work is a debt due by the owner to the Crown, and the amount thereof is recoverable with costs in any court of competent jurisdiction. Effect of
non-
compliance
with order

(12) Subsection 2 of section 12 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 203, s. 12,
subs. 2,
re-enacted

Non-compliance with order

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

R.S.O. 1960, c. 203, s. 13, subss. 2, 3, re-enacted; subs. 4, repealed

- (13) Subsections 2, 3 and 4 of section 13 of *The Lakes and Rivers Improvement Act* are repealed and the following substituted therefor:

Repair or reconstruction

- (2) If the Minister considers it necessary or expedient for the purposes of this Act, he may, after the receipt of the report of the engineer, order the owner of the dam or other structure or work to repair, reconstruct or remove it to the extent necessary to comply with such purposes within the time specified in the order.

Non-compliance with order

- (3) Where the owner fails to comply with an order made under this section within the time specified in the order, the Minister may expropriate the site of the dam or other structure or work and all rights or interests incidental thereto on behalf of the Crown, and *The Expropriations Act, 1968-69* applies to such expropriation.

1968-69, c. 36

- (14) Clauses *b* and *c* of subsection 1 of section 14 of *The Lakes and Rivers Improvement Act* are repealed and the following substituted therefor:

R.S.O. 1960, c. 203, s. 14, subss. 1, cl. *b*, re-enacted; cl. *c*, repealed

- (*b*) hinders or obstructs the engineer or an officer, servant or agent employed by or under the direction of the Minister in the performance of his duties under this Part, or refuses or neglects to provide any plans, accounts, documents or report relating to the construction of a dam when required by such engineer, officer, servant or agent.

R.S.O. 1960, c. 203, s. 16, re-enacted

- (15) Section 16 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor:

Disputes as to user

- 16.—(1) Where the Minister considers it expedient for the purposes of this Act or where a conflict or dispute arises between persons having a right to use a lake or river or any works or other improvements thereon for floating timber or between such persons and any other persons having the right to use a lake or river for any other purpose, the Minister may appoint an officer or officers to be in charge of the lake or river or any works or improvements thereon and the Minister may, on the recommendation of such officer or officers make orders to regulate

the use of the lake or river or any works or improvements thereon in such manner as seems best calculated to afford to persons having diverse interests on the lake or river or in the works or improvements a fair and reasonable use of the waters of the lake or river, but where any alterations of the level of international boundary waters is involved, such orders shall conform to any order or recommendation that the International Joint Commission may make under the terms and authority of the International Boundary Waters Treaty between Great Britain and the United States.

- (2) Every person who contravenes any order made under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each day that he contravenes the order. Penalty

(16) Subsections 1 and 2 of section 17 of *The Lakes and Rivers Improvement Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 203, s. 17,
subss. 1, 2,
re-enacted

- (1) Where a dam or other structure or work has been heretofore or is hereafter constructed on a lake or river and the Minister considers it necessary or expedient for the purposes of this Act, he may order the owner of the dam or other structure or work to take such steps within the time specified in the order as may be necessary to maintain the level of the water of the lake or river or to raise or lower such level as the order provides. Regulation
of water
levels

- (2) Where the owner fails to comply with an order made under this section within the time specified in the order, the Minister may cause to be taken such steps as are necessary to achieve the result intended by the order, and the cost thereof is a debt due by the owner to the Crown and is recoverable with costs in any court of competent jurisdiction. Non-
compliance
with order

(17) Section 18 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 203, s. 18,
re-enacted

18. Subject to compensation being made as provided by *The Public Works Act* for any damage sustained by reason thereof, the Minister may authorize any engineer, agent, workman or servant employed by or under him to enter into and upon any land and remove any rocks, stones, gravel, slab or timber jam, dam or part of any dam, rubbish of any kind or other obstruction in any lake or river, the removal of which he considers necessary or expedient for the achievement of any of the purposes of this Act. Removal of
obstructions
R.S.O. 1960,
c. 338

R.S.O. 1960,
c. 203,
ss. 23, 24,
repealed

(18) Sections 23 and 24 of *The Lakes and Rivers Improvement Act* are repealed.

R.S.O. 1960,
c. 203, s. 26,
subs. 6
(1962-63, c. 71,
s. 4),
re-enacted

(19) Subsection 6 of section 26 of *The Lakes and Rivers Improvement Act*, as enacted by section 4 of *The Lakes and Rivers Improvement Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Removal of
timber
causing
obstruction

(6) Where the Minister considers it necessary or expedient for the purposes of this Act, he may order the owner of or the person who is responsible for driving any timber that has drifted out of control or that has caused an obstruction or hazard in a lake or river to recover and remove the timber within the time specified in the order and, in default thereof, the Minister may cause the timber to be recovered and removed, and the cost thereof is a debt due to the Crown by such owner or person and is recoverable with costs in any court of competent jurisdiction.

R.S.O. 1960,
c. 203, s. 31,
re-enacted

(20) Section 31 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor:

Throwing
trees, etc.,
in lake
prohibited

31.—(1) Where any tree, part of a tree, refuse, substance or matter has been thrown or deposited in a lake or river or on the shores or banks thereof in such a manner as, in the opinion of the Minister, impairs the natural beauty of the lake or river, the Minister may order the person who committed or caused the commission of such act to take such steps within the time specified in the order as are necessary to remove the tree, part of a tree, refuse, substance or matter from the lake or river or from the shores or banks thereof.

Penalty

(2) Every person who fails to comply with an order under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each day that he does not comply with the order.

R.S.O. 1960,
c. 203, s. 33,
subs. 3,
re-enacted

(21) Subsection 3 of section 33 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor:

Order to
cease
depositing
matter in
lake, etc.

(3) Where the Minister finds that any refuse, sawdust, chemical, substance or matter from a mill is being thrown, deposited or discharged into a lake or river or on the shores or banks thereof, the Minister may

order the owner or occupier of the mill to cause such throwing, depositing or discharging to cease and may in addition order, where in his opinion it is practicable to do so, that such owner or occupier take such steps within the time specified in the order as may be necessary to remove the refuse, sawdust, chemical, substance or matter from the lake or river or from the shores or banks thereof.

- (4) Every owner or occupier who fails to comply with an order under subsection 3 is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each day that he does not comply with the order. Penalty

(22) Section 52 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 203, s. 52,
re-enacted

52. The Minister may, with the approval of the Lieutenant Governor in Council, where the Lieutenant Governor in Council considers it expedient for the purposes of this Act, expropriate the works of any company formed under this Part. Expropriation
of works of
company

(23) Section 80 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 203, s. 80,
re-enacted

80. Any party to an arbitration under this Part may appeal from the award or directions in writing of the arbitrator to the Supreme Court in accordance with the rules of court. Appeal

(24) Subsections 2 and 3 of section 87 and sections 88 to 100 of *The Lakes and Rivers Improvement Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 203, s. 87,
subss. 2, 3,
repealed;
s. 88,
re-enacted;
ss. 88-100,
repealed

88. A person to whom section 87 applies may expropriate land for the purposes mentioned in section 87. Expropriation
of land
for purposes
of s. 87

51.—(1) Subsection 1 of section 3 of *The Lightning Rods Act* is amended by striking out "if he is satisfied that the applicant is entitled to public confidence, may" in the seventeenth and eighteenth lines and inserting in lieu thereof "shall, subject to subsection 3". R.S.O. 1960,
c. 213, s. 3,
subs. 1,
amended

(2) Section 3 of *The Lightning Rods Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 213, s. 3,
amended

- (3) The Fire Marshal may, after hearing the applicant, refuse to issue a licence under this section where, Refusal
to issue

- (a) the applicant is not competent to install lightning rods properly;
- (b) the lightning rods to be offered for sale, sold or installed under the licence are not of adequate quality or serviceability; or
- (c) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on operations authorized by the licence in accordance with law and with integrity and honesty.

R.S.O. 1960,
c. 213, s. 4,
subs. 1,
amended

(3) Subsection 1 of section 4 of *The Lightning Rods Act* is amended by striking out "if he is satisfied that the person named is entitled to public confidence, may" in the twelfth and thirteenth lines and inserting in lieu thereof "shall, subject to subsection 3".

R.S.O. 1960,
c. 213, s. 4,
amended

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

Refusal
to issue

(3) The Fire Marshal may, after hearing the applicant, refuse to issue a licence under this section where,

- (a) the applicant is not competent to install lightning rods properly; or
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on operations authorized by the licence in accordance with law and with integrity and honesty.

R.S.O. 1960,
c. 213,
amended

(5) *The Lightning Rods Act* is amended by adding thereto the following section:

Continuation
of licence
pending
issue of
new licence

4a. Where, within the time prescribed therefor or, if no time is prescribed, prior to the expiry of his licence, the holder of a licence under this Act has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

- (a) until the renewal is granted; or
- (b) until the application has been finally determined by the Fire Marshal, or where renewal is refused, until fourteen days after mailing of the decision of the Fire Marshal, or where application is made for a hearing by a judge, such later time as the judge may fix.

(6) Section 5 of *The Lightning Rods Act*, as amended by R.S.O. 1960, section 1 of *The Lightning Rods Amendment Act, 1960-61*, is c. 213, s. 5, repealed and the following substituted therefor: is re-enacted

5.—(1) The Fire Marshal may, after a hearing, suspend or revoke a licence if the licensee has contravened any provision of this Act or the regulations and his conduct affords reasonable grounds for belief that he will not comply with this Act and the regulations in the operations authorized by the license. Suspension or revocation of licence

(2) The notice of a hearing required under subsection 1 shall afford to the licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the retention of the licence. Notice of hearing

(3) An applicant or licensee shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be introduced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

(7) Section 6 of *The Lightning Rods Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 213, s. 6, re-enacted

6.—(1) Where an applicant or licensee, as the case may be, is dissatisfied with a decision of the Fire Marshal under section 3, 4 or 5, he may, within ten days after receipt of the notice of the decision, apply to the judge of the county or district court of the county or district in which he resides for a hearing by the judge. Application for hearing by county judge

(2) A judge to whom application is made for a hearing under subsection 1 may extend the time for making the application, either before or after expiration of the time fixed in subsection 1, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension. Extension of time for application

(3) The oral evidence taken before the judge at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the county court. Recording of evidence

Findings
of fact

- (4) The findings of fact of a judge pursuant to a hearing under this section shall be based exclusively on evidence admissible under the law of evidence or matters that may be judicially noticed.

Powers
of judge

- (5) On an application under subsection 1, the judge may, after a hearing *de novo* to which the applicant, the Fire Marshal and such other persons as the judge may specify are parties, confirm, vary or reverse the decision of the Fire Marshal and may direct the Fire Marshal to do any act the Fire Marshal is authorized to do under this Act and as the judge considers proper.

Appeal to
court

- 6a.—(1) Any party to the proceedings before a judge under this Act may appeal from the decision or direction of the judge to the Supreme Court in accordance with the rules of court.

Record to be
filed in court

- (2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision was made or direction was given which, together with the transcript of the evidence before the judge if it is not part of the record of the judge, shall constitute the record in the appeal.

Fire Marshal
entitled
to be heard

- (3) The Fire Marshal is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of
court

- (4) The Supreme Court may affirm the decision of the judge appealed from or may rescind it and make such new decision as the court considers proper, and may order the Fire Marshal to do any act or thing he is authorized to do under this Act and as the court considers proper or the court may refer the matter back to the judge for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

R.S.O. 1960,
c. 213, s. 10,
amended

- (8) Section 10 of *The Lightning Rods Act* is amended by adding thereto the following subsections:

Hearing

- (3) Where a licensee is dissatisfied with the report of an inspector under subsection 1, he may, within ten days after receipt of the report, request the Fire Marshal to hold a hearing.

(4) Pursuant to a request under subsection 1, the Fire Marshal shall hold a hearing to determine whether the inspector's report is proper and the inspector, licensee and such other persons as the Fire Marshal may specify are parties to the proceedings. Parties

(5) After a hearing under this section, the Fire Marshal may confirm, vary or reverse the report of the inspector and may direct the inspector to do any act the inspector is authorized to do under this Act and as the Fire Marshal considers proper. Decision of Fire Marshal

52.—(1) Section 1 of *The Live Stock and Live Stock Products Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses: R.S.O. 1960, c. 219, s. 1, amended

(a) "Board" means the Live Stock and Live Stock Products Licence Review Board established by this Act;

(*da*) "licence" means a licence required under the regulations.

(2) *The Live Stock and Live Stock Products Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 219, amended

2a.—(1) Where a licence to deal in any live stock or live stock product is required under the regulations, the Commissioner shall issue a licence to a person who makes application therefor in accordance with the regulation and pays the prescribed fee unless, after a hearing, he is of opinion that, Licence, issue

(a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the operations that would be authorized by the licence will not be carried on in accordance with law; or

(b) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations or the conditions under which the licence is issued.

(2) Subject to section 2*b*, the Commissioner shall renew a licence on application therefor by the licensee in accordance with the regulations and payment of the prescribed fee. Renewal

Refusal
to renew,
suspension
or cancel-
lation

2b.—(1) The Commissioner may refuse to renew or may suspend or cancel a licence if, after a hearing he is of opinion that,

- (a) the premises, facilities and equipment used in the operations authorized by the licence do not comply with the regulations;
- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has permitted any person under his control or direction in connection with the operations authorized by the licence to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder or of any law applying to the carrying on of the operations authorized by the licence or of the conditions under which the licence was issued and such contravention warrants such refusal to renew, suspension or cancellation of the licence; or
- (c) any other ground for refusal to renew, suspension or cancellation specified in the regulations exists.

Provisional
suspension,
etc.

(2) Notwithstanding subsection 1, the Commissioner, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Commissioner's opinion it is necessary to do so for the immediate protection of the safety or health of any person or the public and the Commissioner so states in such notice giving his reasons therefor, and thereafter the Commissioner shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or cancelled under this Act and the regulations.

Continuation
of licence
pending
renewal

(3) Subject to subsection 2, where within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee, and has observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Commissioner on his application for renewal.

Notice of
hearing

2c.—(1) Notice of a hearing by the Commissioner under section 2a or section 2b shall afford to the applicant

or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

(2) An applicant or licensee who is a party to proceedings in which the Commissioner holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. ^{Examination of documentary evidence}

2d. Where the Commissioner has refused to issue or renew or has suspended or cancelled a licence pursuant to a hearing he may at any time of his own motion or on the application of the person who was the applicant or licensee vary or rescind his decision, but the Commissioner shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations. ^{Variation of decision by Commissioner}

2e.—(1) A board to be known as the “Live Stock and Live Stock Products Licence Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure. ^{Review Board established}

(2) A member of the Board shall hold office for not more than five consecutive years. ^{Term of office}

(3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman. ^{Chairman}

(4) A majority of the members of the Board constitutes a quorum. ^{Quorum}

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. ^{Remuneration}

2f.—(1) Where the Commissioner refuses to issue or renew or suspends or cancels a licence, the applicant or licensee may by written notice delivered to the Commissioner and filed with the Board within fifteen ^{Appeal to Board}

days after receipt of the decision of the Commissioner appeal to the Board.

Extension of
time for
appeal

- (2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Powers of
Board

- (3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or cancelled and may, after the hearing, confirm or alter the decision of the Commissioner or direct the Commissioner to do any act he is authorized to do under this Act and the regulations and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Commissioner.

Effect of
decision
pending
disposal of
appeal

- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Commissioner, unless the Commissioner otherwise directs, the decision of the Commissioner is effective until the appeal is disposed of.

Parties

- 2g.—(1) The Commissioner, the appellant and such other persons as the Board may specify are parties to proceedings before the Board under this Act.

Members
making
decision
not to
have taken
part in
investiga-
tion, etc.

- (2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

- (3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

(4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. ^{Findings of fact} 1971, c. ...

(5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. ^{Only members at hearing to participate in decision}

2h.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court. ^{Appeal to court}

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. ^{Minister entitled to be heard}

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal. ^{Record to be filed in court}

(4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Commissioner to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Commissioner or the Board. ^{Powers of court on appeal}

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of. ^{Effect of decision of Board pending disposal of appeal}

(3) Subsection 1 of section 4 of *The Live Stock and Live Stock Products Act* is amended by adding at the commencement thereof "Subject to subsection 4". ^{R.S.O. 1960, c. 219, s. 4, subs. 1, amended}

(4) The said section 4 is amended by adding thereto the following subsections: ^{R.S.O. 1960, c. 219, s. 4, amended}

Power to enter dwelling
R.S.O. 1960, c. 387

- (4) Except under the authority of a warrant under section 14 of *The Summary Convictions Act*, an inspector shall not enter any part of a dwelling without the consent of the occupant.

Appeal from decision of inspector

- (5) Where an inspector has,
- (a) delayed the shipment of any live stock or live stock products under clause *e* of subsection 1;
 - (b) refused to inspect or mark or give a certificate under clause *f* of subsection 1; or
 - (c) seized or detained any live stock or live stock products under clause *g* of subsection 1,

he shall immediately notify the owner and the owner may appeal to the Commissioner from the decision of the inspector.

Decision of Commissioner

- (6) The Commissioner may, after hearing an appeal under this section, confirm or revoke the decision appealed from and may direct the inspector to do any act he is authorized to do under this Act and the regulations.

Parties

- (7) The appellant, the inspector who made the decision and such other persons as the Commissioner may specify are parties to proceedings before the Commissioner under subsection 6.

How appeal made

- (8) An appeal under this section may be made in writing or orally or by telephone to the Commissioner, but the Commissioner may require the grounds for appeal to be specified in writing before the hearing.

R.S.O. 1960, c. 221, s. 1, amended

53.—(1) Section 1 of *The Live Stock Community Sales Act*, as amended by section 1 of *The Live Stock Community Sales Amendment Act, 1965* and section 1 of *The Live Stock Community Sales Amendment Act, 1967*, is further amended by adding thereto the following clause:

- (a) "Board" means the Live Stock Community Sales Licence Review Board established by this Act.

R.S.O. 1960, c. 221, amended

(2) *The Live Stock Community Sales Act* is amended by adding thereto the following sections:

Issue of licence

- 3a.—(1) The Director shall issue a licence to a person who makes application therefor in accordance with

this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to engage in the business of operating community sales;
- (b) having regard to the applicant's financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of the business of operating community sales;
- (c) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business of operating community sales pursuant to the licence will not be carried on in accordance with law and with honesty and integrity;
- (d) the applicant does not possess or will not have available all premises, facilities and equipment necessary to engage in the business of operating community sales in accordance with this Act and the regulations; or
- (e) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(2) Subject to section 3b, the Director shall renew a ^{Renewal} licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

3b.—(1) The Director may refuse to renew or may suspend or revoke a licence if, after a hearing, he is ^{Refusal to renew, suspension and revocation} of opinion that,

- (a) the licensee is not or has not been financially responsible in the conduct of the business of operating community sales pursuant to the licence;
- (b) the premises, facilities and equipment used in the business of operating community sales pursuant to the licence do not comply with this Act and the regulations;

- (c) there are reasonable grounds for belief that the business of operating community sales pursuant to the licence is not carried on in accordance with honesty and integrity;
- (d) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has permitted any person under his control or direction in connection with his business of operating community sales to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder or of any law applying to the carrying on of the business of operating community sales and such contravention warrants such refusal to renew, suspension or revocation of the licence; or
- (e) any other ground for refusal to renew, suspension or revocation specified in the regulations exists.

Provisional
suspension,
etc.

- (2) Notwithstanding subsection 1, the Director, by notice to a licensee and without a hearing, may provisionally refuse to renew or may suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of any person or animal or of the interests of persons consigning animals for sale to the licensee and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or revoked under this Act or the regulations.

Continuation
of licence
pending
renewal

- (3) Subject to subsection 2, where within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.

Notice of
hearing

- 3c.—(1) The notice of a hearing by the Director under section 3a or section 3b shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

- (2) An applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence
- 3d. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing he may at any time of his own motion or on the application of the person who was the applicant or licensee vary or rescind his decision, but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations. Variation of decision by Director
- 3e.—(1) A board to be known as the “Live Stock Community Sales Licence Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure. Review Board established
- (2) A member of the Board shall hold office for not more than five consecutive years. Term of office
- (3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman. Chairman
- (4) A majority of the members of the Board constitutes a quorum. Quorum
- (5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. Remuneration
- 3f.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director appeal to the Board. Appeal to Board
- (2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, Extension of time for appeal

either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Powers of Board

- (3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may after the hearing confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and the regulations and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director.

Effect of decision pending disposal of appeal

- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of.

Parties

- 3g.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Members making decision not to have taken part in investigation, etc.

- (2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

- (3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

- (4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c...

- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision
- 3h.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court. Appeal to court
- (2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Minister entitled to be heard
- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board if it is not part of the Board's record, shall constitute the record in the appeal. Record to be filed in court
- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Director to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Director or the Board. Powers of court on appeal
- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of. Effect of decision of Board pending disposal of appeal
- (3) Subsection 1 of section 11 of *The Live Stock Community Sales Act*, as amended by subsection 1 of section 4 of *The Live Stock Community Sales Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960, c. 221, s. 11, subs. 1, re-enacted
- (1) Subject to subsection 1a, the Director or an inspector or a veterinarian may enter any premises for the purposes of enforcing this Act. Powers of entry
- (1a) Except under the authority of a warrant under section 14 of *The Summary Convictions Act*, the Director or an inspector or a veterinarian shall not enter any part of a dwelling without the consent of the occupant. Dwellings R.S.O. 1960, c. 387

R.S.O. 1960,
c. 221, s. 13,
cl. c,
repealed
1962-63, c. 76,
s. 3 (1965,
c. 64, s. 3),
re-enacted

(4) Clause *c* of section 13 of *The Live Stock Community Sales Act* is repealed.

54.—(1) Section 3 of *The Loggers' Safety Act, 1962-63*, as re-enacted by section 3 of *The Loggers' Safety Amendment Act, 1965*, is repealed and the following substituted therefor:

Officers

3. There shall be an officer known as the chief officer and such other officers as are considered necessary for the administration of this Act and their duties shall be to ensure compliance with and to enforce the provisions of this Act and the regulations.

1962-63,
c. 76, s. 4,
re-enacted

(2) Section 4 of *The Loggers' Safety Act, 1962-63* is repealed and the following substituted therefor:

4. An officer may enter any land, building or other premises used for or in connection with logging at any reasonable hour for the purpose of carrying out his duties under this Act.

1962-63,
c. 76, s. 6,
re-enacted

(3) Section 6 of *The Loggers' Safety Act, 1962-63*, is repealed and the following substituted therefor:

Stop-work
orders

6.—(1) Where an officer is of opinion that any provision of this Act or the regulations relating to safety in logging or in work in connection with logging is being contravened, he may give to the person so contravening or to his supervisor or foreman or to the operator or any of them such order in writing as is necessary to ensure compliance with such provision, and such order shall specify that it shall be carried out forthwith or before the expiry of such period as is specified therein, and,

(a) where the order specifies that it be carried out forthwith, all work or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with; or

(b) where the order specifies the period within which it is to be carried out and it is not carried out within that period, all work or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with.

Appeal

(2) Every person to whom an order of an officer under this section is directed, the operator employing such person or any person acting on behalf of the operator who is dissatisfied with the order may appeal to the district forester for the forestry district in which the

logging or work to which the order relates is carried on who shall hear the appeal and may by order, affirm, vary or rescind the order of the officer.

(3) The appellant from an order made under this section ^{Parties} and the officer making the order are parties to an appeal under this section.

(4) An appeal under this section may be made in writing or orally or by telephone to the district forester, but the district forester may require the grounds for appeal to be specified in writing before the hearing. ^{How appeal to be made}

(5) An order made by an officer under this section is binding and effective, notwithstanding that an appeal has been brought, until varied or rescinded by the district forester. ^{Order binding}

(6) Every person to whom an order of an officer or district forester is directed under this section, ^{Penalty}

(a) who contravenes or who knowingly permits any person under his direction and control to contravene such order; or

(b) who carries on work or who knowingly permits any person under his direction or control to carry on work in contravention of subsection 1,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 a day for every day upon which the contravention continued.

55.—(1) Section 12 of *The Marriage Act*, as amended by ^{R.S.O. 1960, c. 228, s. 12, re-enacted} section 1 of *The Marriage Amendment Act, 1964*, is repealed and the following substituted therefor:

12.—(1) An applicant for a licence who has been previously married is entitled to be issued a licence if such marriage has been dissolved or annulled and such dissolution or annulment is recognized under the law of Ontario and the applicant otherwise complies with the requirements of this Act. ^{Where dissolution of former marriage recognized in Ontario}

(2) Subject to subsection 6, no issuer shall issue a licence to a person whose previous marriage has been dissolved or annulled in Canada unless such person ^{Material to be filed with issuer where dissolution in Canada} deposits with the issuer,

(a) the final decree or judgment dissolving or annulling the marriage or a copy of the final decree or judgment or Act dissolving or annulling the marriage, certified by the proper officer; and

(b) such other material as the issuer may require.

Where dissolution, etc., outside Canada

(3) Subject to subsection 6, no issuer shall issue a licence to a person whose previous marriage has been dissolved or annulled elsewhere than in Canada, unless the authorization in writing of the Provincial Secretary is obtained upon the deposit of such material as he may require.

Review of repeal to issue licence

(4) Where an application for a licence by a person claiming to be entitled to be issued a licence under subsection 1 is refused by an issuer, or the Provincial Secretary refuses to issue an authorization under subsection 3, such person may make an application for judicial review under *The Judicial Review Procedure Act, 1971* to the Supreme Court for an order directing that a licence be issued to him and if the court finds that he is so entitled it may make such an order.

1971, c. . . .

Parties

(5) The applicant, the Provincial Secretary and such other persons as the court may order are parties to an application under subsection 4.

Issue of licence under court order

(6) Where an applicant for a licence files with an issuer, together with his application, an order of the Supreme Court made on an application under subsection 4 directing that a licence be issued to him, the issuer shall issue the licence.

R.S.O. 1960, c. 228, s. 36, subs. 2, par. 6, re-enacted

(2) Paragraph 6 of subsection 2 of section 36 of *The Marriage Act*, as amended by section 2 of *The Marriage Amendment Act, 1964*, is repealed and the following substituted therefor:

6. Any documentary or other material filed on the application for a licence under section 12.

1962-63, c. 78, s. 1, amended

56.—(1) Section 1 of *The Meat Inspection Act (Ontario), 1962-63* is amended by adding thereto the following clauses:

(aa) "Board" means the Meat Inspection Licence Review Board established by this Act;

(da) "licence" means a licence under this Act ;

(2) Subsection 2, as amended by subsection 2 of section 3 of *The Meat Inspection Amendment Act (Ontario), 1965*, and subsection 3, as amended by subsection 3 of section 3 of *The Meat Inspection Amendment Act (Ontario), 1965*, of section 3 of *The Meat Inspection Act (Ontario), 1962-63* are repealed. 1962-63,
c. 78, s. 3,
subs. 2, 3,
repealed

(3) *The Meat Inspection Act (Ontario), 1962-63* is amended by adding thereto the following sections: 1962-63,
c. 78,
amended

3a.—(1) The Director shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that, Licence,
issue

- (a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business of operating a plant pursuant to the licence will not be carried on in accordance with law ;
- (b) the applicant does not possess or will not have available all premises, facilities and equipment necessary to engage in the business of operating a plant in accordance with this Act and the regulations ; or
- (c) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(2) Subject to section 3b, the Director shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee. Renewal

3b.—(1) The Director may refuse to renew or may suspend or revoke a licence if, after a hearing, he is of opinion that, Refusal to
renew,
suspension
or revocation

- (a) the premises, facilities and equipment used in the business of operating a plant pursuant to the licence do not comply with this Act and the regulations ;
- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof, has contravened or has permitted any

person under his control or direction in connection with his business of operating a plant, to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder, or of any law applying to the carrying on of the business of operating a plant or the conditions for licensing and such contravention warrants such refusal to renew, suspension or revocation of the licence; or

(c) any other ground for refusal to renew, suspension or revocation specified in the regulations exists.

Provisional
suspension,
etc.

(2) Notwithstanding subsection 1, the Director, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of any person or animal or the public and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or revoked under this Act and the regulations.

Continuation
of licence
pending
renewal

(3) Subject to subsection 2, where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee, and has observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.

Notice of
hearing

3c.—(1) The notice of a hearing by the Director under section 3a or section 3b shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination
of docu-
mentary
evidence

(2) An applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

3d. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing he may at any time of his own motion or on the application of the person who was the applicant or licensee vary or rescind his decision, but the Director shall not vary or rescind his decision adversely to the interest of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

Variation of
decision
by Director

3e.—(1) A board to be known as the "Meat Inspection Licence Review Board" is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure.

Review
Board
established

(2) A member of the Board shall hold office for not more than five consecutive years.

Term of
office

(3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Chairman

(4) A majority of the members of the Board constitutes a quorum.

Quorum

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine.

Remunera-
tion

3f.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director appeal to the Board.

Appeal to
Board

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Extension
of time
for appeal

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear

Powers of
Board

the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director.

Effect of decision pending disposal of appeal

- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of.

Parties

- 3g.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Members making decision not to have taken part in investigation, etc.

- (2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

- (3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

- (4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. ...

Only members at hearing to participate in decision

- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

- 3h.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court. Appeal to court
- (2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Minister entitled to be heard
- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board if it is not part of the Board's record, shall constitute the record in the appeal. Record to be filed in court
- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Director to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper, and the court may substitute its opinion for that of the Director or the Board. Powers of court on appeal
- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of. Effect of decision of Board pending disposal of appeal
- (3) Subsection 3 of section 4 of *The Meat Inspection Act (Ontario), 1962-63*, as amended by section 4 of *The Meat Inspection Amendment Act (Ontario), 1965*, is further amended by adding at the commencement thereof "Subject to subsection 4". 1962-63, c. 78, s. 4, subs. 3, amended
- (4) The said section 4 is amended by adding thereto the following subsection: 1962-63, c. 78, s. 4, amended
- (4) Except under the authority of a warrant under section 14 of *The Summary Convictions Act*, the Director or an inspector shall not enter any part of a dwelling without the consent of the occupant. Power to enter dwelling R.S.O. 1960, c. 387
57. Subsection 1 of section 18 of *The Mental Hospitals Act*, as re-enacted by section 10 of *The Mental Hospitals Amendment Act, 1967*, is repealed and the following substituted therefor: R.S.O. 1960, c. 236, s. 18, subs. 1 (1967, c. 52, s. 10), re-enacted

Inquiry
by Deputy
Minister

- (1) Where the Deputy Minister is authorized by the Minister to institute an inquiry into the management or affairs of an institution, or into any matter in connection therewith, or into the truth of any returns made by any officer thereof, the Deputy Minister has the powers of a commissioner under Part II of *The Public Inquiries Act, 1971*, which Part applies to the inquiry as if it were an inquiry under that Act.

1971, c. ...

R.S.O. 1960,
c. 241, s. 16,
subs. 1,
repealed

58.—(1) Subsection 1 of section 16 of *The Mining Act*, as amended by subsection 1 of section 5 of *The Mining Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,
c. 241, s. 33,
subs. 1, 2,
re-enacted

(2) Subsections 1 and 2 of section 33 of *The Mining Act* are repealed and the following substituted therefor:

Revocation
of licence

- (1) Where the Commissioner finds, after a hearing, that a licensee has been guilty of a wilful contravention of any of the provisions of this Act or the regulations, the Minister may, on the recommendation of the Commissioner, revoke the licence of the licensee and a licence shall not thereafter be issued to such licensee without the authority of the Minister.

Suspension
of licence

- (2) Where a recorder finds, after a hearing, that a licensee has contravened any of the provisions of this Act or the regulations, the Minister may, upon the recommendation of the recorder, suspend the licence of the licensee.

R.S.O. 1960,
c. 241, s. 33,
amended

(3) The said section 33, as amended by section 2 of *The Mining Amendment Act, 1967*, is further amended by adding thereto the following subsection:

Appeal

- (4) A finding by the Commissioner that a licensee has wilfully contravened this Act or the regulations or by a recorder that a licensee has contravened this Act or the regulations, as the case may be, may be appealed in a like manner as any decision of the Commissioner or recorder, respectively, and the Minister shall give effect to the decision on the appeal.

R.S.O. 1960,
c. 241, s. 96,
subs. 3,
amended

(4) Subsection 3 of section 96 of *The Mining Act* is amended by striking out "140" in the fourth line and inserting in lieu thereof "136".

R.S.O. 1960,
c. 241, s. 98,
subs. 1,
re-enacted

(5) Subsection 1 of section 98 of *The Mining Act* is repealed and the following substituted therefor:

(1) Where the surface rights of land have been granted, sold, leased or located with reservation of mines, minerals or mining rights to the Crown, or where land is occupied by a person who has made improvements thereon that in the opinion of the Minister entitles him to compensation, a licensee who prospects for mineral or stakes out a mining claim or an area of land for a boring permit or carries on mining operations upon such land shall compensate the owner, lessee, locatee or occupant for all injury or damage that is or may be caused to the surface rights by such prospecting, staking out or operations, and in default of agreement the amount and the manner and time of payment of compensation shall be determined by the Commissioner after a hearing, and, subject to appeal to the Supreme Court where the amount awarded exceeds \$1,000, his order is final.

Right of
owner of
surface
rights to
compensation

(6) Subsection 7 of section 118 of *The Mining Act* is repealed.

R.S.O. 1960,
c. 241, s. 118,
subs. 7,
repealed

(7) Part VII of *The Mining Act*, as amended by section 9 of *The Mining Amendment Act, 1968*, is further amended by adding thereto the following section:

R.S.O. 1960,
c. 241,
Part VII
(ss. 118-124),
amended

118a.—(1) The Minister may refuse to renew or may suspend or revoke a quarry permit on the grounds that,

Suspension,
etc., of
permit

- (a) the permittee has contravened any provision of this Part;
- (b) no operations have been carried on under the permit for a continuous period of more than six months;
- (c) the permittee is not employing equipment that in the opinion of the Minister is proper and suitable for the operations pursuant to the permit; or
- (d) the Minister considers the continuation of operations under the permit to be contrary to the public interest,

but, subject to subsection 8, before so doing he shall give the permittee notice of his intention to refuse to renew or to suspend or revoke the permit, together with written reasons therefor.

Notice
requiring
hearing

- (2) A notice under subsection 1 shall inform the permittee that he is entitled to a hearing by the Mining Commissioner if he mails or delivers a notice in writing requiring such hearing to the Minister within fifteen days after the notice under subsection 1 is served on him, and the Minister, on receipt of a notice requiring a hearing, shall refer the matter to the Commissioner for a hearing.

Powers of
Minister
where no
hearing

- (3) Where a permittee does not require a hearing by the Commissioner in accordance with subsection 2, the Minister may carry out the intention stated in his notice under subsection 1.

Hearing

- (4) Pursuant to a reference by the Minister under this section, the Commissioner shall hold a hearing as to whether the permit to which the hearing relates should be renewed or should be suspended or revoked, as the case may be, and the permittee and such other persons as the Commissioner may specify are parties to the hearing.

Application
of 1971, c. ...

- (5) Sections 6 to 16 and sections 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply in respect of a hearing under this section.

Report to
Minister

- (6) The Commissioner shall, at the conclusion of a hearing under this section, make a report to the Minister setting out his findings of fact and any information or knowledge used by him in reaching his recommendations, any conclusions of law he has arrived at relevant to his recommendations, and his recommendations as to the renewal, suspension or revocation of the permit to which the hearing relates, as the case may be, and shall send a copy of his report to the permittee to whom it relates.

Decision of
Minister

- (7) After considering the report of the Commissioner under this section, the Minister may thereupon renew or refuse to renew, or suspend or revoke or refrain from suspending or revoking the permit to which the report relates and shall give notice of his decision to the permittee specifying the reasons therefor.

Provisional
suspension,
etc., of
permit

- (8) Notwithstanding anything in this section, the Minister, by notice to a permittee and without a hearing, may provisionally refuse renewal of or suspend the permittee's permit, where in the Minister's opinion the continuation of operations under the permit is in contravention of this Act, will cause damage to

property, or is an immediate threat to the public interest, and the Minister so states in the notice, giving his reasons therefor, and thereafter the Minister shall refer the matter to the Commissioner and subsections 3 to 6 apply and the provisional refusal or suspension terminates when the Minister's decision under subsection 6 becomes effective unless sooner terminated by the Minister.

(8) Subsection 3 of section 125 of *The Mining Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 241, s. 125,
subs. 3,
re-enacted

(3) Where the Commissioner is unable to perform his duties because of illness, absence or for any other reason,

Acting Com-
missioner

(a) the Minister may in writing appoint a person to exercise the powers of the Commissioner to make orders under section 92, but such person has only such powers of the Commissioner as are necessary for that purpose; or

(b) the Lieutenant Governor in Council may appoint a person to act in the stead of the Commissioner to perform the duties and exercise all the powers of the Commissioner under this Act.

(9) Section 128 of *The Mining Act* is repealed.

R.S.O. 1960,
c. 241, s. 128,
repealed

(10) Clause *c* of subsection 1 of section 133 of *The Mining Act* is repealed.

R.S.O. 1960,
c. 241, s. 133,
subs. 1, cl. c,
repealed

(11) Subsection 1 of section 134 of *The Mining Act* is amended by striking out "138" in the second line and inserting in lieu thereof "136".

R.S.O. 1960,
c. 241, s. 134,
subs. 1,
amended

(12) Subsection 5 of the said section 134 is amended by striking out "138" in the second line and inserting in lieu thereof "136".

R.S.O. 1960,
c. 241, s. 134,
subs. 5,
amended

(13) Sections 135 and 137, section 138, as amended by section 10 of *The Mining Amendment Act, 1968*, and sections 139, 140 and 141 of *The Mining Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 241, ss. 135,
137-141,
re-enacted

135.—(1) The recorder may give directions for the conduct and carrying on of proceedings before him, and in so doing he shall adopt the cheapest and simplest methods of determining the questions arising before

Directions
as to conduct
of
proceedings

him that afford to all interested parties an adequate opportunity of knowing the issues in the proceedings and of presenting material and making representations on their behalf.

- Reasons for decision (2) The recorder shall give reasons for any decision made by him in proceedings before him.
- Enforcement of decision 1971, c. ... (3) A copy of the final decision of a recorder may be filed in the office of the Registrar of the Supreme Court under section 19 of *The Statutory Powers Procedure Act, 1971*, which applies thereto.
- Application of 1971, c. ... (4) Except as provided in subsection 3, *The Statutory Powers Procedure Act, 1971* does not apply to proceedings before the recorder.
- Appeal to Commissioner 136.—(1) A person affected by a decision of or by any act or thing, whether ministerial, administrative or judicial, done, or refused or neglected to be done by a recorder may appeal to the Commissioner.
- Appeal by Director (2) An appeal under subsection 1 may be taken by the Director or the Supervisor on his behalf where, in the opinion of the Minister, the public interest is affected, and no fee prescribed in the Schedule in respect of the appeal is payable by the Director or Supervisor.
- How appeal instituted (3) An appeal to the Commissioner shall be by notice in writing in the prescribed form, filed in the office of the recorder from whom the appeal is being taken and served upon all parties interested within fifteen days from the entry of the decision on the books of the recorder or the doing by the recorder of the act or thing appealed from, or within such further period of not more than fifteen days as the Commissioner may allow, but if the notice of appeal has been filed with the recorder within such time and the Commissioner is satisfied that it is a proper case for appeal and that after reasonable effort any of the parties entitled to notice could not be served within such time, the Commissioner may extend the time for appealing and make such order for substitutional or other service as he considers just, or if a person affected has not been notified as provided in sections 96 and 134, and appears to have suffered substantial injustice and has not been guilty of undue delay, the Commissioner may allow such person to appeal.

(4) The notice of appeal shall contain or have endorsed upon it an address in Ontario at which the appellant may be served with any notice or document relating to the appeal, and any such notice or document is sufficiently served upon the appellant if it is left with a grown-up person at such address or, where no such person can there be found, if sent by registered mail addressed to the appellant at such address.

Service of notice of appeal

(5) If no address for service is given as provided in subsection 4, any such notice or document may be served upon the appellant by posting it up in the recorder's office.

Where no address for service

137. The Commissioner shall determine,

Hearing

(a) an appeal from a recorder, after a hearing by way of a hearing *de novo*; and

(b) a dispute referred to in section 64 or a claim, question, dispute or other matter within his jurisdiction after a hearing,

pursuant to an appointment fixing the time and and place for the hearing.

138.—(1) Application to the Commissioner for an appointment for a hearing may be made by any party to the proceeding and may be verbal or written or may be *ex parte* or upon such notice to such persons as the Commissioner may direct.

Application for appointment for hearing

(2) The Commissioner may fix such time for a hearing as will permit the matter to be disposed of as promptly as possible, allowing adequate time to the parties to prepare their cases but, unless all parties consent thereto, the hearing shall be held not less than ten days after service of the appointment for the hearing on the parties.

Time for hearing

(3) The Commissioner shall select as the place for a hearing such place as he considers most convenient for the parties in the county or district or one of the counties or districts in which the lands or mining rights affected are situate unless it appears to him desirable that the hearing should be in some other county or district.

Place for hearing

Leave for
hearing

- (4) In any matter or proceeding, other than an appeal, the Commissioner may, if a certificate of record has been issued, require the applicant for an appointment to satisfy him that there is reasonable ground for the application or, in any such case or in any case where leave to take the proceeding is necessary, may give the appointment or leave only upon such terms as to security for costs or otherwise as he considers just.

Service of
appointment
for hearing

- 139.—(1) The Commissioner shall cause a copy of an appointment for a hearing before him to be served upon all parties, which shall, except in the case of an appeal or a dispute under section 64, state briefly the particulars of the right or question in issue or of the dispute.

Hearing
may proceed
in absence
of party

- (2) The appointment shall state that if a person has been served does not attend the hearing, the Commissioner may proceed in his absence and he is not entitled to notice of any further proceedings.

Service
deemed
compliance
with
1971, c. ...

- (3) Service by registered mail of the appointment and of the notice, if any, required under subsection 1 shall be a sufficient compliance with section 6 of *The Statutory Powers Procedure Act, 1971*.

Directions of
Com-
missioner re
proceedings

- 140.—(1) Sections 138 and 139 apply notwithstanding *The Statutory Powers Procedure Act, 1971* and, subject to that Act, the Commissioner may,

- (a) give directions for having any matter or proceeding heard and decided without unnecessary formality;
- (b) order the filing or serving of statements, particulars, objections or answers, the production of documents and things, and the making of amendments;
- (c) give such other directions respecting the procedure and hearing as he considers proper;
- (d) make any appointment, notice or other proceeding returnable forthwith or at such time as he considers proper; and
- (e) order or allow such substituted or other service as he considers proper.

- (2) The Commissioner may take or order the evidence ^{Taking of evidence} of any witness to be taken at any place in or out of Ontario.
141. Notwithstanding *The Statutory Powers Procedure Act, 1971*, the Commissioner may hear and dispose of any application not involving the final determination of the matter or proceeding, either *ex parte* or on notice, at any place he considers convenient, and his decision upon any such application is final and is not subject to appeal but, where the Commissioner makes his decision *ex parte* he may subsequently reconsider and amend such decision. ^{Decision of Commissioner}
- (14) Part VIII of *The Mining Act*, as amended by sections ^{R.S.O. 1960, c. 241, Part VIII (ss. 125-160), amended} 38 and 39 of *The Mining Amendment Act, 1962-63*, section 8 of *The Mining Amendment Act, 1965*, sections 16 and 17 of *The Mining Amendment Act, 1967* and section 10 of *The Mining Amendment Act, 1968*, is further amended by adding thereto the following section:
- 143a. Where the Commissioner receives any opinion, ^{Disclosure of evidence to parties} report or evidence under section 142 or 143 in any proceeding before him, the opinion, report or evidence shall be disclosed to the parties to the proceeding who, if they so request, shall be afforded an opportunity of cross-examining the person expressing the opinion, making the report or giving the evidence.
- (15) Section 148 of *The Mining Act* is repealed and the ^{R.S.O. 1960, c. 241, s. 148, re-enacted} following substituted therefor:
148. The evidence taken before the Commissioner shall ^{Recording of evidence} be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.
- (16) Subsection 2 of section 152 of *The Mining Act* is ^{R.S.O. 1960, c. 241, s. 152, subs. 2, re-enacted} repealed and the following substituted therefor:
- (2) The order or judgment of the Commissioner, with the evidence, exhibits, the statement, if any, of view or of special knowledge or skill, and the reasons for his decision shall be filed in the office of the recorder of the division in which the property in question or part of it is situate or, where section 21 applies, with the Deputy Minister, and the recorder or Deputy Minister shall forthwith give notice in writing of the filing by registered mail or otherwise to the solicitors of the parties appearing by solicitor and to parties not represented by a solicitor. ^{Documents to be filed in recorder's office}

R.S.O. 1960,
c. 241,
Part VIII
(ss. 125-160),
amended

(17) Part VIII of *The Mining Act* is further amended by adding thereto the following section:

Stay of
proceedings

154a. Where a certified copy of a final decision of a recorder has been filed in the office of the Registrar of the Supreme Court under section 19 of *The Statutory Powers Procedure Act, 1971*, the Commissioner or the court or a judge thereof may stay proceedings therein if an appeal from the decision is brought until final disposition of the appeal.

1971, c. ...

R.S.O. 1960,
c. 241, s. 156,
re-enacted

(18) Section 156 of *The Mining Act* is repealed and the following substituted therefor:

Time for
appeal
R.S.O. 1960,
c. 18

156.—(1) Except in the case of a reference under section 131 or *The Arbitrations Act*, the order or judgment of the Commissioner is final and conclusive unless, where an appeal lies, it is appealed from within fifteen days after the filing thereof in accordance with section 152, or within such further period of not more than fifteen days as the Commissioner or a judge of the Supreme Court may allow.

Notice of
appeal

(2) The appeal shall be begun by filing a notice of appeal with the recorder with whom the order or judgment appealed from is filed under section 152 or, where section 21 applies, with the Deputy Minister, paying to him the prescribed fee and filing the notice of appeal with the Registrar of the Supreme Court and, unless the notice of appeal is filed with the Registrar of the Supreme Court and a certificate of such filing is lodged with the recorder or Deputy Minister within five days after the expiration of such fifteen days, or any further time allowed under subsection 1, the appeal shall be deemed to be abandoned.

Transmission
of documents

(3) The recorder or, where section 21 applies, the Deputy Minister shall, forthwith after the filing of the notice of appeal and payment of the prescribed fee, transmit by registered mail or by express to the office of the Registrar of the Supreme Court, Toronto, the order or judgment appealed from and all the exhibits, papers and documents filed therewith.

Extension
order

(4) Where the time for appealing is extended under subsection 1, the appellant shall forthwith transmit the order for the extension or a duplicate thereof by registered mail to the recorder, or where section 21 applies, to the Deputy Minister.

(5) The practice and procedure on an appeal including ^{Practice} the form of notice of appeal, service of the notice of appeal on the parties, and the disposition of costs on an appeal, shall be governed by the rules of court.

(19) Section 157 of *The Mining Act* is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 241, s. 157, re-enacted}

157.—(1) No proceedings by way of an application for ^{Judicial review} judicial review under *The Judicial Review Procedure Act, 1971*, or, except in proceedings provided for under this Act, by way of other proceedings whatsoever, may be brought to call into question, ^{1971, c. ...}

- (a) any decision made or purporting to have been made by a recorder under this Act, more than thirty days after entry of the decision by the recorder in the books of his office;
- (b) any order or judgment given or made or purporting to have been given or made by the Commissioner under this Act, more than thirty days after filing of the order or judgment of the Commissioner in accordance with section 152; or
- (c) the validity of any act or thing done or purporting to have been done under this Act by the recorder or by any other officer appointed under this Act, more than thirty days after the time when such act or thing was done.

(2) Notwithstanding anything in *The Judicial Review Procedure Act, 1971*, no court may extend any limitation of time fixed in subsection 1. ^{No extension of time}

(20) Section 158 of *The Mining Act* is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 241, s. 158, re-enacted}

158. Where the validity of a proceeding before the Commissioner or a recorder is called into question in any court on the ground of any defect of form or substance or failure to comply with this Act or the regulations, notwithstanding that such defect or failure is established, the court shall not, if no substantial wrong or injustice has been thereby done or occasioned, invalidate the proceeding by reason thereof, but shall confirm the proceeding, and, upon ^{Defects in form}

such confirmation, the proceeding shall be and be deemed to have been valid and effective from the time when it would otherwise have been effective but for such defect or failure.

R.S.O. 1960,
c. 241, Part X
(1961-62,
c. 81, s. 1),
amended

(21) Part X of *The Mining Act*, as re-enacted by section 1 of *The Mining Amendment Act, 1961-62*, is amended by adding thereto the following section:

Reference
for hearing
and report

615a.—(1) Before refusing to renew, or suspending, cancelling or revoking a refinery licence or certificate of exemption under section 615, the Minister shall refer the matter to a person appointed by him for a hearing and report.

Hearing

(2) Where a matter is referred by the Minister under subsection 1, the person appointed shall hold a hearing as to whether the refinery licence or certificate of exemption to which the hearing relates should be renewed or should be suspended, cancelled or revoked, as the case may be, and the licensee or certificate holder and such other persons as the person holding the hearing may specify are parties to the hearing.

Application
of 1971, c. ...

(3) Sections 6 to 16 and sections 21, 22 and 23 of *The Statutory Powers Procedure Act, 1971* apply in respect of a hearing under this section.

Report

(4) The person holding 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 reaching his recommendations, any conclusions of law he has arrived at relevant to these recommendations, and his recommendations as to the renewal, suspension, cancellation or revocation of the refinery licence or certificate of exemption, as the case may be, and shall send a copy of his report to the licensee or certificate holder to whom it relates.

Decision of
Minister

(5) After considering a report made under this section, the Minister shall thereupon decide whether or not to refuse to renew or to suspend, cancel or revoke the refinery licence or certificate of exemption to which the report relates, and shall give notice of his decision to the licensee or certificate holder specifying the reasons therefor.

R.S.O. 1960,
c. 241, s. 619
(1961-62,
c. 81, s. 1),
re-enacted

(22) Section 619 of *The Mining Act*, as re-enacted by section 1 of *The Mining Amendment Act, 1961-62*, is repealed and the following substituted therefor:

619. The Minister may appoint any person to conduct an inquiry into any charge or complaint that a person has contravened any of the provisions of this Part or into any matter or thing connected with or arising out of the operation of this Part, and such person, for the purposes of the inquiry, has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

Inquiry of complaints

1971, c. ...

(23) Clause *d* of subsection 1 of section 647 of *The Mining Act* is repealed.

R.S.O. 1960, c. 241, s. 647, subs. 1, cl. *d*, repealed

(24) Subsection 3 of section 653 of *The Mining Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 241, s. 653, subs. 3, re-enacted

(3) An order made under this section shall be served in such manner as the Commissioner directs.

Service of order

(3a) If a co-owner, upon whom an order made under subsection 1 has been served, disputes his liability to his co-owner or otherwise to make any payment under the order or the amount thereof, he may, within the time limited by the order for making the payment, apply to the Commissioner for a hearing and the Commissioner shall, after a hearing, determine the dispute and may affirm, amend or rescind the order or make such other order as he considers just, and, if the Commissioner orders that a payment be made, he may fix the time for payment thereof.

Dispute as to liability

(3b) Where the time for payment fixed by an order made under subsection 1 has expired and no application for determination of a dispute has been made, or where the time fixed by an order made under subsection 3a has expired, and where such additional time, if any, as has been granted by the Commissioner has expired, if it is proved to the satisfaction of the Commissioner that the payment has not been made, he may make an order vesting the interest of the delinquent co-owner or co-owners in the lands or mining rights to which the payment relates in the co-owner or co-owners who has or have paid the rents or made the expenditure.

Vesting order

(25) Section 669 of *The Mining Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 241, s. 669, re-enacted

669.—(1) Any person claiming an interest in any lands or mining rights entered on the tax roll or whose name

Commissioner may settle dispute

has been entered on the tax roll, as being liable to the acreage tax or who disputes the amount of the tax levied on any lands or mining rights in which he has an interest may apply to the Commissioner to determine whether such lands and mining rights are or whether he is liable to the acreage tax and to be entered on the tax roll or the amount of the tax payable, and the Commissioner shall hear and determine such matter.

Minister
to be
party

(2) The Minister is a party to any proceedings before the Commissioner under this section.

Omissions
from tax
roll

(3) The Minister may refer to the Commissioner for hearing and adjudication any question or dispute as to whether any mining rights or lands have or any person has been wrongfully omitted from the tax roll.

R.S.O. 1960,
c. 241, s. 670,
subs. 3,
re-enacted

(26) Subsection 3 of section 670 of *The Mining Act* is repealed and the following substituted therefor:

Service of
order

(3) An order made under this section shall be served in such manner as the Commissioner may direct.

Disputes
as to
liability

(3a) If a co-owner, upon whom an order made under subsection 1 has been served, disputes his liability to his co-owner or otherwise to make any payment under the order or the amount thereof, he may, within the time limited by the order for making the payment, apply to the Commissioner for a hearing and the Commissioner shall hear and determine the dispute and may affirm, amend or rescind the order or make such other order as he considers just, and, if the Commissioner orders that a payment be made, he may fix the time for payment thereof.

Vesting
order

(3b) Where the time for payment fixed by an order made under subsection 1 has expired and no application for determination of a dispute has been made, or where the time fixed by an order made under subsection 3a has expired, and where such additional time, if any, as has been granted by the Commissioner has expired, if it is proved to the satisfaction of the Commissioner that the payment has not been made, he may make an order vesting the interest of the delinquent co-owner or co-owners in the lands or mining rights to which the payment relates in the co-owner or co-owners who has or have paid the taxes.

59.—(1) Section 1 of *The Mortgage Brokers Act, 1968-69* ^{1968-69, c. 71, s. 1,} is amended by relettering clause *a* as clause *aa* and by ^{amended} adding thereto the following clauses:

(a) “business premises” does not include a dwelling;

(ba) “dwelling” means any premises or any part thereof occupied as living accommodation.

(2) Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of *The Mortgage Brokers Act, 1968-69* are repealed ^{1968-69, c. 71, ss. 5-7, re-enacted; ss. 8-20, repealed} and the following substituted therefor:

5.—(1) An applicant is entitled to registration or re- ^{Registration of mortgage brokers} newal of registration by the Registrar except where,

(a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or

(b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or

(c) the applicant is a corporation and,

(i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or

(ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or

(d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. ^{Conditions of registration}

- Refusal to register 6.—(1) Subject to section 7, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 5.
- Revocation (2) Subject to section 7, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a term or condition of the registration.
- Notice of proposal to refuse or revoke 7.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.
- Notice requiring hearing (2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing.
- Powers of Registrar where no hearing (3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.
- Powers of Tribunal where hearing (4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal, or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.
- Conditions of order (5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.
- Parties (6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

- (7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration. Voluntary cancellation
- (8) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue, Continuation of registration pending renewal
- (a) until the renewal is granted; or
- (b) where he is served with notice that the Registrar proposes to refuse to grant the renewal until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.
- (9) Notwithstanding that a registrant appeals from an order of the Tribunal under section 8e of *The Department of Financial and Commercial Affairs Act, 1966*, the order takes effect immediately but the Tribunal may grant a stay until disposition of the appeal. Order of Tribunal effective, stay 1966, c. 41
- (3) Clause a of subsection 1 of section 24 of *The Mortgage Brokers Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 71, s. 24, subs. 1, cl. a, re-enacted
- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and
-
- (4) Section 25 of *The Mortgage Brokers Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 71, s. 25, re-enacted
25. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act. Investigations on order of Minister 1971, c. . . .

Investiga-
tions by
Director

25a.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has,

- (a) contravened any of the provisions of this Act or the regulations;
- (b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for registration under this Act;
- (c) by any false, misleading or deceptive statement or advertisement, representation or promise, or by any dishonest concealment of material facts, induced or attempted to induce any person to borrow money or to be responsible for the repayment thereof or to agree to the terms of any transaction with respect to money lent on the security of a mortgage; or
- (d) induced or attempted to induce any person to pay or be responsible for the payment of excessive or exorbitant fees or expenses in connection with a loan on the security of a mortgage,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence or such conduct has occurred and the person appointed shall report the result of his investigation to the Director.

Powers of
investigator

- (2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,
 - (a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation; and
 - (b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated

in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. ^{1971, c. ...}

- (3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation. ^{Obstruction of investigator}
- (4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are, in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night. ^{Search warrant}
- (5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated. ^{Removal of books, etc.}

Admissibility
of copies

- (6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment
of experts

- (7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Matters
confidential

- 25*b*.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 22, 23, 24, 25 or 25*a* shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

Testimony
in civil suit

- (2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceedings with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

1968-69,
c. 71, s. 26,
subs. 1,
re-enacted

- (5) Subsection 1 of section 26 of *The Mortgage Brokers Act, 1968-69* is repealed and the following substituted therefor:

Order to
refrain
from
dealing with
assets

26.—(1) Where,

- (a) an investigation of any person has been ordered under section 25*a*; or
- (b) criminal proceedings or proceedings in relation to a contravention of any Act or regulation are about to be or have been instituted against a person that are connected with or arise out

of the business in respect of which such person is registered,

the Director, if he believes it advisable for the protection of clients or customers of the person referred to in clause *a* or *b* may, in writing or by telegram, direct any person having on deposit or under control or for safekeeping any assets or trust funds of the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any person having any of them on deposit or under control or for safekeeping or to hold such assets or any trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act*, 1970 or the *Winding-up Act* (Canada) or until the Director revokes or the Tribunal cancels such direction or consents to the release of any particular assets or trust funds from the direction but, in the case of a bank, loan or trust company, the direction only applies to the office, branches or agencies thereof named in the direction.

R.S.O. 1960,
cc. 197, 71,
1970, c. 25

R.S.C. 1952,
cc. 14, 296

(6) The said section 26 is amended by adding thereto the following subsection:

1968-69,
c. 71, s. 26,
amended

(5) Any person referred to in clause *a* or *b* of subsection 1 in respect of whom a direction has been given by the Director under subsection 1 or any person having an interest in land in respect of which a notice has been registered under subsection 4 may, at any time, apply to the Tribunal for cancellation in whole or in part of the direction or registration and the Tribunal shall dispose of the application after a hearing and may, if it finds that such a direction or registration is not required in whole or in part for the protection of clients or customers of the applicant or of other persons interested in the land or that the interests of other persons are unduly prejudiced thereby, cancel the direction or registration in whole or in part, and the applicant, the Director and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal.

Cancellation
of direction
or
registration

(7) Section 28 of *The Mortgage Brokers Act*, 1968-69 is repealed and the following substituted therefor:

1968-69,
c. 71, s. 28,
re-enacted

False
advertising

28. Where the Registrar believes on reasonable and probable grounds that a mortgage broker is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and section 7 applies *mutatis mutandis* to the order in the same manner as to a proposal by the Registrar to refuse registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

1968-69,
c. 71, s. 29,
subs. 2,
re-enacted

(8) Subsection 2 of section 29 of *The Mortgage Brokers Act, 1968-69* is repealed and the following substituted therefor:

Where
service
deemed
to be
made

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

1968-69,
c. 71, s. 32,
cl. d,
amended

(9) Clause *d* of section 32 of *The Mortgage Brokers Act, 1968-69* is amended by striking out "or to any such person, document or material" in the second and third lines.

R.S.O. 1960,
c. 268, s. 1,
amended

60.—(1) Section 1 of *The Oleomargarine Act* is amended by relettering clause *a* as clause *ad* and by adding thereto the following clauses:

(a) "chief inspector" means the chief inspector appointed under this Act;

(ab) "Commission" means The Milk Commission of Ontario established by *The Milk Act, 1965*;

(ac) "licence" means a licence under this Act.

1965, c. 72

R.S.O. 1960,
c. 268, s. 6,
subs. 1,
re-enacted

(2) Subsection 1 of section 6 of *The Oleomargarine Act* is repealed and the following substituted therefor:

Licence
required

(1) No person shall manufacture or sell by wholesale oleomargarine without a licence therefor from the chief inspector.

R.S.O. 1960,
c. 268,
amended

(3) *The Oleomargarine Act* is amended by adding thereto the following sections:

6a.—(1) The chief inspector shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing,

Licence.
issue

(a) he finds that,

- (i) the applicant was previously the holder of a licence and such licence was cancelled under this Act, or
- (ii) the applicant or, where the applicant is a corporation, any officer or director thereof or any person who will be associated with the applicant in the operations pursuant to the licence was convicted of an offence under this Act,

and in his opinion the grounds for such cancellation or conviction warrant a refusal to issue the licence; or

(b) he is of opinion that,

- (i) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business that would be authorized by the licence will not be carried on in accordance with law, or
- (ii) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(2) Subject to section 6b, the chief inspector shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

Renewal

6b.—(1) The chief inspector may refuse to renew or may suspend or cancel a licence if, after a hearing, he finds that,

- (a) the licensee or, where the licensee is a corporation, any officer, director or servant thereof, has contravened or has permitted any person under his control or direction or associated with him in connection with his or its operations as a licensee to contravene any provision of this Act or the regulations or a term or condition of the licence or has been

Refusal
to renew,
suspension
or cancel-
lation

convicted of an offence under this Act and such contravention or conviction in his opinion warrants such refusal to renew, suspension or cancellation of the licence; or

- (b) any other ground for refusal to renew, suspension or cancellation specified in the regulations exists.

Provisional suspension, etc.

- (2) Notwithstanding subsection 1, the chief inspector, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the opinion of the chief inspector it is necessary to do so for the immediate protection of the safety or health of any person or the public and he so states in such notice giving his reasons therefor, and thereafter the chief inspector shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or cancelled under this Act and the regulations.

Continuation of licence pending renewal

- (3) Subject to subsection 2, where, within the time prescribed or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and has paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the chief inspector on his application for renewal.

Notice of hearing

- 6c.—(1) The notice of a hearing by the chief inspector under section 6a or section 6b shall afford the applicant or licensee reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination of documentary evidence

- (2) An applicant or licensee who is a party to proceedings in which the chief inspector holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Variation of decision by chief inspector

- 6d. Where the chief inspector has refused to issue or renew or has suspended or cancelled a licence pursuant to a hearing he may at any time of his own motion or on the application of the person who was

the applicant or licensee vary or rescind his decision, but he shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

- 6e.—(1) Where the chief inspector refuses to issue or renew, or suspends or cancels a licence, the applicant or licensee may, by written notice delivered to the chief inspector and filed with the Commission within fifteen days after receipt of the decision of the chief inspector, appeal to the Commission. Appeal to Commission
- (2) The Commission may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension. Extension of time for appeal
- (3) Where an applicant or licensee appeals to the Commission under this section, the Commission shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or cancelled and may, after the hearing, confirm or alter the decision of the chief inspector or direct the chief inspector to do any act he is authorized to do under this Act and as the Commission considers proper and, for such purpose, the Commission may substitute its opinion for that of the chief inspector. Powers of Commission
- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the chief inspector, unless the chief inspector otherwise directs, the decision of the chief inspector is effective until the appeal is disposed of. Effect of decision pending disposal of appeal
- 6f.—(1) The chief inspector, the appellant and such other persons as the Commission may specify are parties to the proceedings before the Commission under this Act. Parties
- (2) Members of the Commission assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the hearing with any person who has taken part in the investigation or consideration of the subject-matter of the hearing. Members making decision not to have taken part in investigation, etc.

tion to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

- (3) The oral evidence taken before the Commission at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

- (4) The findings of fact of the Commission pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. ...

Only
members
at hearing
to participate
in decision

- (5) No member of the Commission shall participate in a decision of the Commission pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Commission shall be given unless all members so present participate in the decision.

Appeal
to court

- 6g.—(1) Any party to proceedings before the Commission may appeal from the decision of the Commission to the Supreme Court in accordance with the rules of court.

Minister
entitled to
be heard

- (2) The Minister is entitled to be heard by counsel or otherwise on the argument of an appeal under this section.

Record to
be filed
in court

- (3) The chairman of the Commission shall certify to the Registrar of the Supreme Court the record of the proceedings before the Commission which, together with a transcript of the evidence before the Commission, if it is not part of the Commission's record, shall constitute the record in the appeal.

Powers of
court on
appeal

- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Commission or direct the chief inspector to do any act he is authorized to do under this Act or may refer the matter back to the Commission for reconsideration by

the Commission as the court considers proper and the court may substitute its opinion for that of the chief inspector or the Commission.

- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Commission, unless the Commission otherwise directs, the decision of the Commission is effective until the appeal is disposed of. Effect of decision of Commission pending disposal of appeal

(4) Subsection 1 of section 8 of *The Oleomargine Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 268, s. 8, subs. 1, re-enacted

- (1) The Lieutenant Governor in Council may appoint a chief inspector and such inspectors and analysts as are considered necessary for the administration and enforcement of this Act and the regulations. Inspectors, appointment

61.—(1) *The Ontario Food Terminal Act* is amended by adding thereto the following section: R.S.O. 1960, c. 272, amended

12a. Where the Board refuses an approval requested under section 12, the applicant for approval may appeal from the decision of the Board to the Minister who, after affording the applicant an opportunity to make representations, may confirm, rescind or alter the decision of the Board as the Minister considers proper, and the decision of the Minister is final. Appeal to Minister

(2) Section 14 of *The Ontario Food Terminal Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 272, s. 14, amended

- (2) No rule hereafter made under subsection 1 takes effect until it is approved by the Minister. Approval of Minister

62.—(1) Section 5a of *The Ontario Highway Transport Board Act*, as enacted by section 3 of *The Ontario Highway Transport Board Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 273, s. 5a (1961-62, c. 92, s. 3), re-enacted

5a.—(1) The chairman may authorize one member of the Board to hear and dispose of any application or reference to the Board, and such member may exercise all the powers of the Board with respect to the hearing and disposal of such application or reference. One member may be authorized to hear application

- (2) Any decision or report of a member of the Board made under subsection 1 shall be deemed to be a decision or report of the Board for the purposes of this Act. Decision of member

R.S.O. 1960,
c. 273, s. 9,
repealed

(2) Section 9 of *The Ontario Highway Transport Board Act* is repealed.

R.S.O. 1960,
c. 273, s. 11,
subs. 1,
re-enacted

(3) Subsection 1 of section 11 of *The Ontario Highway Transport Board Act* is repealed and the following substituted therefor:

Members of
Board not
personally
liable

(1) No member of the Board and no officer, agent or employee of the Board is personally liable for anything done by him in good faith under the authority of this Act or the regulations.

Crown not
relieved of
liability

(1a) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act, 1962-63*, relieve the Crown of liability in respect of a tort to which it would otherwise be subject, and the Crown is liable under that Act for any tort in a like manner as if subsection 1 had not been enacted.

1962-63, c. 109

R.S.O. 1960,
c. 273,
amended

(4) *The Ontario Highway Transport Board Act* is amended by adding thereto the following sections:

Application
of 1971, c. ...
to hearings

17a.—(1) Sections 4 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to any hearing by the Board and the proceedings relating thereto.

Parties to
rehearing

(2) Where the Board holds a rehearing under section 16, the parties to the proceedings relating to the rehearing are the persons who were parties to the initial hearing and such other persons as the Board may specify.

Members
making
decision not
to have
taken part
in prior
investigation

17b.—(1) Members of the Board assigned to render a decision or report after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or any party or his representative except upon notice to and opportunity for all parties to participate, but such members may without such notice,

(a) consult with other members of the Board; and

(b) seek legal advice from a legal adviser independent of the parties but in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

- (2) The findings of fact by the Board pursuant to a hearing shall be based exclusively on the evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. ^{Findings of fact} 1971, c. ...
- (3) The oral evidence admitted at a hearing by the Board relating to the suspension or cancellation of an operating licence or the issue or cancellation of a vehicle licence under *The Public Vehicles Act* or *The Public Commercial Vehicles Act* shall be taken down in writing or by any other method authorized by *The Evidence Act*. ^{Recording of evidence} R.S.O. 1960, cc. 337, 319, 125
- (4) No member of the Board shall be a party to a decision or report of the Board made after a hearing unless he was present throughout the hearing and heard the evidence and arguments of the parties and no decision or report, except with the consent of the parties, shall be given unless all members so present participate in the decision or report. ^{Only members at hearing to participate in decision}
- (5) Section 19 of *The Ontario Highway Transport Board Act* is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 273, s. 19, re-enacted}

19.—(1) The Board shall, at the request of the Lieutenant Governor in Council, or may, of its own motion or upon the application of any party to proceedings before the Board, state a case in writing for the opinion of the Supreme Court upon any question of law. ^{Stated case}

- (2) If, on the application of a party to proceedings before it, the Board refuses to state a case under subsection 1, such party may apply to the Supreme Court for an order directing the Board to state such a case. ^{Where Board refuses to state case}
- (3) The Supreme Court shall hear and determine any case stated to it under this section and remit it to the Board with the opinion of the court thereon. ^{Determination}

(6) Subsection 1 of section 21 of *The Ontario Highway Transport Board Act* is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 273, s. 21, subs. 1, re-enacted}

- (1) An appeal lies from the Board to the Supreme Court from any decision, order or report of the Board upon any question of jurisdiction or upon any question of law, but no such appeal lies unless ^{Appeal on questions of jurisdiction and law}

leave to appeal is obtained from the court within one month of the making of the decision or order sought to be appealed from or within such further time as the court under the special circumstances of the case allows after notice to the opposite party, if any, stating the grounds of appeal.

R.S.O. 1960,
c. 273, s. 23,
subs. 1,
re-enacted

(7) Subsection 1 of section 23 of *The Ontario Highway Transport Board Act* is repealed and the following substituted therefor:

Practice and
procedure

- (1) The Lieutenant Governor in Council may make regulations governing the practice and procedure in proceedings before the Board.

1961-62, c. 93,
ss. 12, 13,
re-enacted

63. Sections 12 and 13 of *The Ontario Human Rights Code, 1961-62* are repealed and the following substituted therefor:

Complaints

- 12.—(1) Any person who has reasonable grounds for believing that any person has contravened a provision of this Act may file with the Commission a complaint in the form prescribed by the Commission.

Consent of
offended
person

- (2) Where a complaint is made by a person other than the person whom it is alleged was dealt with contrary to the provisions of this Act, the Commission may refuse to file the complaint unless the person alleged to be offended against consents thereto.

Inquiry and
settlement

- 13.—(1) Where a complaint has been filed with the Commission, the Commission or a person designated by it shall inquire into the complaint and endeavour to effect a settlement of the matter complained of.

Access to
premises

- (2) For the purposes of an inquiry under subsection 1, the Commission, or any person so designated on production of evidence of his designation, shall have access to and may view the premises involved in the complaint, other than an occupied place of residence, at all reasonable times and at any time when the premises are open for business or when employees are engaged in their work.

Warrant

- (3) Where a justice of the peace is satisfied by information upon oath that there is reasonable ground for believing that access to an occupied place of residence is required for the purposes of an inquiry under this Act, he may, at any time issue a warrant pursuant to section 14 of *The Summary Convictions Act* authorizing the Commission or other person named therein

R.S.O. 1960,
c. 387

to enter and view such place of residence and every such warrant shall be executed between sunrise and sunset, unless the justice otherwise directs.

- (4) The Commission or a person designated by it, has the same powers for the purposes of an inquiry under this section to inspect and examine books, payrolls, records and other documents and to take extracts or copies thereof, and to enter premises and to question employees as are possessed by the Director of Employment Standards under section 33 of *The Employment Standards Act, 1968*.

Inspection of records

1968, c. 35

13a.—(1) Where it appears to the Commission that a complaint will not be settled, the Commission shall make a recommendation to the Minister as to whether or not a board of inquiry should be appointed, and the Minister may, in his discretion, appoint a board of inquiry consisting of one or more persons to hear and decide the complaint.

Board of inquiry

- (2) Forthwith after the appointment of a board of inquiry, the Minister shall communicate the names of the members of the board to,

Parties to be notified of membership of board

(a) the Commission; and

(b) the parties referred to in clauses *b*, *c* and *d* of subsection 1 of section 13*b*,

and thereupon it shall be presumed conclusively that the board was appointed in accordance with this Act.

- (3) The Lieutenant Governor in Council may determine the remuneration of the chairman and the members of a board of inquiry appointed under this section.

Remuneration of members of board

13*b*.—(1) The parties to a proceeding before a board of inquiry with respect to any complaint are,

Parties to proceeding

(a) the Commission, which shall have the carriage of the complaint;

(b) the person named in the complaint as the complainant;

(c) any person named in the complaint and alleged to have been dealt with contrary to the provisions of this Act;

- (d) any person named in the complaint as alleged to have contravened this Act; and
- (e) any other person specified by the board upon such notice as the board may determine and after such person has been given an opportunity to be heard against his joinder as a party.

Copy of
complaint
annexed to
notice

- (2) A true copy of the complaint shall be annexed to the notice of the hearing that is given to any party except the Commission.

Members at
hearing not
to have
taken part in
investigation,
etc.

- (3) A member of the board hearing a complaint, shall not have taken part in any investigation or consideration of the complaint prior to the hearing and shall not communicate directly or indirectly in relation to the complaint with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of
evidence

- (4) The oral evidence taken before a board at a hearing shall be recorded, and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

- (5) The findings of fact of the board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. ...

Jurisdiction
of board

- (6) Subject to appeal under section 13d, the board of inquiry has exclusive jurisdiction and authority to determine any question of fact or law or both required to be decided in reaching a decision as to whether or not any person has contravened this Act or for the making of any order pursuant to such decision.

Powers
of board

13c. The board, after hearing a complaint,

- (a) shall decide whether or not any party has contravened this Act; and

(b) may order any party who has contravened this Act to do any act or thing that, in the opinion of the board, constitutes full compliance with such provision and to rectify any injury caused to any person or to make compensation therefor.

13d.—(1) Any party to a hearing before a board may appeal from the decision or order of the board to the Supreme Court in accordance with the rules of court. Appeal from decision of board

(2) Where notice of an appeal is served under this section, the board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision or order appealed from was made, which, together with a transcript of the oral evidence taken before the board if it is not part of the record of the board, shall constitute the record in the appeal. Record to be filed in court

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Minister entitled to be heard

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or reverse the decision or order of the board or direct the board to make any decision or order that the board is authorized to make under this Act and the court may substitute its opinion for that of the board. Powers of court

64.—(1) Subsection 1 of section 24 of *The Operating Engineers Act, 1965* is amended by adding at the commencement thereof "Subject to section 24a". 1965, c. 92, s. 24, subs. 1, amended

(2) Subsections 2 and 3 of the said section 24 are repealed. 1965, c. 92, s. 24, subs. 2, 3, repealed

(3) *The Operating Engineers Act, 1965* is amended by adding thereto the following sections: 1965, c. 92, amended

24a.—(1) Where the Board proposes to refuse to renew or proposes to suspend or cancel a certificate of qualification, it shall serve notice of its proposal, together with written reasons therefor, on the holder of the certificate. Notice of proposal to suspend, etc., certificate

(2) A notice under subsection 1 shall inform the holder of the certificate that he is entitled to a hearing by a judge if he applies therefor to a judge of the county or Hearing

- (d) any person named in the complaint as alleged to have contravened this Act; and
- (e) any other person specified by the board upon such notice as the board may determine and after such person has been given an opportunity to be heard against his joinder as a party.

Copy of complaint annexed to notice

- (2) A true copy of the complaint shall be annexed to the notice of the hearing that is given to any party except the Commission.

Members at hearing not to have taken part in investigation, etc.

- (3) A member of the board hearing a complaint, shall not have taken part in any investigation or consideration of the complaint prior to the hearing and shall not communicate directly or indirectly in relation to the complaint with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

- (4) The oral evidence taken before a board at a hearing shall be recorded, and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

- (5) The findings of fact of the board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. ...

Jurisdiction of board

- (6) Subject to appeal under section 13*d*, the board of inquiry has exclusive jurisdiction and authority to determine any question of fact or law or both required to be decided in reaching a decision as to whether or not any person has contravened this Act or for the making of any order pursuant to such decision.

Powers of board

- 13c. The board, after hearing a complaint,

- (a) shall decide whether or not any party has contravened this Act; and

(b) may order any party who has contravened this Act to do any act or thing that, in the opinion of the board, constitutes full compliance with such provision and to rectify any injury caused to any person or to make compensation therefor.

13d.—(1) Any party to a hearing before a board may appeal from the decision or order of the board to the Supreme Court in accordance with the rules of court. Appeal from decision of board

(2) Where notice of an appeal is served under this section, the board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision or order appealed from was made, which, together with a transcript of the oral evidence taken before the board if it is not part of the record of the board, shall constitute the record in the appeal. Record to be filed in court

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Minister entitled to be heard

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or reverse the decision or order of the board or direct the board to make any decision or order that the board is authorized to make under this Act and the court may substitute its opinion for that of the board. Powers of court

64.—(1) Subsection 1 of section 24 of *The Operating Engineers Act, 1965* is amended by adding at the commencement thereof "Subject to section 24a". 1965, c. 92, s. 24, subs. 1, amended

(2) Subsections 2 and 3 of the said section 24 are repealed. 1965, c. 92, s. 24, subs. 2, 3, repealed

(3) *The Operating Engineers Act, 1965* is amended by adding thereto the following sections: 1965, c. 92, amended

24a.—(1) Where the Board proposes to refuse to renew or proposes to suspend or cancel a certificate of qualification, it shall serve notice of its proposal, together with written reasons therefor, on the holder of the certificate. Notice of proposal to suspend, etc., certificate

(2) A notice under subsection 1 shall inform the holder of the certificate that he is entitled to a hearing by a judge if he applies therefor to a judge of the county or Hearing

district court for the county or district in which he resides within fifteen days after the notice under subsection 1 is served on him and he may so apply for such a hearing.

Powers of Board where no hearing

- (3) Where a holder of a certificate does not apply to a judge for a hearing in accordance with subsection 2, the Board may carry out the proposal stated in its notice under subsection 1.

Powers of Board where hearing

- (4) Where a holder of a certificate applies to a judge for a hearing in accordance with subsection 2, the judge shall appoint a time for and hold the hearing and, on the application of the Board at the hearing, may by order direct the Board to carry out its proposal or refrain from carrying out its proposal and to take such action as the judge considers the Board ought to take in accordance with this Act and the regulations, and for such purposes the judge may substitute his opinion for that of the Board.

Service of notice by Board

- (5) The Board may serve notice under subsection 1 personally or by registered mail addressed to the holder of the certificate at his address last known to the Board and, where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the judge to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Extension of time for application

- (6) A judge to whom application is made by a holder of a certificate for a hearing under this section, may extend the time for making the application, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the holder of the certificate pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as he considers proper consequent upon the extension.

Continuation of certificate pending renewal

- (7) Where, within the time prescribed therefor or, if no time is prescribed, prior to the expiry of his certificate, a holder of a certificate has applied for renewal of his certificate and paid the prescribed fee, his certificate shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Board proposes to refuse to grant the renewal, until the time for applying for a hearing by a judge has expired and, where a hearing is applied for, until the judge has made his decision.

- 24b.—(1) The Board, the holder of the certificate who has applied for the hearing and such other persons as are specified by the judge are parties to the proceedings before a judge under section 24a. Parties
- (2) Notice of a hearing under section 24a shall afford to the holder of the certificate a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the retention of the certificate. Notice of hearing
- (3) A holder of a certificate who is a party to proceedings under section 24a shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence
- (4) The oral evidence taken before the judge at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
- (5) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact
1971, c. ...
- (4) Section 25 of *The Operating Engineers Act, 1965* is repealed and the following substituted therefor: 1965, c. 92,
s. 25,
re-enacted
- 25.—(1) Any party to proceedings before a judge under section 24a may appeal from the decision or order of the judge to the Supreme Court in accordance with the rules of court. Appeal from decision of judge to court
- (2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision or order was made, which, together with the transcript of the evidence before the judge if it is not part of the record of the judge, shall constitute the record in the appeal. Records to be filed in court

Minister
entitled to
be heard

- (3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Powers of
court on
appeal

- (4) The Supreme Court may, on the appeal, affirm the decision of the judge appealed from or may rescind it and make such new decision as the court considers proper under this Act and the regulations and may order the Board to do any act or thing it is authorized to do under this Act and as the court considers proper and for such purpose the court may substitute its opinion for that of the Board or of the judge, or the court may refer the matter back to the judge for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Appeal from
decision of
chief officer

- 25a.—(1) Any person who deems himself aggrieved by a decision of the chief officer under this Act or the regulations may, within ten days after the decision comes to his attention, appeal to a judge of the county or district court for the county or district in which the plant, boiler or other subject-matter to which the decision relates is located, by notice in writing sent by prepaid mail to the chief officer and the judge.

Powers of
judge on
appeal

- (2) Where a person has appealed to a judge under subsection 1, the judge shall appoint a time for a hearing and shall hear the appeal and may affirm, rescind or vary the decision of the chief officer and may direct the chief officer to take any action that he is authorized to take under this Act or the regulations and as the judge considers proper and for such purpose the judge may substitute his opinion for that of the chief officer.

Application
of section 24a

- (3) Subsection 6 of section 24a applies *mutatis mutandis* to an appeal under this section.

Parties

- (4) The chief officer, the appellant and such other persons as the judge may specify are parties to an appeal under this section.

Decision of
judge final

- (5) A decision of a judge under this section is final.

Effect of
decision
pending
disposal
of appeal

- 25b. The bringing of an appeal under section 25 or 25a does not affect the operation of the decision appealed from pending disposition of the appeal.

1965, c. 92,
s. 33, cl. o,
repealed

- (5) Clause o of section 33 of *The Operating Engineers Act, 1965* is repealed.

65. *The Pawnbrokers Act, 1966* is amended by adding ^{1966, c. 111, amended} thereto the following section:

- 2a.**—(1) No application for a licence or renewal of a ^{Application for renewal} licence to carry on the business of a pawnbroker shall be refused until after the applicant has been afforded a hearing by the licence issuing authority.
- (2) Where, within the time prescribed therefor or, if no ^{Continuation of licence pending renewal} time is prescribed, prior to the expiry of his licence, the holder of a licence to carry on the business of a pawnbroker has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,
- (a) until the renewal is granted; or
- (b) until the application has been finally determined by the licence issuing authority or, where there is an appeal from the decision of the licence issuing authority, until the last day for launching an appeal or such later date as may be fixed by the body to whom the appeal may be taken.

66.—(1) Clause *h* of section 1 of *The Pesticides Act, 1967* ^{1967, c. 74, s. 1, cl. h, amended} is amended by inserting after “under” in the first line “this Act and”.

(2) Section 6 of *The Pesticides Act, 1967*, as re-enacted by ^{1967, c. 74, s. 6} section 2 of *The Pesticides Amendment Act, 1970*, is repealed ^{(1970, c. 104, s. 2), re-enacted} and the following substituted therefor:

- 6.**—(1) Subject to subsection 2, where a person applies ^{Licence, issue} for a licence in accordance with this Act and the regulations and otherwise complies with the requirements of this Act and the regulations for the particular class of licence applied for, the Director shall issue a licence to him.
- (2) Subject to section 7a, where an applicant for a licence ^{Refusal to issue} does not comply with the requirements of subsection 1, the Director shall refuse to issue a licence to him.

6a.—(1) A licence expires on the 15th day of February ^{Term of licence} in the year next following the year in which it was issued.

- (2) Subject to section 6b, where a licensee applies for a ^{Renewal} renewal of his licence in accordance with this Act

and the regulations, the Director shall renew the licence.

Refusal to renew, suspension or cancellation

6b. Subject to section 7a, the Director may refuse to renew or may revoke or suspend a licence if the licensee,

- (a) has contravened this Act or the regulations;
- (b) is in breach of a condition of the licence;
- (c) is found to be incompetent or grossly negligent; or
- (d) is found to have fraudulently misrepresented his services in performing an extermination or in carrying on the business of extermination.

1967, c. 74, ss. 7a-7c (1970, c. 104, s. 2), re-enacted; ss. 7d-7g (1970, c. 104, s. 2), repealed

(3) Sections 7a, 7b, 7c, 7d, 7e, 7f and 7g of *The Pesticides Act, 1967*, as enacted by section 2 of *The Pesticides Amendment Act, 1970*, are repealed and the following substituted therefor:

Proposal to suspend, etc.

7a.—(1) Where the Director proposes to refuse to issue or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

Notice

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Director and the Board and he may so require such a hearing.

Powers of Director where no hearing

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1.

Powers of Board where hearing

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Director.

(5) The Director may serve notice under subsection 1 ^{Service of notice} personally or by registered mail addressed to the applicant or licensee at his address last known to the Director and, where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the Board to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

(6) The Board may extend the time for the giving of notice ^{Extension of time for requiring hearing} requiring a hearing by an applicant or licensee under subsection 2, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension.

(7) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue, ^{Continuation of licence pending renewal}

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.

7b.—(1) The Director, the applicant or licensee who has ^{Parties} required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under section 7a.

(2) Notice of a hearing under section 7a shall afford to ^{Notice of hearing} the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination
of docu-
mentary
evidence

- (3) An applicant or licensee who is a party to proceedings under section 7a shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members
holding
hearing
not to
have taken
part in
investigation,
etc.

- (4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

- (5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

- (6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. ...

Only
members
at hearing
to participate
in decision

- (7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

- (8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal
to court

- 7c.—(1) Any party to proceedings before the Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

- (2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before

it in which the decision was made, which, together with the transcript of the evidence if it is not part of the Board's record, shall constitute the record in the appeal.

(3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section. Minister entitled to be heard

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Director to take any action which the Board may direct him to take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the Director or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper. Powers of court on appeal

(4) Section 7h of *The Pesticides Act, 1967*, as enacted by section 2 of *The Pesticides Amendment Act, 1970*, is amended by adding thereto the following subsection: 1967, c. 74, s. 7h (1970, c. 104, s. 2), amended

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act, 1962-63*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. Crown not relieved of liability 1962-63, c. 109

(5) Section 8 of *The Pesticides Act, 1967* is amended by inserting after "designate" in the first line "in writing". 1967, c. 74, s. 8, amended

(6) Section 9 of *The Pesticides Act, 1967* is amended by inserting after "regulations" in the first and second lines "upon the production of his designation as an inspector". 1967, c. 74, s. 9, amended

(7) Section 10 of *The Pesticides Act, 1967* is repealed and the following substituted therefor: 1967, c. 74, s. 10, re-enacted

10. Where an inspector has reasonable grounds for believing that an extermination is or may be dangerous to health, he may order that the extermination be terminated. Order for termination of extermination

(8) Subsection 3 of section 12 of *The Pesticides Act, 1967* is repealed and the following substituted therefor: 1967, c. 74, s. 12, subs. 3, re-enacted

Disposal of appeal

(3) The designated officer who hears the appeal under this section may after a hearing, to which the inspector making the order and the appellant shall be parties, vary, rescind or confirm the order of the inspector.

Effect of order pending disposal of appeal

(4) Notwithstanding that an appeal has been taken under this section from an order of an inspector, the order of the inspector is effective until confirmed, varied or rescinded on the appeal.

1967, c. 74, s. 13, amended

(9) Section 13 of *The Pesticides Act, 1967* is amended by adding thereto the following clauses:

(pa) providing for the remuneration and expenses of members of the Pesticides Licence Review Board;

(pb) prescribing procedure for the issue or renewal of licences.

1967, c. 74, s. 13, cl. y, repealed

(10) Clause y of the said section 13 is repealed.

R.S.O. 1960, c. 297, s. 1, amended

67.—(1) Section 1 of *The Plant Diseases Act*, as amended by section 1 of *The Plant Diseases Amendment Act, 1966*, is further amended by relettering clause a as clause aa and by adding thereto the following clauses:

(a) "Board" means the Plant Diseases Licence Review Board established by this Act;

.

(ca) "licence" means a licence under this Act.

R.S.O. 1960, c. 297, s. 3, re-enacted

(2) Section 3 of *The Plant Diseases Act* is repealed and the following substituted therefor:

Nursery licence required

3.—(1) No person shall operate a nursery without a licence therefor from the Director.

Dealer licence required

(2) No person, other than a person licensed to operate a nursery, shall be a dealer in nursery stock without a licence therefor from the Director.

R.S.O. 1960, c. 297, amended

(3) *The Plant Diseases Act* is amended by adding thereto the following sections:

Licence, issue

4a.—(1) The Director shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed

fee unless, after a hearing, he is of opinion that the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(2) Subject to section 4b, the Director shall renew a licence on application by the licensee in accordance with this Act and the regulations and payment of the prescribed fee. Renewal

4b.—(1) The Director may refuse to renew or may suspend or revoke a licence if, after a hearing, he is of opinion that the licensee or, where the licensee is a corporation, any officer, director or servant thereof, has contravened or has permitted any person under his control or direction in connection with his business of operating a nursery or dealing in nursery stock, to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder or of any law applying to the carrying on of the business of operating a nursery or dealing in nursery stock and such contravention warrants such refusal to renew or suspension or revocation of the licence. Refusal to renew, suspension or revocation

(2) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee and has observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal. Continuation of licence pending renewal

4c.—(1) Notice of a hearing by the Director under section 4a or section 4b shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence. Notice of hearing

(2) An applicant or licensee who is a party to proceedings under section 4a or 4b shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

4d. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing, he may at any time of his own motion or on the application of the person who was the applicant or licensee vary or rescind his decision, but Variation of decision by Director

the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

Review Board established

4e.—(1) A board to be known as the “Plant Diseases Licence Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure.

Term of office

(2) A member of the Board shall hold office for not more than five consecutive years.

Chairman

(3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

(4) A majority of the members of the Board constitutes a quorum.

Remuneration

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine.

Appeal to Board

4f.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director appeal to the Board.

Extension of time for appeal

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1 either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Powers of Board

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director.

- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of. Effect of decision pending disposal of appeal
- 4g.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act. Parties
- (2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members making decision not to have taken part in investigation, etc.
- (3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
- (4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971, c. ... 1971*. Findings of fact
- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision
- 4h.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court. Appeal to court
- (2) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section. Minister entitled to be heard

Record to
be filed
in court

- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of
court on
appeal

- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Director to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper, and the court may substitute its opinion for that of the Director or the Board.

Effect of
decision of
Board
pending
disposal of
appeal

- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

R.S.O. 1960,
c. 297, s. 6,
subs. 1,
amended

- (4) Subsection 1 of section 6 of *The Plant Diseases Act* is amended by adding at the commencement thereof "Subject to subsection 1a".

R.S.O. 1960,
c. 297, s. 6,
amended

- (5) The said section 6, as amended by section 3 of *The Plant Diseases Amendment Act, 1966*, is further amended by adding thereto the following subsection:

Power
to enter
dwelling
R.S.O. 1960,
c. 387

- (1a) Except under the authority of a warrant under section 14 of *The Summary Convictions Act*, an inspector shall not enter any part of a dwelling without the consent of the occupant.

R.S.O. 1960,
c. 297, s. 8,
subs. 2,
re-enacted

- (6) Subsection 2 of section 8 of *The Plant Diseases Act* is repealed and the following substituted therefor:

Powers of
Provincial
Entomologist
on appeal

- (2) Upon receipt of a notice of appeal, the Provincial Entomologist shall, after a hearing, confirm, revoke or modify the order appealed against and may make such order as the inspector might have made and the appellant shall carry out such order as is given by the Provincial Entomologist.

Parties

- (3) The appellant, the inspector who made the decision and such other persons as the Provincial Entomologist may specify are parties to proceedings before the Provincial Entomologist under subsection 2.

- (4) An appeal under this section may be made in writing or orally or by telephone to the Provincial Entomologist, but the Provincial Entomologist may require the grounds for appeal to be specified in writing before the hearing. How appeal made

68.—(1) Section 1 of *The Pregnant Mare Urine Farms Act, 1968-69* is amended by adding thereto the following clause: 1968-69, c. 97, s. 1, amended

(da) "licence" means a licence under this Act,

(2) Subsections 3, 4, 5, 6 and 7 of section 4 of *The Pregnant Mare Urine Farms Act, 1968-69* are repealed and the following substituted therefor: 1968-69, c. 97, s. 4, subss. 3-7, re-enacted

- (3) Where the Director is of the opinion that an applicant for a licence as an operator of a P.M.U. farm does not comply with clauses *a* and *b* of subsection 2 of section 3, he may, after a hearing, refuse to issue the licence. Refusal to issue

- (4) Subject to subsection 5, the Director shall renew a licence, on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee. Renewal

- (5) Where the Director is of the opinion, in the case of a licensee, that clause *a* or *b* of subsection 3 of section 3 applies, he may, after a hearing, refuse to renew or may suspend or revoke the licence. Refusal to renew, suspension or revocation

- (6) Notwithstanding subsection 5, the Director, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of, or the prevention of cruelty or maltreatment to, or neglect of any animal and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or revoked under this Act and the regulations. Provisional suspension, etc.

- (7) Subject to subsection 6, where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee Continuation of licence pending renewal

and has observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.

1968-69, c. 97,
ss. 5-9,
re-enacted;
ss. 10, 11, 13,
repealed

(3) Sections 5, 6, 7, 8, 9, 10, 11 and 13 of *The Pregnant Mare Urine Farms Act, 1968-69* are repealed and the following substituted therefor:

Notice of
hearing

5.—(1) The notice of a hearing by the Director under section 4 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination
of docu-
mentary
evidence

(2) An applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Variation of
decision by
Director

6. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing he may at any time of his own motion or on the application of the person who was the applicant or licensee vary or rescind his decision, but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

Appeal to
Board

7.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may, by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director, appeal to the Board.

Extension of
time for
appeal

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1 either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director.

Powers of Board on appeal

(4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of.

Effect of decision of Director pending disposal of appeal

8.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Parties

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Members making decision not to have taken part in investigation, etc.

(3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Recording of evidence

(4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

Findings of fact

1971, c. ...

(5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and,

Only members at hearing to participate in decision

except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Appeal
to court

9.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court.

Minister
entitled to
be heard

(2) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Record to
be filed
in court

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of
court on
appeal

(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Board or direct the Director to do any act the Director is authorized to do under this Act and as the court considers proper and the court may substitute its opinion for that of the Board.

Effect of
decision of
Board
pending
disposal
of appeal

(5) Notwithstanding that an applicant or licensee has appealed under this section, from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

R.S.O. 1960,
c. 312, s. 1,
re-enacted

69.—(1) Section 1 of *The Provincial Auctioneers Act* is repealed and the following substituted therefor:

Interpreta-
tion

1. In this Act,

(a) "Board" means the Provincial Auctioneers Licence Review Board established by this Act;

(b) "Commissioner" means the Live Stock Commissioner;

(c) "licence" means a licence under this Act.

Licence,
issue

1a.—(1) The Commissioner shall issue a licence to sell pure-bred live stock only, by public auction in Ontario, to a person who makes application therefor and pays the prescribed fee unless, after a hearing, he is of opinion that,

— (a) the applicant is not competent or does not have sufficient experience with and knowledge of pure-bred live stock to conduct public auctions of such live stock; or

(b) the past conduct of the applicant affords reasonable grounds for belief that he may not engage in such business in accordance with law and with honesty and integrity.

(2) Any person who resides in Ontario shall pay a fee of ^{Fee} \$50, and any person who does not reside in Ontario shall pay a fee of \$100, for a licence.

1b.—(1) The Commissioner may revoke a licence if, ^{Revocation} after a hearing, he is of opinion that the licensee or any person under his control or direction or associated with him in connection with his operations as a licensee has not carried on his business as an auctioneer in accordance with law and with honesty and integrity.

(2) The Commissioner, by notice to a licensee and with- ^{Suspension} out a hearing, may suspend the licensee's licence where in the Commissioner's opinion it is necessary to do so for the immediate protection of the interests of persons dealing with the licensee and the Commissioner so states in such notice giving his reasons therefor, and thereafter the Commissioner shall hold a hearing to determine whether the licence should be revoked under this Act.

1c.—(1) Notice of a hearing by the Commissioner ^{Notice of hearing} under section 1a or section 1b shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

(2) An applicant or licensee who is a party to proceedings ^{Examination of documentary evidence} in which the Commissioner holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

1d. Where the Commissioner has refused to issue or has ^{Variation of decision by Commissioner} revoked a licence pursuant to a hearing he may at any time of his own motion or on the application of

the person who was the applicant or licensee, vary or rescind his decision, but the Commissioner shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act.

Review Board established

1e.—(1) A board to be known as the "Provincial Auctioneers Licence Review Board" is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure.

Term of office

(2) A member of the Board shall hold office for not more than five consecutive years.

Chairman

(3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

(4) A majority of the members of the Board constitutes a quorum.

Remuneration

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine.

Appeal to Board

1f.—(1) Where the Commissioner refuses to issue or revokes a licence, the applicant or licensee may, by written notice delivered to the Commissioner and filed with the Board within fifteen days after receipt of the decision of the Commissioner, appeal to the Board.

Extension of time for appeal

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Powers of Board

(3) Where an applicant or licensee appeals to the Board under this section the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued or revoked and may, after the hearing, confirm or alter the decision

of the Commissioner or direct the Commissioner to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Commissioner.

- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Commissioner, unless the Commissioner otherwise directs, the decision of the Commissioner is effective until the appeal is disposed of. Effect of decision pending disposal of appeal

1g.—(1) The Commissioner, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act. Parties

- (2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members making decision not to have taken part in investigation, etc.

- (3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence

- (4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. ...

- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing who was not present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision

- 1h.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court. Appeal to court

Minister
entitled to
be heard

- (2) The Minister is entitled to appear, by counsel or otherwise, upon the argument of an appeal under this section.

Records to
be filed
in court

- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, constitutes the record on the appeal.

Powers of
court on
appeal

- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Commissioner to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Commissioner or the Board.

Effect of
decision of
Board
pending
disposal of
appeal

- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

R.S.O. 1960,
c. 312, s. 4,
repealed

- (2) Section 4 of *The Provincial Auctioneers Act* is repealed.

1961-62,
c. 111, s. 18,
subs. 4,
re-enacted

70.—(1) Subsection 4 of section 18 of *The Provincial Land Tax Act, 1961-62* is repealed and the following substituted therefor:

Assessment
by judge final

- (4) Subject to subsections 5 and 6, the assessment as determined by the judge is final and binding and is not open to question or dispute in any action or proceeding or otherwise.

Stated case

- (5) The judge, upon request of the complainant or the collector within thirty days after the determination of the assessment by him, shall state a case in writing to the Supreme Court upon any question of law arising in the assessment.

Powers
of court

- (6) Where a case is stated to the Supreme Court under this section, the court shall hear the case and may vary or annul the assessment or may refer it back to the judge for re-assessment in accordance with the judgment of the court.

1961-62, c. 111,
s. 38, cl. g,
repealed

(2) Clause g of section 38 of *The Provincial Land Tax Act, 1961-62* is repealed.

71.—(1) Section 1 of *The Public Commercial Vehicles Act*, as amended by section 1 of *The Public Commercial Vehicles Amendment Act, 1961-62* and section 1 of *The Public Commercial Vehicles Amendment Act, 1968*, is further amended by adding thereto the following clauses:

R.S.O. 1960,
c. 319, s. 1,
amended

(fa) “officer of the Department” means an officer of the Department designated, in writing, by the Minister to assist in the enforcement of this Act;

(ha) “prescribed” means prescribed by the regulations.

(2) Subsection 3 of section 2 of *The Public Commercial Vehicles Act* is repealed.

R.S.O. 1960,
c. 319, s. 2,
subs. 3,
repealed

(3) Section 4 of *The Public Commercial Vehicles Act*, as amended by section 4 of *The Public Commercial Vehicles Amendment Act, 1961-62* and section 4 of *The Public Commercial Vehicles Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 319, s. 4,
re-enacted

4.—(1) The Minister may issue an operating licence,

Operating
licence,
issue

(a) for the transportation, other than by a tank truck vehicle, of,

(i) sand, gravel, earth, crushed or uncut rock and stone, slag and rubble, or

(ii) salt, calcium chloride, a mixture of sand and salt, and asphalt mixes directly to highway construction or maintenance sites or to stock piles for further use on highway construction or maintenance sites; or

(b) in any other case in accordance with a certificate of necessity and convenience issued by the Board under section 5.

(2) An operating licence authorizes the licensee to conduct upon a highway by means of a public commercial vehicle the business of transportation of goods in accordance with this Act and the regulations and the terms and conditions of the licence.

Rights
under
licence

(3) The holder of an operating licence shall not discontinue any transportation service authorized under his licence until after he has given the Minister ten days written notice of his intention to do so.

Discontinu-
ance of
transportation
service

R.S.O. 1960,
c. 319, s. 5
(1961-62,
c. 114, s. 6),
re-enacted

(4) Section 4a of *The Public Commercial Vehicles Act*, as enacted by section 5 of *The Public Commercial Vehicles Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,
c. 319, s. 5
(1961-62,
c. 114, s. 6),
re-enacted

(5) Section 5 of *The Public Commercial Vehicles Act*, as re-enacted by section 6 of *The Public Commercial Vehicles Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Approval
of Board

5.—(1) Except under clause *a* of subsection 1 of section 4, the Minister shall not issue an operating licence to any person unless the Board, upon the application of that person in the prescribed form has, after a hearing of the application as required by *The Ontario Highway Transport Board Act*, approved the issue of the licence to him on the ground that public necessity and convenience warrant the issue of the licence and will be served thereby, and has issued a certificate to that effect to the Minister.

R.S.O. 1960,
c. 273

Certificate

- (2) The Board may, in a certificate issued by it under this section, having regard to the requirements of public necessity and convenience,
- (a) prescribe terms and conditions to govern the transportation of goods by public commercial vehicles pursuant to the licence; or
 - (b) approve the conferring by the licence of special, exclusive or limited rights with respect to the operation of public commercial vehicles and with respect to any highway or highways or portions thereof described in the certificate.

R.S.O. 1960,
c. 319, ss. 6-10,
re-enacted

(6) Sections 6, 7, 8, 9 and 10 of *The Public Commercial Vehicles Act* are repealed and the following substituted therefor:

Transfer of
licence

6.—(1) No operating licence shall be transferred without the approval of the Minister, in writing, obtained on application in the prescribed form and payment of the prescribed fee.

Reference
to Board

- (2) The Minister shall refer an application for approval of the transfer of an operating licence to the Board, and the Board shall hold a hearing and shall report to the Minister whether or not the public necessity and convenience served by the transportation service carried on under the licence will be prejudiced by the transfer of the licence.

- (3) The Minister, the proposed transferor and transferee and such other persons as the Board may specify are parties to the proceedings under this section. Parties
- (4) The Minister shall consider a report made by the Board to him under this section and may thereafter approve or refuse to approve the transfer and the Minister shall give reasons for his decision to the other parties to the proceedings. Decision of Minister
- (5) The Minister may require the directors of a corporation that is the holder of an operating licence to report to the Board any issue or transfer of shares of its capital stock and where the Board finds, after a hearing, that the number of shares so issued or transferred affects the *de facto* control of the operations of the corporation such issue or transfer shall be deemed to constitute a transfer of all operating licences held by such corporation and unless the transfer is approved, such operating licences shall terminate. Issue or transfer of shares of corporation
7. The Minister may at any time refer an operating licence to the Board with a recommendation that the terms and conditions of the licence be reviewed having regard to the requirements of public necessity and convenience and the Board shall, after a hearing of the reference as required by *The Ontario Highway Transport Board Act*, report thereon to the Minister, and the Minister may confirm, amend or cancel the terms and conditions of the licence and shall give reasons for his decision to the licensee. Review of terms of licence
R.S.O. 1960, c. 273
- 8.—(1) An operating licence expires on the 1st day of July in each year or on the expiry of the vehicle licences for the vehicles operated pursuant to the operating licence unless before such date or such expiry, as the case may be, the holder of the operating licence has applied for and acquired vehicle licences for such vehicles for the period immediately following such date or such expiry, as the case may be. Expiry of licence
- (2) Where the holder of an operating licence has acquired vehicle licences in accordance with subsection 1, his operating licence is deemed to be renewed for the period for which the vehicle licences are issued. Operating licence renewed on acquisition of vehicle licences
9. Subject to section 10*j*, the Minister may suspend or cancel an operating licence, Suspension or cancellation of operating licence

- (a) where the licensee fails to begin to provide transportation services in accordance with the licence within thirty days after the issue of the licence, or within such further period as is specified in the licence;
- (b) where the licensee fails for a continuous period of thirty days to provide transportation services in accordance with the licence;
- (c) where the licensee is financially incapable of providing or continuing to provide transportation services in accordance with this Act and the regulations or the terms and conditions of the licence or of meeting his financial responsibilities to persons using such services; or
- (d) where the licensee or any person under his control and direction contravenes this Act or *The Highway Traffic Act* or the regulations hereunder or thereunder or the terms and conditions of the licence and such contravention affords reasonable grounds for believing that the transportation services required by the licence will not be carried on in accordance with the requirements of such Acts or regulations or such terms and conditions.

R.S.O. 1960,
c. 172

Vehicle
licence
required

10. Notwithstanding the provisions of any private Act, no person shall operate a public commercial vehicle unless the vehicle is licensed as a public commercial vehicle under this Act.

R.S.O. 1960,
c. 319, s. 10a,
(1968, c. 105,
s. 5),
re-enacted

(7) Section 10a of *The Public Commercial Vehicles Act*, as enacted by section 5 of *The Public Commercial Vehicles Amendment Act, 1968*, is repealed and the following substituted therefor:

Issue to
holder of
operating
licence

10a.—(1) Subject to subsection 2 and section 10d, the holder of an operating licence is entitled, upon application to the Minister in the prescribed form and payment of the prescribed fee, to be issued by the Minister vehicle licences for public commercial vehicles for operation pursuant to his operating licence.

Idem

- (2) No vehicle licence shall be issued for a public commercial vehicle except,

(a) to the holder of an operating licence who is registered as the owner of the vehicle under *The Highway Traffic Act*; or

R.S.O. 1960,
c. 172

(b) to the holder of an operating licence who has entered into an agreement for the lease of the public commercial vehicle in accordance with this Act and the regulations.

10b.—(1) A vehicle licence authorizes the holder to operate the vehicle for which it is issued as a public commercial vehicle in providing the transportation designated in his operating licence.

Rights
under
vehicle
licence

(2) A vehicle licence expires at the end of the last day of the period for which the licence was issued.

Expiry of
licence

(3) Where a vehicle for which a vehicle licence has been issued is sold to the holder of an operating licence authorizing the operation of that class of vehicle, such holder is entitled to a transfer by the Minister of the vehicle licence and licence plate for the vehicle, but no vehicle licence may be transferred from the person to whom it was issued to another person in any other case.

Transfer

(4) Where the holder of a vehicle licence applies to replace the vehicle for which the licence was issued with another vehicle for which no vehicle licence is in effect, the Minister may permit the vehicle licence and licence plate to be transferred to the substituted vehicle upon payment of the prescribed transfer fee and the amount, if any, by which the fee prescribed for a vehicle licence for the substituted vehicle would exceed the fee prescribed for a vehicle licence for the replaced vehicle.

Replacement
of licensed
vehicle

10c.—(1) The Minister may in a vehicle licence fix the tonnage that may be carried in the vehicle pursuant to the licence and no vehicle shall at any time carry more tonnage than is fixed by the licence.

Tonnage

(2) Every public commercial vehicle operating on a highway shall have attached thereto, and exposed in a conspicuous position, a licence plate issued by the Minister showing in plain figures the number of the vehicle licence issued for the vehicle for the current year.

Licence
plate

Refusal to
issue or
cancellation
of vehicle
licence

10*d*. Subject to section 10*j*, the Minister may refuse to issue or may cancel a vehicle licence if the applicant or licensee is not, or ceases to be, eligible to be issued a licence under subsection 2 of section 10*a* or if the vehicle does not comply with the requirements of this Act or *The Highway Traffic Act* or the regulations hereunder or thereunder.

R.S.O. 1960,
c. 172

Freight
forwarder's
licence
required

10*e*.—(1) No person shall carry on business as a freight forwarder unless he is the holder of a freight forwarder's licence under this Act.

Restrictions
on trans-
portation
of goods
beyond
urban zone

(2) No holder of a freight forwarder's licence shall transport goods upon a highway beyond an urban zone except in a vehicle operated by the holder of an operating licence issued pursuant to this Act, the terms of which operating licence authorize the holder to perform the transportation.

Issue to
holder of
operating
licence
prohibited

(3) No freight forwarder's licence shall be issued to the holder of an operating licence.

Issue
of freight
forwarder's
licence

10*f*.—(1) The Minister may,

(a) upon application in the prescribed form and payment of the prescribed fee; and

(b) upon the filing by the applicant with the Minister of a policy of insurance or bond in a form and amount that affords adequate security for the protection of the public in the event of damage or loss to goods undertaken to be transported by the applicant,

issue a freight forwarder's licence to the applicant.

Terms and
conditions

(2) The Minister may, in a licence issued to a freight forwarder under this section, prescribe terms and conditions in the licence to govern the carrying on of the business of freight forwarder under the licence.

Applicant
may require
hearing by
Board

10*g*. Where the applicant for a freight forwarder's licence is dissatisfied with the terms and conditions prescribed by the Minister in the licence, the applicant may, by written notice to the Minister and the Board, within fifteen days after receiving the licence, require

a hearing by the Board and section 10j applies to the proceedings as if such notice were a notice requiring a hearing under that section.

10h. A freight forwarder's licence expires on the 31st day of December in the year in which it was issued. Expiry of licence

10i. Subject to section 10j, the Minister may suspend or cancel a freight forwarder's licence, Suspension and cancellation of licence

(a) where the licensee fails to maintain in force a policy of insurance or bond that meets the requirements of clause b of subsection 1 of section 10f; or

(b) where the licensee or any person under his control and direction contravenes this Act or the regulations or the terms and conditions of the licence and such contravention or failure affords reasonable grounds for believing that the business of a freight forwarder will not be carried on in accordance with the requirements of this Act and the regulations and the terms and conditions of the licence.

10j.—(1) Where the Minister proposes,

Notice of proposal to cancel, etc., hearing

(a) to suspend or cancel an operating licence under section 9;

(b) to refuse to issue or to cancel a vehicle licence under section 10d; or

(c) to refuse to issue a freight forwarder's licence under section 10f or to suspend or cancel a freight forwarder's licence under section 10i,

he shall cause notice of his proposal together with written reasons therefor to be served on the applicant or licensee informing him that he has a right to a hearing by the Board if he mails or delivers, within fifteen days after service on him of the notice from the Minister, notice in writing requiring a hearing to the Minister and the Board and the applicant or licensee may so require such a hearing.

(2) Where an applicant or licensee,

Where hearing required or not required

(a) does not give notice in accordance with subsection 1 requiring a hearing by the Board, the Minister may forthwith refuse to issue or may suspend or cancel the licence; or

(b) gives notice in accordance with subsection 1 requiring a hearing by the Board, the Minister shall refer the matter to the Board for a hearing.

Service
of notice

(3) The Minister may cause a notice under subsection 1 to be served personally or by registered mail addressed to the applicant or licensee at his address last known to the Minister and, where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person on whom notice is being served establishes to the Board that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Extension of
time for
giving
notice by
applicant

(4) The Board, on application of an applicant or licensee, may extend the time for giving notice requiring a hearing under subsection 1 either before or after expiration of the time fixed therein where the Board is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as the Board considers proper consequent upon the extension.

Parties
to hearing

(5) The Minister, the applicant or licensee and such other persons as the Board may specify are parties to a hearing under this section.

Notice of
hearing

(6) Notice of a hearing under this section shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of his licence.

Examination
of docu-
mentary
evidence

(7) The Minister shall afford to the applicant or licensee, or his representative, an opportunity to examine before the hearing any written or documentary evidence that will be introduced, or any report the contents of which will be given in evidence at the hearing.

Report to
Minister

(8) The Board shall, after a hearing under this section, make a report to the Minister, which shall set out its findings of fact and conclusions of law and its recommendations as to the issue, suspension or cancellation of the licence to which it relates.

- (9) After considering a report of the Board under this section, the Minister may carry out the proposal or refrain from carrying out the proposal to which it relates and shall give reasons for his decision to the applicant or licensee. Decision of Minister
- 10k.—(1) Except as provided by the regulations, each holder of an operating licence or of a freight forwarder's licence shall, on payment of the prescribed fee, file with the Board a tariff of tolls showing all the rates or charges for the transportation of goods to and from points in respect of which the transportation is provided or offered by the licensee or by arrangement with any other licensee or any other carrier. Tariff of tolls to be filed with Board
- (2) No holder of an operating licence or freight forwarder's licence shall charge a toll that is not contained in, and in accordance with, the tariff filed by him under subsection 1. Charging of tolls
- 10l. A tariff of tolls shall be filed in a form prescribed by the Board and published and maintained available to the public. Form and publication of tariff
- 10m.—(1) A licensee who has filed a tariff of tolls with the Board may file with the Board an amendment to the tariff but, subject to subsection 2, such amendment shall not become effective until the expiry of thirty days from the date the amendment was filed. Amendment to tariff
- (2) The Board, upon the application of a licensee who has filed an amendment to his tariff of tolls under this section, may fix the effective date of the amendment on a specified date prior to the expiry of thirty days from the date the amendment was filed. Effective date
- 10n. A tariff of tolls filed under section 10k and amendments thereto expires two years from the date upon which the tariff was filed under section 10k. Expiry of tariff
- 10o.—(1) Except as provided in the regulations, every holder of an operating licence or of a freight forwarder's licence shall issue a bill of lading to the person delivering or releasing goods to the licensee for transportation for compensation. Bill of lading, issue of
- (2) A bill of lading shall contain such information as may be prescribed and shall include an acknowledgment of receipt by the carrier or the freight forwarder Contents

of the goods therein described and an undertaking to carry such goods for delivery to the consignee or the person entitled to receive the goods and shall be signed by, or on behalf of, the issuing carrier or issuing freight forwarder and by the consignor.

Statutory conditions

- (3) The conditions set out in Schedule A shall be deemed to be a part of every contract for the transportation of goods for compensation other than a contract for transportation for compensation between a freight forwarder and a shipper.

Idem

- (4) The conditions set out in Schedule B shall be deemed to be a part of every contract for transportation for compensation between a freight forwarder and a shipper.

Copy of bill of lading to be carried by driver

- (5) Every driver operating a public commercial vehicle shall carry on each trip a copy or memorandum of the bill of lading and shall produce it when required for inspection by a member of the Ontario Provincial Police Force or an officer of the Department.

Idem

- (6) Where a carrier is transporting goods on behalf of a freight forwarder, the driver transporting the goods by public commercial vehicle shall carry on each trip a copy or memorandum of the bill of lading issued by the freight forwarder and shall produce it when required for inspection by a member of the Ontario Provincial Police Force or an officer of the Department.

R.S.O. 1960, c. 319, amended

- (8) *The Public Commercial Vehicles Act* is amended by adding thereto the following sections:

Vehicle licence, etc., to be carried by driver

- 13a. The vehicle licence issued for a public commercial vehicle together with a copy of the conditions set out in the operating licence under which it is operated, shall, whenever the vehicle is on a highway be carried by the driver or be kept in a readily accessible place in the vehicle and shall be produced upon the demand of a member of the Ontario Provincial Police Force or of an officer of the Department.

Examination of vehicle, etc.

- 13b.—(1) A member of the Ontario Provincial Police Force or an officer of the Department may at any time examine any public commercial vehicle, its contents and equipment for the purpose of ascertaining whether this Act and the regulations and the operating licence under which the vehicle is operated

are being complied with in the operation of the vehicle, and for that purpose the member or officer may require the driver or other person in charge of a public commercial vehicle to stop on a highway.

- (2) Every driver or other person in charge of a public commercial vehicle on a highway who is required by a member of the Ontario Provincial Police Force or an officer of the Department, by signals or otherwise, to stop the vehicle for the purpose of examination, shall stop the vehicle and assist in the examination of the vehicle, its contents and equipment.
- Stopping of vehicle for examination

- 13c. An officer of the Department may at any reasonable time examine all books, records and documents of the holder of an operating licence relating to the business of operating public commercial vehicles for the purpose of ensuring that the provisions of this Act and the regulations are being complied with and such officer may, for the purposes of such examination, upon producing his designation as an officer, enter at any reasonable time the business premises of the holder.
- Examination of records, etc. of holder of operating licence

- 13d. Each person employed in the administration of this Act, including any person making an examination under section 13c, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties or employment or on an examination under section 13c and shall not communicate any such matters to any other person except,
- Matters confidential

- (a) as may be required in connection with the administration of this Act and the regulations or any proceeding under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

- (9) Clause *a* of section 16 of *The Public Commercial Vehicles Act* is repealed and the following substituted therefor:
- R.S.O. 1960, c. 319, s. 16, cl. a, re-enacted

- (a) prescribing classes of licences and the forms of applications and licences.

- (10) Clause *h* of the said section 16 is repealed.
- R.S.O. 1960, c. 319, s. 16, cl. h, repealed

R.S.O. 1960,
c. 319, s. 16,
cl. 1,
re-enacted

(11) Clause *l* of the said section 16 is repealed and the following substituted therefor:

(*l*) prescribing the method of bookkeeping or accounting to be used and the returns or statements to be filed by persons licensed under this Act.

R.S.O. 1960,
c. 319, s. 16,
cl. *q*,
repealed

(12) Clause *q* of the said section 16 is repealed.

R.S.O. 1960,
c. 319,
amended

(13) *The Public Commercial Vehicles Act* is amended by adding thereto the following Schedules:

SCHEDULE A

1. The carrier of the goods herein described is liable for any loss thereof or damage or injury thereto, except as herein provided.
2. Where shipments are handled by more than one carrier, the carrier issuing the bill of lading, in addition to any other liability hereunder, is liable for any loss, damage or injury to the goods caused by or resulting from the act, neglect or default of any other carrier to whom the goods are delivered and from whom the other carrier is not by the terms of the bill of lading relieved and the onus of proving that such loss, damage or injury was not so caused and did not so result is upon the carrier issuing the bill of lading.
3. The carrier issuing the bill of lading is entitled to recover from any other carrier to whom the goods are delivered in the course of their conveyance to their final destination the amount of the loss, damage or injury that the carrier issuing the bill of lading may be required to pay hereunder caused by or resulting from the handling of the goods by the other carrier, if the carrier issuing the bill of lading is not relieved therefrom by the terms of the bill of lading, and if the loss, damage or injury was not caused by the act, neglect or default of the carrier issuing the bill of lading, subject to the onus set out in paragraph 2.
4. Nothing in paragraph 2 or 3 deprives the holder of the bill of lading or the party entitled to the goods of any remedy or right of action that he may have against the carrier issuing the bill of lading or against any other carrier.
5. The carrier is not liable for loss, damage or delay to any of the goods described in the bill of lading caused by an act of God, the Queen's or public enemies, riots, strikes, defect or inherent vice in the goods, the act or default of the shipper or owner, the authority of law, quarantine or differences in weights of grain, seed, live stock or other commodities caused by natural shrinkage.
6. Where goods are stopped and held in transit at the request of the party entitled to request it, the goods are held at the risk of the owner.
7. No carrier is bound to transport the goods by any particular public commercial vehicle or in time for any particular market or otherwise than with due despatch, unless by agreement specifically endorsed on the bill of lading and signed by the parties thereto.

8. In the case of physical necessity, the carrier has the right to forward the goods by any conveyance or by any route between the point of shipment and the point of destination but, if the goods are forwarded by a conveyance that is not a public commercial vehicle, the liability of the carrier is the same as though the entire carriage were by public commercial vehicle.
9. Subject to paragraph 10, the amount of any loss, damage or injury for which the carrier is liable, whether or not the loss, damage or injury results from negligence, shall be computed on the basis of,
- (a) the value of the goods at the place and time of shipment including the freight and other charges if paid; or
 - (b) where a value lower than that referred to in clause *a* has been represented in writing by the consignor or has been agreed upon, such lower value.
10. Subject to paragraph 11, the amount of any loss or damage computed under clause *a* or *b* of paragraph 9 shall not exceed \$1.50 per pound unless a higher value is declared on the face of the bill of lading by the consignor.
11. Paragraph 10 does not apply to,
- (a) a shipment of uncrated used household, office or store furniture; or
 - (b) where specially designed vehicles of the drop-frame type are used and equipped with pads, belts, hooks, wardrobes, and special packing containers, a shipment of,
 - (i) new uncrated furniture and fixtures that are part of the dwelling in which they are to be used,
 - (ii) new uncrated furniture and fixtures that are part of the furnishing of offices, museums, hospitals, factories and public institutions, or
 - (iii) objects of art, displays and exhibits that because of their unusual nature or value require specialized handling and the employment of pads, belts, hooks, wardrobes and special packing containers,
- where such shipment is made under an operating licence authorizing such shipment.
12. Where it is a term or condition that the goods are carried at the risk of the consignor or owner, the condition covers only such risks as are necessarily incidental to transportation and does not relieve the carrier from liability for any loss, damage, injury or delay that may result from any negligence or omission of the carrier, its agents or employees, and the burden of proving the absence of negligence or omission is on the carrier.
13. The carrier is not liable for loss, damage, injury or delay to any goods carried under the bill of lading unless notice thereof setting out particulars of the origin, destination and date of shipment of the goods and the estimated amount claimed in respect of such loss, damage, injury or delay is given in writing to the carrier at the point of delivery or at the point or origin within ninety days after the delivery of the goods, or, in the case of failure to make delivery, within ninety days after a reasonable time for delivery has elapsed.

14. Where, through no fault of the carrier, the carrier is unable to effect delivery of goods to the person entitled to receive them, the goods may,
- (a) be kept in the warehouse of the carrier, subject to a reasonable charge for storage and to the carrier's responsibility as warehouseman only; or
 - (b) at the option of the carrier, after written notice of the carrier's intention to do so has been served on the consignor and consignee of the goods in person or by registered mail, be removed to, and stored in, a public or licensed warehouse at the expense of the owner of the goods and there held at the risk of the owner, without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges including a reasonable charge for storage.
15. No carrier is bound to carry any documents, specie or any articles of extraordinary value unless by a special agreement to do so and, where the nature and stipulated value of the goods is disclosed to him, the duty of obtaining such special agreement is on the carrier.
16. The owner or consignee of the goods shall pay the freight and all other lawful charges accruing on the goods and, if required by the carrier, shall pay them before delivery and, if the goods shipped are not those described in the bill of lading, the freight charges shall be paid upon the goods actually shipped with any additional penalties due.
17. Every person, whether as principal or agent, shipping explosives or dangerous goods without previous full written disclosure to the carrier of their nature, shall indemnify the carrier against all loss, damage or injury caused thereby, and the goods may be warehoused at the risk and expense of the owner of the goods.
18. Any alteration, addition or erasure in a bill of lading shall be signed or initialled by the parties thereto.

SCHEDULE B

1. The freight forwarder of the goods herein described is liable for any loss thereof or damage or injury thereto, except as herein provided.
2. The freight forwarder is not liable for loss, damage or delay to any of the goods described in the bill of lading caused by an act of God, the Queen's or public enemies, riots, strikes, defect or inherent vice in the goods, the act or default of the shipper or owner, the authority of law, quarantine or differences in weights of grain, seed, live stock or other commodities caused by natural shrinkage.
3. No freight forwarder is bound to transport the goods in time for any particular market or otherwise than with due despatch, unless by agreement specifically endorsed on the bill of lading and signed by the parties thereto.
4. The amount of any loss, damage or injury for which the freight forwarder is liable, whether or not the loss, damage or injury results from negligence, shall be computed on the basis of,
 - (a) the value of the goods at the place and time of shipment including the freight and other charges if paid; or

(b) where a value lower than that referred to in clause a has been represented in writing by the consignor or has been agreed upon, such lower value.

5. Where it is a term or condition that the goods are carried at the risk of the consignor or owner, the condition covers only such risks as are necessarily incidental to transportation and does not relieve the freight forwarder from liability for any loss, damage or injury or delay that may result from any negligence or omission of the freight forwarder, its agents or employees, and the burden of proving the absence of negligence or omission is on the freight forwarder.
6. The freight forwarder is not liable for loss, damage, injury or delay to any goods carried under the bill of lading unless notice thereof setting out particulars of the origin, destination and date of shipment of the goods and the estimated amount claimed in respect of such loss, damage, injury or delay is given in writing to the freight forwarder at the point of delivery or at the point of origin within ninety days after the delivery of the goods, or, in the case of failure to make delivery, within ninety days after a reasonable time for delivery has elapsed.
7. No freight forwarder is bound to carry any documents, specie or any articles of extraordinary value unless by a special agreement to do so and, where the nature and stipulated value of the goods is disclosed to him, the duty of obtaining such special agreement is on the freight forwarder.
8. Every person, whether as principal or agent, shipping explosives or dangerous goods without previous full written disclosure to the freight forwarder of their nature, shall indemnify the freight forwarder against all loss, damage or injury caused thereby, and the goods may be warehoused at the risk and expense of the owner of the goods.
9. Any alteration, addition or erasure in a bill of lading shall be signed or initialed by the parties thereto.

72. Section 2 of *The Public Halls Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 320, s. 2,
amended

- (2) No application for a licence for a public hall for use as a place of public assembly shall be refused until after the applicant has been afforded a hearing by the licence issuing authority. Hearing

73.—(1) Sections 5 and 6 of *The Public Trustee Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 334, ss. 5, 6,
re-enacted

5. The Public Trustee shall discharge the duties imposed upon him by *The Crown Administration of Estates Act*, *The Charities Accounting Act* and any other Act of the Legislature or by the Lieutenant Governor in Council, and he shall also make inquiries from time to time as to property that has escheated, or become forfeited for any cause to the Crown, or in which the Crown in right of Ontario may be interested. Duties
R.S.O. 1960,
cc. 80, 52

Powers of inquiry

1971, c. ...

6. For the purposes of an inquiry under section 5, the Public Trustee has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

R.S.O. 1960, c. 334, s. 14, cl. h, repealed

(2) Clause *h* of section 14 of *The Public Trustee Act* is repealed.

R.S.O. 1960, c. 334, amended

(3) *The Public Trustee Act* is amended by adding thereto the following sections:

Matters confidential

18. Every person employed in the performance of the duties imposed upon the Public Trustee by this or any other Act or by the Lieutenant Governor in Council shall preserve secrecy with respect to all matters that come to his knowledge in the course of such employment and shall not communicate any such matters to any person other than to a person legally entitled thereto or to his legal counsel except as may be required in connection with the administration of this Act and the regulations under this Act or any proceedings thereunder.

Report

19. The Public Trustee shall, at the end of each fiscal year, prepare a report on his operations and submit it to the Minister of Justice and Attorney General who shall submit the report to the Lieutenant Governor in Council and then lay the report before the Assembly, if it is in session, or, if not, at the next ensuing session.

R.S.O. 1960, c. 337, s. 1, amended

74.—(1) Section 1 of *The Public Vehicles Act* is amended by adding thereto the following clauses:

(*ea*) “officer of the Department” means an officer of the Department designated, in writing, by the Minister to assist in the enforcement of this Act;

.

(*fa*) “prescribed” means prescribed by the regulations.

R.S.O. 1960, c. 337, s. 2, sub. 2, repealed

(2) Subsection 2 of section 2 of *The Public Vehicles Act* is repealed.

R.S.O. 1960, c. 337, ss. 3-6, re-enacted; s. 7, repealed

(3) Sections 3 to 7 of *The Public Vehicles Act* are repealed and the following substituted therefor:

- 3.—(1) The Minister may issue an operating licence in accordance with a certificate of necessity and convenience issued by the Board under section 4. Operating licence, issue
- (2) An operating licence authorizes the licensee to conduct upon a highway by means of a public vehicle the business of a carrier of passengers or of passengers and express freight, in accordance with this Act and the regulations and the terms and conditions of the licence. Rights under
- (3) The holder of an operating licence shall not discontinue any scheduled service authorized under his licence until after giving the Minister ten days written notice of his intention to do so. Discontinuance of scheduled service
- (4) Where the holder of an operating licence fails to provide a scheduled service authorized by his licence for more than twenty-four hours, he shall give, Failure to provide scheduled service
- (a) a written report to the Minister; and
- (b) a notice to the public in the area affected,
- indicating the cause of the failure and its probable duration.
- (5) A notice to the public under subsection 4 shall be given by publication in a newspaper published in the area affected and by posting it at the scheduled stopping places on the highway in respect of which the service has not been provided. Notice
- 4.—(1) The Minister shall not issue an operating licence to any person unless the Board, upon the application of that person in the prescribed form has, after a hearing of the application as required by *The Ontario Highway Transport Board Act*, approved the issue of the licence to him on the ground that public necessity and convenience warrant the issue of the licence and will be served thereby, and has issued a certificate to that effect to the Minister. Approval by Board
- (2) The Board may, in a certificate issued by it under this section, having regard to the requirements of public necessity and convenience, Certificate
- (a) prescribe terms and conditions to govern the transportation of passengers or of passengers and express freight by public vehicles pursuant to the licence; or

R.S.O. 1960,
c. 273

(b) approve the conferring by the licence of special, exclusive or limited rights with respect to the operation of public vehicles and with respect to any highway or highways or portions thereof described in the certificate.

Approval for renewal

(3) Notwithstanding subsection 1, the approval of the Board is not required for renewal of a licence unless the Minister refers the application for renewal to the Board, in which case subsection 1 applies.

Transfer of operating licence

5.—(1) No operating licence shall be transferred without the approval, in writing, of the Minister obtained on application in the prescribed form and payment of the prescribed fee.

Application for approval, hearing

(2) The Minister shall refer an application for approval of the transfer of an operating licence to the Board and the Board shall hold a hearing and shall report to the Minister whether or not the public necessity and convenience served by the transportation service carried on under the licence will be prejudiced by the transfer of the licence.

Parties

(3) The Minister, the proposed transferor and transferee and such other persons as the Board specifies are parties to the proceedings under this section.

Decision of Minister

(4) The Minister shall consider a report made by the Board to him under this section and may thereafter approve or refuse to approve the transfer and the Minister shall give reasons for his decision to the other parties to the proceedings.

Issue or transfer of shares of corporation

(5) The Minister may require the directors of a corporation that is the holder of an operating licence to report to the Board any issue or transfer of shares of its capital stock and where the Board finds, after a hearing, that the number of shares so issued or transferred affects the *de facto* control of the operations of the corporation such issue or transfer shall be deemed to constitute a transfer of all operating licences held by such corporation and, unless the transfer is approved, such operating licences shall terminate.

Review of terms of licence

(6) The Minister may at any time refer an operating licence to the Board with a recommendation that the terms and conditions of the licence be reviewed, having regard to the requirements of public necessity

and convenience and the Board shall, after a hearing of the reference as required by *The Ontario Highway Transport Board Act*, report thereon to the Minister, and the Minister may confirm, amend or cancel the terms and conditions of the licence and shall give reasons for his decision to the licensee.

R.S.O. 1960,
c. 273

6.—(1) An operating licence expires on the 1st day of July in each year unless on or before that day the licensee has applied for and acquired vehicle licences for the vehicles operated pursuant to the operating licence for the current year.

Expiry of
licence

(2) Where the holder of an operating licence has acquired vehicle licences in accordance with subsection 1, his operating licence shall be deemed to be renewed.

Operating
licence
renewed on
acquisition
of vehicle
licences

(4) *The Public Vehicles Act* is amended by adding thereto the following sections :

R.S.O. 1960,
c. 337,
amended

9a. Subject to section 9g, the Minister may suspend or cancel an operating licence,

Suspension
or cancel-
lation of
operating
licence

(a) where the licensee fails to begin operations as a carrier in accordance with the licence within thirty days after the issue of the licence or within such further period as is specified in the licence;

(b) where the licensee fails for a continuous period of thirty days to carry on operations as a carrier in accordance with the licence;

(c) where the licensee is financially incapable of providing or continuing to provide transportation services in accordance with this Act and the regulations or the terms and conditions of the licence or of meeting his financial responsibilities to persons using such services; or

(d) where the licensee or any person under his control and direction contravenes this Act or *The Highway Traffic Act* or the regulations hereunder or thereunder or the terms and conditions of the licence and such contravention affords reasonable grounds for believing that the business of a carrier will not be carried on pursuant to the licence in accordance with the requirements of such Acts or regulations or such terms and conditions.

R.S.O. 1960,
c. 172.

Vehicle
licence,
required

9b. Notwithstanding the provisions of any private Act, no person shall operate a public vehicle unless the vehicle is licensed as a public vehicle under this Act.

Issue to
holder of
operating
licence

9c.—(1) Subject to subsection 2 and section 9f, the holder of an operating licence is entitled, upon application to the Minister in the prescribed form, to be issued by the Minister vehicle licences for public vehicles for operation pursuant to his operating licence.

To registered
owner only

(2) No vehicle licence shall be issued for a public vehicle except to the person registered as owner of the vehicle under *The Highway Traffic Act*.

R.S.O. 1960,
c. 172

Rights
under
vehicle
licence

9d.—(1) A vehicle licence authorizes the holder to operate the vehicle for which it is issued as a public vehicle on the highways designated in his operating licence or on charter or special trips in accordance with the regulations.

Expiry of
licence

(2) A vehicle licence expires on the 31st day of March in each year.

Transfer

(3) Where a vehicle for which a vehicle licence was issued is sold to the holder of an operating licence, the Minister may transfer the vehicle licence and licence plate for the vehicle to such holder, but no vehicle licence may be transferred in any other case.

Number of
passengers
and tonnage
of freight

9e.—(1) The Minister may, in a vehicle licence fix the number of passengers or tonnage of express freight or both, that the vehicle may carry and, subject to subsection 1 of section 16, no vehicle shall at any time carry more passengers or more tonnage than is fixed by the licence issued with respect to the vehicle.

Licence
plate

(2) Every public vehicle shall, while operated on a highway, have attached thereto and exposed in a conspicuous place, a licence number issued by the Minister showing in plain figures the number of the vehicle licence issued for the vehicle for the current year.

Refusal to
issue or
cancellation
of vehicle
licence

9f. Subject to section 9g, the Minister may refuse to issue or may cancel a vehicle licence if the applicant or licensee is not, or ceases to be, registered as owner of the vehicle under *The Highway Traffic Act* or if the vehicle does not comply with the requirements of this Act or *The Highway Traffic Act* or the regulations hereunder or thereunder.

9g.—(1) Where the Minister proposes,

Notice of
proposal
to cancel, etc.,
hearing

- (a) to suspend or cancel an operating licence under section 9a; or
- (b) to refuse to issue or to cancel a vehicle licence under section 9f,

he shall cause notice of his proposal together with written reasons therefor to be served on the applicant or licensee informing him that he has a right to a hearing by the Board if he mails or delivers, within fifteen days after service on him of the notice from the Minister, notice in writing requiring a hearing to the Minister and the Board and the applicant or licensee may so require such a hearing.

(2) Where an applicant or licensee,

Where
hearing
required or
not required

- (a) does not give notice in accordance with subsection 1 requiring a hearing by the Board, the Minister may forthwith refuse to issue or suspend or cancel his licence; or
- (b) gives notice in accordance with subsection 1 requiring a hearing by the Board, the Minister shall refer the matter to the Board for a hearing.

(3) The Minister may cause a notice under subsection 1 to be served personally or by registered mail addressed to the applicant or licensee at his address last known to the Minister and, where notice is served by registered mail, the notice shall be presumed to have been served on the third day after the day of mailing unless the person on whom notice is being served establishes to the Board that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Service
of notice

(4) The Board, on application of an applicant or licensee, may extend the time for giving notice requiring a hearing under subsection 1 either before or after expiration of the time fixed therein, where the Board is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as the Board considers proper consequent upon the extension.

Extension
time for
giving
notice by
applicant

- Parties to hearing (5) The Minister, the applicant or licensee and such other persons as the Board may specify are parties to a hearing under this section.
- Notice of hearing (6) Notice of a hearing under this section shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of his licence.
- Examination of documentary evidence (7) The Minister shall afford to the applicant or licensee, or his representative, an opportunity to examine before the hearing any written or documentary evidence that will be introduced, or any report the contents of which will be given in evidence at the hearing.
- Report to Minister (8) The Board shall, after a hearing under this section, make a report to the Minister which shall set out its findings of fact and conclusions of law and its recommendations as to the issue, suspension or cancellation of the licence to which it relates.
- Decision of Minister (9) After considering a report of the Board under this section, the Minister may carry out the proposal or refrain from carrying out the proposal to which it relates and shall give reasons for his decision to the applicant or licensee.
- R.S.O. 1960, c. 337, ss. 10-12, re-enacted (5) Sections 10, 11 and 12 of *The Public Vehicles Act* are repealed and the following substituted therefor:
- Tolls 10.—(1) Subject to section 11, no tolls shall be charged by the licensee for services rendered pursuant to his operating licence until a tariff thereof has been filed with and approved by the Minister as being fair and reasonable, or otherwise than in accordance with such tariff.
- Revised tariff of tolls (2) Subject to section 11, where a tariff of tolls has been approved by the Minister under subsection 1, the Minister may at any time revise such tariff and make such changes therein as are fair and reasonable and thereafter no tolls shall be charged except in accordance with the revised tariff.
- Reference to Board 11.—(1) Before refusing to approve a tariff of tolls filed with him or before revising a tariff of tolls without the consent of the licensee who filed the tariff, the Minister shall refer the matter to the Board for a hearing and report.

- (2) Pursuant to a reference under this section, the Board ^{Hearing} shall hold a hearing to inquire whether the tariff of tolls should be approved as filed or approved with amendments or revised.
- (3) The Minister, the licensee and such other persons as ^{Parties} the Board may specify are parties to a hearing under this section.
- (4) The Board shall at the conclusion of a hearing under this section make a report to the Minister, which shall ^{Report to Minister} set out a summary of the representations of the parties, its findings of fact and any other information that it considers relevant to determining fair and reasonable rates.
- (5) After considering the report of the Board under this section, the Minister may approve the tariff of tolls filed with him either as the tariff was filed or as amended or may revise the tariff of tolls to which the report relates and shall give written notice of his decision to the licensee stating the reasons therefor. ^{Decision of Minister}
- 12.—(1) The holder of an operating licence shall pay to the Minister fees in accordance with this section for his operating and vehicle licences for each month during the currency of his operating licence on or before the 15th day of the next succeeding month. ^{Fees, payable}
- (2) The fees payable under this section are, ^{amount of}
- (a) three cents for each one hundred passenger miles of travel, or portion thereof, over a Class A highway; and
- (b) two cents for each one hundred passenger miles of travel, or portion thereof, over a Class B highway.
- (3) For the purposes of subsection 2, passenger miles of ^{Passenger miles of travel} travel shall be computed,
- (a) in the case of scheduled trips, by multiplying,
- (i) the seating capacity of each vehicle operated, or

- (ii) the average seating capacity where two or more vehicles having different seating capacities are operated,

by the number of miles travelled in the month; and

- (b) in the case of a chartered trip or a special trip as prescribed by the regulations, by multiplying the seating capacity of each vehicle used by the number of miles actually travelled on the trip each way.

Seating capacity

- (4) For the purposes of subsection 3, seating capacity shall be computed by dividing by eighteen the aggregate length of inches of all seats provided for passengers in a vehicle but, where a seat is designed for the accommodation of one or two passengers only, the actual aggregate number of passenger seats shall be used.

Report where more than one vehicle operated

- (5) Where more than one vehicle is operated by a licensee on a scheduled trip, the licensee shall forward to the Department on the day following the trip a report indicating the number of vehicles.

Exemptions

- (6) No fees are payable under this section for the operation of,
 - (a) vehicles licensed as school buses in accordance with the regulations; or
 - (b) public vehicles owned by non-residents of Ontario and,
 - (i) operated in Ontario on a scheduled service originating outside Ontario only within ten miles of the provincial boundary, or
 - (ii) operated in Ontario exclusively on chartered trips originating outside Ontario,

if the province or state of the non-residents grants similar exemptions and privileges for public vehicles owned by residents of Ontario.

(7) In this section,

Class
A and B
highways

(a) "Class A highway" means The King's Highway; and

(b) "Class B highway" means a highway other than,

(i) the King's Highway,

(ii) a highway under the jurisdiction of The Niagara Parks Commission, and

(iii) a highway under the jurisdiction of the council of a city, town or village.

(6) *The Public Vehicles Act* is amended by adding thereto the following sections:

R.S.O. 1960,
c. 337,
amended

22a.—(1) A member of the Ontario Provincial Police Force or an officer of the Department may examine at any reasonable time, any public vehicle, its contents and equipment.

Examination
of vehicle,
etc.

(2) An officer of the Department may at any reasonable time examine all books, records and documents of the holder of an operating licence relating to the business of operating public vehicles for the purpose of ensuring that the provisions of this Act and the regulations are being complied with and such officer may, for the purposes of such examination, upon producing his designation as an officer, enter at any reasonable time the business premises of the holder.

Examination
of records,
etc., of
holder of
operating
licence

22b. Each person employed in the administration of this Act, including any person making an examination under section 22a, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties or employment or on an examination under section 22a and shall not communicate any such matters to any other person except,

Matters
confidential

(a) as may be required in connection with the administration of this Act and the regulations or any proceeding under this Act or the regulations; or

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

R.S.O. 1960,
c. 337, s. 25,
cl. a,
re-enacted;
cl. b,
repealed

(7) Clauses *a* and *b* of section 25 of *The Public Vehicles Act* are repealed and the following substituted therefor:

(a) governing the forms of applications and licences under this Act.

R.S.O. 1960,
c. 337, s. 25,
cls. *h*, *n*,
repealed

(8) Clauses *h* and *n* of the said section 25 are repealed.

R.S.O. 1960,
c. 343, s. 4,
subs. 2,
re-enacted

75.—(1) Subsection 2 of section 4 of *The Railway Fire Charge Act* is repealed and the following substituted therefor:

Apportionment of charge

(2) If at any time any question arises between the owner and tenant of any railway land as to the proportion in which the charge imposed by this Act is to be borne as between the owner and tenant, either the owner or the tenant may apply to the collector to fix the proportion and the decision of the collector is, unless appealed from as provided in this Act, final and binding as between the owner and the tenant.

R.S.O. 1960,
c. 343, s. 5,
re-enacted

(2) Section 5 of *The Railway Fire Charge Act* is repealed and the following substituted therefor:

Exemption of agricultural lands

5. Where railway lands or any part thereof were during a calendar year actually and in good faith in use for agricultural purposes, the owner or tenant is entitled to a reduction of the charge payable by him under this Act in the following year to the extent to which such railway lands were so used if he applies therefor to the collector on or before the first day of January in the following year, and the collector may decide whether such owner or tenant has established that he is entitled to such reduction and the decision of the collector is, unless appealed from as provided in this Act, final and binding.

R.S.O. 1960,
c. 343,
amended

(3) *The Railway Fire Charge Act* is amended by adding thereto the following section:

Appeal

8a.—(1) An owner or tenant may appeal to the county or district court of the county or district in which the lands are situate by filing in the prescribed form a notice of appeal claiming that,

(a) he has been wrongly included by the collector in the roll;

(b) the amount of the charge stated in a bill sent by the collector to him is wrong; or

(c) any decision of the collector under section 4 or 5 is wrong.

(2) The notice of appeal shall be filed with the court and served on the collector not later than sixty days after receipt of a bill by the appellant sent to to him by the collector under section 8. Notice

(3) Where a notice of appeal has been filed with the court within the time limited by subsection 2, the judge thereof shall, on the application of either the appellant or collector, fix a time for hearing the appeal and the party who obtains the appointment shall serve on the other party notice of the hearing fifteen days before the hearing. Hearing

(4) The judge, after hearing the appellant and the collector and any evidence adduced, may vary or annul the entry of the appellant's name in the roll or the amount of the charge stated in the bill sent to the appellant by the collector or the decision of the collector complained of. Decision

(5) Subsections 4, 5 and 6 of section 18 of *The Provincial Land Tax Act, 1961-62* apply *mutatis mutandis* with respect to the decision of the court and the proceedings on an appeal under this section. Application of 1961-62, c. 111

76.—(1) Subsection 1 of section 1 of *The Real Estate and Business Brokers Act*, as amended by section 1 of *The Real Estate and Business Brokers Amendment Act, 1964* and section 1 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is further amended by relettering clauses *cb* and *cc* as clauses *cc* and *cd* and by adding thereto the following clauses: R.S.O. 1960, c. 344, s. 1, subs. 1, cls. *cb*, *cc* (1968-69, c. 105, s. 1, subs. 1), amended

(*ba*) "business premises" does not include a dwelling;

(*cb*) "dwelling" means any premises or any part thereof occupied as living accommodation.

(2) Sections 6, 8 and 9 of *The Real Estate and Business Brokers Act*, as re-enacted by section 2 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, are repealed and the following substituted therefor: R.S.O. 1960, c. 344, ss. 6, 8, 9 (1968-69, c. 105, s. 2), re-enacted

6.—(1) An applicant is entitled to registration or renewal of registration by the Registrar except where, Registration of agencies

(*a*) having regard to his financial position, the

applicant cannot reasonably be expected to be financially responsible in the conduct of his business ; or

(b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty ; or

(c) the applicant is a corporation and,

(i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or

(ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty ; or

(d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

Conditions of registration

(2) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations

Refusal to register

8.—(1) Subject to section 9, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 6 or 7.

Revocation

(2) Subject to section 9, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 6 or 7 if he were an applicant or where the registrant is in breach of a term or condition of the registration.

Notice of proposal to refuse or revoke

9.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

- (2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under section 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing. Notice requiring hearing
- (3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1. Powers of Registrar where no hearing
- (4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar. Powers of Tribunal where hearing
- (5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act. Conditions of order
- (6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section. Parties
- (7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration. Voluntary cancellation
- (8) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,
 (a) until the renewal is granted; or
 (b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order. Continuation of registration pending renewal

Order of
Tribunal
effective,
stay

1966, c. 41

- (9) Notwithstanding that a registrant appeals from an order of the Tribunal under section 8e of *The Department of Financial and Commercial Affairs Act, 1966*, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal.

R.S.O. 1960,
c. 344, ss. 10-22
(1968-69,
c. 105, s. 2),
repealed

- (3) Sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of *The Real Estate and Business Brokers Act*, as re-enacted by section 2 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, are repealed.

R.S.O. 1960,
c. 344, s. 26
(1968-69,
c. 105, s. 2),
subs. 1,
cl. a,
re-enacted

- (4) Clause a of subsection 1 of section 26 of *The Real Estate and Business Brokers Act*, as re-enacted by section 2 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is repealed and the following substituted therefor:

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

R.S.O. 1960,
c. 344, s. 27
(1968-69,
c. 105, s. 2),
re-enacted

- (5) Section 27 of *The Real Estate and Business Brokers Act*, as enacted by section 2 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Investiga-
tions by
order of
Minister

1971, c. ...

27. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act.

Investigation
by Director

- 27a.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has,

(a) contravened any of the provisions of this Act or the regulations; or

1953-54, c. 51,
(Can.)

(b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for registration under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred, and the person appointed shall report the result of his investigation to the Director.

- (2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

Powers of
investigator

- (a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation; and
- (b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. ^{1971, c. . . .}

- (3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.
- (4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are, in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an

Obstruction
of
investigator

Search
warrant

order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of
books, etc.

- (5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

Admissibility
of copies

- (6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment
of experts

- (7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Matters
confidential

27b.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 24, 25, 26, 27 or 27*a* shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (*a*) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations. Testimony
in civil suit

(6) Section 28 of *The Real Estate and Business Brokers Act*, as enacted by section 2 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is amended by striking out "27" in the second line and inserting in lieu thereof "27a". R.S.O. 1960,
c. 344, s. 28
(1968-69,
c. 105, s. 2),
amended

(7) Subsection 1 of section 29 of *The Real Estate and Business Brokers Act*, as re-enacted by section 2 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 344, s. 29
(1968-69,
c. 105, s. 2),
subs. 1,
re-enacted

(1) Where,

(a) an investigation of any person has been ordered under section 27a; or

(b) criminal proceedings or proceedings in relation to a contravention of any Act or regulation are about to be or have been instituted against a person that are connected with or arise out of the business in respect of which such person is registered,

Order to
refrain from
dealing with
assets

the Director, if he believes it advisable for the protection of clients or customers of the person referred to in clause *a* or *b*, may, in writing or by telegram, direct any person having on deposit or under control or for safekeeping any assets or trust funds of the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any person having any of them on deposit or under control or for safekeeping or to hold such assets or any trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The*

R.S.O. 1960,
c. 197, 71
1970, c. 25
R.S.C. 1952,
c. 14, 296

Judicature Act, The Corporations Act, The Business Corporations Act, 1970 or the Winding-up Act (Canada), or until the Director revokes or the Tribunal cancels such direction or consents to the release of any particular assets or trust funds from the direction but, in the case of a bank, loan or trust company, the direction only applies to the office, branches or agencies thereof named in the direction.

R.S.O. 1960,
c. 344, s. 29
(1968-69,
c. 105, s. 2),
amended

Application
for cancella-
tion of
direction or
registration

(8) The said section 29 is amended by adding thereto the following subsection:

- (5) Any person referred to in clause *a* or *b* of subsection 1 in respect of whom a direction has been given by the Director under subsection 1 or any person having an interest in land in respect of which a notice has been registered under subsection 4 may, at any time, apply to the Tribunal for cancellation in whole or in part of the direction or registration and the Tribunal shall dispose of the application after a hearing and may, if it finds that such a direction or registration is not required in whole or in part for the protection of clients or customers of the applicant or of other persons interested in the land or that the interests of other persons are unduly prejudiced thereby, cancel the direction or registration in whole or in part, and the applicant, the Director and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal.

R.S.O. 1960,
c. 344, s. 54f,
subs. 1
(1968-69,
c. 105, s. 14),
re-enacted

(9) Subsection 1 of section 54f of *The Real Estate and Business Brokers Act*, as re-enacted by section 14 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Inquiries
re prospectus

- (1) The Registrar may make such inquiries with respect to a prospectus as are necessary to determine whether a certificate of acceptance should be issued, including,
- (a) an examination of the subdivision and any of the surrounding circumstances; and
 - (b) the obtaining of reports from public authorities or others within or outside Ontario.

R.S.O. 1960,
c. 344, s. 54g
(1962-63, c. 123,
s. 24),
re-enacted;
ss. 54h, 54j
(1962-63,
c. 123, s. 24),
repealed

(10) Sections 54g, 54h and 54j of *The Real Estate and Business Brokers Act*, as enacted by *The Real Estate and Business Brokers Amendment Act, 1962-63*, are repealed and the following substituted therefor:

54g.—(1) The Registrar shall grant the certificate of acceptance where the requirements of this Act and the regulations have been complied with and he shall not refuse to grant such a certificate without serving a notice of his proposal to refuse on the person on whose behalf the prospectus was filed, and section 9 applies *mutatis mutandis* to the proposal in the same manner as to a proposal to refuse to register an applicant. Powers of Registrar

(2) Where it appears to the Registrar, subsequent to the filing of a prospectus and the granting of a certificate of acceptance therefor, that any of the conditions referred to in section 54e exist, he may revoke the certificate of acceptance and order that all trading in the subdivisions to which the prospectus refers shall cease forthwith. Stop orders

(3) Subject to subsection 4, the Registrar shall not revoke a certificate of acceptance and make an order under subsection 2 without serving notice of his proposal to revoke the certificate and make the order, together with written reasons therefor, on the person on whose behalf the prospectus was filed, and section 9 applies *mutatis mutandis* to the proposal in the same manner as to a proposal by the Registrar to revoke a registration. Notice of revocation of hearing

(4) The Registrar, by notice to the person on whose behalf a prospectus was filed, may provisionally suspend the certificate of acceptance and make a provisional order under subsection 2, where continued trading in the subdivision is, in the Registrar's opinion an immediate threat to the public interest and the Registrar so states in such notice giving his reasons therefor, and thereafter section 9 applies as if the notice given under this section was a notice of proposal to revoke the certificate and make the order under subsection 3. Provisional order

(11) Section 55 of *The Real Estate and Business Brokers Act*, as re-enacted by section 16 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is repealed and the following substituted therefor: R.S.O. 1960, c. 344, s. 55 (1968-69, c. 105, s. 16), re-enacted

55. Where the Registrar believes on reasonable and probable grounds that a broker is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the False advertising

use of such material and section 9 applies *mutatis mutandis* to the order in the same manner as to a proposal by the Registrar to refuse a registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

R.S.O. 1960,
c. 344, s. 56
(1968-69, c. 105,
s. 10),
subs. 2,
re-enacted

(12) Subsection 2 of section 56 of *The Real Estate and Business Brokers Act*, as enacted by section 16 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Where
service
deemed
to be made

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

R.S.O. 1960,
c. 344, s. 57b
(1968-69, c. 105,
s. 16), cl. d,
amended

(13) Clause *d* of section 57b of *The Real Estate and Business Brokers Act*, as enacted by section 16 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is amended by striking out "or to any such person, document or material," in the second and third lines.

R.S.O. 1960,
c. 344, s. 58,
cl. i,
repealed

(14) Clause *i* of section 58 of *The Real Estate and Business Brokers Act* is repealed.

R.S.O. 1960,
c. 348, s. 122,
re-enacted

77. Section 122 of *The Registry Act* is repealed and the following substituted therefor:

Powers of
Inspector
under
1971, c. ...

122. Where the Inspector in the performance of his duties under this Act has occasion to make an inquiry or to determine any matter he has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry or determination as if it were an inquiry under that Act.

R.S.O. 1960,
c. 375, s. 1,
subs. 1, cl. a,
re-enacted

78.—(1) Clause *a* of section 1 of *The Silicosis Act* is repealed and the following substituted therefor:

(a) "Director" means the Senior Physician of the Occupational Chest Disease Section of the Department of Health;

(aa) "health certificate" means a health certificate issued under the regulations;

(ab) "medical examiner" means a medical examiner designated or appointed in accordance with the regulations;

(ac) "Minister" means the Minister of Health;

(2) *The Silicosis Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 375,
amended

3a.—(1) Health certificates under this Act may be issued, renewed or cancelled by medical examiners in accordance with the regulations. Health
certificates,
issue, etc.

(2) Where a medical examiner, after an examination of any person, refused to issue to him a health certificate or refuses to renew or cancels his health certificate, the person examined may apply in writing to the Director for a re-examination. Application
for re-
examination

(3) An application under subsection 2 for a re-examination shall be accompanied by a report by a legally qualified medical practitioner other than the medical examiner referred to in subsection 2 reporting that in his opinion the applicant is eligible to be issued a health certificate under this Act and the regulations. Application
to be
accompanied
by report of
physician

(4) Upon receiving an application for re-examination under this section, accompanied by the report referred to in subsection 3, the Director shall cause the applicant to be re-examined by a medical examiner other than the medical examiner referred to in subsection 2 or the medical practitioner referred to in subsection 3, and the examiner conducting the re-examination shall, after examining the applicant and considering the reports of such medical examiner and such medical practitioner, determine whether or not a health certificate should be issued to the applicant or his certificate renewed or the cancellation of his certificate revoked and the decision of the examiner making the re-examination shall be final. Re-
examination

79. Section 2 of *The Spruce Pulpwood Exportation Act* is repealed. R.S.O. 1960,
c. 379, s. 2,
repealed

80. *The Stock Yards Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 385,
amended

12a. Where the Board refuses an approval requested under section 12, the applicant for approval may appeal Appeal to
Minister

the decision of the Board to the Minister who, after affording the applicant an opportunity to make representations, may confirm, rescind or alter the decision of the Board as the Minister considers proper, and the decision of the Minister is final.

R.E.O. 1960,
c. 390, s. 7,
re-enacted

81.—(1) Section 7 of *The Surveys Act* is repealed and the following substituted therefor:

Examination
re
boundaries,
etc.

7.—(1) Where a surveyor has reasonable grounds for believing that a person has information concerning a line, boundary, corner or post that may assist him in ascertaining its true position, or has a writing, plan or document concerning the true position of a line, boundary, corner or post, he may examine such person under oath or require such person to produce such writing, plan or document for his inspection and for such purposes the surveyor has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

1971, c. ...

Statement
under oath

(2) The surveyor may cause evidence taken by him under this section to be put in writing in the form of a statement under oath.

R.S.O. 1960,
c. 390, s. 60,
cl. c,
repealed

(2) Clause *c* of section 60 of *The Surveys Act* is repealed.

R.S.O. 1960,
c. 396, s. 4,
subs. 2,
cls. *c-e*,
re-enacted

82.—(1) Clauses *c* and *d* and clause *e*, as amended by section 3 of *The Theatres Amendment Act, 1960-61*, of subsection 2 of section 4 of *The Theatres Act*, are repealed and the following substituted therefor:

(*c*) by order in writing, to prohibit the use or exhibition of any film that he believes on reasonable and probable grounds may not be safely used or exhibited;

(*d*) by order in writing, to prohibit the use of a projector that he believes on reasonable and probable grounds was installed or operated contrary to this Act or the regulations;

(*e*) to seize, remove and hold any projector that he believes on reasonable and probable grounds was installed or was or is operated, or any film or advertising that he believes on reasonable and probable grounds was exhibited or was or is used, contrary to this Act or the regulations.

(2) Section 6 of *The Theatres Act*, as amended by section 4 of *The Theatres Amendment Act, 1960-61*, is repealed and the following substituted therefor: R.S.O. 1960, c. 396, s. 6, re-enacted

6.—(1) Any person to whom an inspector has issued an order under section 4 or who claims an interest in any projector, film or advertising seized by an inspector under section 4 may, within ten days after the issue of such order or after seizure, apply to the Director for a review of the order or release of the projector, film or advertising and the Director may, after a hearing, confirm, vary or annul the order of the inspector or direct the release of the projector, film or advertising. Review of inspector's order

(2) Where a projector, film or advertising has been seized by an inspector under section 4, Forfeiture of seized projector, etc.

(a) if no application for a review of the seizure is made to the Director within ten days after the seizure; or

(b) if the Director finds after a hearing that the projector, film or advertising was installed, used or exhibited in contravention of this Act or the regulations,

the Director may, subject to appeal as herein provided, direct that the projector, film or advertising is forfeited to the Crown.

(3) Section 9 of *The Theatres Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 396, s. 9, re-enacted

9.—(1) All licences and renewals, suspensions or cancellations thereof under this Act shall be issued or made by the Director. Issue, renewal, suspension, etc., of licences

(2) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue, Continuation of licences pending renewal

(a) until the renewal is granted; or

(b) where he is served with notice of a hearing by the Director, until the decision of the Director has become final.

Notice of
hearing

- (3) Where, under this Act, the Director is authorized to refuse to renew or to suspend or cancel a licence after a hearing, the notice of the hearing shall contain a statement of the facts or conduct which the Director believes warrant the intended action and shall afford to the licensee a reasonable opportunity to show or to achieve compliance before such hearing with all lawful requirements for the issue or retention of the licence.

Examination
of
documentary
evidence

- (4) The Director shall afford to an applicant or licensee who will be affected by a decision pursuant to a hearing, or his representative, an opportunity to examine, before such hearing any written or documentary evidence that will be introduced, or any report the contents of which will be given in evidence at the hearing.

R.S.O. 1960,
c. 396, s. 13,
re-enacted

- (4) Section 13 of *The Theatres Act* is repealed and the following substituted therefor:

Application
for licence

- 13.—(1) Subject to subsection 2, an applicant for a theatre licence is entitled, on payment of the prescribed fee, to be granted a theatre licence for the class of theatre prescribed by this Act applicable to the building in which the theatre is located, or the premises in which the films are exhibited.

Refusal to
issue licence

- (2) The Director may, after a hearing, refuse to issue a theatre licence to an applicant therefor if,
- (a) a theatre licence was previously issued to him under this Act and such licence is suspended or such licence was cancelled and the grounds for such cancellation continue to exist; or
 - (b) the theatre or the building in which the theatre is located or the premises in which films are exhibited do not conform to the requirements of this Act and the regulations.

R.S.O. 1960,
c. 396,
ss. 15, 17,
re-enacted

- (5) Section 15 and section 17, as amended by section 8 of *The Theatres Amendment Act, 1960-61*, of *The Theatres Act* are repealed and the following substituted therefor:

Application
for renewal

15. Subject to section 17, the holder of a theatre licence is entitled to a renewal thereof upon application therefor and payment of the prescribed fee.

17.—(1) The Director may, after a hearing, refuse to renew, or suspend or cancel a theatre licence, Refusal to renew, suspension, or cancellation

(a) if the licensee, manager or person in charge of the theatre has contravened any of the provisions of this Act or the regulations and his conduct raises a reasonable doubt as to whether he will comply with this Act and the regulations in operating the theatre; or

(b) if the theatre, or the building in which the theatre is located or the premises in which the films are exhibited do not conform to the requirements of this Act and the regulations.

(2) The Director may provisionally suspend a theatre licence if he believes on reasonable grounds that the theatre cannot be safely operated as a theatre and shall immediately give notice of such provisional suspension to the licensee, manager or person in charge of the theatre. Provisional suspension

(3) Where the Director has provisionally suspended a theatre licence under subsection 2, if the licensee, Hearing may be required

(a) within ten days after receiving notice of the provisional suspension requests the Director to hold a hearing, the Director shall hold a hearing and may thereafter revoke the provisional suspension or, if he finds that the theatre cannot be safely operated, may suspend or cancel the licence; or

(b) does not request the Director to hold a hearing within ten days after receiving notice of the provisional suspension, the Director may cancel the licence and no new licence in place of it shall be issued until such time as the Director finds, on application of the licensee, that the theatre can be safely operated.

(6) *The Theatres Act* is amended by adding thereto the following section: R.S.O. 1960, c. 396, amended

30a. The examinations and tests provided by the Director shall be designed to determine the competence and ability of an applicant to act as a projectionist under the class of licence for which he applies. Examinations and tests

(7) Sections 32, 33, 34, 35 and 36 of *The Theatres Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 396, ss. 32-36, re-enacted

Licences,
first-class

32.—(1) Subject to subsection 4, the holder of a second-class licence who has passed the examination and tests required by the Director for a first-class licence is entitled, on payment of the prescribed fee, to be issued a first-class licence by the Director.

second-class

(2) Subject to subsection 4, a person,

(a) who is the holder of an apprentice licence and who has served as an apprentice for the period prescribed by the regulations; or

(b) who has operated projection equipment elsewhere than in Ontario for a period longer than the period prescribed by the regulations to be served by an apprentice,

and who has passed the examinations and tests required by the Director for a second-class licence, is entitled, on payment of the prescribed fee, to be issued a second-class licence by the Director.

Apprentice

(3) Subject to subsection 4, a person,

(a) who is eighteen years or more of age; and

(b) who furnishes to the Director,

(i) proof of age,

(ii) satisfactory evidence of physical ability to handle projection and fire-fighting equipment, and

(iii) satisfactory evidence that he does not suffer from any physical or mental disability that would prevent him from operating projection equipment safely,

is entitled, on payment of the prescribed fee, to be issued an apprentice licence by the Director.

Refusal to
issue

(4) The Director may, after a hearing, refuse to issue a projectionist licence to a person to whom a projectionist licence was previously issued under this Act if such licence is suspended or such licence was cancelled and the grounds for such cancellation continue to exist.

33. Every projectionist licence expires on the 31st day of March in each year unless renewed on or before that day. Expiry of licence
34. Projectionist licences are not transferable. Transfer of licence
35. Subject to section 36, the holder of a projectionist licence is entitled to a renewal thereof upon application therefor and payment of the prescribed fee. Renewal
36. The Director may, after a hearing, refuse to renew or suspend or cancel the licence of a projectionist, Refusal to renew, suspension or cancellation
- (a) if he has contravened any of the provisions of this Act or the regulations and his conduct raises a reasonable doubt as to whether he will comply with this Act and the regulations in the operation of a projector; or
- (b) if he suffers from any physical or mental disability that prevents him from operating projection equipment safely or from handling fire-fighting equipment.

(8) Section 45 of *The Theatres Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 396, s. 45, re-enacted

- 45.—(1) Subject to subsection 2, an applicant for a film exchange licence is entitled, on payment of the prescribed fee, to be granted a film exchange licence. Film exchange licence, application
- (2) The Director may, after a hearing, refuse to issue a film exchange licence to an applicant therefor, Refusal to issue
- (a) if a film exchange licence was previously issued to him under this Act and such licence is suspended or such licence was cancelled and the grounds for such cancellation continue to exist; or
- (b) where the application is for a standard film exchange licence, if the building in which the film exchange is located,
- (i) is not of fire resistive construction in that portion of the building in which film is handled or stored,
- (ii) is occupied in whole or in part as a dwelling,

(iii) is occupied in whole or in part by another business that is dangerous to the carrying on of the business of the film exchange,

(iv) otherwise does not comply with this Act and the regulations.

R.S.O. 1960,
c. 396,
ss. 47-49,
re-enacted

(9) Section 47, as amended by section 15 of *The Theatres Amendment Act, 1960-61*, and sections 48 and 49 of *The Theatres Act* are repealed and the following substituted therefor:

Renewal
of licence

47. Subject to section 49, the holder of a film exchange licence is entitled to a renewal thereof upon application therefor and payment of the prescribed fee.

Transfer
of licence

48.—(1) The holder of a film exchange licence is entitled to transfer his licence with the written consent of the Director.

Consent of
Director

(2) The Director shall not refuse his consent under subsection 1 if the transferee would be entitled to the issue of the film exchange licence if he made application therefor.

Refusal to
renew,
suspension or
cancellation

49. The Director may, after a hearing, refuse to renew or suspend or cancel any film exchange licence if,

(a) the licensee has contravened any of the provisions of this Act or the regulations and his conduct raises a reasonable doubt as to whether he will comply with this Act and the regulations in carrying on the business of a film exchange; or

(b) the issue of a licence would be refused under clause *b* of subsection 2 of section 45 if the licensee were an applicant for a licence.

R.S.O. 1960,
c. 396, s. 55,
re-enacted

(10) Section 55 of *The Theatres Act* is repealed and the following substituted therefor:

Approval of
building
plans

55.—(1) No person shall construct or alter any building or premises intended for use as a theatre or to be occupied by a film exchange until the plans of the proposed construction or alteration have been submitted to the Director and have been approved by the Director in that they comply with the provisions of this Act and the regulations and provide for the safe operation of the theatre or film exchange.

- (2) Before refusing approval of any plans submitted to him under subsection 1, the Director shall hold a hearing of the application for approval. Hearing
- (11) Subsection 2 of section 58 of *The Theatres Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 396, s. 58,
subs. 2,
re-enacted
- (2) Subject to section 59a, an applicant for a licence under this section is entitled, on payment of the prescribed fee, to be issued the licence. Issue
- (12) Subsection 2 of section 59 of *The Theatres Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 396, s. 59,
subs. 2,
re-enacted
- (2) Subject to section 59a, an applicant for a licence under this section is entitled, on payment of the prescribed fee, to be issued the licence. Issue
- (13) *The Theatres Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 396,
amended
- 59a.—(1) The Director may, after a hearing, refuse to issue a licence to an applicant for a licence under section 58 or 59 who was previously issued a licence of the type for which he applies if such licence was cancelled and the grounds for such cancellation continue to exist. Refusal
to issue
- (2) The Director may, after a hearing, cancel a licence issued under section 58 or 59 if the licensee has contravened any of the provisions of this Act or the regulations and his conduct raises a reasonable doubt as to whether he will comply with this Act and the regulations in operating a projector or exhibiting films pursuant to the licence. Cancellation
- (14) Section 60 of *The Theatres Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 396, s. 60,
re-enacted
60. No licence shall be suspended under this Act for a period longer than three months. Suspension
period
limited
- 60a.—(1) Any person who considers himself aggrieved by a decision of the Director, or Assistant Director under this Act may, within fifteen days after receipt of the decision, appeal to the judge of the county or district court of the county or district, Appeal
to judge
- (a) in the case of a decision relating to a licence for or approval of a theatre or film exchange, in which the building or premises to which the decision relates are located; or

(b) in any other case, where the person to whom the decision relates resides,

by applying to the judge for a hearing.

Extension of
time for
appeal

- (2) A judge to whom an application is made under subsection 1 may extend the time for making the application either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension and may give such direction as he considers proper consequent upon the extension.

Hearing
de novo

- (3) Where a person appeals under this section to a judge, the judge shall appoint a time for and hear the appeal by way of a hearing *de novo* and the judge may affirm or reverse the decision of the Director or make a new decision in substitution therefor and for such purpose has all the powers of the Director to make such decision as he considers proper.

Parties

- (4) The appellant and the Director or the Assistant Director from whose decision the appeal is taken are parties to an appeal under this section.

Recording
of evidence

- (5) The oral evidence taken before the judge at a hearing shall be recorded, and if so required, copies or a transcript thereof shall be furnished upon the same terms as in the county court.

Findings of
fact

- (6) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. . . .

Appeal
to court

- 60b.—(1) Any party to proceedings before a judge under section 60a may appeal from his decision to the Supreme Court in accordance with the rules of court.

Record of
proceedings

- (2) Where any party appeals from a decision of a judge, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision was made, which, together with the transcript of the evidence if it is not part of the judge's record, shall constitute the record in the appeal.

Minister
entitled
to be heard

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

(4) An appeal under this section may be made on questions of law or fact or both and the court may exercise all the powers of the judge, and for such purpose the court may substitute its opinion for that of the Director or of the judge, or the court may refer the matter back to the judge for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Powers of court

60c. The bringing of an appeal under section 60a or 60b does not affect the suspension or cancellation of a licence pending the disposition of the appeal.

Effect of appeal on suspension, etc.

60d. Where a licence has been suspended or cancelled under this Act pursuant to a decision of the Director or Assistant Director or by a judge or court on appeal therefrom, the Minister may, where he considers that undue hardship will be caused by such suspension or cancellation, and that it is not contrary to the purposes of this Act to do so, annul the suspension or cancellation.

Amendment of suspension, etc., by Minister

(15) Section 61 of *The Theatres Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 396, s. 61, re-enacted

61. Every person who contravenes any of the provisions of this Act or the regulations or any order of the Board, Director, Assistant Director or an inspector is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500.

Offence

(16) Subsection 1 of section 63 of *The Theatres Act* is amended by adding thereto the following paragraph:

R.S.O. 1960, c. 396, s. 63, subs. 1, amended

21a. prescribing the period of time to be served by a person holding an apprentice licence as a projectionist before he is eligible to be granted a second-class licence as a projectionist.

(17) Paragraph 29 of subsection 1 of the said section 63 is repealed.

R.S.O. 1960, c. 396, s. 63, subs. 1, par. 29, repealed

83.—(1) Section 5 of *The Trench Excavators' Protection Act*, as amended by section 6 of *The Trench Excavators' Protection Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960, c. 407, s. 5, re-enacted

Order of
inspector

- 5.—(1) Where an inspector is of opinion that any provision of this Act or the regulations is being contravened, he may give such order in writing as is necessary to ensure compliance with such provision and, until such order is carried out, the work on that part of the trench in which the contravention occurs, other than such work as is necessary to carry out the order with safety, shall be suspended.

Appeal

- (2) Any person who considers himself aggrieved by an order of an inspector made under subsection 1 may appeal to the chief officer who shall hear and dispose of the appeal as promptly as is practicable, but the bringing of such appeal does not affect the operation of the order appealed from pending disposition of the appeal.

Powers of
chief officer

- (3) After hearing an appeal under this section, the chief officer may substitute his findings for those of the inspector and may,
- (a) if he finds that no provision of this Act or the regulations is being contravened, rescind the order of the inspector; or
 - (b) if he finds that any provision of this Act or the regulations is being contravened, affirm the order of the inspector or make such new order in substitution therefor as is necessary to ensure compliance with this Act and the regulations.

Suspension
of work

- (4) Where, on an appeal under this section, the chief officer affirms the order of an inspector appealed from or makes a new order under subsection 3, the work upon that part of the trench in which the contravention occurs, other than such work as is necessary to carry out the order with safety, shall be suspended until such affirmed or new order is carried out.

Contra-
vention of
order

- (5) No person to whom an order of an inspector or the chief officer is directed under this section shall contravene or knowingly permit any person under his direction or control to contravene such order or to carry on work in contravention of subsection 1 or 3.

5a.—(1) Any person who considers himself aggrieved by a decision of an inspector under this Act or the regulations, other than an order under section 5, may appeal to the chief officer who shall hear and dispose of the appeal. Appeal from
inspector

(2) On an appeal under this section, the chief officer may substitute his findings or opinions for those of the inspector who made the decision appealed from and may affirm or reverse the decision or make a new decision in substitution therefor and for such purpose the chief officer has all the powers of the inspector, and the decision of the chief officer shall stand in the place of and have like effect under this Act and the regulations as the decision of the inspector. Powers of
chief officer

(3) In this section, a decision of an inspector under this Act or the regulations includes any decision, order, direction, approval, finding or permission made or given by an inspector under the authority of this Act or the regulations or the refusal thereof. Decision
includes
approvals,
etc.

5b.—(1) An appeal under section 5 or 5a may be made in writing or orally or by telephone, but the chief officer may require the grounds for appeal to be specified in writing before the hearing. How
appeals
made

(2) The appellant, the inspector from whom the appeal is taken and such other persons as the chief officer may specify are parties to an appeal under section 5 or 5a. Parties

(2) Subsection 2 of section 24 of *The Trench Excavators' Protection Act*, as re-enacted by section 18 of *The Trench Excavators' Protection Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 407, s. 24
(1965, c. 133,
s. 18), subs. 2,
re-enacted

(2) Every person who is convicted of an offence for a contravention of subsection 5 of section 5, in addition to the penalties mentioned in subsection 1, is liable to a fine of not more than \$100 a day for every day upon which the contravention continued. Additional
penalty

(3) Clause *d* of section 26 of *The Trench Excavators' Protection Act* is repealed. R.S.O. 1960,
c. 407, s. 26,
cl. d,
repealed

1968, c. 140,
s. 1, subs. 1,
amended

84.—(1) Subsection 1 of section 1 of *The Upholstered and Stuffed Articles Act, 1968*; as amended by section 1 of *The Upholstered and Stuffed Articles Amendment Act, 1968-69*, is further amended by relettering clauses *a* and *aa* as clauses *aa* and *ab* respectively and by adding thereto the following clauses:

(a) “business premises” does not include a dwelling;

(ac) “dwelling” means any premises or any part thereof occupied exclusively as living accommodation.

1968, c. 140,
s. 4, subs. 2
(1968-69,
c. 135, s. 3),
amended

(2) Subsection 2 of section 4 of *The Upholstered and Stuffed Articles Act, 1968*, as re-enacted by section 3 of *The Upholstered and Stuffed Articles Amendment Act, 1968-69*, is amended by striking out “the Registrar may refuse to grant registration where” in the first and second lines and inserting in lieu thereof “Subject to section 9, the Registrar may refuse to grant registration to a person who otherwise has complied with the requirements of subsection 1 where”.

1968, c. 140,
s. 7, subs. 2,
re-enacted

(3) Subsection 2 of section 7 of *The Upholstered and Stuffed Articles Act, 1968*, as amended by subsection 2 of section 6 of *The Upholstered and Stuffed Articles Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Power of
entry

(2) For the purposes of subsection 1, the Registrar or any person designated in writing by him may enter at any reasonable time the business premises of such person and make an inspection in relation to the complaint.

1968, c. 140,
s. 7b (1968-69,
c. 135, s. 7),
subs. 1, cl. a,
re-enacted

(4) Clause *a* of subsection 1 of section 7b of *The Upholstered and Stuffed Articles Act, 1968*, as enacted by section 7 of *The Upholstered and Stuffed Articles Amendment Act, 1968-69*, is repealed and the following substituted therefor:

(a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

1968, c. 140,
amended

(5) *The Upholstered and Stuffed Articles Act, 1968* is amended by adding thereto the following section:

Matters
confidential

7c. Every person employed in the administration of this Act, including any person making an inspection under

section 7, 7a, 7b or 20 shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment or inspection and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(6) Section 8, as re-enacted by section 8 of *The Upholstered and Stuffed Articles Amendment Act, 1968-69*, and sections 9, 10, 11, 12 and 13, as re-enacted by section 9 of *The Upholstered and Stuffed Articles Amendment Act, 1968-69*, of *The Upholstered and Stuffed Articles Act, 1968*, are repealed and the following substituted therefor:

1968, c. 140, s. 8 (1968-69, c. 135, s. 8), re-enacted; s. 9 (1968-69, c. 135, s. 9), re-enacted; ss. 10-13 (1968-69, c. 135, s. 9), repealed

8. Subject to section 9, the Registrar may suspend or revoke a registration where the registrant has contravened this Act or the regulations and has refused to comply with this Act or the regulations after being requested to do so by the Registrar in writing.

Suspension and revocation

9.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

Notice of proposal to refuse or revoke

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing.

Notice requiring hearing

(3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of Registrar where no hearing

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection

Powers of Tribunal where hearing

2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions
of order

- (5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

- (6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary
cancellation

- (7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Order of
Tribunal
effective,
stay
1966, c. 41

- (8) Notwithstanding that a registrant appeals from an order of the Tribunal under section 8e of *The Department of Financial and Commercial Affairs Act, 1966*, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal.

1968, c. 140,
ss. 13a-13i
(1968-69,
c. 135, s. 9),
repealed

- (7) Sections 13a, 13b, 13c, 13d, 13e, 13f, 13g, 13h and 13i of *The Upholstered and Stuffed Articles Act, 1968*, as enacted by section 9 of *The Upholstered and Stuffed Articles Amendment Act, 1968-69*, are repealed.

1968, c. 140,
s. 19,
subss. 3-6,
re-enacted

- (8) Subsection 3, as amended by subsection 1 of section 10 of *The Upholstered and Stuffed Articles Amendment Act, 1968-69*, subsection 4, subsection 5, as amended by subsection 2 of section 10 of *The Upholstered and Stuffed Articles Amendment Act, 1968-69*, and subsection 6 of section 19 of *The Upholstered and Stuffed Articles Act, 1968*, are repealed and the following substituted therefor:

Appeal

- (3) Where the Registrar or local medical officer of health orders that an article be destroyed, he shall serve personally notice of such order, together with written reasons therefor, on the dealer informing him that he has a right to appeal to the Tribunal if he gives notice of appeal within five days after service of the notice by the Registrar or local medical officer of

health, and the dealer may, within such time, file a notice of appeal with the Registrar and the Tribunal requiring a hearing by the Tribunal.

- (4) Pending an appeal, the appellant shall not dispose of the article forming the subject-matter of an appeal. Disposal of article prohibited
- (5) Where a dealer within five days after service on him of a notice by the Registrar or local medical officer of health under subsection 3, Notice of appeal
- (a) does not file a notice of appeal requiring a hearing by the Tribunal, the dealer shall forthwith carry out the order of the Registrar or local medical officer of health; or
- (b) files a notice of appeal requiring a hearing by the Tribunal, the Tribunal shall appoint a time for and hold a hearing and, after the hearing, may by order confirm, revoke or modify the order appealed from and the appellant shall carry out the order of the Tribunal.
- (6) The Registrar or the local medical officer of health, the dealer who has required the hearing and such other persons as the Tribunal may specify are parties to the appeal before the Tribunal under this section. Parties
- (7) Section 8e of *The Department of Financial and Commercial Affairs Act, 1966* does not apply to proceedings before the Tribunal under this section. Application of 1966, c. 41, s. 8e
- (9) Clauses *a*, *b* and *c* of subsection 1 of section 20 of *The Upholstered and Stuffed Articles Act, 1968* are amended by inserting after "the" in the first line of each clause "business". 1968, c. 140, s. 20, subs. 1, cls. a-c, amended
- (10) *The Upholstered and Stuffed Articles Act, 1968* is amended by adding thereto the following section: 1968, c. 140, amended

20a.—(1) Where an off-sale label is affixed to an article under section 20, the person affected may within five days thereafter file a notice of appeal with the Registrar and the Tribunal requiring a hearing by the Tribunal. Appeal

Hearing by
Tribunal

- (2) Where a person affected within five days after the affixing of an off-sale label under subsection 1 files a notice of appeal requiring a hearing by the Tribunal, the Tribunal shall appoint a time for and hold a hearing and may by order confirm the affixing of the off-sale label or direct the Registrar or person designated in writing by him forthwith to remove the off-sale label.

Parties

- (3) The Registrar or person designated in writing by him, the person affected who has required the hearing and such other persons as the Tribunal may specify are parties to the appeal before the Tribunal under this section.

Application
of 1966, c. 41,
s. 8e

- (4) Section 8e of *The Department of Financial and Commercial Affairs Act, 1966* does not apply to proceedings under this section.

1968, c. 140,
s. 21, subs. 1,
amended

- (11) Subsection 1 of section 21 of *The Upholstered and Stuffed Articles Act, 1968*, is amended by adding "or" at the end of clause *b* and by adding thereto the following clause:

- (c) that has been ordered to be removed by the Tribunal under section 20a.

1968, c. 140,
s. 24a (1968-69,
c. 135, s. 12),
subs. 2,
re-enacted

- (12) Subsection 2 of section 24a of *The Upholstered and Stuffed Articles Act, 1968*, as enacted by section 12 of *The Upholstered and Stuffed Articles Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Where service
deemed to
be made

- (2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

1968-69,
c. 136, s. 1,
amended

- 85.**—(1) Section 1 of *The Used Car Dealers Act, 1968-69* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses:

- (a) "business premises" does not include a dwelling;

- (ba) "dwelling" means any premises or any part thereof occupied as living accommodation.

(2) Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of *The Used Car Dealers Act, 1968-69* are repealed and the following substituted therefor:

1968-69,
c. 136, ss. 5-7,
re-enacted;
ss. 8-20,
repealed

5.—(1) An applicant is entitled to registration or re-^{Registration}newal of registration by the Registrar except where,

(a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or

(b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or

(c) the applicant is a corporation and,

(i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or

(ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or

(d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

(2) A registration is subject to such terms and con-^{Conditions of registration}ditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations.

6.—(1) Subject to section 7, the Registrar may refuse^{Refusal to register} to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 5.

(2) Subject to section 7, the Registrar may refuse to^{Suspension or revocation} renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a term or condition of the registration.

Notice of proposal to refuse or revoke

7.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

Notice requiring hearing

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing.

Powers of Registrar where no hearing

(3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of Tribunal where hearing

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions of order

(5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

(6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary cancellation

(7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Continuation of registration pending renewal

(8) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

(9) Notwithstanding that a registrant appeals from an ^{Order effective, stay} order of the Tribunal under section 8e of *The Department of Financial and Commercial Affairs Act, 1966*, c. 41 ^{1966, c. 41}, the order takes effect immediately but the Tribunal may grant a stay until disposition of the appeal.

(3) Clause a of subsection 1 of section 24 of *The Used Car Dealers Act, 1968-69* is repealed and the following substituted therefor: ^{1968-69, c. 136, s. 24, subs. 1, cl. a, re-enacted}

(a) is entitled to free access to all books of accounts, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

(4) Section 25 of *The Used Car Dealers Act, 1968-69* is ^{1968-69, c. 136, s. 25, re-enacted} repealed and the following substituted therefor:

25. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such ^{Investigations by order of Minister} investigation as if it were an inquiry under that Act. ^{1971, c. ...}

25a.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has, ^{Investigation by Director}

(a) contravened any of the provisions of this Act or the regulations; or

(b) committed an offence under the *Criminal Code* ^{1953-54, c. 51 (Can.)} (Canada) or under the law of any jurisdiction

Notice of
proposal
to refuse
or revoke

7.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

Notice
requiring
hearing

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing.

Powers of
Registrar
where no
hearing

(3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of
Tribunal
where
hearing

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions
of order

(5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

(6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary
cancellation

(7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Continuation
of registra-
tion pending
renewal

(8) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,

- (a) until the renewal is granted; or
- (b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

(9) Notwithstanding that a registrant appeals from an order of the Tribunal under section 8e of *The Department of Financial and Commercial Affairs Act, 1966*, the order takes effect immediately but the Tribunal may grant a stay until disposition of the appeal. Order effective, stay 1966, c. 41

(3) Clause a of subsection 1 of section 24 of *The Used Car Dealers Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 136, s. 24, subs. 1, cl. a, re-enacted

- (a) is entitled to free access to all books of accounts, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

(4) Section 25 of *The Used Car Dealers Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 136, s. 25, re-enacted

25. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act. Investigations by order of Minister 1971, c. ...

25a.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has, Investigation by Director

- (a) contravened any of the provisions of this Act or the regulations; or
- (b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction 1953-54, c. 51 (Can.)

that is relevant to his fitness for registration under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulations or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

Powers of
investigator

- (2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

(a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation; and

(b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

1971, c. ...

Obstruction
of
investigator

- (3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

Search
warrant

- (4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are, in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being

investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated. ^{Removal of books, etc.}

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents. ^{Admissibility of copies}

(7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4. ^{Appointment of experts}

25*b*.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 22, 23, 24, 25 or 25*a* shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except, ^{Matters confidential}

(*a*) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

Testimony
in civil suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

1968-69,
c. 136, s. 26,
amended

(5) Section 26 of *The Used Car Dealers Act, 1968-69* is amended by striking out "25" in the second line and inserting in lieu thereof "25a".

1968-69, c. 136,
s. 27, subs. 1,
re-enacted

(6) Subsection 1 of section 27 of *The Used Car Dealers Act, 1968-69* is repealed and the following substituted therefor:

Order to
refrain from
dealing with
assets

(1) Where,

(a) an investigation of any person has been ordered under section 25a; or

(b) criminal proceedings or proceedings in relation to a contravention of any Act or regulation are about to be or have been instituted against a person that are connected with or arise out of the business in respect of which such person is registered,

the Director, if he believes it advisable for the protection of clients or customers of the person referred to in clause *a* or *b* may, in writing or by telegram, direct any person having on deposit or under control or for safekeeping any assets or trust funds of the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any person having any of them on deposit or under control or for safekeeping or to hold such assets or any trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act, 1970*, or the *Winding-up Act* (Canada), or until the Director revokes or the Tribunal cancels such direction or consents to the release of any particular assets or trust

R.S.O. 1960,
cc. 197, 71,
1970, c. 25,

R.S.C. 1952,
cc. 14, 296

funds from the direction but, in the case of a bank, loan or trust company, the direction only applies to the office, branches or agencies thereof named in the direction.

(7) The said section 27 is amended by adding thereto the following subsection: 1968-69, c. 136, s. 27, amended

(5) Any person referred to in clause *a* or *b* of subsection 1 in respect of whom a direction has been given by the Director under subsection 1 or any person having an interest in land in respect of which a notice has been registered under subsection 4 may, at any time, apply to the Tribunal for cancellation in whole or in part of the direction or registration and the Tribunal shall dispose of the application after a hearing and may, if it finds that such a direction or registration is not required in whole or in part for the protection of clients or customers of the applicant or of other persons interested in the land or that the interests of other persons are unduly prejudiced thereby, cancel the direction or registration in whole or in part, and the applicant, the Director and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal. Cancellation of direction or registration

(8) Section 30 of *The Used Car Dealers Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 136, s. 30, re-enacted

30. Where the Registrar believes on reasonable and probable grounds that a used car dealer is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and section 7 applies *mutatis mutandis* to the order in the same manner as to a proposal by the Registrar to refuse registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. False advertising

(9) Subsection 2 of section 31 of *The Used Car Dealers Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 136, s. 31, subs. 2, re-enacted

(2) Where service is made by registered mail the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date. When service deemed to be made

1968-69,
c. 136, s. 34,
cl. d,
amended

(10) Clause *d* of section 34 of *The Used Car Dealers Act, 1968-69* is amended by striking out "or to any such person, document or material" in the second and third lines.

1966, c. 159,
s. 7, subs. 1,
cl. b,
re-enacted

86.—(1) Clause *b* of subsection 1 of section 7 of *The Vocational Rehabilitation Services Act, 1966* is repealed and the following substituted therefor:

(b) receive applications for vocational rehabilitation services and shall exercise such powers and perform such duties in relation thereto and in relation to such services provided under this Act as are conferred or imposed on him by this Act and the regulations.

1966, c. 159,
s. 7,
amended

(2) The said section 7 is amended by adding thereto the following subsections:

Delegation
of powers of
Director

(3) The Director, with the consent in writing of the Deputy Minister of Social and Family Services, may authorize any employee or class of employee of the Vocational Rehabilitation Services Branch of the Department of Social and Family Services to exercise and discharge any of the powers conferred or the duties imposed upon him under this Act.

Decision
of person
exercising
power of
Director

(4) Any decision, order or directive made or given by a person exercising powers and performing duties of the Director under subsection 2 or 3 shall be deemed to be a decision, order or directive of the Director for the purposes of this Act.

1966, c. 159,
amended

(3) *The Vocational Rehabilitation Services Act, 1966* is amended by adding thereto the following sections:

Eligibility
of applicant

7a. The Director shall determine the eligibility of each applicant to receive vocational rehabilitation services and, where the applicant is eligible, determine the amount or nature of the services in accordance with this Act and the regulations and direct provision thereof accordingly.

Suspension,
etc., of
services

7b. The Director may suspend or cancel vocational rehabilitation services being provided for a disabled person where the disabled person,

(a) ceases to be eligible for vocational rehabilitation services under this Act or the regulations;

(b) fails to avail himself of vocational rehabilitation services authorized for him;

- (c) is not benefiting from the vocational rehabilitation services being provided for him;
- (d) is not making satisfactory progress towards rehabilitation;
- (e) fails to provide to the Director or his representative, including a field worker, the information required to determine initial or continuing eligibility to vocational rehabilitation services; or
- (f) fails to comply with any provision of this Act and the regulations.

(4) Section 8 of *The Vocational Rehabilitation Services Act*, 1966, c. 159, s. 8, 1966, as re-enacted by section 1 of *The Vocational Rehabilitation Services Amendment Act*, 1968, c. 141, s. 1), re-enacted following substituted therefor:

8. Sections 10c, 11a, 11b, 11c and 11e of *The Family Benefits Act*, 1966, apply, *mutatis mutandis*, to refusal of an application for, or the reduction, suspension or cancellation of vocational rehabilitation services by the Director, to requests for hearings by, and to hearings, proceedings and powers of the board of review established under that Act and to appeals therefrom to the Supreme Court, as if vocational rehabilitation services were benefits under that Act. Application of 1966, c. 54

(5) *The Vocational Rehabilitation Services Act*, 1966 is 1966, c. 159, amended by adding thereto the following section: amended

8a. Notwithstanding any decision of the Director, the board or the Supreme Court, a further application for vocational rehabilitation services may be made by an applicant upon new or other evidence or where material circumstances have changed. Further application for services

(6) Clause *m* of section 9 of *The Vocational Rehabilitation Services Act*, 1966 is 1966, c. 159, s. 9, cl. *m*, repealed repealed

87.—(1) Section 1 of *The Weed Control Act*, as amended by section 1 of *The Weed Control Amendment Act*, 1966, is further amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses: R.S.O. 1960, c. 427, s. 1, amended

(a) "Board" means the Seed-Cleaning Licence Review Board established by this Act;

(ba) "Director" means the Director appointed under this Act;

(da) "licence" means a licence to operate a seed-cleaning plant;

(ja) "seed-cleaning plant" means a plant for the cleaning of grains or seeds for seed purposes.

R.S.O. 1960,
c. 427, s. 2,
re-enacted

(2) Section 2 of *The Weed Control Act* is repealed and the following substituted therefor:

Director,
inspectors
chief and
district

2. The Lieutenant Governor in Council may appoint a Director to administer and enforce this Act, a chief inspector and a district weed inspector for any district designated in his appointment.

R.S.O. 1960,
c. 427, s. 10,
subs. 6,
re-enacted

(3) Subsection 6 of section 10 of *The Weed Control Act* is repealed and the following substituted therefor:

Disposition
of appeal

(6) The chief inspector may, after hearing an appeal under this section, confirm or revoke the order appealed from or may make a new order in place of such order, which shall be served in accordance with subsections 3 and 4.

Parties

(7) The appellant, the inspector who issued the order and such other persons as the chief inspector may specify are parties to proceedings before the chief inspector under subsection 6.

How appeal
made

(8) An appeal under this section may be made in writing or orally or by telephone to the chief inspector but the chief inspector may require the grounds for appeal to be specified in writing before the hearing.

Examination
of land

(9) The chief inspector may, in the presence of the parties or after affording them an opportunity to be present, view and examine land in relation to which an order appealed from under this section is made and may give his decision upon the evidence adduced by the parties and on such view and examination.

R.S.O. 1960,
c. 427, s. 18,
re-enacted

(3) Section 18 of *The Weed Control Act* is repealed and the following substituted therefor:

18. No person shall operate a seed-cleaning plant without a licence therefor from the Director. Seed-cleaning
plant licence
required

18a.—(1) The Director shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that, Licence,
issue

(a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to operate a seed-cleaning plant;

(b) the applicant does not possess or will not have available all premises, facilities and equipment necessary to engage in the business of operating a seed-cleaning plant in accordance with this Act and the regulations; or

(c) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(2) Subject to section 18b, the Director shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee. Renewal

(3) No fee is payable for a licence or any renewal thereof for a seed-cleaning plant that is used only for cleaning the grain or seed of the owner of the plant. Fee,
exemption

18b.—(1) The Director may refuse to renew or may suspend or revoke a licence if, after a hearing, he is of opinion that, Refusal to
renew,
suspension or
cancellation

(a) the premises, facilities and equipment used in the business of operating the seed-cleaning plant pursuant to the licence do not comply with this Act and the regulations;

(b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof, has contravened or has permitted any person under his control or direction in connection with his business of operating the seed-cleaning plant to contravene any provision of this Act or the regulations or of

any other Act or the regulations thereunder or of any law applying to the carrying on of the business of operating a seed-cleaning plant or any condition of the licence and such contravention warrants such refusal to renew, suspension or revocation of the licence; or

(c) any other ground for refusal to renew, suspension or revocation specified in the regulation exists.

Provisional suspension, etc.

(2) Notwithstanding subsection 1, the Director, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of any person or the public and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or revoked under this Act and the regulations.

Continuation of licence pending renewal

(3) Subject to subsection 2, where within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee and has observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.

Notice of hearing

18c.—(1) Notice of a hearing by the Director under section 18a or section 18b shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination of documentary evidence

(2) An applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Variation of decision by Director

18d. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing he may at any time of his own motion or

on the application of the person who was the applicant or licensee vary or rescind his decision but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

18e.—(1) A board to be known as the “Seed-Cleaning Licence Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure. Review Board established

(2) A member of the Board shall hold office for not more than five consecutive years. Term of office

(3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman. Chairman

(4) A majority of the members of the Board constitutes a quorum. Quorum

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. Remuneration

18f.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director appeal to the Board. Appeal to Board

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1 either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension. Extension of time for appeal

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, Powers of Board on appeal

suspended or revoked and may after the hearing confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Board considers proper, and, for such purpose, the Board may substitute its opinion for that of the Director.

Effect of
decision
pending
disposal of
appeal

- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of.

Parties

- 18g.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Members
making
decision
not to
have taken
part in
investigation,
etc.

- (2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

- (3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

- (4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. ...

Only
members
at hearing
to participate
in decision

- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

- 18h.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court. ^{Appeal to court}
- (2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. ^{Minister entitled to be heard}
- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal. ^{Record to be filed in court}
- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Director to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper, and the court may substitute its opinion for that of the Director or the Board. ^{Powers of court on appeal}
- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of. ^{Effect of decision of Board pending disposal of appeal}
- 88.**—(1) Subsections 3 and 4 of section 3 of *The Wild Rice Harvesting Act* are repealed and the following substituted therefor: ^{R.S.O. 1960, c. 431, s. 3, subss. 3, 4, re-enacted}
- (3) The Minister shall control the issue of licences and may give directions relating thereto and to the cancellation thereof and may prescribe terms and conditions of licences. ^{Issue, etc., of licences}
- (4) Subject to any directions given by the Minister, the Deputy Minister may issue, refuse to issue or cancel licences. ^{Deputy Minister may issue, etc.}
- (5) Before refusing to issue a licence or cancelling a licence, the Deputy Minister shall cause an officer in the Department to hold a hearing to which the applicant or licensee shall be a party. ^{Hearing}

Report

- (6) An officer holding a hearing under subsection 5 shall make a report to the Deputy Minister of his findings of fact and law at the hearing.

Application
of 1971, c.
ss. 6-16, 21-23

- (7) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section.

Decision
after
hearing

- (8) After considering the report of an officer holding a hearing under this section, the Deputy Minister may issue, refuse to issue or cancel the licence to which the hearing related and shall give his reasons for his decision to the applicant or licensee.

Appeal

- (9) An applicant or licensee who has been refused a licence or whose licence has been cancelled by the Deputy Minister may appeal to the Minister from the decision of the Deputy Minister and the Minister shall consider the report of the officer holding the hearing and of the Deputy Minister and may issue, refuse to issue or cancel the licence to which the appeal relates.

R.S.O. 1960,
c. 431, s. 4,
subs. 1, cl. a,
re-enacted

- (2) Clause *a* of subsection 1 of section 4 of *The Wild Rice Harvesting Act* is repealed and the following substituted therefor:

- (a) governing the issue, form, renewal or transfer of licences and prescribing fees therefor.

R.S.O. 1960,
c. 431, s. 4,
subs. 1, cl. d,
repealed

- (3) Clause *d* of subsection 1 of the said section 4 is repealed.

R.S.O. 1960,
c. 434, s. 15,
re-enacted

- 89.** Section 15 of *The Wolf and Bear Bounty Act* is repealed and the following substituted therefor:

Entitlement
to claim

15. Where a claimant for a bounty under this Act so requests, the Minister shall refer any question as to whether the claimant is entitled to the bounty or as to the amount thereof to a provincial judge having jurisdiction in the area in which the claimant resides, and the provincial judge shall hear and determine the question and his decision shall be given effect to by the Minister or the appropriate officers under this Act.

90.—(1) Subsections 2, 3, 4 and 5 of section 15 of *The Women's Equal Employment Opportunity Act, 1970* are repealed and the following substituted therefor:

- (2) A true copy of the complaint shall be annexed to the notice of the hearing that is given to any party except the Director. Copy of complaint
- (3) A member of the board hearing a complaint shall not have taken part in any investigation or consideration of the complaint prior to the hearing and shall not communicate directly or indirectly in relation to the complaint with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members at hearing not to have taken part in investigation, etc.
- (4) The oral evidence taken before a board at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
- (5) The findings of fact of the board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact
- (6) Subject to appeal under section 24, the board has exclusive jurisdiction and authority to determine any question of fact or law or both required to be decided in reaching a decision as to whether or not any person has contravened this Act or for the making of any order pursuant to such decision. Jurisdiction of board

(2) Sections 16, 17, 18, 19, 20 and 21 of *The Women's Equal Employment Opportunity Act, 1970* are repealed. 1970, c. 33, ss. 16-21, repealed

(3) Section 23 of *The Women's Equal Employment Opportunity Act, 1970* is repealed. 1970, c. 33, s. 23, repealed

(4) Section 24 of *The Women's Equal Employment Opportunity Act, 1970* is repealed and the following substituted therefor:

Appeal from
order of
board

24.—(1) Any party to the hearing before a board may appeal from the decision or order of the board to the Supreme Court in accordance with the rules of court.

Records to
be filed in
court

(2) Where notice of an appeal is served under this section, the board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision or order appealed from was made, which, together with a transcript of the oral evidence taken before the board, if it is not part of the record of the board, shall constitute the record in the appeal.

Minister
entitled
to be heard

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of
court

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or reverse the decision or order of the board or direct the board to make any decision or order that the board is authorized to make under this Act and the court may substitute its opinion for that of the board.

1970, c. 33,
ss. 25, 29,
repealed

(5) Sections 25 and 29 of *The Women's Equal Employment Opportunity Act, 1970* are repealed.

R.S.O. 1960,
c. 435, s. 7,
re-enacted;
ss. 8, 9,
repealed

91. Sections 7, 8 and 9 of *The Woodmen's Employment Act* are repealed and the following substituted therefor:

Powers of
inspector in
investiga-
tions

7. The inspector for the purpose of making an investigation under this Act may,

(a) upon production of his appointment as an inspector, enter at any reasonable time upon any land and premises upon which Crown timber is being cut and removed or which are used in connection with the cutting or removal of Crown timber and examine the interior of any room, tent, cabin, house or other place of accommodation provided for the living or working places of employees and of any kitchen, dining room, storeroom or other place used for the preparation, serving or storing of food provided to employees; and

(b) for purposes relevant to the subject-matter of the investigation, make inquiries from any person and require the production of and

examine documents, books and papers, including payrolls, price lists, diet sheets and shanty books, and for those purposes the inspector has the powers of a Commission under Part II of *The Public Inquiries Act, 1971*, which Part ^{1971, c. ...} applies to such inquiries as if it were an inquiry under that Act.

92. Where an appeal is provided in this Act to the ^{Appeals to} Supreme Court, the appeal, until section 14a of *The* ^{Supreme} *Judicature Act* comes into force, shall be to the Court of Appeal. ^{Court} R.S.O. 1960, c. 197

93. This Act comes into force on a day to be named by ^{Commence-} the Lieutenant Governor by his proclamation. ^{ment}

94. This Act may be cited as *The Civil Rights Statute Law* ^{Short title} *Amendment Act, 1971*.

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The Civil Rights Statute Law
Amendment Act, 1971

1st Reading

June 4th, 1971

2nd Reading

June 24th, 1971

3rd Reading

July 13th, 1971

THE HON. W. G. DAVIS
Prime Minister

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

The Corporations Information Act, 1971

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs

T O R O N T O

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

EXPLANATORY NOTES

The Bill is a revision of *The Corporations Information Act* for the purpose of,

1. including the recommendations of the Select Committee on Company Law to require the registration of business names;
2. simplifying the information required in returns;
3. improving the provisions for enforcement;
4. providing for the filing of annual returns effective on the anniversary of the date of incorporation or amalgamation;
5. omitting the option of corporations incorporated under the *Corporations Act* (Canada) to file a duplicate of the summary filed under that Act.

BILL 57

1971

The Corporations Information Act, 1971

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) "corporation" means any corporation with or without share capital wherever or however incorporated and includes "extra-provincial corporation";
- (b) "court" means the Supreme Court of Ontario presided over by one of those judges of the High Court who are designated by the Chief Justice of the High Court for the purpose of hearing applications under this Act;
- (c) "debt obligation" means a bond, debenture, note or other similar obligation of a corporation, whether secured or unsecured;
- (d) "Department" means the Department of the Minister;
- (e) "extra-provincial corporation" means a corporation with or without share capital incorporated otherwise than by or under the authority of an Act of the Legislature;
- (f) "Minister" means the Minister of Financial and Commercial Affairs or such other member of the Executive Council to whom the administration of this Act may be assigned;
- (g) "prescribed" means prescribed by the regulations;
- (h) "regulations" means the regulations made under this Act. R.S.O. 1960, c. 72, s. 1; 1968-69, c. 17, s. 1, *amended*.

Registration
of business
names

2.—(1) No corporation shall carry on business in Ontario or identify itself to the public in Ontario by a name or style other than its corporate name unless the name or style is first registered with the Minister.

Idem

(2) A corporation may register a name or style referred to in subsection 1 by filing with the Minister a statement setting out,

- (a) the name of the corporation;
- (b) the jurisdiction in which it was incorporated;
- (c) the name or style in which it intends to carry on business or identify itself to the public;
- (d) a brief description of the business, activity or service to be carried on in or identified by the name being registered; and
- (e) the location of its head office giving street and number, if any.

Idem

(3) The registration of a name or style under this section does not confer on the corporation any right to such name or style that it does not otherwise have.

Expiration
and renewals

(4) Every registration made under this section expires in five years after the date of the registration, subject to renewal for a further period of five years from time to time. *New.*

Annual
return

3.—(1) Within two months after each anniversary, following the date upon which this section comes into force, of the date of its incorporation or amalgamation every corporation having its head or other office or carrying on any business, activity or service or a part thereof in Ontario, unless of a class exempted by the regulations, shall make out, verify and file with the Minister a return setting out as of the anniversary of the date of its incorporation or amalgamation,

- (a) the name of the corporation;
- (b) the date and manner of its incorporation or amalgamation;
- (c) the jurisdiction in which the corporation was incorporated;
- (d) whether or not the corporation is in operation;
- (e) generally the actual undertaking of the corporation;

- (f) the names and residence addresses, giving street and number, if any, of the directors and the date on which each became a director;
- (g) the names and residence addresses, giving street and number, if any, of its president, secretary, treasurer and general manager and the date on which each became an officer;
- (h) the location of its head office, giving street and number, if any;
- (i) the date on which its last annual meeting was held;
- (j) whether or not the corporation is offering its securities to the public within the meaning of subsection 9 of section 1 of *The Business Corporations Act, 1970*, c. 25

and where the corporation is an extra-provincial corporation and is licensed to carry on business in Ontario, in addition,

- (k) the name and office address of its attorney for service in Ontario;
- (l) the name and office address of its chief officer or manager in Ontario;
- (m) the location of its principal office in Ontario,

and where the objects of a corporation are in whole or in part of a social nature, the annual return shall state the address of the premises of the corporation, giving the street and number, if any. R.S.O. 1960, c. 72, s. 3 (1); 1968-69, c. 17, s. 2 (1).

(2) A corporation that holds a licence under Part IX of *The Corporations Act* or a predecessor of that Part or under *The Mortmain and Charitable Uses Act* shall be deemed to be carrying on business in Ontario for the purposes of subsection 1. Carrying on business R.S.O. 1960, cc 71, 246

(3) The return mentioned in subsection 1 shall be verified Verification by the certificate of the president or a director of the corporation. R.S.O. 1960, c. 72, s. 3 (2, 3), *amended*.

(4) The corporation shall retain a duplicate of its latest return made under subsection 1 and shall maintain the duplicate available for examination by any shareholder, member or creditor of the corporation during the normal Availability of copy at head office

business hours of the corporation at its head or principal office in Ontario, who may make copies thereof or extracts therefrom. R.S.O. 1960, c. 72, s. 3 (5), *amended*.

Change in
board of
directors

(5) Every corporation to which subsection 1 applies shall file with the Minister a notice of every change in the membership of its board of directors within fifteen days after the change has taken place, and the notice shall specify the date upon which each person became a director or ceased to be a director, as the case may be, and the residence address, giving street and number, if any, of each such person. 1961-62, c. 22, s. 1, *part*; 1962-63, c. 25, s. 1 (1); 1968-69, c. 17, s. 2 (2).

Change in
authorized
capital

(6) Where shares of a class are donated to, redeemed, purchased, accepted for surrender or converted by a corporation with share capital incorporated in Ontario, it shall, within thirty days of the date on which the donation, redemption, purchase, surrender or conversion is effected, file with the Minister a notice setting out,

- (a) the number of shares of the class donated, redeemed, purchased, surrendered or converted;
- (b) the number of shares of the class cancelled;
- (c) the number and class or classes of shares into which the shares were converted; and
- (d) the date on which the donation, redemption, purchase, surrender or conversion was effected. 1961-62, c. 22, s. 1, *part*; 1962-63, c. 25, s. 1 (1); 1968-69, c. 17, s. 2 (3).

Extension of
time and
exemption
from fee

(7) The Minister may in his discretion enlarge the time for filing any return and may grant an exemption in whole or in part from the payment of the prescribed fee. R.S.O. 1960, c. 72, s. 3 (11); 1968-69, c. 17, s. 2 (6).

Filing not
complete
until fee
paid

(8) Notwithstanding that a corporation has delivered or filed the return mentioned in this section or a predecessor of this section, the corporation shall be deemed to be in default of filing such return until the prescribed fee payable on the delivery or filing of such return has been paid. R.S.O. 1960, c. 72, s. 3 (11).

Examination
by public

4.—(1) Upon payment of the prescribed fee, any person is entitled to examine any document filed under section 2 or 3 or any predecessor thereof, and to make extracts therefrom. *New*.

(2) Upon payment of the prescribed fee, the Minister shall furnish any person with a certified copy of any document filed with him under section 2 or 3 or any predecessor thereof. *New.* Furnishing
copies

5.—(1) The Minister may at any time by notice require any corporation to file within the time specified in the notice a return upon any subject connected with its affairs and relevant to the administration or enforcement of this Act, *The Business Corporations Act, 1970*, or *The Corporations Act, 1970*, c. 25 R.S.O. 1960, c. 71. Information
required by
Minister
R.S.O. 1960, c. 72, s. 4; 1968-69, c. 17, s. 3, *amended.*

(2) The Minister or any employee of the Department shall not disclose any information contained in a return made under subsection 1, except where the disclosure is necessary for the administration or enforcement of this Act, *The Business Corporations Act, 1970*, or *The Corporations Act*, or where the disclosure is required by a court for the purposes of an action, prosecution or other proceeding. *New.* Idem,
disclosure
of

6. The Minister with the approval of the Lieutenant Governor in Council may delegate in writing any of his duties or powers under this Act to any public servant in the Department. *New.* Delegation
by Minister

7.—(1) Every person who makes a statement in any document, material, evidence or information submitted or required by or for the purposes of this Act that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact or that omits to state any material fact, the omission of which makes the statement false or misleading, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both, or if such person is a corporation to a fine of not more than \$20,000. R.S.O. 1960, c. 72, s. 3 (8); 1962-63, c. 25, s. 1 (3), *amended.* Offence

(2) No person is guilty of an offence under subsection 1 if he did not know that the statement was false or misleading and in the exercise of reasonable diligence could not have known that the statement was false or misleading. Knowledge
as element
of offence

(3) Where a corporation is guilty of an offence under subsection 1, every director or officer of such corporation who authorized, permitted or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. *New.* Respon-
sibility of
directors
and
officers,
etc.

General
penalty

8.—(1) Every person who,

- (a) contravenes this Act or the regulations; or
- (b) fails to observe or comply with any order, direction or other requirement made under this Act or the regulations,

is, except where such conduct also constitutes an offence under section 7, guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or, if such person is a corporation, to a fine of not more than \$20,000.

Responsi-
bility of
directors,
officers,
etc.

(2) Where a corporation is guilty of an offence under sub-section 1, every director or officer of such corporation, and, where the corporation is an extra-provincial corporation, every person acting as its representative in Ontario, who authorized, permitted or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. *New.*

Consent to
prosecute

9.—(1) No proceedings under section 7 or 8 shall be commenced except with the consent or under the direction of the Minister.

Limitation

(2) No proceedings under section 7 or 8 shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Minister as certified by him. *New.*

Restraining
orders

10. Where it appears to the Minister or to any shareholder or creditor of the corporation that the corporation has not complied with any provision of this Act or the regulations or any order, direction or other requirement made under this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, he may apply to the court for an order directing the corporation, director or officer or employee, as the case may be, to comply with such provision, order, direction or other requirement or for an order restraining such person from contravening such provision, order, direction or other requirement and upon such application the court may make such order or such other order as the court thinks fit. *New.*

Certificates
of Minister

11. The Minister may issue a certificate certifying,

- (a) as to the registration or non-registration of a name or style under section 2;

- (b) as to the filing or non-filing of any document or material required or permitted to be filed under this Act;
- (c) as to the time when the facts upon which proceedings are based first came to the knowledge of the Minister; or
- (d) that any person named in the certificate on the date or during the period specified in the certificate is shown on the records of the Department as a director, officer, manager or attorney for service of the corporation named in the certificate. *New.*

12.—(1) Where this Act requires or authorizes the Minister to issue a certificate or certify any fact, the certificate shall be issued under the seal of the Minister and shall be signed by him or by such officer of the Department as is designated by the regulations. Execution of certificates of Minister

(2) Any certificate purporting to be under the seal of the Minister and signed by a person authorized by or under subsection 1, or any certified copy, is receivable 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. *New.* Certificates as evidence

13. The Lieutenant Governor in Council may make regulations, Regulations

- (a) exempting any class or classes of corporations from filing returns under section 3;
- (b) providing for the registration of names and styles under section 2 and for the renewal thereof;
- (c) requiring the payment of fees for any matter required to be done in the administration of this Act and prescribing the amounts thereof;
- (d) designating officers of the Department who may sign certificates for the purposes of section 12.
- (e) respecting the form of any document required to be filed under this Act.

14. *The Corporations Information Act, The Corporations Information Amendment Act, 1961-62, The Corporations Information Amendment Act, 1962-63, The Corporations Information* R.S.O. 1960, c. 72; 1961-62, c. 22; 1962-63, c. 25; 1966, c. 29; 1968-69, c. 17, repealed

Amendment Act, 1966 and *The Corporations Information Amendment Act, 1968-69* are repealed.

Commence-
ment

15.—(1) This Act, except section 2, comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Idem

(2) Section 2 comes into force three months after the day on which the remainder of this Act is proclaimed in force.

Short title

16. This Act may be cited as *The Corporations Information Act, 1971*.

The Corporations Information
Act, 1971

1st Reading

June 4th, 1971

2nd Reading

3rd Reading

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

(Government Bill)

BILL 57

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

The Corporations Information Act, 1971

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs

TORONTO

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



BILL 57

1971

The Corporations Information Act, 1971

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) "corporation" means any corporation with or without share capital wherever or however incorporated and includes "extra-provincial corporation";
- (b) "court" means the Supreme Court of Ontario presided over by one of those judges of the High Court who are designated by the Chief Justice of the High Court for the purpose of hearing applications under this Act;
- (c) "debt obligation" means a bond, debenture, note or other similar obligation of a corporation, whether secured or unsecured;
- (d) "Department" means the Department of the Minister;
- (e) "extra-provincial corporation" means a corporation with or without share capital incorporated otherwise than by or under the authority of an Act of the Legislature;
- (f) "Minister" means the Minister of Financial and Commercial Affairs or such other member of the Executive Council to whom the administration of this Act may be assigned;
- (g) "prescribed" means prescribed by the regulations;
- (h) "regulations" means the regulations made under this Act. R.S.O. 1960, c. 72, s. 1; 1968-69, c. 17, s. 1, *amended*.

Registration
of business
names

2.—(1) No corporation shall carry on business in Ontario or identify itself to the public in Ontario by a name or style other than its corporate name unless the name or style is first registered with the Minister.

Idem

(2) A corporation may register a name or style referred to in subsection 1 by filing with the Minister a statement setting out,

- (a) the name of the corporation;
- (b) the jurisdiction in which it was incorporated;
- (c) the name or style in which it intends to carry on business or identify itself to the public;
- (d) a brief description of the business, activity or service to be carried on in or identified by the name being registered; and
- (e) the location of its head office giving street and number, if any.

Idem

(3) The registration of a name or style under this section does not confer on the corporation any right to such name or style that it does not otherwise have.

Expiration
and renewals

(4) Every registration made under this section expires in five years after the date of the registration, subject to renewal for a further period of five years from time to time. *New.*

Annual
return

3.—(1) Within two months after each anniversary, following the date upon which this section comes into force, of the date of its incorporation or amalgamation every corporation having its head or other office or carrying on any business, activity or service or a part thereof in Ontario, unless of a class exempted by the regulations, shall make out, verify and file with the Minister a return setting out as of the anniversary of the date of its incorporation or amalgamation,

- (a) the name of the corporation;
- (b) the date and manner of its incorporation or amalgamation;
- (c) the jurisdiction in which the corporation was incorporated;
- (d) whether or not the corporation is in operation;
- (e) generally the actual undertaking of the corporation;

- (f) the names and residence addresses, giving street and number, if any, of the directors and the date on which each became a director;
- (g) the names and residence addresses, giving street and number, if any, of its president, secretary, treasurer and general manager and the date on which each became an officer;
- (h) the location of its head office, giving street and number, if any;
- (i) the date on which its last annual meeting was held;
- (j) whether or not the corporation is offering its securities to the public within the meaning of subsection 9 of section 1 of *The Business Corporations Act, 1970*, 1970, c. 25

and where the corporation is an extra-provincial corporation and is licensed to carry on business in Ontario, in addition,

- (k) the name and office address of its attorney for service in Ontario;
- (l) the name and office address of its chief officer or manager in Ontario;
- (m) the location of its principal office in Ontario,

and where the objects of a corporation are in whole or in part of a social nature, the annual return shall state the address of the premises of the corporation, giving the street and number, if any. R.S.O. 1960, c. 72, s. 3 (1); 1968-69, c. 17, s. 2 (1).

(2) A corporation that holds a licence under Part IX of *The Corporations Act* or a predecessor of that Part or under *The Mortmain and Charitable Uses Act* shall be deemed to be carrying on business in Ontario for the purposes of subsection 1. Carrying on business R.S.O. 1960, cc. 71, 246

(3) The return mentioned in subsection 1 shall be verified by the certificate of the president or a director of the corporation. Verification
R.S.O. 1960, c. 72, s. 3 (2, 3), *amended*.

(4) The corporation shall retain a duplicate of its latest return made under subsection 1 and shall maintain the duplicate available for examination by any shareholder, member or creditor of the corporation during the normal Availability of copy at head office

business hours of the corporation at its head or principal office in Ontario, who may make copies thereof or extracts therefrom. R.S.O. 1960, c. 72, s. 3 (5), *amended*.

Change in
board of
directors

(5) Every corporation to which subsection 1 applies shall file with the Minister a notice of every change in the membership of its board of directors within fifteen days after the change has taken place, and the notice shall specify the date upon which each person became a director or ceased to be a director, as the case may be, and the residence address, giving street and number, if any, of each such person. 1961-62, c. 22, s. 1, *part*; 1962-63, c. 25, s. 1 (1); 1968-69, c. 17, s. 2 (2).

Change in
authorized
capital

(6) Where shares of a class are donated to, redeemed, purchased, accepted for surrender or converted by a corporation with share capital incorporated in Ontario, it shall, within thirty days of the date on which the donation, redemption, purchase, surrender or conversion is effected, file with the Minister a notice setting out,

- (a) the number of shares of the class donated, redeemed, purchased, surrendered or converted;
- (b) the number of shares of the class cancelled;
- (c) the number and class or classes of shares into which the shares were converted; and
- (d) the date on which the donation, redemption, purchase, surrender or conversion was effected. 1961-62, c. 22, s. 1, *part*; 1962-63, c. 25, s. 1 (1); 1968-69, c. 17, s. 2 (3).

Extension of
time and
exemption
from fee

(7) The Minister may in his discretion enlarge the time for filing any return and may grant an exemption in whole or in part from the payment of the prescribed fee. R.S.O. 1960, c. 72, s. 3 (11); 1968-69, c. 17, s. 2 (6).

Filing not
complete
until fee
paid

(8) Notwithstanding that a corporation has delivered or filed the return mentioned in this section or a predecessor of this section, the corporation shall be deemed to be in default of filing such return until the prescribed fee payable on the delivery or filing of such return has been paid. R.S.O. 1960, c. 72, s. 3 (11).

Examination
by public

4.—(1) Upon payment of the prescribed fee, any person is entitled to examine any document filed under section 2 or 3 or any predecessor thereof, and to make extracts therefrom. *New.*

(2) Upon payment of the prescribed fee, the Minister shall furnish any person with a certified copy of any document filed with him under section 2 or 3 or any predecessor thereof. *New.* Furnishing
copies

5.—(1) The Minister may at any time by notice require any corporation to file within the time specified in the notice a return upon any subject connected with its affairs and relevant to the administration or enforcement of this Act, *The Business Corporations Act, 1970*, or *The Corporations Act, 1970*, c. 25, R.S.O. 1960, c. 71, s. 4; 1968-69, c. 17, s. 3, *amended.* Information
required by
Minister

(2) The Minister or any employee of the Department shall not disclose any information contained in a return made under subsection 1, except where the disclosure is necessary for the administration or enforcement of this Act, *The Business Corporations Act, 1970*, or *The Corporations Act, 1970*, or where the disclosure is required by a court for the purposes of an action, prosecution or other proceeding. *New.* Idem.
disclosure
of

6. The Minister with the approval of the Lieutenant Governor in Council may delegate in writing any of his duties or powers under this Act to any public servant in the Department. *New.* Delegation
by Minister

7.—(1) Every person who makes a statement in any document, material, evidence or information submitted or required by or for the purposes of this Act that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact or that omits to state any material fact, the omission of which makes the statement false or misleading, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both, or if such person is a corporation to a fine of not more than \$20,000. R.S.O. 1960, c. 72, s. 3 (8); 1962-63, c. 25, s. 1 (3), *amended.* Offence

(2) No person is guilty of an offence under subsection 1 if he did not know that the statement was false or misleading and in the exercise of reasonable diligence could not have known that the statement was false or misleading. Knowledge
as element
of offence

(3) Where a corporation is guilty of an offence under subsection 1, every director or officer of such corporation who authorized, permitted or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. *New.* Responsi-
bility of
directors
and
officers,
etc.

General
penalty

8.—(1) Every person who,

- (a) contravenes this Act or the regulations; or
- (b) fails to observe or comply with any order, direction or other requirement made under this Act or the regulations,

is, except where such conduct also constitutes an offence under section 7, guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or, if such person is a corporation, to a fine of not more than \$20,000.

Responsi-
bility of
directors,
officers,
etc.

(2) Where a corporation is guilty of an offence under sub-section 1, every director or officer of such corporation, and, where the corporation is an extra-provincial corporation, every person acting as its representative in Ontario, who authorized, permitted or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. *New.*

Consent to
prosecute

9.—(1) No proceedings under section 7 or 8 shall be commenced except with the consent or under the direction of the Minister.

Limitation

(2) No proceedings under section 7 or 8 shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Minister as certified by him. *New.*

Restraining
orders

10. Where it appears to the Minister or to any shareholder or creditor of the corporation that the corporation has not complied with any provision of this Act or the regulations or any order, direction or other requirement made under this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, he may apply to the court for an order directing the corporation, director or officer or employee, as the case may be, to comply with such provision, order, direction or other requirement or for an order restraining such person from contravening such provision, order, direction or other requirement and upon such application the court may make such order or such other order as the court thinks fit. *New.*

Certificates
of Minister

11. The Minister may issue a certificate certifying,

- (a) as to the registration or non-registration of a name or style under section 2;

- (b) as to the filing or non-filing of any document or material required or permitted to be filed under this Act;
- (c) as to the time when the facts upon which proceedings are based first came to the knowledge of the Minister; or
- (d) that any person named in the certificate on the date or during the period specified in the certificate is shown on the records of the Department as a director, officer, manager or attorney for service of the corporation named in the certificate. *New.*

12.—(1) Where this Act requires or authorizes the Minister to issue a certificate or certify any fact, the certificate shall be issued under the seal of the Minister and shall be signed by him or by such officer of the Department as is designated by the regulations. Execution of certificates of Minister

(2) Any certificate purporting to be under the seal of the Minister and signed by a person authorized by or under subsection 1, or any certified copy, is receivable 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. *New.* Certificates as evidence

13. The Lieutenant Governor in Council may make regulations, Regulations

- (a) exempting any class or classes of corporations from filing returns under section 3;
- (b) providing for the registration of names and styles under section 2 and for the renewal thereof;
- (c) requiring the payment of fees for any matter required to be done in the administration of this Act and prescribing the amounts thereof;
- (d) designating officers of the Department who may sign certificates for the purposes of section 12.
- (e) respecting the form of any document required to be filed under this Act.

14. *The Corporations Information Act, The Corporations Information Amendment Act, 1961-62, The Corporations Information Amendment Act, 1962-63, The Corporations Information* R.S.O. 1960, c. 72; 1961-62, c. 22; 1962-63, c. 25; 1966, c. 29; 1968-69, c. 17, repealed

Amendment Act, 1966 and *The Corporations Information Amendment Act, 1968-69* are repealed.

Commence-
ment

15.—(1) This Act, except section 2, comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Idem

(2) Section 2 comes into force three months after the day on which the remainder of this Act is proclaimed in force.

Short title

16. This Act may be cited as *The Corporations Information Act, 1971*.



The Corporations Information
Act, 1971

1st Reading

June 4th, 1971

2nd Reading

June 10th, 1971

3rd Reading

June 17th, 1971

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Crop Insurance Act (Ontario), 1966

THE HON. WM. A. STEWART
Minister of Agriculture and Food

TORONTO

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

EXPLANATORY NOTE

Presently, the Act provides that coverage against loss in production of a crop insured under a plan may be extended to include loss arising when the seeding or planting of that crop is prevented by a designated peril. The *Crop Insurance Act* (Canada) permits a broader extension of such coverage to include non-insured agricultural crops when seeding or planting is prevented by excess ground moisture, weather or other agricultural hazards.

The amendment brings the Ontario Act into line with the Canada Act.

BILL 58

1971

**An Act to amend
The Crop Insurance Act (Ontario), 1966**

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

1. *The Crop Insurance Act (Ontario), 1966* is amended by ^{1966, c. 34,} adding thereto the following section: ^{amended}

5a.—(1) Subject to the approval of the Lieutenant ^{Idem} Governor in Council, the Commission may make regulations establishing, amending and revoking voluntary plans providing for the insurance within Ontario against loss arising when the seeding or planting of land to an agricultural crop is prevented by excess ground moisture, weather or other agricultural hazards, and the provisions of subsection 1 of section 5 apply *mutatis mutandis* with respect to any plan.

(2) A plan or any provisions thereof may apply to all ^{Application} of Ontario or to any area within Ontario. ^{of regulations}

2. This Act shall be deemed to have come into force on ^{Commence-} the 1st day of March, 1971. ^{ment}

3. This Act may be cited as *The Crop Insurance Amendment* ^{Short title} *Act (Ontario), 1971.*

An Act to amend
The Crop Insurance Act (Ontario), 1966

1st Reading

June 8th, 1971

2nd Reading

3rd Reading

THE HON. WM. A. STEWART
Minister of Agriculture and Food

(Government Bill)

BILL 58

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Crop Insurance Act (Ontario), 1966

THE HON. WM. A. STEWART
Minister of Agriculture and Food

BILL 58

1971

**An Act to amend
The Crop Insurance Act (Ontario), 1966**

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

1. *The Crop Insurance Act (Ontario), 1966* is amended by adding thereto the following section: 1966, c. 34,
amended

5a.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations establishing, amending and revoking voluntary plans providing for the insurance within Ontario against loss arising when the seeding or planting of land to an agricultural crop is prevented by excess ground moisture, weather or other agricultural hazards, and the provisions of subsection 1 of section 5 apply *mutatis mutandis* with respect to any plan. Idem

(2) A plan or any provisions thereof may apply to all of Ontario or to any area within Ontario. Application
of
regulations

2. This Act shall be deemed to have come into force on the 1st day of March, 1971. Commence-
ment

3. This Act may be cited as *The Crop Insurance Amendment Act (Ontario), 1971*. Short title

An Act to amend
The Crop Insurance Act (Ontario), 1966

1st Reading

June 8th, 1971

2nd Reading

June 10th, 1971

3rd Reading

June 10th, 1971

THE HON. WM. A. STEWART
Minister of Agriculture and Food

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to License and Regulate Fur Farms

THE HON. WM. A. STEWART
Minister of Agriculture and Food

EXPLANATORY NOTE

The purpose of the Bill is to implement the transfer of the administration and control of fur farms from the Minister of Lands and Forests to the Minister of Agriculture and Food.

BILL 59

1971

An Act to License and Regulate Fur Farms

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) "Director" means the Director of the Veterinary Services Branch of the Department of Agriculture and Food;
- (b) "fur-bearing animal" means a fisher, fox, marten, mink, raccoon or any other animal that the Lieutenant Governor in Council declares to be a fur-bearing animal for the purposes of this Act;
- (c) "fur farm" means premises where fur-bearing animals are kept in captivity for propagation or the production of pelts for commercial purposes;
- (d) "inspector" means an inspector appointed for the purposes of this Act;
- (e) "licence" means a licence under this Act;
- (f) "Minister" means the Minister of Agriculture and Food;
- (g) "pelt" means the untanned skin of a fur-bearing animal;
- (h) "regulations" means the regulations made under this Act.

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

Licence for
operation of
a fur farm

3. No person shall commence or continue to be the operator of a fur farm except under the authority of a licence from the Director in respect of that farm.

Issue of
licence

4. The Director shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee.

Responsi-
bility of
operator

5.—(1) An operator of a fur farm shall maintain in a clean and sanitary condition the premises in which fur-bearing animals are kept.

Idem

(2) An operator of a fur farm shall ensure that all necessary measures are taken to prevent cruelty to or neglect of the fur-bearing animals on the fur farm.

Idem

(3) An operator of a fur farm shall ensure that the pens and enclosures in which fur-bearing animals are kept are constructed and maintained in a manner that will prevent such animals from escaping and other animals from entering.

Permits

6. No person shall,

- (a) take or ship, or cause to be taken or shipped, from a fur farm to a point outside Ontario;
- (b) take or ship, or cause to be taken or shipped, from a fur farm to a point within Ontario; or
- (c) send, or cause to be sent, from a fur farm to a tanner or taxidermist for tanning, plucking or treating in any way,

any fur-bearing animal or pelt except under the authority of a permit prescribed in the regulations.

Containers
to be
marked

7. A container used in the shipment or transportation of fur-bearing animals or pelts from a fur farm shall be plainly marked on the outside in such a manner as to give the quantity and description of the contents and the names and addresses of the consignor and of the consignee.

Inspectors

8.—(1) The Minister may appoint a chief inspector and such other inspectors as he considers necessary to carry out and enforce this Act and the regulations.

Certificate
of
appointment

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment

without further proof of the signature or authority of the Minister.

(3) Subject to subsection 4, an inspector may, for the purpose of carrying out his duties under this Act and the regulations, enter any premises or building used in connection with a fur farm or which he has reason to believe are used in connection with the operation of a fur farm. Powers of inspector

(4) Except under the authority of a warrant under section 14 of *The Summary Convictions Act*, an inspector shall not enter any part of a dwelling without the consent of the owner or occupant. Entry of dwellings R.S.O. 1960, c. 387

(5) Every person shall, when required by the Director or an inspector, produce any books, records or other documents relating to the operation of a fur farm. Production of records, etc.

9. No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information. Obstruction of inspector

10. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$100 and for a second or subsequent offence to a fine of not more than \$500. Offence

11. The Lieutenant Governor in Council may make regulations, Regulations

- (a) providing for the issue of licences and prescribing the duration, terms and conditions thereof and the fees to be paid therefor;
- (b) declaring animals, other than those mentioned in clause *b* of section 1, to be fur-bearing animals for the purposes of this Act;
- (c) prescribing forms and providing for their use;
- (d) prescribing the records to be made and kept by the operator of a fur farm;
- (e) prescribing the reports to be submitted to the Director by the operator of a fur farm;
- (f) prescribing, and providing for the issue of, permits for the purposes of section 6;

- (g) prescribing the duties of inspectors;
- (h) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Existing
licences
continued
1961-62, c. 48

12. Every fur farmer's licence issued under section 59 of *The Game and Fish Act, 1961-62*, and expiring with the 31st day of December, 1971, shall continue to be valid and shall be deemed to have been issued under this Act.

Commence-
ment

13. This Act shall be deemed to have come into force on the 1st day of April, 1971.

Short title

14. This Act may be cited as *The Fur Farms Act, 1971*.



An Act to
License and Regulate Fur Farms

1st Reading

June 8th, 1971

2nd Reading

3rd Reading

THE HON. WM. A. STEWART
Minister of Agriculture and Food

(Government Bill)

BILL 59

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to License and Regulate Fur Farms

THE HON. WM. A. STEWART
Minister of Agriculture and Food

T O R O N T O

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

BILL 59

1971

An Act to License and Regulate Fur Farms

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- (b) declaring animals, other than those mentioned in clause *b* of section 1, to be fur-bearing animals for the purposes of this Act;
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- (d) prescribing the records to be made and kept by the operator of a fur farm;
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- (f) prescribing, and providing for the issue of, permits for the purposes of section 6;

- (g) prescribing the duties of inspectors ;
- (h) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Existing
licences
continued
1961-62, c. 48

12. Every fur farmer's licence issued under section 59 of *The Game and Fish Act, 1961-62*, and expiring with the 31st day of December, 1971, shall continue to be valid and shall be deemed to have been issued under this Act.

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ment

13. This Act shall be deemed to have come into force on the 1st day of April, 1971.

Short title

14. This Act may be cited as *The Fur Farms Act, 1971*.

An Act to
License and Regulate Fur Farms

1st Reading

June 8th, 1971

2nd Reading

June 10th, 1971

3rd Reading

June 10th, 1971

THE HON. WM. A. STEWART
Minister of Agriculture and Food

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Game and Fish Act, 1961-62

THE HON. RENE BRUNELLE
Minister of Lands and Forests

EXPLANATORY NOTE

The amendments are complementary to the transfer of the administration of fur farms.

BILL 60

1971

**An Act to amend
The Game and Fish Act, 1961-62**

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

1. Paragraph 5 of section 1 of *The Game and Fish Act, 1961-62* is repealed and the following substituted therefor: 1961-62, c. 48, s. 1, par. 5, re-enacted

5. "domestic animals and domestic birds" includes any non-native species kept in captivity, except pheasants, and any fur-bearing animal kept on a fur farm, as defined in *The Fur Farms Act, 1971*, but 1971, c. ... does not include native species otherwise kept in captivity or non-native species present in the wild state.

2.—(1) Clause *a* of section 2 of *The Game and Fish Act, 1961-62* is repealed and the following substituted therefor: 1961-62, c. 48, s. 2, cl. a, re-enacted

- (a) to domestic animals and domestic birds, except dogs, or, subject to subsection 2, fur-bearing animals kept on a fur farm as defined in *The Fur Farms Act, 1971*. 1971, c. ...

(2) The said section 2 is amended by adding thereto the following subsection: 1961-62, c. 48, s. 2, amended

- (2) This Act applies to fur-bearing animals kept on a fur Idem farm as defined in *The Fur Farms Act, 1971* in 1971, c. ... respect of offences against sections 59 and 61.

3. Clause *a* of section 56 of *The Game and Fish Act, 1961-62* is repealed and the following substituted therefor: 1961-62, c. 48, s. 56, cl. a, re-enacted

- (a) except that a pelt of an animal killed in Ontario may be possessed during the closed season under a licence if applied for within ten days after the end of the open season in which it was killed, but this clause does not apply to the pelts of beaver, fisher, lynx,

marten, mink and otter that have been sealed or marked in accordance with this Act; and

1961-62, c. 48,
s. 57, subs. 1,
cl. b,
re-enacted

4. Clause *b* of subsection 1 of section 57 of *The Game and Fish Act, 1961-62* is repealed and the following substituted therefor:

fur dealer's

(b) possess, engage in or carry on, or be concerned in, the trading, buying or selling of pelts.

1961-62, c. 48,
s. 58, subs. 2,
repealed

5. Subsection 2 of section 58 of *The Game and Fish Act, 1961-62* is repealed.

1961-62, c. 48,
s. 59,
re-enacted

6. Section 59 of *The Game and Fish Act, 1961-62* is repealed and the following substituted therefor:

Hunting and
trapping of
fur-bearing
animals
restricted

1971, c. . .

59. Except with the written authority of the Minister, no person shall hunt or trap or attempt to trap a fur-bearing animal in the wild state for the purpose of transfer to a fur farm as defined in *The Fur Farms Act, 1971*.

1961-62, c. 48,
s. 61,
amended

7. Section 61 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection:

Idem

1971, c. . .

(1a) No person shall take or ship or attempt to take or ship to a fur farm as defined in *The Fur Farms Act, 1971* any fur-bearing animal taken under section 59 without paying the royalty prescribed by the regulations.

Commence-
ment

8. This Act shall be deemed to have come into force on the 1st day of April, 1971.

Short title

9. This Act may be cited as *The Game and Fish Amendment Act, 1971*.





An Act to amend
The Game and Fish Act, 1961-62

1st Reading

June 8th, 1971

2nd Reading

3rd Reading

THE HON. RENE BRUNELLE
Minister of Lands and Forests

(Government Bill)

BILL 60

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Game and Fish Act, 1961-62

THE HON. RENE BRUNELLE
Minister of Lands and Forests

BILL 60

1971

**An Act to amend
The Game and Fish Act, 1961-62**

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

1. Paragraph 5 of section 1 of *The Game and Fish Act*, 1961-62, c. 48, 1961-62 is repealed and the following substituted therefor: s. 1, par. 5, re-enacted

5. "domestic animals and domestic birds" includes any non-native species kept in captivity, except pheasants, and any fur-bearing animal kept on a fur farm, as defined in *The Fur Farms Act, 1971*, but 1971, c. . . does not include native species otherwise kept in captivity or non-native species present in the wild state.

2.—(1) Clause *a* of section 2 of *The Game and Fish Act*, 1961-62, c. 48, 1961-62 is repealed and the following substituted therefor: s. 2, cl. a, re-enacted

- (a) to domestic animals and domestic birds, except dogs, or, subject to subsection 2, fur-bearing animals kept on a fur farm as defined in *The Fur Farms Act, 1971*. 1971, c. . .

(2) The said section 2 is amended by adding thereto the following subsection: 1961-62, c. 48, s. 2, amended

- (2) This Act applies to fur-bearing animals kept on a fur Idem farm as defined in *The Fur Farms Act, 1971* in 1971, c. . . respect of offences against sections 59 and 61.

3. Clause *a* of section 56 of *The Game and Fish Act, 1961-62* 1961-62, c. 48, s. 56, cl. a, re-enacted is repealed and the following substituted therefor:

- (a) except that a pelt of an animal killed in Ontario may be possessed during the closed season under a licence if applied for within ten days after the end of the open season in which it was killed, but this clause does not apply to the pelts of beaver, fisher, lynx,

marten, mink and otter that have been sealed or marked in accordance with this Act; and

1961-62, c. 48,
s. 57, subs. 1,
cl. b,
re-enacted

4. Clause *b* of subsection 1 of section 57 of *The Game and Fish Act, 1961-62* is repealed and the following substituted therefor:

fur dealer's

(*b*) possess, engage in or carry on, or be concerned in, the trading, buying or selling of pelts.

1961-62, c. 48,
s. 58, subs. 2,
repealed

5. Subsection 2 of section 58 of *The Game and Fish Act, 1961-62* is repealed.

1961-62, c. 48,
s. 59,
re-enacted

6. Section 59 of *The Game and Fish Act, 1961-62* is repealed and the following substituted therefor:

Hunting and
trapping of
fur-bearing
animals
restricted

1971, c. . .

59. Except with the written authority of the Minister, no person shall hunt or trap or attempt to trap a fur-bearing animal in the wild state for the purpose of transfer to a fur farm as defined in *The Fur Farms Act, 1971*.

1961-62, c. 48,
s. 61,
amended

7. Section 61 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection:

Idem

1971, c. . .

(*1a*) No person shall take or ship or attempt to take or ship to a fur farm as defined in *The Fur Farms Act, 1971* any fur-bearing animal taken under section 59 without paying the royalty prescribed by the regulations.

Commence-
ment

8. This Act shall be deemed to have come into force on the 1st day of April, 1971.

Short title

9. This Act may be cited as *The Game and Fish Amendment Act, 1971*.





An Act to amend
The Game and Fish Act, 1961-62

1st Reading

June 8th, 1971

2nd Reading

June 10th, 1971

3rd Reading

June 10th, 1971

THE HON. RENE BRUNELLE
Minister of Lands and Forests

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Cemeteries Act

MR. GOOD

EXPLANATORY NOTE

The Cemeteries Act now requires corporate owners of cemeteries and municipally owned cemeteries to provide free graves for the burial of strangers and indigents. The amendment requires such graves to be marked.

BILL 61

1971

An Act to amend The Cemeteries Act

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

1. Section 51 of *The Cemeteries Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 47, s. 51,
amended

(2) Where a grave is provided under subsection 1, the incorporated company or municipality that provides the grave shall install on the grave a granite marker having dimensions of at least twelve inches by eight inches by four inches on which is inscribed the name, date of birth and date of death of the deceased, where known. Markers

2. This Act may be cited as *The Cemeteries Amendment Act, 1971*. Short title

An Act to amend
The Cemeteries Act

1st Reading

June 8th, 1971

2nd Reading

3rd Reading

MR. GOOD

(Private Member's Bill)

