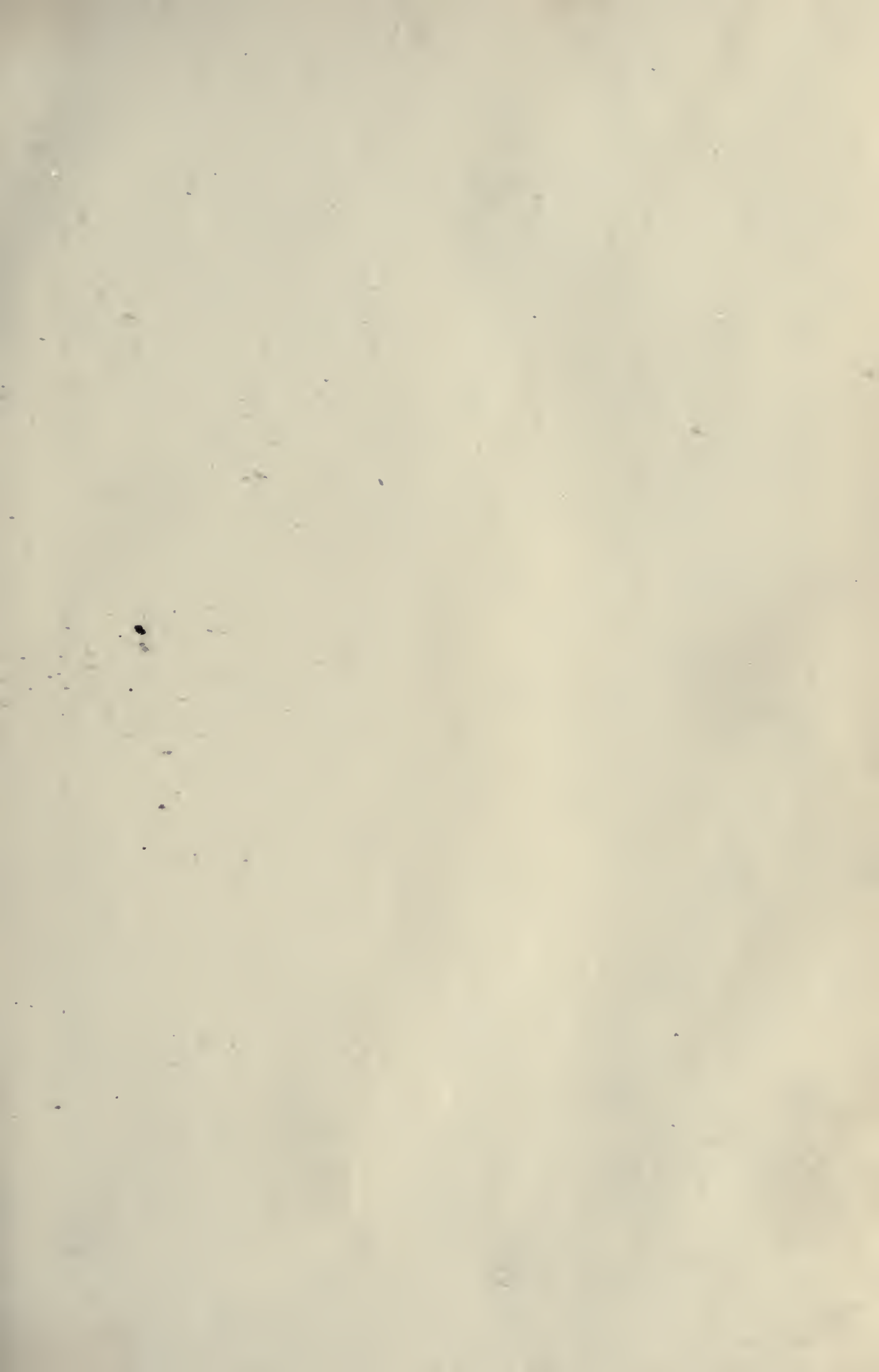


Ontario
Gov't Pub.





No. 81

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Industrial Standards Act.

MR. DALEY

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

EXPLANATORY NOTE

This Bill applies only to the retail gasoline service industry.

The purpose of the Bill is to prohibit the fixing of hours and days of work in the industry in schedules under *The Industrial Standards Act* and to make applicable instead the closing by-law provisions of *The Factory, Shop and Office Building Act* which will be amended by a complimentary Bill to extend the powers of municipalities with respect to the closing hours of retail gasoline outlets.

BILL

An Act to amend The Industrial Standards Act.

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

1. *The Industrial Standards Act* is amended by adding thereto the following section: Rev. Stat.,
c. 191,
amended.

19.—(1) In this section “retail gasoline service industry” shall mean the business of operating retail gasoline service stations, gasoline pumps or outlets where gasoline is offered for sale at retail, including washing, waxing, oiling or lubricating automotive vehicles, repairing or changing tires and other services and undertakings incidental thereto, but shall not include a gasoline outlet on the premises of an employer and used in the fueling of automotive vehicles owned or operated by the employer. “Retail
gasoline
service
industry”.

(2) Notwithstanding anything in this Act, no schedule applicable to the retail gasoline service industry shall prescribe the hours of the day during which the hours of work may be performed or shall establish the particular days of the week for the performance of labour in the industry. Exception
as to retail
gasoline
service
industry.

2. In this Act “retail gasoline service industry” shall have the same meaning as in section 19 of *The Industrial Standards Act*. “Retail
gasoline
service
industry”
defined.

3. The provisions of every schedule applicable to the retail gasoline service industry that prescribe the hours of the day during which the hours of work may be performed or that establish the particular days of the week for the performance of labour in the industry shall be void after the 30th day of April, 1948. Existing
schedules
modified.

4. The council of any municipality in which or in part of which the provisions mentioned in section 3 are in force may, Early modi-
fication by
by-law.

by by-law, declare that such provisions shall not apply in the municipality or part, and upon the passing of the by-law such provisions shall cease to apply in the municipality or part, as the case may be.

Modified
schedule
confirmed.

5.—(1) Every schedule modified under this Act is confirmed as so modified.

Filing
and publi-
cation.

1944, c. 52.

(2) The Minister of Labour may direct that any schedule modified under this Act shall, as so modified, be filed and published under *The Regulations Act, 1944*, and the Minister's direction shall be authority for so doing.

Posting up.

Rev. Stat.,
c. 191.

(3) Every employer affected by any schedule modified under this Act shall cause the copies of the schedule posted up pursuant to section 10 of *The Industrial Standards Act* to be replaced by copies of the schedule as so modified.

Where zone
comprises
more than
one muni-
cipality.

6. Where a zone for the retail gasoline service industry comprises more than one municipality, the provisions mentioned in section 3 shall, as long as they are in force, apply in each municipality or part of a municipality within the zone as if each municipality or part were designated as a separate zone.

Cessation
of powers.

7. The Minister of Labour, the Industrial and Labour Board and every Industrial Standards Officer shall cease to have any powers and duties under *The Industrial Standards Act* in respect of the provisions mentioned in section 3.

Prosecutions.

8. No prosecution shall be instituted under *The Industrial Standards Act* for a contravention of the provisions mentioned in section 3 except with the consent expressed by resolution of the council of the municipality in which the contravention is alleged to have taken place.

Commence-
ment of Act.

9. This Act, except section 1, shall come into force on the day upon which it receives the Royal Assent, and section 1 shall come into force on the 1st day of May, 1948.

Short title.

10. This Act may be cited as *The Industrial Standards Amendment Act, 1948*.

BILL

An Act to amend The Industrial
Standards Act.

1st Reading

March 10th, 1948

2nd Reading

3rd Reading

MR. DALEY

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Industrial Standards Act.

MR. DALEY

BILL

An Act to amend The Industrial Standards Act.

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

1. *The Industrial Standards Act* is amended by adding thereto the following section: Rev. Stat., c. 191, amended.

19.—(1) In this section “retail gasoline service industry” shall mean the business of operating retail gasoline service stations, gasoline pumps or outlets where gasoline is offered for sale at retail, including washing, waxing, oiling or lubricating automotive vehicles, repairing or changing tires and other services and undertakings incidental thereto, but shall not include a gasoline outlet on the premises of an employer and used in the fueling of automotive vehicles owned or operated by the employer. “Retail gasoline service industry”.

(2) Notwithstanding anything in this Act, no schedule applicable to the retail gasoline service industry shall prescribe the hours of the day during which the hours of work may be performed or shall establish the particular days of the week for the performance of labour in the industry. Exception as to retail gasoline service industry.

2. In this Act “retail gasoline service industry” shall have the same meaning as in section 19 of *The Industrial Standards Act*. “Retail gasoline service industry” defined.

3. The provisions of every schedule applicable to the retail gasoline service industry that prescribe the hours of the day during which the hours of work may be performed or that establish the particular days of the week for the performance of labour in the industry shall be void after the 30th day of April, 1948. Existing schedules modified.

4. The council of any municipality in which or in part of which the provisions mentioned in section 3 are in force may, Early modification by-law.

by by-law, declare that such provisions shall not apply in the municipality or part, and upon the passing of the by-law such provisions shall cease to apply in the municipality or part, as the case may be.

Modified
schedule
confirmed.

5.—(1) Every schedule modified under this Act is confirmed as so modified.

Filing
and publi-
cation.

1944, c. 52.

(2) The Minister of Labour may direct that any schedule modified under this Act shall, as so modified, be filed and published under *The Regulations Act, 1944*, and the Minister's direction shall be authority for so doing.

Posting up.

Rev. Stat.,
c. 191.

(3) Every employer affected by any schedule modified under this Act shall cause the copies of the schedule posted up pursuant to section 10 of *The Industrial Standards Act* to be replaced by copies of the schedule as so modified.

Where zone
comprises
more than
one munici-
pality.

6. Where a zone for the retail gasoline service industry comprises more than one municipality, the provisions mentioned in section 3 shall, as long as they are in force, apply in each municipality or part of a municipality within the zone as if each municipality or part were designated as a separate zone.

Cessation
of powers.

7. The Minister of Labour, the Industry and Labour Board and every Industrial Standards Officer shall cease to have any powers and duties under *The Industrial Standards Act* in respect of the provisions mentioned in section 3.

Prosecutions.

8. No prosecution shall be instituted under *The Industrial Standards Act* for a contravention of the provisions mentioned in section 3 except with the consent expressed by resolution of the council of the municipality in which the contravention is alleged to have taken place.

Commence-
ment of Act.

9. This Act, except section 1, shall come into force on the day upon which it receives the Royal Assent, and section 1 shall come into force on the 1st day of May, 1948.

Short title.

10. This Act may be cited as *The Industrial Standards Amendment Act, 1948*.

BILL

An Act to amend The Industrial
Standards Act.

1st Reading

March 10th, 1948

2nd Reading

March 17th, 1948

3rd Reading

March 22nd, 1948

MR. DALEY

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

And to amend The Teaching Profession Act, 1944.

MR. DREW

EXPLANATORY NOTE

These amendments make some changes in the composition of the Board of Governors and of the Executive of the Ontario Teachers' Federation. These changes have been asked for by the Federation in the light of its experience since the Act was passed in 1944.

BILL

An Act to amend The Teaching Profession Act, 1944.

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

1. Sections 5 and 6 of *The Teaching Profession Act, 1944*, ^{1944, c. 64, ss. 5, 6, re-enacted.} are repealed and the following substituted therefor:

5.—(1) There shall be a Board of Governors of the Federation which shall be composed of forty members as follows:

(a) the immediate past president, the president, the first vice-president, the second vice-president and the secretary-treasurer of The Ontario Secondary School Teachers' Federation, The Federation of Women Teachers' Associations of Ontario and The Ontario Public School Men Teachers' Federation, and five representatives of each of such federations, who shall be elected annually at the annual meeting of their federation;

(b) five representatives of L'Association de l'Enseignement Francais de l'Ontario, who shall be elected annually at the annual meeting of the Association; and

(c) five representatives of The Ontario English Catholic Teachers' Association, who shall be elected annually at the annual meeting of the Association.

(2) The members of the Board of Governors shall take office at the conclusion of the annual meeting of the Federation and shall hold office until their successors take office. ^{Term of office.}

Vacancies.

- (3) If a vacancy occurs on the Board of Governors it shall be filled by the executive of the affiliated body which the person who vacated the office represented and the person so named to fill the vacancy shall hold office for the remainder of the term of the person who vacated the office.

Executive.

- 6.—(1) There shall be an executive of the Federation which shall be composed of nine members as follows:

- (a) the immediate past president, the president, the first vice-president, the second vice-president and the third vice-president of the Federation;
- (b) one representative of The Ontario Secondary School Teachers' Federation, one representative of The Federation of Women Teachers' Associations of Ontario and one representative of The Ontario Public School Men Teachers' Federation, who shall be elected annually at the annual meeting of the Board of Governors from among its members; and
- (c) the secretary-treasurer of the Federation.

Term of office.

- (2) The members of the executive shall take office at the conclusion of the annual meeting of the Federation and shall hold office until their successors take office.

Vacancies.

- (3) If a vacancy occurs on the executive it may be filled by the Board of Governors from among its members who represent the affiliated body which the person who vacated the office represented, and the person so named shall hold office for the remainder of the term of the person who vacated the office.

President and vice-presidents.

- 6a. There shall be a president, a first vice-president, a second vice-president and a third vice-president of the Federation who shall be elected annually at the annual meeting of the Board of Governors from among its members in such a manner that the offices of the immediate past president, president, first vice-president, second vice-president and third vice-president shall represent each of the affiliated bodies.

Secretary-treasurer.

- 6b. There shall be a secretary-treasurer of the Federation appointed by the Board of Governors who may be a member of the Board of Governors and who shall receive such remuneration as may be fixed by the Board of Governors.

2. Clause *d* of section 10 of *The Teaching Profession Act*, 1944, c. 64,
1944, is repealed. s. 10, cl. *d*,
repealed.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had Commence-
ment of Act.
effect on and after the 1st day of January, 1948.

4. This Act may be cited as *The Teaching Profession* Short title.
Amendment Act, 1948.

BILL

An Act to amend The Teaching
Profession Act, 1944.

1st Reading

March 10th, 1948

2nd Reading

3rd Reading

MR. DREW

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Teaching Profession Act, 1944.

MR. DREW

BILL

An Act to amend The Teaching Profession Act, 1944.

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

1. Sections 5 and 6 of *The Teaching Profession Act, 1944*, ^{1944, c. 64, ss. 5, 6, re-enacted.} are repealed and the following substituted therefor:

5.—(1) There shall be a Board of Governors of the ^{Board of} Federation which shall be composed of forty members as follows:

(a) the immediate past president, the president, the first vice-president, the second vice-president and the secretary-treasurer of The Ontario Secondary School Teachers' Federation, The Federation of Women Teachers' Associations of Ontario and The Ontario Public School Men Teachers' Federation, and five representatives of each of such federations, who shall be elected annually at the annual meeting of their federation;

(b) five representatives of L'Association de l'Enseignement Francais de l'Ontario, who shall be elected annually at the annual meeting of the Association; and

(c) five representatives of The Ontario English Catholic Teachers' Association, who shall be elected annually at the annual meeting of the Association.

(2) The members of the Board of Governors shall take office at the conclusion of the annual meeting of the Federation and shall hold office until their successors take office. ^{Term of office.}

Vacancies.

- (3) If a vacancy occurs on the Board of Governors it shall be filled by the executive of the affiliated body which the person who vacated the office represented and the person so named to fill the vacancy shall hold office for the remainder of the term of the person who vacated the office.

Executive.

- 6.—(1) There shall be an executive of the Federation which shall be composed of nine members as follows:

(a) the immediate past president, the president, the first vice-president, the second vice-president and the third vice-president of the Federation;

(b) one representative of The Ontario Secondary School Teachers' Federation, one representative of The Federation of Women Teachers' Associations of Ontario and one representative of The Ontario Public School Men Teachers' Federation, who shall be elected annually at the annual meeting of the Board of Governors from among its members; and

(c) the secretary-treasurer of the Federation.

Term of office.

- (2) The members of the executive shall take office at the conclusion of the annual meeting of the Federation and shall hold office until their successors take office.

Vacancies.

- (3) If a vacancy occurs on the executive it may be filled by the Board of Governors from among its members who represent the affiliated body which the person who vacated the office represented, and the person so named shall hold office for the remainder of the term of the person who vacated the office.

President and vice-presidents.

- 6a. There shall be a president, a first vice-president, a second vice-president and a third vice-president of the Federation who shall be elected annually at the annual meeting of the Board of Governors from among its members in such a manner that the offices of the immediate past president, president, first vice-president, second vice-president and third vice-president shall represent each of the affiliated bodies.

Secretary-treasurer.

- 6b. There shall be a secretary-treasurer of the Federation appointed by the Board of Governors who may be a member of the Board of Governors and who shall receive such remuneration as may be fixed by the Board of Governors.

2. Clause *d* of section 10 of *The Teaching Profession Act*, 1944, c. 64,
1944, is repealed. s. 10, cl. *d*,
repealed.

3. This Act shall come into force on the day upon which Commence-
it receives the Royal Assent and shall be deemed to have had ment of Act.
effect on and after the 1st day of January, 1948.

4. This Act may be cited as *The Teaching Profession* Short title.
Amendment Act, 1948.

BILL

An Act to amend The Teaching
Profession Act, 1944.

1st Reading

March 10th, 1948

2nd Reading

March 15th, 1958

3rd Reading

March 22nd, 1948

MR. DREW

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Department of Education Act.

MR. DREW

EXPLANATORY NOTES

SECTION 1—Subsection 1. The power to make regulations respecting pupils residing on Crown lands is extended to provide for regulations respecting the cost of education of those pupils.

Subsection 2. These amendments respecting the power to make regulations are now contained in subsection 2 of section 4 of *The Department of Education Act* which is re-enacted without these provisions in subsection 3 of this section of the Bill. The only new power is that given in the new clause *za*.

BILL

An Act to amend ~~The~~ Department of Education Act.

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

1.—(1) Clause *w* of subsection 1 of section 4 of *The Department of Education Act*, as re-enacted by section 1 of *The Department of Education Amendment Act, 1947*, is amended by adding at the end thereof the words “or the payment of the cost of education of such pupils”, so that the said clause shall now read as follows:

Rev. Stat.,
c. 356, s. 4,
subs. 1, cl. *w*
(1947,
c. 29, s. 1),
amended.

- (*w*) governing the attendance at public, separate, high, continuation and vocational schools and collegiate institutes of pupils residing on lands held by the Crown in right of Canada or Ontario, or the payment of the cost of education of such pupils.

(2) Subsection 1 of the said section 4 is further amended by adding thereto the following clauses:

Rev. Stat.,
c. 356, s. 4,
subs. 1
(1947,
c. 29, s. 1),
amended.

- (*za*) fixing the method of calculating the cost of education of pupils residing on lands held by the Crown in right of Canada and authorizing boards,

- (i) to charge those pupils a fee in accordance with that method, or

- (ii) instead of charging those pupils a fee, to enter into an agreement with Canada for the payment of an amount in lieu of the fee;

- (*zb*) providing for the apportionment and distribution of all money appropriated or raised by this Legislature for educational purposes;

- (*zc*) prescribing definitions of,

- (i) "approved cost", and providing for the approval of the Minister as a condition in the definition; and

- (ii) "cost of operating",

for the purpose of legislative grants to boards; and

- (zd) prescribing the conditions governing the payment of legislative grants.

Rev. Stat.,
c. 356, s. 4,
subs. 2
(1947,
c. 29, s. 1),
re-enacted.
Idem.

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

- (2) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

- (a) providing for programmes of adult education, recreation, camping, and athletics and physical education;

- (b) prescribing definitions of "area community-programme", "area recreation-committee", "area recreation-director", "assistant", "community programme", "director", "joint community-programme", "joint recreation-committee", "municipal council", "recreation" and "recreation community";

- (c) prescribing a definition of "approved maintenance and operating costs", and providing for the approval of the Minister as a condition in the definition, for the purpose of legislative grants for programmes of recreation;

- (d) providing for the apportionment and distribution of all money appropriated or raised by this Legislature for,

- (i) programmes of adult education, recreation, camping, and athletics and physical education,

- (ii) the Provincial Athletic Training Camp, and

- (iii) the maintenance of historical, literary and scientific institutions;

- (e) prescribing the conditions governing the payment of grants for,

Subsection 3. These new powers to make regulations authorize the extensive plan of the Department of Education to provide for community programmes of recreation, and for programmes of adult education, recreation, camping and athletics and physical education.

- (i) programmes of adult education,
 - (ii) programmes of recreation, camping, or athletics and physical education, and providing for the approval of the Minister in any condition, or
 - (iii) the maintenance of historical, literary and scientific institutions;
- (f) authorizing,
- (i) municipal councils to appoint recreation committees, or two or more municipal councils of municipalities having a combined population of under 25,000 to appoint joint recreation-committees, but only with the approval of the Minister,
 - (ii) recreation committees or joint recreation-committees to appoint directors, assistants and secretaries,
 - (iii) joint recreation-committees, or recreation committees in municipalities having a population of at least 25,000, to appoint area recreation-committees and area recreation-directors, and
 - (iv) two or more municipalities to enter into agreements,
- for the purpose of programmes of recreation;
- (g) prescribing the composition of recreation committees, joint recreation-committees and area recreation-committees, and fixing the number of members thereof, for the purpose of programmes of recreation;
 - (h) authorizing the Minister to determine the number of assistants and area community-programmes in respect of which grants may be paid for programmes of recreation;
 - (i) authorizing the payment of special grants for programmes of recreation, but only with the approval of the Minister; and
 - (j) fixing the amount of the grants under clause i.

Application
of cl. *a*,
subcl. i of
cl. *d* and
subcl. ii of
clause *e*,
subs. 2.

- (3) For the purposes of clause *a*, subclause i of clause *d* and subclause ii of clause *e*, of subsection 2, "athletics and physical education" shall include recreation for crippled persons under the age of 19 years.

Rev. Stat.,
c. 356
amended.

2. *The Department of Education Act* is amended by adding thereto the following heading and section:

PROVINCIAL ATHLETIC TRAINING CAMP.

Provincial
camp
continued.

- 12a. The athletic camp at Longford, Lake Couchiching, known as the "Provincial Athletic Training Camp", may be continued under the administration and control of the Minister.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1948.

Short title.

4. This Act may be cited as *The Department of Education Amendment Act, 1948*.

SECTION 2. The camp referred to in the new section 12a has been administered by the Ontario Athletic Commission, which ceased to function by reason of *The Athletics Control Act, 1947*, and the camp is now administered by the Minister of Education.

BILL

An Act to amend The Department of
Education Act.

1st Reading

March 11th, 1948

2nd Reading

3rd Reading

MR. DREW

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Department of Education Act.

MR. DREW

BILL

An Act to amend The Department of Education Act.

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

1.—(1) Clause *w* of subsection 1 of section 4 of *The Department of Education Act*, as re-enacted by section 1 of *The Department of Education Amendment Act, 1947*, is amended by adding at the end thereof the words “or the payment of the cost of education of such pupils”, so that the said clause shall now read as follows:

(*w*) governing the attendance at public, separate, high, continuation and vocational schools and collegiate institutes of pupils residing on lands held by the Crown in right of Canada or Ontario, or the payment of the cost of education of such pupils.

(2) Subsection 1 of the said section 4 is further amended by adding thereto the following clauses:

(*za*) fixing the method of calculating the cost of education of pupils residing on lands held by the Crown in right of Canada and authorizing boards,

(i) to charge those pupils a fee in accordance with that method, or

(ii) instead of charging those pupils a fee, to enter into an agreement with Canada for the payment of an amount in lieu of the fee;

(*zb*) providing for the apportionment and distribution of all money appropriated or raised by this Legislature for educational purposes;

(*zc*) prescribing definitions of,

Rev. Stat.,
c. 356, s. 4,
subs. 1, cl. *w*
(1947,
c. 29, s. 1),
amended.

Rev. Stat.,
c. 356, s. 4,
subs. 1
(1947,
c. 29, s. 1),
amended.

(i) "approved cost", and providing for the approval of the Minister as a condition in the definition; and

(ii) "cost of operating",

for the purpose of legislative grants to boards; and

(zd) prescribing the conditions governing the payment of legislative grants.

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

(2) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

(a) providing for programmes of adult education, recreation, camping, and athletics and physical education;

(b) prescribing definitions of "area community-programme", "area recreation-committee", "area recreation-director", "assistant", "community programme", "director", "joint community-programme", "joint recreation-committee", "municipal council", "recreation" and "recreation community";

(c) prescribing a definition of "approved maintenance and operating costs", and providing for the approval of the Minister as a condition in the definition, for the purpose of legislative grants for programmes of recreation;

(d) providing for the apportionment and distribution of all money appropriated or raised by this Legislature for,

(i) programmes of adult education, recreation, camping, and athletics and physical education,

(ii) the Provincial Athletic Training Camp, and

(iii) the maintenance of historical, literary and scientific institutions;

(e) prescribing the conditions governing the payment of grants for,

Rev. Stat.,
c. 356, s. 4,
subs. 2
(1947,
c. 29, s. 1).
re-enacted.
Idem.

- (i) programmes of adult education,
 - (ii) programmes of recreation, camping, or athletics and physical education, and providing for the approval of the Minister in any condition, or
 - (iii) the maintenance of historical, literary and scientific institutions;
- (f) authorizing,
- (i) municipal councils to appoint recreation committees, or two or more municipal councils of municipalities having a combined population of under 25,000 to appoint joint recreation-committees, but only with the approval of the Minister,
 - (ii) recreation committees or joint recreation-committees to appoint directors, assistants and secretaries,
 - (iii) joint recreation-committees, or recreation committees in municipalities having a population of at least 25,000, to appoint area recreation-committees and area recreation-directors, and
 - (iv) two or more municipalities to enter into agreements,
- for the purpose of programmes of recreation;
- (g) prescribing the composition of recreation committees, joint recreation-committees and area recreation-committees, and fixing the number of members thereof, for the purpose of programmes of recreation;
 - (h) authorizing the Minister to determine the number of assistants and area community-programmes in respect of which grants may be paid for programmes of recreation;
 - (i) authorizing the payment of special grants for programmes of recreation, but only with the approval of the Minister; and
 - (j) fixing the amount of the grants under clause i.

Application
of cl. *a*,
subcl. i of
cl. *d* and
subcl. ii of
clause *e*,
subs. 2.

- (3) For the purposes of clause *a*, subclause i of clause *d* and subclause ii of clause *e*, of subsection 2, "athletics and physical education" shall include recreation for crippled persons under the age of 19 years.

Rev. Stat.,
o. 356,
amended.

2. *The Department of Education Act* is amended by adding thereto the following heading and section:

PROVINCIAL ATHLETIC TRAINING CAMP.

Provincial
camp
continued.

- 12a. The athletic camp at Longford, Lake Couchiching, known as the "Provincial Athletic Training Camp", may be continued under the administration and control of the Minister.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1948.

Short title.

4. This Act may be cited as *The Department of Education Amendment Act, 1948*.

BILL

An Act to amend The Department of
Education Act.

1st Reading

March 11th, 1948

2nd Reading

March 15th, 1948

3rd Reading

March 22nd, 1948

MR. DREW

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Public Schools Act.

Mr. DREW

TORONTO

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

EXPLANATORY NOTES

SECTION 1—Subsection 1. The present clause *b* reads as follows:

- (*b*) the purchase or enlargement of a site and the erection thereon of a building for the use of the board for administration or office purposes.

Subsection 2. This amendment confers power on the council of an urban municipality, on the application of the board, to pass by-laws for borrowing money by the issue and sale of debentures for the purpose of purchasing a bus or buses or other vehicles for the transportation of pupils. Other councils are also given this power by the application of this subsection in sections 15, 54*a* and 55 of the Act.

SECTION 2. The power of the minister to designate an area of Crown lands as a rural school section is broadened to give the same power with respect to any lands which are exempt from taxation for school purposes.

SECTION 3. The subsection which is added to section 86 provides that where a pupil resides on lands which are exempt from taxation for school purposes and neither he nor his parents or guardians pay school taxes in the school section where he attends school, fees shall be paid monthly to the school board by his parent or guardian or an agent on his behalf.

No. 84

1948

BILL

An Act to amend The Public Schools Act.

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

1.—(1) Clause *b* of subsection 1 of section 54 of *The Public Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 357, s. 54, subs. 1, cl. *b*, re-enacted.

- (*b*) the purchase or enlargement of sites and the erection thereon of buildings or additions or alterations thereto for the administrative or office purposes of the board.

(2) Subsection 1 of the said section 54 is further amended by adding thereto the following clause: Rev. Stat., c. 357, s. 54, subs. 1, amended.

- (*g*) the purchase of a bus or buses or other vehicles for the transportation of pupils.

2. Subsection 1 of section 62*a* of *The Public Schools Act*, as enacted by section 3 of *The Public Schools Amendment Act, 1947*, is amended by inserting after the word "Ontario" in the fourth line the words "or on any lands which are exempt from taxation for school purposes," so that the said subsection shall now read as follows: Rev. Stat., c. 357, s. 62*a* (1947, c. 88, s. 3), amended.

- (1) Where, in the opinion of the Minister, it is desirable to establish and maintain a public school on lands held by the Crown in right of Canada or Ontario, or on any lands which are exempt from taxation for school purposes, the Minister may designate any portion of such lands as a rural school section, and may appoint as members of the board such persons as he may deem proper. Public schools on tax exempt lands.

3. Section 86 of *The Public Schools Act*, as amended by section 31 of *The School Law Amendment Act, 1938*, section 15 of *The School Law Amendment Act, 1941*, and section 4 of *The Public Schools Amendment Act, 1946*, is further amended by adding thereto the following subsection: Rev. Stat., c. 357, s. 86, amended.

Pupils
residing
on tax
exempt
lands.

- (10) Where a person of school age who resides on lands which are exempt from taxation for school purposes, attends a public school and he and his parents or guardians are not assessed for, and do not pay, taxes for school purposes in the school section, the parent or guardian of the pupil or an agent in his behalf shall pay to the board of the school such monthly fees as may be prescribed by the board, but not exceeding the average cost per pupil computed as provided in subsection 3 except that in such computation county and municipal grants shall not be deducted.

Rev. Stat.,
c. 357, s. 95,
subs. 1,
amended.

- 4.—(1) Subsection 1 of section 95 of *The Public Schools Act* is amended by inserting after the article "a" in the third line the word "public," so that the said subsection shall now read as follows:

Transporta-
tion of
resident
pupils
attending
outside
schools.

- (1) The board of a section or municipality may provide for the transportation of pupils residing in the section or municipality, as the case may be, to and from a public, continuation, high or vocational school situate elsewhere which such pupils have the right by law to attend, and for the purpose may co-operate with any other board.

Rev. Stat.,
c. 357, s. 95,
amended.

- (2) The said section 95 is further amended by adding thereto the following subsection:

Purchase of
vehicles for
transporta-
tion of
pupils.

- (3) Notwithstanding subsection 2, for the purpose of providing transportation of pupils a board may purchase a bus or buses or other vehicles either out of current revenue or by the issue of municipal debentures as authorized by this Act.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1948.

Short title.

6. This Act may be cited as *The Public Schools Amendment Act, 1948*.

SECTION 4. The amendments to section 95 authorize school boards to purchase buses or other vehicles to provide transportation of pupils, either out of current revenue or by the issue of debentures as provided in the new clause *g* of subsection 1 of section 54 (section 1 of this Bill).

BILL

An Act to amend The Public Schools Act.

1st Reading

March 11th, 1948

2nd Reading

3rd Reading

MR. DREW

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Public Schools Act.

MR. DREW

BILL

An Act to amend The Public Schools Act.

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

1.—(1) Clause *b* of subsection 1 of section 54 of *The Public Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 357, s. 54, subs. 1, cl. *b*, re-enacted.

- (*b*) the purchase or enlargement of sites and the erection thereon of buildings or additions or alterations there-to for the administrative or office purposes of the board.

(2) Subsection 1 of the said section 54 is further amended by adding thereto the following clause: Rev. Stat., c. 357, s. 54, subs. 1, amended.

- (*g*) the purchase of a bus or buses or other vehicles for the transportation of pupils.

2. Subsection 1 of section 62*a* of *The Public Schools Act*, as enacted by section 3 of *The Public Schools Amendment Act, 1947*, is amended by inserting after the word "Ontario" in the fourth line the words "or on any lands which are exempt from taxation for school purposes," so that the said subsection shall now read as follows: Rev. Stat., c. 357, s. 62*a* (1947, c. 88, s. 3), amended.

- (1) Where, in the opinion of the Minister, it is desirable to establish and maintain a public school on lands held by the Crown in right of Canada or Ontario, or on any lands which are exempt from taxation for school purposes, the Minister may designate any portion of such lands as a rural school section, and may appoint as members of the board such persons as he may deem proper. Public schools on tax exempt lands.

3. Section 86 of *The Public Schools Act*, as amended by section 31 of *The School Law Amendment Act, 1938*, section 15 of *The School Law Amendment Act, 1941*, and section 4 of *The Public Schools Amendment Act, 1946*, is further amended by adding thereto the following subsection: Rev. Stat., c. 357, s. 86, amended.

Pupils
residing
on tax
exempt
lands.

- (10) Where a person of school age who resides on lands which are exempt from taxation for school purposes, attends a public school and he and his parents or guardians are not assessed for, and do not pay, taxes for school purposes in the school section, the parent or guardian of the pupil or an agent in his behalf shall pay to the board of the school such monthly fees as may be prescribed by the board, but not exceeding the average cost per pupil computed as provided in subsection 3 except that in such computation county and municipal grants shall not be deducted.

Rev. Stat.,
c. 357, s. 95,
subs. 1,
amended.

- 4.—(1) Subsection 1 of section 95 of *The Public Schools Act* is amended by inserting after the article "a" in the third line the word "public," so that the said subsection shall now read as follows:

Transporta-
tion of
resident
pupils
attending
outside
schools.

- (1) The board of a section or municipality may provide for the transportation of pupils residing in the section or municipality, as the case may be, to and from a public, continuation, high or vocational school situate elsewhere which such pupils have the right by law to attend, and for the purpose may co-operate with any other board.

Rev. Stat.,
c. 357, s. 95,
amended.

- (2) The said section 95 is further amended by adding thereto the following subsection:

Purchase of
vehicles for
transporta-
tion of
pupils.

- (3) Notwithstanding subsection 2, for the purpose of providing transportation of pupils a board may purchase a bus or buses or other vehicles either out of current revenue or by the issue of municipal debentures as authorized by this Act.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1948.

Short title.

6. This Act may be cited as *The Public Schools Amendment Act, 1948*.



BILL

An Act to amend The Public Schools Act.

1st Reading

March 11th, 1948

2nd Reading

March 15th, 1948

3rd Reading

March 22nd, 1948

MR. DREW

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Vocational Education Act.

MR. DREW

TORONTO

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

EXPLANATORY NOTES

SECTION 1—Subsection 1. "Board" is re-defined to bring the Act into line with existing practice. No continuation school board has ever established a vocational school and so is removed from the definition.

Subsections 2 and 3. The definitions of "county pupils" and "resident pupils" in *The Continuation Schools Act*, *The High Schools Act*, and *The Vocational Education Act* are amended or re-enacted for consistency. The new principle involved is to exclude from the definitions pupils who reside on land which is exempted from taxation for school purposes where they and their parents or guardians are not assessed for and do not pay school taxes in the county or school district respectively.

BILL

An Act to amend The Vocational Education Act.

HIS 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 Vocational Education Act* is repealed and the following substituted therefor: Rev. Stat., c. 369, s. 1, cl. *a*, re-enacted.

(a) “Board” shall mean a board of education or the “Board” board of a high school.

(2) Clause *b* of the said section 1, as re-enacted by subsection 1 of section 33 of *The School Law Amendment Act, 1945* and amended by section 1 of *The Vocational Education Amendment Act, 1947*, is further amended by adding at the end thereof the words “but shall not include pupils residing with their parents or guardians on land which is exempt from taxation for school purposes, who and whose parents or guardians are not assessed for, and do not pay, taxes for school purposes in a municipality in the county”, so that the said clause shall now read as follows: Rev. Stat., c. 369, s. 1, cl. *b* (1945, 2nd Sess., c. 8, s. 33, subs. 1), amended.

(b) “County pupils” shall mean pupils, “County pupils”.

- (i) who reside with their parents or guardians, or
- (ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers,

in that part of a county which is not within a city or separated town or within a high school or grade A or grade B continuation school district, but shall not include pupils residing with their parents or guardians on land which is exempt from taxation for school purposes, who and whose parents or guardians are not assessed for, and do not pay, taxes for school purposes in a municipality in the county.

Rev. Stat.,
c. 369, s. 1,
cl. 2, re-
enacted.

(3) Clause *e* of the said section 1 is repealed and the following substituted therefor:

"Resident
pupils".

(e) "Resident pupils" shall mean pupils,

(i) who reside with their parents or guardians, or

(ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers,

within the limits of a high school district or a grade A or grade B continuation school district in which a vocational school is established and maintained, but shall not include pupils residing with their parents or guardians on land which is exempt from taxation for school purposes, who and whose parents or guardians are not assessed for, and do not pay, taxes for school purposes within the district.

Rev. Stat.,
c. 369,
ss. 3, 4, 5,
re-enacted.

2. Sections 3 and 4 and section 5 as amended by section 2 of *The Vocational Education Amendment Act, 1947*, of *The Vocational Education Act* are repealed and the following substituted therefor:

Establishing
vocational
schools.

3. Subject to the approval of the Minister, a board may establish and maintain a vocational school.

Courses of
study.

4. Subject to the approval of the Minister, a vocational school under this Part may provide,—

(a) pre-vocational school courses of study;

(b) general full-time day courses of study;

(c) part-time day courses of study;

(d) special full-time day courses of study; and

(e) evening courses of study.

Admission of
pupils to
vocational
schools.
Rev. Stat.,
c. 360.

5.—(1) Pupils entitled under *The High Schools Act* to admission to a day high-school may be admitted to any vocational school under this Part.

Admission to
pre-
vocational
school
courses.

(2) Upon the recommendation of the vocational-school principal and with the approval of the advisory committee, pupils who have successfully completed grade VII at a public or separate school may be admitted to any pre-vocational school course of study at a vocational school.

SECTION 2. Sections 3, 4 and 5 of *The Vocational Education Act* deal with the establishment of vocational schools, courses of study, and the admission of pupils. These sections are re-enacted for the first time in many years to bring them into line with modern practice and conditions. The courses of study are broadened to include pre-vocational school courses and the requirements for admission of adults are clarified.

- (3) Subject to the regulations, pupils of thirteen years of age and over, who have been in attendance in auxiliary classes, or who are eligible for admission to such classes, may, with the approval of the Minister and upon an examination conducted subject to his direction, be admitted to special industrial schools established by a board for the purpose of giving vocational instruction to such pupils where it is found that they may be benefited by it. Admission of pupils from auxiliary classes.

- (4) Where the vocational-school principal is satisfied that an adult is competent to receive instruction, the adult may, without regard to his school standing, be admitted,— Admission of adults.

(a) to a special full-time day course of study;

(b) to a part-time day course of study; or

(c) to an evening course of study.

- (5) Except with the consent of the Minister, a pupil enrolled in a full-time day course of study shall not be admitted to an evening course of study. Restrictions on admission to evening courses.

- (6) Where a pupil has,—

(a) attended pre-vocational school classes in a vocational school for at least one year; and Transfer from pre-vocational courses.

(b) made progress in his course of study satisfactory to the principal,

he may, upon the recommendation of the principal and with the approval of the Director of Vocational Education, transfer to any other course of study in the vocational school.

- (7) Where a pupil has the right under this Act to attend,— Fees.

(a) general or special full-time day courses of study; or

(b) part-time day courses of study for apprentices under *The Apprenticeship Act*, or for adolescents under section 5 of *The Adolescent School Attendance Act*, Rev. Stat., c. 192.
Rev. Stat., c. 368.

he shall be exempt from the payment of fees.

- (8) Notwithstanding subsection 7, where a pupil,—

When fees payable.

(a) has completed grade VIII at a public or separate school; and

(b) has attended a high or vocational school or collegiate institute or grade A or grade B continuation school, for at least six years,

he shall not be admitted to a vocational school except upon the payment of such fees as the board may prescribe but not exceeding the average cost per pupil for education in that vocational school.

Rev. Stat.,
c. 369, s. 13,
amended.

3. Section 13 of *The Vocational Education Act* is amended by adding thereto the following subsection:

Cost of
pupils from
other
secondary
school
districts.

(4d) The cost of education of pupils attending a vocational school from another high school district or grade A or grade B continuation school district shall be calculated in the same manner *mutatis mutandis* as the cost of education of county pupils, and shall be levied by the council or councils of the municipality or municipalities comprising such district in accordance with section 42 of *The High Schools Act*, and paid to the board operating the vocational school.

Rev. Stat.,
c. 360.

Rev. Stat.,
c. 369,
Part II,
re-enacted.

4. Part II of *The Vocational Education Act*, as amended by section 35 of *The School Law Amendment Act, 1945*, is repealed and the following substituted therefor:

PART II.

PROVINCIAL TECHNICAL AND POLYTECHNICAL INSTITUTES.

Establishing
institutes.

17.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may establish, maintain, conduct and govern schools for advanced technical training required in one or more branches of industry.

Agreements.

(2) For the purpose of subsection 1 the Minister may enter into an agreement with any organization representing one or more branches of industry.

Names of
institutes.

(3) A school providing instruction in one branch of industry shall be known as a "provincial technical institute" and in more than one branch of industry as a "provincial polytechnical institute".

SECTION 3. By a 1947 amendment, the boards of secondary school districts, instead of the county, are responsible for the cost of education of pupils resident in such districts who attend vocational schools elsewhere. The new subsection establishes the basis upon which the cost shall be computed and levied.

SECTION 4. The provisions of the Act dealing with provincial technical schools are re-enacted to bring them into line with present conditions. The provisions authorizing the establishment of these schools as provincial technical institutes and provincial polytechnical institutes appear in the new section 17. The new sections 18 and 19 provide for the conduct and maintenance of these schools by boards assisted by advisory councils and advisory committees. The provision for these advisory bodies is new. New authorities are given under the new sections 20*a*, 20*b* and 20*c* respecting regulations, admission of pupils, and courses of study, etc.

- (4) The Minister shall designate the name of an institute. ^{Naming}
institutes.
- 18.—(1) A provincial technical institute shall be main- ^{Board and}
tained and conducted by a board assisted by an ^{advisory}
advisory committee. ^{committee.}
- (2) The board and advisory committee shall be appointed ^{Appoint-}
by the Minister. ^{ment.}
- 19.—(1) A provincial polytechnical institute shall be ^{Board,}
maintained and conducted by a board assisted by, — ^{advisory}
^{council and}
^{committee.}
- (a) an advisory council; and
- (b) an advisory committee for each branch of
industry in which training is given at the
institute.
- (2) The board, advisory council and advisory com- ^{Appoint-}
mittees shall be appointed by the Minister. ^{ment.}
20. The cost of establishing and maintaining a provincial ^{Cost of}
technical or polytechnical institute shall be borne ^{establishing}
and paid out of moneys appropriated by this Legis- ^{and main-}
lature or received from Canada for the purposes of ^{taining}
technical education, and out of moneys contributed ^{institutes.}
by any organization which has entered into an agree-
ment under subsection 2 of section 17.
- 20a. The Lieutenant-Governor in Council may make ^{Regulations.}
regulations with respect to schools established under
this Part,—
- (a) for the appointment and composition of boards,
advisory councils and advisory committees
and fixing the number of members thereof;
- (b) prescribing,
- (i) the duties of boards, advisory councils
or advisory committees, and
- (ii) constitutions for advisory councils or
advisory committees;
- (c) for the holding of meetings of boards, advisory
councils or advisory committees, the manner in
which the meetings are to be called and con-
ducted and the procedure thereat;

- (d) for the election or appointment of a chairman and secretary of boards, advisory councils or advisory committees, and prescribing their duties;
- (e) authorizing a principal to designate the secretary of a board;
- (f) prescribing the qualifications and governing the appointment of principals and teachers;
- (g) prescribing the duties of inspectors, principals, teachers and pupils;
- (h) for the establishment of full-time day courses of study, special and part-time day courses of study and evening courses of study, but only where the approval of the Minister is obtained;
- (i) for the admission of pupils, and prescribing the terms and conditions of admission;
- (j) classifying persons who may be admitted from outside Ontario and fixing the amount of fees payable by each class and the manner of payment;
- (k) requiring pupils enrolled in a special or part-time day course of study or an evening course of study to pay tuition fees and authorizing boards to fix the amount thereof and the manner of payment;
- (l) requiring pupils to pay registration and laboratory fees and fixing the amount thereof and the manner of payment; and
- (m) for the granting of diplomas and certificates of standing and prescribing the forms thereof.

Alternative admission—requirements.

20b. The board of a provincial technical or polytechnical institute may accept in lieu of any diploma or other requirement prescribed for admission to a course of study at the institute,—

- (a) such evidence of academic standing or course of training as the principal and advisory committee deem equivalent thereto; or
- (b) evidence, satisfactory to the principal and advisory committee, that the applicant for

admission is competent to undertake the course of study.

20c. The Minister may, for each provincial technical or polytechnical institute,—

Terms,
courses,
subjects,
text-books
and reference
books.

(a) determine the number of terms and the dates each term commences and ends; and

(b) prescribe the courses of study, subjects, time allotments for subjects, text-books and reference books.

5. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1948.

Commence-
ment of Act.

6. This Act may be cited as *The Vocational Education Amendment Act, 1948*.

Short title.

BILL

An Act to amend The Vocational
Education Act.

1st Reading

March 11th, 1948

2nd Reading

3rd Reading

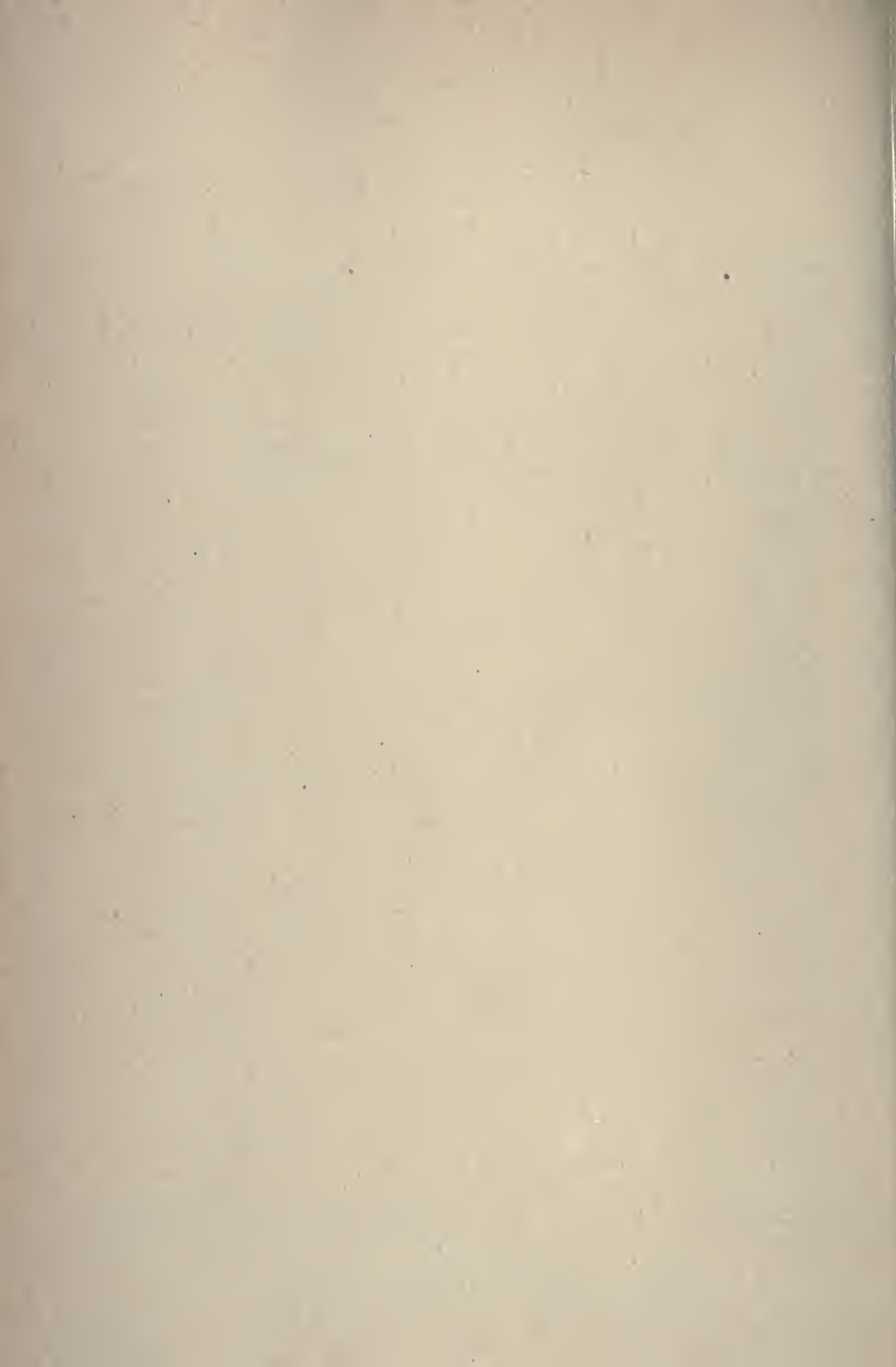
MR. DREW

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Vocational Education Act.

MR. DREW



BILL

An Act to amend The Vocational Education Act.

HIS 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 Vocational Education Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 369, s. 1,
cl. *a*, re-
enacted.

(a) "Board" shall mean a board of education or the "Board".
board of a high school.

(2) Clause *b* of the said section 1, as re-enacted by subsection 1 of section 33 of *The School Law Amendment Act, 1945* and amended by section 1 of *The Vocational Education Amendment Act, 1947*, is further amended by adding at the end thereof the words "but shall not include pupils residing with their parents or guardians on land which is exempt from taxation for school purposes, who and whose parents or guardians are not assessed for, and do not pay, taxes for school purposes in a municipality in the county", so that the said clause shall now read as follows: Rev. Stat.,
c. 369, s. 1,
cl. *b* (1945,
2nd Sess.,
c. 8, s. 33,
subs. 1),
amended.

(b) "County pupils" shall mean pupils, "County
pupils".

(i) who reside with their parents or guardians, or

(ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers,

in that part of a county which is not within a city or separated town or within a high school or grade A or grade B continuation school district, but shall not include pupils residing with their parents or guardians on land which is exempt from taxation for school purposes, who and whose parents or guardians are not assessed for, and do not pay, taxes for school purposes in a municipality in the county.

Rev. Stat.,
c. 369, s. 1,
cl. e, re-
enacted.

(3) Clause *e* of the said section 1 is repealed and the following substituted therefor:

"Resident
pupils".

(e) "Resident pupils" shall mean pupils,

(i) who reside with their parents or guardians, or

(ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers,

within the limits of a high school district or a grade A or grade B continuation school district in which a vocational school is established and maintained, but shall not include pupils residing with their parents or guardians on land which is exempt from taxation for school purposes, who and whose parents or guardians are not assessed for, and do not pay, taxes for school purposes within the district.

Rev. Stat.,
c. 369,
ss. 3, 4, 5,
re-enacted.

2. Sections 3 and 4 and section 5 as amended by section 2 of *The Vocational Education Amendment Act, 1947*, of *The Vocational Education Act* are repealed and the following substituted therefor:

Establishing
vocational
schools.

3. Subject to the approval of the Minister, a board may establish and maintain a vocational school.

Courses of
study.

4. Subject to the approval of the Minister, a vocational school under this Part may provide,—

(a) pre-vocational school courses of study;

(b) general full-time day courses of study;

(c) part-time day courses of study;

(d) special full-time day courses of study; and

(e) evening courses of study.

Admission of
pupils to
vocational
schools.
Rev. Stat.,
c. 360.

5.—(1) Pupils entitled under *The High Schools Act* to admission to a day high-school may be admitted to any vocational school under this Part.

Admission to
pre-
vocational
school
courses.

(2) Upon the recommendation of the vocational-school principal and with the approval of the advisory committee, pupils who have successfully completed grade VII at a public or separate school may be admitted to any pre-vocational school course of study at a vocational school.

- (3) Subject to the regulations, pupils of thirteen years of age and over, who have been in attendance in auxiliary classes, or who are eligible for admission to such classes, may, with the approval of the Minister and upon an examination conducted subject to his direction, be admitted to special industrial schools established by a board for the purpose of giving vocational instruction to such pupils where it is found that they may be benefited by it. Admission of pupils from auxiliary classes.

- (4) Where the vocational-school principal is satisfied that an adult is competent to receive instruction, the adult may, without regard to his school standing, be admitted,— Admission of adults.

(a) to a special full-time day course of study;

(b) to a part-time day course of study; or

(c) to an evening course of study.

- (5) Except with the consent of the Minister, a pupil enrolled in a full-time day course of study shall not be admitted to an evening course of study. Restrictions on admission to evening courses.

- (6) Where a pupil has,— Transfer from pre-vocational courses.

(a) attended pre-vocational school classes in a vocational school for at least one year; and

(b) made progress in his course of study satisfactory to the principal,

he may, upon the recommendation of the principal and with the approval of the Director of Vocational Education, transfer to any other course of study in the vocational school.

- (7) Where a pupil has the right under this Act to attend,— Fees.

(a) general or special full-time day courses of study; or

(b) part-time day courses of study for apprentices under *The Apprenticeship Act*, or for adolescents under section 5 of *The Adolescent School Attendance Act*, Rev. Stat., c. 192.
Rev. Stat., c. 368.

he shall be exempt from the payment of fees.

- (8) Notwithstanding subsection 7, where a pupil,—

When fees payable.

(a) has completed grade VIII at a public or separate school; and

(b) has attended a high or vocational school or collegiate institute or grade A or grade B continuation school, for at least six years,

he shall not be admitted to a vocational school except upon the payment of such fees as the board may prescribe but not exceeding the average cost per pupil for education in that vocational school.

Rev. Stat.,
c. 369, s. 13,
amended.

3. Section 13 of *The Vocational Education Act* is amended by adding thereto the following subsection:

Cost of
pupils from
other
secondary
school
districts.

(4d) The cost of education of pupils attending a vocational school from another high school district or grade A or grade B continuation school district shall be calculated in the same manner *mutatis mutandis* as the cost of education of county pupils, and shall be levied by the council or councils of the municipality or municipalities comprising such district in accordance with section 42 of *The High Schools Act*, and paid to the board operating the vocational school.

Rev. Stat.,
c. 360.

Rev. Stat.,
c. 369,
Part II,
re-enacted.

4. Part II of *The Vocational Education Act*, as amended by section 35 of *The School Law Amendment Act, 1945*, is repealed and the following substituted therefor:

PART II.

PROVINCIAL TECHNICAL AND POLYTECHNICAL INSTITUTES.

Establishing
institutes.

17.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may establish, maintain, conduct and govern schools for advanced technical training required in one or more branches of industry.

Agreements.

(2) For the purpose of subsection 1 the Minister may enter into an agreement with any organization representing one or more branches of industry.

Names of
institutes.

(3) A school providing instruction in one branch of industry shall be known as a "provincial technical institute" and in more than one branch of industry as a "provincial polytechnical institute".

- (4) The Minister shall designate the name of an institute. ^{Naming institutes.}
- 18.—(1) A provincial technical institute shall be main- ^{Board and}
tained and conducted by a board assisted by an ^{advisory}
advisory committee. ^{committee.}
- (2) The board and advisory committee shall be appointed ^{Appoint-}
by the Minister. ^{ment.}
- 19.—(1) A provincial polytechnical institute shall be ^{Board,}
maintained and conducted by a board assisted by,— ^{advisory}
^{council and}
^{committee.}
- (a) an advisory council; and
- (b) an advisory committee for each branch of
industry in which training is given at the
institute.
- (2) The board, advisory council and advisory com- ^{Appoint-}
mittees shall be appointed by the Minister. ^{ment.}
20. The cost of establishing and maintaining a provincial ^{Cost of}
technical or polytechnical institute shall be borne ^{establishing}
and paid out of moneys appropriated by this Legis- ^{and main-}
lature or received from Canada for the purposes of ^{taining}
technical education, and out of moneys contributed ^{institutes.}
by any organization which has entered into an agree-
ment under subsection 2 of section 17.
- 20a. The Lieutenant-Governor in Council may make ^{Regulations.}
regulations with respect to schools established under
this Part,—
- (a) for the appointment and composition of boards,
advisory councils and advisory committees
and fixing the number of members thereof;
- (b) prescribing,
- (i) the duties of boards, advisory council
or advisory committees, and
- (ii) constitutions for advisory councils or
advisory committees;
- (c) for the holding of meetings of boards, advisory
councils or advisory committees, the manner in
which the meetings are to be called and con-
ducted and the procedure thereat;

- (d) for the election or appointment of a chairman and secretary of boards, advisory councils or advisory committees, and prescribing their duties;
- (e) authorizing a principal to designate the secretary of a board;
- (f) prescribing the qualifications and governing the appointment of principals and teachers;
- (g) prescribing the duties of inspectors, principals, teachers and pupils;
- (h) for the establishment of full-time day courses of study, special and part-time day courses of study and evening courses of study, but only where the approval of the Minister is obtained;
- (i) for the admission of pupils, and prescribing the terms and conditions of admission;
- (j) classifying persons who may be admitted from outside Ontario and fixing the amount of fees payable by each class and the manner of payment;
- (k) requiring pupils enrolled in a special or part-time day course of study or an evening course of study to pay tuition fees and authorizing boards to fix the amount thereof and the manner of payment;
- (l) requiring pupils to pay registration and laboratory fees and fixing the amount thereof and the manner of payment; and
- (m) for the granting of diplomas and certificates of standing and prescribing the forms thereof.

Alternative
admission—
require-
ments.

20b. The board of a provincial technical or polytechnical institute may accept in lieu of any diploma or other requirement prescribed for admission to a course of study at the institute,—

- (a) such evidence of academic standing or course of training as the principal and advisory committee deem equivalent thereto; or
- (b) evidence, satisfactory to the principal and advisory committee, that the applicant for

admission is competent to undertake the course of study.

20c. The Minister may, for each provincial technical or polytechnical institute,—

Terms,
courses,
subjects,
text-books
and reference
books.

(a) determine the number of terms and the dates each term commences and ends; and

(b) prescribe the courses of study, subjects, time allotments for subjects, text-books and reference books.

5. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1948.

Commence-
ment of Act.

6. This Act may be cited as *The Vocational Education Amendment Act, 1948*.

Short title.

BILL

An Act to amend The Vocational
Education Act.

1st Reading

March 11th, 1948

2nd Reading

March 15th, 1948

3rd Reading

March 22nd, 1948

MR. DREW

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Change of Name Act, 1948.

MR. BLACKWELL

EXPLANATORY NOTES

This Bill is a revision of *The Change of Name Act, 1939*, with certain changes in principle and new provisions. These are as follows:

1. Under subsection 1 of section 2 a woman whose marriage has been dissolved may revert to her maiden name without making application under this Act.

2. Subsection 3 of section 2 permits a person who effected a change of name prior to the date of coming into force of *The Change of Name Act, 1939*, to obtain confirmation of the change under this Act.

3. Under the present Act where a married man, a widower or a widow applies for a change of name he must also apply for a change of the names of his wife, if any, and all unmarried infant children. Under sections 4 and 5 where the application is for a change of surname the applicant must apply for a change of the surname of his wife, if any, and all unmarried infant children, and in addition such a person may apply for a change of the given names of such persons.

4. By section 6, a person whose marriage has been dissolved is authorized to make a representative application for a change of the names of the children of whom he or she has lawful custody, on consent of the other parent. Also a divorced woman who re-marries may make such an application, on the consent of her husband.

5. Section 7 permits an application by an unmarried mother or a widowed mother who marries to change the surname of her unmarried infant children to her surname on marriage. Children legitimated by the subsequent intermarriage of their parents are provided for in *The Vital Statistics Act, 1948*.

6. Section 8 permits a woman who is deserted by her husband to apply for a change of name for herself and also on behalf of her unmarried infant children.

7. Subsection 1 of section 9 provides for the requirement of consent by persons whose names are to be changed. This is not a new principle. Subsection 2 of section 9 provides for the consents required under subsections 3 and 4 of section 6, section 7 and section 8.

8. Section 11 permits a judge to dispose of the provision requiring one year's residence in the county or district in which the application is made.

9. Clause *h* of subsection 1 of section 12 is new and is complemented by the provisions of subsection 3 of the same section, the addition of clause *b* of section 14 and the addition of section 18.

10. Sections 17, 19, 20, 21 and 22 are the former sections 9, 10, 11 and 12, re-enacted to accord with *The Vital Statistics Act, 1948*.

No. 86

1948

BILL

The Change of Name Act, 1948.

HIS 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) "applicant" shall mean a person applying for a "applicant";
change of name under this Act;
- (b) "application" shall mean an application for a change "applica-
tion";
of name under this Act;
- (c) "change" shall mean any change by way of altera- "change";
tion, substitution, addition or abandonment;
- (d) "child" shall include a child adopted under the pro- "child";
visions of *The Adoption Act*; Rev. Stat.,
c. 218.
- (e) "given name" shall include Christian name and bap- "given
tismal name"; name";
- (f) "name" shall include given name and surname; "name";
- (g) "Registrar-General" shall mean Registrar-General "Registrar-
under *The Vital Statistics Act, 1948*; and General";
1948, c. 00.
- (h) "surname" shall include family name and patro- "surname".
nymic. 1939, c. 6, s. 1, *amended*.

2.—(1) Except in the case of a change of surname by a ^{Compliance}
woman upon her marriage to that of her husband, or the ^{with Act.}
adoption of her maiden name by a woman upon dissolution
of her marriage, and subject to section 12 of *The Vital Statis-
tics Act, 1948* and section 6 of *The Adoption Act*, no person <sup>Rev. Stat.,
c. 218.</sup>
shall change his name except under this Act.

(2) Nothing herein contained shall be deemed to affect any ^{Saving.}
change of name effected under any right which existed at law
prior to the 26th day of June, 1939. 1939, c. 6, s. 13, *amended*.

Application where name changed prior to June 26, 1939.

(3) Any British subject by birth or by naturalization of the full age of twenty-one years who effected a change of name in Ontario under any right which existed at law prior to the 26th day of June, 1939, may make an application under this Act to change his name from the name he bore prior to the change to the name he bears as a result of the change, as though the change had not been effected. *New.*

Applicant to be British subject 21 years of age.

3.—(1) Every applicant shall be a British subject by birth or naturalization of the full age of twenty-one years.

Application.

(2) Any person except a married woman may make an application. 1939, c. 6, s. 2 (1), *amended.*

Application by married man.

4.—(1) Where a married man applies for a change of his surname, he shall also apply for a change of the surnames of his wife and of all of his or their unmarried infant children. 1939, c. 6, s. 2 (2), *amended.*

Idem.

(2) A married man may apply for a change of the given names of his wife and any or all of his or their unmarried infant children. *New.*

Application by widower or widow.

5.—(1) Where a widower or widow applies for a change of surname, he or she shall also apply for a change of the surname of all of his or her unmarried infant children. 1939, c. 6, s. 2 (3), *amended.*

Idem.

(2) A widower or widow may apply for a change of the given name or names of any or all of his or her unmarried infant children. *New.*

Application by divorced person on behalf of children.

6.—(1) A person whose marriage has been dissolved may make an application for a change of the name or names of any or all of his unmarried infant children of whom he has lawful custody.

Proof required.

(2) An application under this section shall be accompanied by such proof that the marriage has been dissolved and that the applicant has lawful custody of the children named in the application, as the judge may require.

Consent of other parent.

(3) No application under this section shall be granted unless the other parent, if living, of the child or children is served with notice of the application and consents to the change of name.

Application by divorced woman who re-marries.

(4) Notwithstanding subsection 2 of section 3, a woman whose marriage has been dissolved and who re-marries may apply under this section for a change of the surname of her child or children to her surname on re-marriage, but no such

application shall be granted unless her husband, if living, consents. *New.*

7. Notwithstanding subsection 2 of section 3, an unmarried mother who marries, or a widowed mother who re-marries, may make an application, with the consent of her husband, if living, for a change of the surname of her unmarried infant children, not being her husband's children, so that their surname shall be her surname by marriage. *New.*

Application by mother in certain circumstances.

8. Notwithstanding subsection 2 of section 3, a married woman who is deserted by her husband may apply for a change of name, and where she applies for a change of surname she may also apply for a change of the name or names of any or all of her unmarried infant children of whom she has custody, but no such application shall be granted unless her husband is served with notice of the application and consents to the change of name. *New.*

Application by deserted wife.

9.—(1) Where an application includes an application for a change of the name of the wife of the applicant or of any unmarried infant children of the age of fourteen years or over, the consent in writing of all of such persons shall be obtained, and all of such persons shall appear upon the hearing of the application, provided that where a wife has, in the opinion of the judge, been living apart from her husband for a period of five years immediately prior to the application, the judge may hear the application in her absence and without her consent, in which case no change of her name shall be effected. 1939, c. 6, s. 2 (4), *amended.*

Consent of wife and children.

(2) Where, on an application, the consent of any person is required under subsection 3 or 4 of section 6, section 7 or section 8, the consent in writing of all of such persons shall be obtained, and all of such persons shall appear upon the hearing of the application, provided that on an application under section 8 where, in the opinion of the judge, a husband has deserted his wife and is not contributing to the support of his wife or the children on whose behalf the application is made, the judge may hear the application in his absence and without his consent. *New.*

Consent of other parent or husband.

10.—(1) Every application shall be made to a judge of the county or district court of the county or district in which the applicant has resided for a period of one year immediately prior to the making of such application, and shall be heard at such time and place as the judge may appoint in writing. 1939, c. 6, s. 3 (1); 1940, c. 3, s. 1 (1).

Application to judge.

(2) Where the judge who has appointed a time and place for the hearing of the application becomes ill or dies or for

Where judge unable to hear application.

any other reason is unable to hear the application at the time and place so appointed, the application may be heard by another judge of the same county or district court or by any judge who may for the time being be acting as a judge of such court. 1940, c. 3, s. 1 (2).

Application where applicant has not resided in county or district for one year.

11.—(1) Notwithstanding the provisions of subsection 1 of section 10, the applicant may apply to a judge of the county or district court in the county or district in which he resides for authority to make application without having resided in such county or district for a period of one year immediately prior to such application.

Judge may authorize.

(2) The judge shall inquire into the circumstances and if he is satisfied that the applicant would otherwise suffer hardship, he may make an order authorizing the applicant to make application forthwith and such order shall suffice in the stead of the affidavit required by subsection 2 of section 12 in so far as such affidavit refers to residence.

May require additional notice of application to be published.

(3) The judge may in the order require the applicant to publish, in addition to the notice required by subsection 1 of section 13, such additional notice in such counties or districts as he deems necessary, and an affidavit as to publication of such additional notice shall accompany the application for a change of name. *New.*

Particulars of application.

12.—(1) Every application shall set forth,—

- (a) the address and date and place of birth of the applicant;
- (b) where the applicant is a married man, the maiden name in full of his wife, and the date and place of marriage;
- (c) the name in full of his father, and where the applicant is a married man, the name in full of his wife's father;
- (d) the maiden name in full of his mother, and where the applicant is a married man, the maiden name in full of his wife's mother;
- (e) that he is a British subject by birth or naturalization as the case may be;
- (f) his occupation, profession or calling;
- (g) whether he has been convicted of a criminal offence and the particulars of any such offence;

- (h) a statement containing full particulars of any judgment or action pending against him, or any chattel mortgage, lien or other registered encumbrance against his personal property, or if none, a statement to that effect;
- (i) the name proposed to be adopted;
- (j) a statement containing full particulars of any change of name effected previously, or if none, a statement to that effect;
- (k) the names, ages and other similar particulars with respect to all other persons whose names may be changed as a result of the application; and
- (l) a statement of the reasons for desiring the change of name. 1939, c. 6, s. 4 (1), *amended*.

2) Every application shall be accompanied by an affidavit of the applicant deposing,—

Application
to be ac-
companied
by affidavit.

- (a) that he has resided in the county or district in which the application is made for a period of not less than one year immediately prior to the making of the application;
- (b) that the statements contained in the application are true; and
- (c) that the application is made by the applicant in good faith and for no improper purpose. 1939, c. 6, s. 4 (2); 1940, c. 3, s. 2.

(3) Every application shall be accompanied by,—

Certificate
as to
executions
and bank-
ruptcy.

- (a) a certificate of the sheriff of the county or district in which the application is made, and of every other county or district the judge may direct, as to the existence of any unsatisfied executions in his hands against the property of each person of the full age of twenty-one years whose name may be changed as a result of the application; and
- (b) a certificate of the Registrar in Bankruptcy as to the appearance in the index book kept pursuant to subsection 3 of section 28 of the *Bankruptcy Act* (Canada) of the name of each person of the full age of twenty-one years whose name may be changed as a result of the application. *New*.

R.S.C.,
c. 11.

Notice of
application.

13.—(1) Every applicant shall publish once in the *Ontario Gazette* and once a week for three consecutive weeks in a newspaper having general circulation in the locality in which he resides, a notice of the application stating the name and address and proposed name of every person whose name may be changed as a result of the application, and the time and place of the hearing of the application.

Time of
application.

(2) No application shall be heard until the expiration of fourteen days after the date of the last publication of the notice. 1939, c. 6, s. 5, *amended*.

Documents
to be filed.

14. Every applicant shall file with the clerk of the court in which the application is made,—

- (a) the application with the affidavit referred to in subsection 2 of section 12, in duplicate;
- (b) all certificates required under subsection 3 of section 12;
- (c) an affidavit as to publication of the notice of application;
- (d) the appointment for the hearing; and
- (e) if the applicant is a British subject by naturalization, a notarial copy of his naturalization certificate. 1939, c. 6, s. 6; 1940, c. 3, s. 3, *amended*.

Hearing.

15.—(1) At the hearing the judge may require the applicant, any person whose name may be changed as a result of the application or any other person appearing on the hearing, to give evidence under oath and may examine or cross-examine any such person or permit any such person to be examined or cross-examined.

Objections.

(2) Any person who objects to a change of name and any person who desires to furnish the court with any information regarding the application or any circumstances connected therewith, may appear upon the hearing of the application and shall be heard. 1939, c. 6, s. 7 (1, 2), *amended*.

Refusal of
application.

16.—(1) Where the judge is of opinion that the name which the applicant seeks to adopt is the same as the name of any other person or resembles the name of any other person to such an extent that the change applied for might reasonably cause mistake or confusion, or be a cause of embarrassment or inconvenience to such person, or that the change of name is sought for any improper purpose or is on any other ground objectionable or that the application should be refused for

any other reason, he shall refuse the application. 1939, c. 6, s. 7 (3).

(2) Where the judge, upon consideration of the application, ^{Granting of application} the material filed and any other evidence adduced, is of opinion that the application should be granted, he may make an order effecting the change of name.

(3) An order made under this section may provide for such ^{Scope of order.} changes of names as the court may deem proper having regard to the nature of the application, the relationship and status of other persons mentioned in the application and all other relevant circumstances and every such order shall have effect according to the tenor thereof. 1939, c. 6, s. 8, *amended*.

17. The clerk of the court shall enter the order and transmit ^{Certified copy to Registrar-General.} a certified copy of the order, together with a duplicate original of the application and of the verifying affidavit, to the Registrar-General. 1939, c. 6, s. 9 (1), *amended*.

18.—(1) The clerk of the court shall send to the appro- ^{Notice of judgment, etc., sent to sheriff or clerk.} priate sheriff or court clerk full particulars of the order made and of any judgment, pending action, chattel mortgage, lien or other registered encumbrance shown upon the application.

(2) Such sheriff or court clerk shall enter and re-index ^{Idem.} such judgment, pending action, chattel mortgage, lien or other registered encumbrance under the name as changed. *New.*

19. Any person may, upon payment of the prescribed fee, ^{Certificates issued to applicants.} obtain from the clerk of the court in which the order was made a certificate of any order effecting a change of name, and such certificate shall for all purposes be conclusive evidence of its contents. 1939, c. 6, s. 10, *amended*.

20. Subject to the provisions of *The Vital Statistics Act, 1948*, without restricting the effect which a change of name may have at law, any person whose name has been changed under this Act shall, upon production of a certificate obtained under section 19 and upon satisfactory proof of identity, be entitled to have a memorandum of the change of name endorsed on any record, certificate, instrument, document, contract or writing, whether public or private, upon payment of such fee as may be prescribed therefor by or under any statute. 1939, c. 6, s. 11, *amended*. ^{Substitution of new name in documents. 1948, c. 000.}

21.—(1) Any person who has reason to believe that any order effecting a change of name has been obtained by fraud ^{Application for annulment.} or misrepresentation or for an improper purpose may apply to a judge of the county or district court in which such order was made for an annulment of the order.

Affidavit
giving
reasons.

(2) Every application for an annulment shall be accompanied by an affidavit of the person making the application in which his reasons for believing that such order was obtained by fraud or misrepresentation or for any improper purpose shall be set forth.

Hearing of
application.

(3) The judge may refuse such application without hearing further representations or evidence or may direct that the person applying for the annulment and any other persons shall be heard at such time and place as the court may determine and that notice of the hearing shall be given to such persons and in such manner as the court may direct.

Annulment
of order.

(4) If the judge is satisfied that the order was obtained by fraud or misrepresentation or for an improper purpose, he may order the annulment of the order in whole or in part. 1939, c. 6, s. 12 (1-4).

Clerk to
note annul-
ment.

(5) The clerk of the court shall endorse a memorandum of such annulling order upon the entry of the order annulled in whole or in part and shall send a certified copy of the annulling order to the Registrar-General, and where appropriate by reason of the provisions of section 18, to the proper sheriff or clerk of the court who shall amend his records in accordance with the order. 1939, c. 6, s. 12 (5), *amended*.

Where
change
of name
annulled.

(6) Where a change of name has been annulled, the Registrar-General may by order require any person to whom a certificate has been issued under the provisions of section 19, to forthwith deliver up the certificate and any person who refuses or neglects to comply with such order shall be guilty of an offence and liable to a penalty not exceeding \$100 and in default of payment to imprisonment for a period not exceeding three months. 1939, c. 6, s. 12 (7), *amended*.

Fraud or
misrepre-
sentation.

22.—(1) Any person who by fraud or misrepresentation obtains a change of name under the provisions of this Act shall be guilty of an offence and liable to a penalty not exceeding \$500 or to imprisonment for a term not exceeding six months. 1939, c. 6, s. 12 (8).

Recovery
of penalty.
Rev. Stat.,
c. 136.

(2) The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*. 1939, c. 6, s. 12 (9), *amended*.

Regulations.

23. The Lieutenant-Governor in Council may make regulations,—

(a) prescribing forms of applications, affidavits and certificates;

- (b) prescribing the fees payable upon any application and upon any certificate, search or other matter required or permitted to be given or done under this Act and to whom such fees shall be payable;
- (c) providing for the return of any fee upon an application or part of such fee where the application is refused; and
- (d) generally for the better carrying out of the provisions of this Act. 1939, c. 6, s. 14.

24. *The Change of Name Act, 1939*, and *The Change of Name Amendment Act, 1940*, are repealed. <sup>1939, c. 6;
1940, c. 3,
repealed.</sup>

25. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. <sup>Commence-
ment of Act.</sup>

26. This Act may be cited as *The Change of Name Act, 1948*. ^{Short title.}

BILL

The Change of Name Act, 1948.

1st Reading

March 11th, 1948

2nd Reading

3rd Reading

MR. BLACKWELL

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Change of Name Act, 1948.

MR. BLACKWELL



No. 86

1948

BILL

The Change of Name Act, 1948.

HIS 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) "applicant" means a person applying for a change of "applicant";
name under this Act;
- (b) "application" means an application for a change of "applica-
tion";
name under this Act;
- (c) "change" means any change by way of alteration, "change";
substitution, addition or abandonment;
- (d) "child" includes a child adopted under the provisions "child";
of *The Adoption Act*; Rev. Stat.,
c. 218.
- (e) "given name" includes Christian name and baptismal "given
name";
name;
- (f) "name" includes given name and surname; "name";
- (g) "Registrar-General" means Registrar-General under "Registrar-
The Vital Statistics Act, 1948; and General";
1948, c. 00.
- (h) "surname" includes family name and patronymic. "surname".
1939, c. 6, s. 1, *amended*.

2.—(1) Except in the case of a change of surname by a ^{Compliance}
woman upon her marriage to that of her husband, or the ^{with Act.}
adoption of her maiden name by a woman upon dissolution
of her marriage, and subject to section 12 of *The Vital Statis-
tics Act, 1948* and section 6 of *The Adoption Act*, no person <sup>Rev. Stat.,
c. 218.</sup>
shall change his name except under this Act.

(2) Nothing herein contained shall be deemed to affect any ^{Saving.}
change of name effected under any right which existed at law
prior to the 26th day of June, 1939. 1939, c. 6, s. 13, *amended*.

Application where name changed prior to June 26, 1939.

(3) Any British subject by birth or by naturalization of the full age of twenty-one years who effected a change of name in Ontario under any right which existed at law prior to the 26th day of June, 1939, may make an application under this Act to change his name from the name he bore prior to the change to the name he bears as a result of the change, as though the change had not been effected. *New.*

Applicant to be British subject 21 years of age.

3.—(1) Every applicant shall be a British subject by birth or naturalization of the full age of twenty-one years.

Application.

(2) Any person except a married woman may make an application. 1939, c. 6, s. 2 (1), *amended.*

Application by married man.

4.—(1) Where a married man applies for a change of his surname, he shall also apply for a change of the surnames of his wife and of all of his or their unmarried infant children. 1939, c. 6, s. 2 (2), *amended.*

Idem.

(2) A married man may apply for a change of the given names of his wife and any or all of his or their unmarried infant children. *New.*

Application by widower or widow.

5.—(1) Where a widower or widow applies for a change of surname, he or she shall also apply for a change of the surname of all of his or her unmarried infant children. 1939, c. 6, s. 2 (3), *amended.*

Idem.

(2) A widower or widow may apply for a change of the given name or names of any or all of his or her unmarried infant children. *New.*

Application by divorced person on behalf of children.

6.—(1) A person whose marriage has been dissolved may make an application for a change of the name or names of any or all of his unmarried infant children of whom he has lawful custody.

Proof required.

(2) An application under this section shall be accompanied by such proof that the marriage has been dissolved and that the applicant has lawful custody of the children named in the application, as the judge may require.

Consent of other parent.

(3) No application under this section shall be granted unless the other parent, if living, of the child or children is served with notice of the application and consents to the change of name.

Application by divorced woman who re-marries.

(4) Notwithstanding subsection 2 of section 3, a woman whose marriage has been dissolved and who re-marries may apply under this section for a change of the surname of her child or children to her surname on re-marriage, but no such

application shall be granted unless her husband, if living, consents. *New.*

7. Notwithstanding subsection 2 of section 3, an unmarried mother who marries, or a widowed mother who re-marries, may make an application, with the consent of her husband, if living, for a change of the surname of her unmarried infant children, not being her husband's children, so that their surname shall be her surname by marriage. *New.*

Application by mother in certain circumstances.

8. Notwithstanding subsection 2 of section 3, a married woman who is deserted by her husband may apply for a change of name, and where she applies for a change of surname she may also apply for a change of the name or names of any or all of her unmarried infant children of whom she has custody, but no such application shall be granted unless her husband is served with notice of the application and consents to the change of name. *New.*

Application by deserted wife.

9.—(1) Where an application includes an application for a change of the name of the wife of the applicant or of any unmarried infant children of the age of fourteen years or over, the consent in writing of all of such persons shall be obtained, and all of such persons shall appear upon the hearing of the application, provided that where a wife has, in the opinion of the judge, been living apart from her husband for a period of five years immediately prior to the application, the judge may hear the application in her absence and without her consent, in which case no change of her name shall be effected. 1939, c. 6, s. 2 (4), *amended.*

Consent of wife and children.

(2) Where, on an application, the consent of any person is required under subsection 3 or 4 of section 6, section 7 or section 8, the consent in writing of all of such persons shall be obtained, and all of such persons shall appear upon the hearing of the application, provided that on an application under section 8 where, in the opinion of the judge, a husband has deserted his wife and is not contributing to the support of his wife or the children on whose behalf the application is made, the judge may hear the application in his absence and without his consent. *New.*

Consent of other parent or husband.

10.—(1) Every application shall be made to a judge of the county or district court of the county or district in which the applicant has resided for a period of one year immediately prior to the making of such application, and shall be heard at such time and place as the judge may appoint in writing. 1939, c. 6, s. 3 (1); 1940, c. 3, s. 1 (1).

Application to judge.

(2) Where the judge who has appointed a time and place for the hearing of the application becomes ill or dies or for

Where judge unable to hear application.

any other reason is unable to hear the application at the time and place so appointed, the application may be heard by another judge of the same county or district court or by any judge who may for the time being be acting as a judge of such court. 1940, c. 3, s. 1 (2).

Application where applicant has not resided in county or district for one year.

11.—(1) Notwithstanding the provisions of subsection 1 of section 10, the applicant may apply to a judge of the county or district court in the county or district in which he resides for authority to make application without having resided in such county or district for a period of one year immediately prior to such application.

Judge may authorize.

(2) The judge shall inquire into the circumstances and if he is satisfied that the applicant would otherwise suffer hardship, he may make an order authorizing the applicant to make application forthwith and such order shall suffice in the stead of the affidavit required by subsection 2 of section 12 in so far as such affidavit refers to residence.

May require additional notice of application to be published.

(3) The judge may in the order require the applicant to publish, in addition to the notice required by subsection 1 of section 13, such additional notice in such counties or districts as he deems necessary, and an affidavit as to publication of such additional notice shall accompany the application for a change of name. *New.*

Particulars of application.

12.—(1) Every application shall set forth,—

- (a) the address and date and place of birth of the applicant;
- (b) where the applicant is a married man, the maiden name in full of his wife, and the date and place of marriage;
- (c) the name in full of his father, and where the applicant is a married man, the name in full of his wife's father;
- (d) the maiden name in full of his mother, and where the applicant is a married man, the maiden name in full of his wife's mother;
- (e) that he is a British subject by birth or naturalization as the case may be;
- (f) his occupation, profession or calling;
- (g) whether he has been convicted of a criminal offence and the particulars of any such offence;

(h) a statement containing full particulars of any judgment or action pending against him, or any chattel mortgage, lien or other registered encumbrance against his personal property, or if none, a statement to that effect;

(i) the name proposed to be adopted;

(j) a statement containing full particulars of any change of name effected previously, or if none, a statement to that effect;

(k) the names, ages and other similar particulars with respect to all other persons whose names may be changed as a result of the application; and

(l) a statement of the reasons for desiring the change of name. 1939, c. 6, s. 4 (1), *amended*.

(2) Every application shall be accompanied by an affidavit of the applicant deposing,— Application to be accompanied by affidavit.

(a) that he has resided in the county or district in which the application is made for a period of not less than one year immediately prior to the making of the application;

(b) that the statements contained in the application are true; and

(c) that the application is made by the applicant in good faith and for no improper purpose. 1939, c. 6, s. 4 (2); 1940, c. 3, s. 2.

(3) Every application shall be accompanied by,—

(a) a certificate of the sheriff of the county or district in which the application is made, and of every other county or district the judge may direct, as to the existence of any unsatisfied executions in his hands against the property of each person of the full age of twenty-one years whose name may be changed as a result of the application; and

(b) a certificate of the Registrar in Bankruptcy as to the appearance in the index book kept pursuant to subsection 3 of section 28 of the *Bankruptcy Act* (Canada) of the name of each person of the full age of twenty-one years whose name may be changed as a result of the application. *New.* Certificate as to executions and bankruptcy. R.S.C., c. 11.

Notice of
application.

13.—(1) Every applicant shall publish once in the *Ontario Gazette* and once a week for three consecutive weeks in a newspaper having general circulation in the locality in which he resides, a notice of the application stating the name and address and proposed name of every person whose name may be changed as a result of the application, and the time and place of the hearing of the application.

Time of
application.

(2) No application shall be heard until the expiration of fourteen days after the date of the last publication of the notice. 1939, c. 6, s. 5, *amended*.

Documents
to be filed.

14. Every applicant shall file with the clerk of the court in which the application is made,—

- (a) the application with the affidavit referred to in subsection 2 of section 12, in duplicate;
- (b) all certificates required under subsection 3 of section 12;
- (c) an affidavit as to publication of the notice of application;
- (d) the appointment for the hearing; and
- (e) if the applicant is a British subject by naturalization, a notarial copy of his naturalization certificate. 1939, c. 6, s. 6; 1940, c. 3, s. 3, *amended*.

Hearing.

15.—(1) At the hearing the judge may require the applicant, any person whose name may be changed as a result of the application or any other person appearing on the hearing, to give evidence under oath and may examine or cross-examine any such person or permit any such person to be examined or cross-examined.

Objections.

(2) Any person who objects to a change of name and any person who desires to furnish the court with any information regarding the application or any circumstances connected therewith, may appear upon the hearing of the application and shall be heard. 1939, c. 6, s. 7 (1, 2), *amended*.

Refusal of
application.

16.—(1) Where the judge is of opinion that the name which the applicant seeks to adopt is the same as the name of any other person or resembles the name of any other person to such an extent that the change applied for might reasonably cause mistake or confusion, or be a cause of embarrassment or inconvenience to such person, or that the change of name is sought for any improper purpose or is on any other ground objectionable or that the application should be refused for

any other reason, he shall refuse the application. 1939, c. 6, s. 7 (3).

(2) Where the judge, upon consideration of the application, ^{Granting of application.} the material filed and any other evidence adduced, is of opinion that the application should be granted, he may make an order effecting the change of name.

(3) An order made under this section may provide for such ^{Scope of order.} changes of names as the court may deem proper having regard to the nature of the application, the relationship and status of other persons mentioned in the application and all other relevant circumstances and every such order shall have effect according to the tenor thereof. 1939, c. 6, s. 8, *amended*.

17. The clerk of the court shall enter the order and transmit ^{Certified copy to Registrar-General.} a certified copy of the order, together with a duplicate original of the application and of the verifying affidavit, to the Registrar-General. 1939, c. 6, s. 9 (1), *amended*.

18.—(1) The clerk of the court shall send to the appro- ^{Notice of judgment, etc., sent to sheriff or clerk.} priate sheriff or court clerk full particulars of the order made and of any judgment, pending action, chattel mortgage, lien or other registered encumbrance shown upon the application.

(2) Such sheriff or court clerk shall enter and re-index ^{Idem.} such judgment, pending action, chattel mortgage, lien or other registered encumbrance under the name as changed. *New.*

19. Any person may, upon payment of the prescribed fee, ^{Certificates issued to applicants.} obtain from the clerk of the court in which the order was made a certificate of any order effecting a change of name, and such certificate shall for all purposes be conclusive evidence of its contents. 1939, c. 6, s. 10, *amended*.

20. Subject to the provisions of *The Vital Statistics Act, 1948*, without restricting the effect which a change of name may have at law, any person whose name has been changed under this Act shall, upon production of a certificate obtained under section 19 and upon satisfactory proof of identity, be entitled to have a memorandum of the change of name endorsed on any record, certificate, instrument, document, contract or writing, whether public or private, upon payment of such fee as may be prescribed therefor by or under any statute. 1939, c. 6, s. 11, *amended*. ^{Substitution of new name in documents. 1948, c. 000.}

21.—(1) Any person who has reason to believe that any order effecting a change of name has been obtained by fraud ^{Application for annulment.} or misrepresentation or for an improper purpose may apply to a judge of the county or district court in which such order was made for an annulment of the order.

Affidavit
giving
reasons.

(2) Every application for an annulment shall be accompanied by an affidavit of the person making the application in which his reasons for believing that such order was obtained by fraud or misrepresentation or for any improper purpose shall be set forth.

Hearing of
application.

(3) The judge may refuse such application without hearing further representations or evidence or may direct that the person applying for the annulment and any other persons shall be heard at such time and place as the court may determine and that notice of the hearing shall be given to such persons and in such manner as the court may direct.

Annulment
of order.

(4) If the judge is satisfied that the order was obtained by fraud or misrepresentation or for an improper purpose, he may order the annulment of the order in whole or in part. 1939, c. 6, s. 12 (1-4).

Clerk to
note annul-
ment.

(5) The clerk of the court shall endorse a memorandum of such annulling order upon the entry of the order annulled in whole or in part and shall send a certified copy of the annulling order to the Registrar-General, and where appropriate by reason of the provisions of section 18, to the proper sheriff or clerk of the court who shall amend his records in accordance with the order. 1939, c. 6, s. 12 (5), *amended*.

Where
change
of name
annulled.

(6) Where a change of name has been annulled, the Registrar-General may by order require any person to whom a certificate has been issued under the provisions of section 19, to forthwith deliver up the certificate and any person who refuses or neglects to comply with such order shall be guilty of an offence and liable to a penalty not exceeding \$100 and in default of payment to imprisonment for a period not exceeding three months. 1939, c. 6, s. 12 (7), *amended*.

Fraud or
misrepresen-
tation.

22.—(1) Any person who by fraud or misrepresentation obtains a change of name under the provisions of this Act shall be guilty of an offence and liable to a penalty not exceeding \$500 or to imprisonment for a term not exceeding six months. 1939, c. 6, s. 12 (8).

Recovery
of penalty.
Rev. Stat.,
c. 136.

(2) The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*. 1939, c. 6, s. 12 (9), *amended*.

Regulations.

23. The Lieutenant-Governor in Council may make regulations,—

(a) prescribing forms of applications, affidavits and certificates;

- (b) prescribing the fees payable upon any application and upon any certificate, search or other matter required or permitted to be given or done under this Act and to whom such fees shall be payable;
- (c) providing for the return of any fee upon an application or part of such fee where the application is refused; and
- (d) generally for the better carrying out of the provisions of this Act. 1939, c. 6, s. 14.

24. *The Change of Name Act, 1939*, and *The Change of Name Amendment Act, 1940*, are repealed. 1939, c. 6;
1940, c. 3,
repealed.

25. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commence-
ment of Act.

26. This Act may be cited as *The Change of Name Act*, Short title.
1948.

BILL

The Change of Name Act, 1948.

1st Reading

March 11th, 1948

2nd Reading

March 15th, 1948

3rd Reading

March 22nd, 1948

MR. BLACKWELL

No. 87

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Public Vehicle Act.

MR. DOUCETT

EXPLANATORY NOTES

SECTION 1. These amendments exclude taxicabs, as defined, from the operation of the Act.

SECTION 2. Subsection 1 of section 4 now reads:

- (1) Subject to the provisions of subsection 2, a person holding a license or permit under the provisions of this Act may operate his vehicle in and through any municipality covered by such license or permit without holding a license under the provisions of any by-law of any such municipality except where he takes on passengers or express freight within the limits of a municipality and discharges such passengers or express freight within the limits of that municipality.

The provision for requiring a licensee or permittee under the Act to hold a municipal license is limited by the amendment to an urban municipality.

BILL

An Act to amend The Public Vehicle Act.

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

1.—(1) Clause *c* of section 1 of *The Public Vehicle Act* Rev. Stat., c. 289, s. 1, cl. *c*, amended. is amended by inserting after the word "rails" in the seventh line the word "taxicabs," so that the said clause shall now read as follows:

(c) "Public vehicle" shall mean any motor vehicle "Public vehicle". operated on a highway by, for, or on behalf of any person who receives compensation either directly or indirectly for the transportation of passengers, or passengers and express freight which might be carried in a passenger vehicle, but shall not include the cars of electric or steam railways running only upon rails, taxicabs, nor motor vehicles operated solely within the corporate limits of one urban municipality.

(2) The said section 1 is further amended by adding thereto the following clause: Rev. Stat., c. 289, s. 1, amended.

(cc) "Taxicab" shall mean a motor vehicle as defined in "Taxicab". *The Highway Traffic Act*, having a seating capacity Rev. Stat., c. 288. of not more than six persons, exclusive of the driver, hired for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only being collected or made for the trip.

2. Subsection 1 of section 4 of *The Public Vehicle Act* Rev. Stat., c. 289, s. 4, subs. 1, re-enacted. is repealed and the following substituted therefor:

(1) Subject to subsections 1a and 2, a person holding a Municipal license and fares,—when not applicable; license or permit under this Act may operate his vehicle in and through any municipality covered by such license or permit without holding a license or

complying with the rates or fares prescribed under any by-law of any such municipality.

when
applicable.

(1a) Where such a person takes on passengers or express freight within the limits of an urban municipality and discharges such passengers or express freight within the limits of that municipality, he may be required to obtain a license under a by-law of that municipality and shall, as to such passengers and express freight, comply with any tariff of fares or rates established by by-law of that municipality.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Public Vehicle Amendment Act, 1948*.

BILL

An Act to amend The Public Vehicle Act.

1st Reading

March 11th, 1948

2nd Reading

3rd Reading

MR. DOUCETT

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Public Vehicle Act.

MR. DOUCETT

BILL

An Act to amend The Public Vehicle Act.

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

1.—(1) Clause *c* of section 1 of *The Public Vehicle Act* Rev. Stat. c. 289, s. 1 amended. is amended by inserting after the word "rails" in the seventh line the word "taxicabs," so that the said clause shall now read as follows:

- (c) "Public vehicle" shall mean any motor vehicle "Public vehicle" operated on a highway by, for, or on behalf of any person who receives compensation either directly or indirectly for the transportation of passengers, or passengers and express freight which might be carried in a passenger vehicle, but shall not include the cars of electric or steam railways running only upon rails, taxicabs, nor motor vehicles operated solely within the corporate limits of one urban municipality.

(2) The said section 1 is further amended by adding thereto the following clause: Rev. Stat. c. 289, s. 1, amended.

- (cc) "Taxicab" shall mean a motor vehicle as defined in *The Highway Traffic Act*, having a seating capacity of not more than six persons, exclusive of the driver, hired for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only being collected or made for the trip. "Taxicab". Rev. Stat., c. 288.

2. Subsection 1 of section 4 of *The Public Vehicle Act* Rev. Stat., c. 289, s. 4, subs. 1, re-enacted. is repealed and the following substituted therefor:

- (1) Subject to subsections 1a and 2, a person holding a license or permit under this Act may operate his vehicle in and through any municipality covered by such license or permit without holding a license or Municipal license and fares,—when not applicable;

complying with the rates or fares prescribed under any by-law of any such municipality.

when
applicable.

(1a) Where such a person takes on passengers or express freight within the limits of an urban municipality and discharges such passengers or express freight within the limits of that municipality, he may be required to obtain a license under a by-law of that municipality and shall, as to such passengers and express freight, comply with any tariff of fares or rates established by by-law of that municipality.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Public Vehicle Amendment Act, 1948*.

BILL

An Act to amend The Public Vehicle Act.

1st Reading

March 11th, 1948

2nd Reading

March 15th, 1948

3rd Reading

March 22nd, 1948

MR. DOUCETT

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Surveys Act.

MR. SCOTT

EXPLANATORY NOTE

The subsection as re-enacted is designed to be more practical than the present provision which in some situations cannot be complied with. It also provides that survey monuments shall be placed so that their tops are flush with the ground level in order that there may be less opportunity of disturbing them.

BILL

An Act to amend The Surveys Act.

HIS 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 13 of *The Surveys Act*, as amended by section 1 of *The Surveys Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 232, s. 13, subs. 1, re-enacted.

(1) Every angle of the exterior boundary of a subdivision plan of any area of land prepared for the purpose of registration under *The Registry Act* or *The Land Titles Act* shall be defined in the survey thereof by a monument made of,— Monuments on subdivision plans. Rev. Stat., cc. 170, 174.

(a) stone or reinforced concrete five inches square at the top, eight inches square at the base and not less than three feet, six inches in length, planted so that the top is flush with the ground level; or

(b) iron in the form of a bar one inch square and four feet long driven into the ground so that the top is flush with the ground level; or

(c) in the case of exposed solid rock, iron in the form of a bolt one inch square and four inches long cemented or leaded into the rock so that the top is flush with the rock level,

provided that where the nature of the location is such that it is impracticable to fully comply with this subsection, the monument shall be so erected and fixed and of such a type as will represent substantial compliance therewith. Proviso.

2. This Act may be cited as *The Surveys Amendment Act*, Short title.
1948.

BILL

An Act to amend The Surveys Act.

1st Reading

March 11th, 1948

2nd Reading

3rd Reading

MR. SCOTT

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Surveys Act.

MR. SCOTT

BILL

An Act to amend The Surveys Act.

HIS 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 13 of *The Surveys Act*, as amended by section 1 of *The Surveys Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 232, s. 13, subs. 1, re-enacted.

- (1) Every angle of the exterior boundary of a subdivision plan of any area of land prepared for the purpose of registration under *The Registry Act* or *The Land Titles Act* shall be defined in the survey thereof by a monument made of,— Monuments on subdivision plans. Rev. Stat., cc. 170, 174.

(a) stone or reinforced concrete five inches square at the top, eight inches square at the base and not less than three feet, six inches in length, planted so that the top is flush with the ground level; or

(b) iron in the form of a bar one inch square and four feet long driven into the ground so that the top is flush with the ground level; or

(c) in the case of exposed solid rock, iron in the form of a bolt one inch square and four inches long cemented or leaded into the rock so that the top is flush with the rock level,

provided that where the nature of the location is such that it is impracticable to fully comply with this subsection, the monument shall be so erected and fixed and of such a type as will represent substantial compliance therewith. Proviso.

2. This Act may be cited as *The Surveys Amendment Act*, Short title. 1948.

BILL

An Act to amend The Surveys Act.

1st Reading

March 11th, 1948

2nd Reading

March 15th, 1948

3rd Reading

March 22nd, 1948

MR. SCOTT

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Workmen's Compensation Act.

MR. BEGIN

BILL

An Act to amend The Workmen's Compensation Act.

HIS 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 2 of *The Workmen's Compensation Act* is amended by striking out the word "seven" Rev. Stat., c. 204, s. 2, subs. 1, cl. a, amended. in the second line and inserting in lieu thereof the word "three", so that the said clause shall now read as follows:

(a) does not disable the workman for the period of at Exceptions. least three days from earning full wages at the work at which he was employed; or

.

2. Sections 38 and 39 and subsections 1 and 4 of section 40 Rev. Stat., c. 204, ss. 38, 39; s. 40, subss. 1, 4 (1942, c. 41, s. 2), amended. of *The Workmen's Compensation Act*, as re-enacted by section 2 of *The Workmen's Compensation Amendment Act, 1942*, are amended by striking out the words "sixty-six and two-thirds" where they occur in the third lines of sections 38 and 39 respectively, in the ninth line of subsection 1 of section 40, and in the eighth and ninth lines of subsection 4 of section 40, and inserting in lieu thereof the word "seventy-five", so that the said sections and subsections shall now read as follows:

38. Where temporary total disability results from the injury, the compensation shall be a weekly payment Compensation in case of temporary total disability. of seventy-five per centum of the workman's average weekly earnings during the previous twelve months if he has been so long employed, but if not then for any less period during which he has been in the employ of his employer, and shall be payable so long as the disability lasts.

39. Where temporary partial disability results from the injury, the compensation shall be a weekly payment Temporary partial disability.

of seventy-five per centum of the difference between the average weekly earnings of the workman before the accident and the average amount which he is earning or is able to earn in some suitable employment or business after the accident, and shall be payable so long as the disability lasts, and subsection 3 of section 40 shall apply.

Permanent
disability.

- 40.—(1) Where permanent disability results from the injury, the impairment of earning capacity of the workman shall be estimated from the nature and degree of the injury and the compensation shall be a weekly or other periodical payment during the lifetime of the workman, or such other period as the Board may fix, of a sum proportionate to such impairment not exceeding in any case the like proportion of seventy-five per centum of his average weekly earnings ascertained in the manner provided by section 38 and shall be payable notwithstanding clause *a* of subsection 1 of section 2.

Compensation
for
permanent
disability.

- (4) Where the Board deems it more equitable, the Board may award compensation for permanent disability having regard to the difference between the average weekly earnings of the workman before the accident and the average amount which he is earning or is able to earn in some suitable occupation after the accident, and the compensation may be a weekly or other periodical payment of seventy-five per centum of such difference, and regard shall be had to the workman's fitness to continue in the employment in which he was injured or to adapt himself to some other suitable occupation.

Short title.

3. This Act may be cited as *The Workmen's Compensation Amendment Act, 1948*.

BILL

An Act to amend The Workmen's
Compensation Act.

1st Reading

March 11th, 1948

2nd Reading

3rd Reading

MR. BEGIN

No. 90

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Municipal Act.

MR. DUNBAR

EXPLANATORY NOTES

SECTION 1—Subsection 1. Self-explanatory.

Subsection 2. The present subsection 4 of section 44c provides that the board of trustees of an improvement district shall function as such local boards as may be designated by the Municipal Board, and that it shall be augmented by the persons that may be appointed or elected to the particular board by statute. Now the board of trustees will function as each local board without further additions.

SECTION 2. Self-explanatory.

BILL

An Act to amend The Municipal Act.

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

1.—(1) Section 44*c* of *The Municipal Act*, as re-enacted by Rev. Stat., c. 266, s. 44*c*, subsection 1 of section 3 of *The Municipal Amendment Act*, (1947, c. 69, 1947, is amended by adding thereto the following subsection: s. 3 (1)), amended.

(1*a*) Where, in an improvement district, a high school district is established and a separate school is maintained, one of the trustees appointed under subsection 1 shall be a separate school supporter. Special provision re trustees.

(2) Subsection 4 of the said section 44*c* is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 44*c*, subs. 4 (1947, c. 69, s. 3 (1)), re-enacted.

(4) The board, with respect to the improvement district, shall function as every local board, except a separate school board, within the meaning of *The Department of Municipal Affairs Act*. Board deemed to be local boards. Rev. Stat., c. 59.

2.—(1) Clause *f* of subsection 1 of section 53 of *The Municipal Act* is amended by striking out the words "an electric railway, street railway or steam railway" in the fourth line and inserting in lieu thereof the words "a transportation system", so that the said clause shall now read as follows: Rev. Stat., c. 266, s. 53, subs. 1, cl. *f*, amended.

(*f*) a person other than the head of the council who is a member of a board or commission appointed or elected for the construction, management or control of a transportation system which is owned by, or leased to, or controlled by a municipal corporation, or by trustees, or by any board or commission acting for or on behalf of such corporation, and this clause shall have effect notwithstanding the provisions of any general or special Act or any by-law of a municipal corporation.

Rev. Stat.,
c. 266, s. 53,
subs. 6,
amended.

(2) Subsection 6 of the said section 53 is amended by striking out the words "an electric railway, street railway or steam railway" in the fourth and fifth lines and inserting in lieu thereof the words "a transportation system", so that the said subsection shall now read as follows:

Appoint-
ments to two
commissions,
etc.

(6) Notwithstanding the provisions of clause *f* of subsection 1 and of section 37 of *The Public Utilities Act*, a member of a board or commission appointed or elected for the construction, management or control of a transportation system mentioned in said clause *f* may be appointed or elected and be entitled to sit and vote as a member of a commission established under *The Power Commission Act*, *The Public Utilities Act* or any special Act for the management and control of a public utility.

Rev. Stat.,
cc. 62, 286.

Rev. Stat.,
c. 266, s. 65,
subs. 1
(1947,
c. 69, s. 9),
amended.

3. Subsection 1 of section 65 of *The Municipal Act*, as re-enacted by section 9 of *The Municipal Amendment Act, 1947*, is amended by striking out the figure and letters "1st" in the eighth line and inserting in lieu thereof the figure and letters "2nd", so that the said subsection shall now read as follows:

Power to fix
nomination
and polling
days.

(1) The council may, not later in the year than the 1st day of November, fix the day for the meeting of electors for the nomination of candidates for council and for any local board or commission any members of which are to be elected by ballot by the electors and the day for the polling, provided that the days so fixed occur during the period from the 15th day of November to the 2nd day of January both inclusive, and are other than a Sunday or the 24th, 25th or 31st days of December, and that the day fixed for nominations is not less than seven days prior to the day fixed for polling, and the by-law shall remain in force from year to year until repealed.

Rev. Stat.,
c. 266, s. 171,
subs. 2,
amended.

4.—(1) Subsection 2 of section 171 of *The Municipal Act* is amended by striking out the figures "76" in the fifth line and inserting in lieu thereof the figures "65", so that the said subsection shall now read as follows:

In office of
mayor, reeve
and deputy
reeve in
towns and
villages.

(2) Where the office of mayor, reeve or deputy reeve of a town or of reeve or deputy reeve of a village or township becomes vacant after the 1st day of November in any year or after the 1st day of October where a by-law has been passed under section 65, and an election to fill the vacancy has not been ordered in a judicial proceeding, the council may elect one of its number to fill the office for the remainder of the term.

SECTION 3. The last day that a by-law under this subsection may authorize for the election is advanced from the 1st day of January to the 2nd day of January.

SECTION 4. Section 65 of *The Municipal Act* now covers the matters formerly dealt with in section 76.

SECTION 5. This amendment is complementary to the amendments in section 17 and 18 of *The Municipal Amendment Act, 1947*, where all other references to the "master in chambers" were changed to read "master".

SECTION 6. The provisions in the Act authorizing municipal income tax were repealed by *The Municipal Amendment Act, 1947*.

SECTION 7. As subsection 4 of section 305 was repealed in 1946, this amendment brings subsection 6 up to date.

SECTION 8. The repealed clause provided in effect that a by-law passed for borrowing money for the purchase of fire-fighting equipment need not be assented to by the electors. Paragraph 30a of section 405, which was enacted in *The Municipal Amendment Act, 1947*, specifically makes this provision, and the repealed clause no longer serves any purpose.

(2) Subsection 3 of the said section 171 is amended by striking out the figures "76" in the third line and inserting in lieu thereof the figures "65", so that the said subsection shall now read as follows: Rev. Stat., c. 266, s. 171, amended.

(3) Where a vacancy occurs in the office of councillor after the first day of November in any year or after the 1st day of October where a by-law has been passed under section 65 and an election has not been ordered in a judicial proceeding, it shall not be necessary that the vacancy be filled if the council so directs. When vacancy need not be filled.

5. Section 190 of *The Municipal Act* is amended by striking out the words "in chambers" in the first line, so that the said section shall now read as follows: Rev. Stat., c. 266, s. 190, amended.

190. The judge or master forthwith after rendering his decision shall return the same with all things had before him touching the proceeding, to the proper officer of the court, there to remain of record as a judgment of the court, and the judgment may be enforced for the costs awarded by execution and in other respects in the same manner as an order of mandamus. Judgment to be returned to proper officer of court.

6. Subsection 2 of section 304 of *The Municipal Act* is amended by striking out the words "income and" in the fourth line, so that the said subsection shall now read as follows: Rev. Stat., c. 266, s. 304, subs. 2, amended.

(2) "Rateable property" when used in this Act or in any by-law heretofore or hereafter passed which directs the levying of a rate on the rateable property in the municipality or any part of it, shall include business assessment as defined by *The Assessment Act*. "Rateable property".
Rev. Stat., c. 272.

7. Subsection 6 of section 305 of *The Municipal Act* is amended by striking out the words and figures "subsections 4 and 5" in the first line and inserting in lieu thereof the word and figure "subsection 5", so that the said subsection shall now read as follows: Rev. Stat., c. 266, s. 305, subs. 6, amended.

(6) In the cases provided for by subsection 5, the by-law shall provide for raising in each year in which an instalment becomes due by a special rate on all the rateable property in the municipality, a specific sum sufficient to pay it when and as it becomes due. Amount to be raised annually.

8. Clause *i* of subsection 3 of section 307 of *The Municipal Act* is repealed. Rev. Stat., c. 266, s. 307, subs. 3, cl. i, repealed.

Rev. Stat., c. 266, s. 316, subd. 2 (1944, c. 39, s. 25), amended. **9.** Subsection 2 of section 316 of *The Municipal Act*, as re-enacted by section 25 of *The Municipal Amendment Act, 1944*, is amended by striking out the words "which will be available during the current year" in the second and third lines, and by adding thereto the following clause:

"Surplus" defined. (a) In this subsection "surplus" shall mean cash on hand or in the bank less current accounts payable, as certified by the municipal auditor.

so that the said subsection shall now read as follows:

Allowances to be made in estimates. (2) In preparing the estimates the council shall make due allowance for a surplus of any previous year and shall provide for any operating deficit of any previous year and for the cost of collection, abatement of and discount on taxes and uncollectable taxes and may provide for taxes which it is estimated will not be collected during the year.

"Surplus" defined. (a) In this subsection "surplus" shall mean cash on hand or in the bank less current accounts payable, as certified by the municipal auditor.

Rev. Stat., c. 266, ss. 360, 361, repealed. **10.** Sections 360 and 361 of *The Municipal Act* are repealed.

Rev. Stat., c. 266, s. 388, subs. 1, amended. **11.**—(1) Subsection 1 of section 388 of *The Municipal Act* is amended by striking out all the words after the word "apartments" in the second line, so that the said subsection shall now read as follows:

Custody of gaols. (1) The sheriff shall have the care of the county gaol, gaol offices and yard and gaoler's apartments.

Rev. Stat., c. 266, s. 388, subs. 2, re-enacted. (2) Subsection 2 of the said section 388 is repealed and the following substituted therefor:

Appointment of gaoler, etc. (2) The Lieutenant-Governor in Council may appoint the gaoler, gaol surgeon and other gaol employees, and fix their salaries which shall be paid by the county or city, as the case may be.

Sick leave credits. (3) The county or city shall establish the same system of credits and payments for regular attendance of the gaoler and gaol employees, as is provided for in the regulations under *The Public Service Act, 1947*.

1947, c. 89. (4) For the purposes of *The Workmen's Compensation Act*, every gaoler and gaol employee shall be deemed to be an employee of the county or city as the case may be.

Workmen's compensation. Rev. Stat., c. 204.

SECTION 9. This amendment requires the municipal council, in preparing its estimates, to consider only the cash surplus at the end of the preceding year, instead of taking into account expected revenue during the current year arising from the operations of the previous year.

SECTION 10. These sections, under which certain members of municipal councils are *ex officio* justices of the peace, are repealed. Hereafter these members will be commissioners for taking affidavits. See section 1 of Bill No. 72.

SECTION 11. The effect of these amendments is that the appointments of gaolers, gaol surgeons and gaol officers are no longer made by the sheriff, but are made by the Lieutenant-Governor in Council. A system of sick leave credits is required to be established and the gaol officers and employees, except the gaol surgeon, are deemed employees of the municipality for workmen's compensation purposes. These amendments are supplemented by section 5 of *The Public Service Amendment Act, 1948* (Bill No. 78), which deals with superannuation of these persons.

SECTION 12—Subsection 1. The present paragraph reads as follows:

1. For aiding amateur athletic or aquatic sports.

Subsection 2. This amendment makes it clear that a municipality may spend money or grant money for carrying on a programme of recreation provided for in the regulations under *The Department of Education Act*.

SECTION 13. These new paragraphs give to cities, towns, villages and townships powers formerly given to cities, towns and villages under section 407, and to towns, villages and townships under section 423. This amendment merely consolidates powers already existing so that they appear in one section instead of two sections. (See sections 14 and 17 of this Bill.) The only new principle involved is the addition of clause *a* of paragraph 47*d* which authorizes the so-called "parking tag" procedures, which have proved beneficial to all concerned in the municipalities that have established them. To date no authority for their use has existed. The procedures will form part of the general traffic by-law and therefore must be approved by the Department of Highways.

- (5) For the purposes of subsections 3 and 4, a gaol surgeon ^{"Gaol surgeon".} shall be deemed not to be a gaol employee.

12.—(1) Paragraph 1 of section 404 of *The Municipal Act* is repealed and the following substituted therefor: ^{Rev. Stat., c. 266 s. 404, para. 1, re-enacted.}

1. For aiding athletic or aquatic sports, and for making ^{Sports.} grants or gifts to persons in recognition of outstanding achievements in athletics, aquatic or other games or contests.

(2) Paragraph 2a of the said section 404, as enacted by ^{Rev. Stat., c. 266, s. 404, para. 2a (1946, c. 60, s. 48 (1)), re-enacted.} subsection 1 of section 48 of *The Municipal Amendment Act, 1946*, is repealed and the following substituted therefor:

- 2a. For carrying on any community or joint community ^{Community programmes.} programme of recreation within the meaning of the regulations under *The Department of Education Act*, ^{Rev. Stat., c. 356.} and for expending money or for granting money in aid for such purposes.

13. Section 405 of *The Municipal Act* is amended by adding ^{Rev. Stat., 266, s. 405, amended.} thereto the following paragraphs:

Firemen, etc.

- 30b. For appointing fire wardens, fire engineers and ^{Establishing fire companies, etc.} firemen and for promoting, establishing, and regulating fire, hook-and-ladder, and property saving companies.

.

Pits and Quarries.

- 39b. For prohibiting the making of pits and quarries in ^{Pits and quarries.} the municipality or regulating the location of them, provided that the making or locating of a pit or quarry in contravention of the by-law in addition to any other remedy may be restrained by action at the instance of the corporation.

.

Stables, etc.

- 44a. For regulating the location, erection and use of ^{Location of stables, garages, etc.} stables, garages, barns, outhouses and manure pits.

.

Naming and Surveying Streets.

Marking the
boundaries
of and
naming
streets, etc.

47c. To provide for surveying, settling and marking the boundary lines of highways and giving names to them or changing their names, and for affixing the names at the corners thereof, on public or private property.

Proceedings
for changing
names of
streets.

- (a) A by-law for changing the name of a highway shall not have any force or effect unless passed by a vote of at least three-fourths of all the members of the council, or until a copy of it certified under the hand of the clerk and the seal of the corporation has been registered in the registry office of the proper registry division.
- (b) A by-law for changing the name of a highway in a city or town shall state the reason for the change, and shall not be finally passed until it has been approved by a judge of the county or district court of the county or district in which the municipality is situate.
- (c) The judge, on the application of the council, shall appoint a day, hour and place for considering the by-law, and for hearing those advocating and opposing the change.
- (d) A copy of the by-law and of the appointment shall be served on the registrar of the registry division in which the municipality is situate at least two weeks before the time appointed, and a notice of the application in such form as the judge may approve shall be published once in the *Ontario Gazette* at least two weeks before the time so appointed, and at least once a week for four successive weeks in such other newspaper or newspapers as the judge may direct.
- (e) If the judge approves of the change he shall so certify and his certificate shall be registered with the by-law, and the change shall take effect from the date of the registration.

Traffic on Highways, etc., Driving of Cattle, etc.

Regulating
traffic.
Rev. Stat.,
c. 288.

47d. Subject to the provisions of *The Highway Traffic Act* for regulating traffic on the highways, and for prohibiting heavy traffic as defined in the by-law and

SECTION 14—Subsection 1. This amendment broadens the powers of urban municipalities to regulate, control and inspect heating plants and equipment.

the use of traction engines and the driving of cattle, sheep, pigs and other animals during the whole or any part of the day or night in certain highways and public places named in the by-law, and for prohibiting traffic in any but one direction in highways which in the opinion of the council are too narrow for the passing of one vehicle by another or in which in the opinion of the council, it is desirable that traffic should be limited to one direction.

- (a) A by-law under this paragraph may provide a procedure for the voluntary payment of penalties out of court in cases where it is alleged that the parking provisions of the by-law have been contravened, and if payment is not made in accordance with the procedure subsection 2 of section 521 shall apply.

- 47e. For setting aside and designating in a suitable visible manner, on any highway upon which street cars or buses are operated, any part or parts as a "safety zone" and for prohibiting motor or other vehicles from driving over or upon any such safety zone while any pedestrian is thereon or about to enter thereon.

.
Children Riding behind Vehicles.

- 63a. For prohibiting children from riding on the platforms of cars, or riding behind or getting on waggons, sleighs or other vehicles while in motion, and for preventing accidents arising from such causes.

Sidewalks—Horses and Cattle upon.

- 63b. For prohibiting the leading, riding or driving of horses or cattle upon sidewalks or in other places not proper therefor.

14.—(1) Paragraph 3 of section 407 of *The Municipal Act*, as amended by section 8 of *The Municipal Amendment Act, 1938*, is repealed and the following substituted therefor:

3. For regulating, controlling and inspecting all hot air, hot water and steam heating plants and equipment, or any classes thereof, and the installation thereof, and for requiring the production of plans of all installations of such plant and equipment and alterations or additions thereto, and for charging fees for

the inspection and approval of such plans, and fixing the amount of the fees; and for the issuing of a permit certifying to such approval and for requiring that without such permit no such plant and equipment may be installed, altered or added to.

Rev. Stat.,
c. 266, s. 407,
paras. 10, 15,
39, 42, 44, 46,
47, 48, re-
pealed. (2) Paragraphs 10, 15, 39, 42, 44, 46, and paragraphs 47 and 48 as amended by subsections 3 and 4 respectively of section 51 of *The Municipal Amendment Act, 1946*, of the said section 407 are repealed.

Rev. Stat.,
c. 266, s. 407,
amended. (3) The said section 407 is further amended by adding thereto the following paragraph:

Strayed Pigeons.

Strayed
pigeons.

53. For empowering officers of the municipality, upon the complaint of the owner or occupant of any premises, to enter upon such premises and the land and buildings in the vicinity thereof, for the purpose of trapping, removing or exterminating strayed pigeons which are causing annoyance to the owner or occupant or damages to such premises.

Rev. Stat.,
c. 266, s. 408,
para. 6, cl. b
(1946,
c. 60, s. 52),
amended. 15. Clause *b* of paragraph 6 of section 408 of *The Municipal Act*, as re-enacted by section 52 of *The Municipal Amendment Act, 1946*, is amended by inserting after the word "and" in the sixth line the words "the by-law may require that", so that the said clause shall now read as follows:

Ticket
showing
weight
required.

(b) A by-law passed under this paragraph may require coal and other fuel dealers to make out a ticket showing the weight or quantity of the coal or other fuel purchased after the same is weighed or measured in accordance with the by-law, and the by-law may require that the amount so specified and the ticket shall be delivered to the purchaser.

Rev. Stat.,
c. 266, s. 420,
para. 14,
amended. 16.—(1) Paragraph 14 of section 420 of *The Municipal Act*, as amended by subsection 3 of section 15 of *The Municipal Amendment Act, 1941*, is further amended by inserting after the word "licenses" in the second line the words "and for revoking such licenses", and by adding at the end of clause *a* the words "or for washing or cleaning motor vehicles", so that the said paragraph shall now read as follows:

Public
garages,—
licensing,
etc.

14. For licensing and regulating the owners of public garages, and for fixing the fees for such licenses, and for revoking such licenses, and for imposing penalties for breaches of such by-law and for the collection thereof.

Subsection 2. The powers given to cities, towns and villages under the repealed paragraphs are also given to towns, villages and townships under paragraphs 7, 9, 10, 10*a*, 11, 12, 13 and 13*a* of section 423. These powers are now covered by the addition of paragraphs 63*a*, 30*b*, 47*c*, 39*b*, 63*b*, 44*a*, 47*d* and 47*e* to section 405 which is applicable to local municipalities, i.e., cities, towns, villages and townships. (See section 13 of this Bill.)

Subsection 3. This new paragraph gives urban municipalities power to deal with nuisance caused by strayed pigeons.

SECTION 15. This amendment permits the by-law to require that the specified amount of fuel and the ticket showing the amount shall be delivered to the purchaser. Thus failure to do these things will be an offence against the by-law and not an offence against the Act as is now provided.

SECTION 16—Subsection 1. This amendment empowers the councils of cities to revoke a public garage license, and the definition of "public garage" is widened to include car-washing establishments.

Subsection 2. This new paragraph gives to cities control over public bath premises.

SECTION 17—Subsection 1. The powers given to towns, villages and townships under the repealed paragraphs are also given to cities, towns and villages under paragraphs 10, 15, 39, 42, 44, 46, 47 and 48 of section 407. These powers will now be covered by the addition of paragraphs 63*a*, 30*b*, 47*c*, 39*b*, 63*b*, 44*a*, 47*d* and 47*e*, respectively, to section 405, which is applicable to local municipalities, i.e., cities, towns, villages and townships. (See section 13 of this Bill.)

Subsection 2. Paragraph 4 of section 414 was repealed by *The Municipal Amendment Act, 1947*, and the power to deal with lodging houses was given to all local municipalities by paragraph 40*a* of section 405.

SECTION 18. The words repealed are "not being contrary to the limitations prescribed by subsection 8 of section 409". That subsection was repealed in 1947, and there is no longer any limitation on such fees.

SECTION 19—Subsection 1. Section 426 gives powers to certain townships in unorganized territories. Clause *f* gives power to deal with vehicles kept for hire and livery stables, and as this power was given to all townships by section 428 as enacted by *The Municipal Amendment Act, 1947*, clause *f* is no longer needed. Clause *g* gives power to deal with auctioneers, and as this power was given to all townships in paragraph 4 of section 436 as enacted in *The Municipal Amendment Act, 1946*, clause *g* is no longer needed.

Subsection 2. This amendment is complementary to amendments made by section 43 of *The Municipal Amendment Act, 1944*, whereby the word "junk" was replaced by the word "salvage".

- (a) For the purpose of this paragraph, a public garage shall include a parking station or a parking lot or a building or place where motor vehicles are hired or kept or used for hire or where such vehicles or gasoline or oils are stored or kept for sale, and a building or place used as a motor vehicle repair shop or for washing or cleaning motor vehicles.

(2) The said section 420 is further amended by adding thereto the following paragraph: Rev. Stat.,
c. 266, s. 420,
amended.

Licensing Public Baths.

- 16a. For licensing, regulating and governing owners or keepers of any class or classes of public bath premises operated for profit, and for revoking any such license. Public bath
premises.

17.—(1) Paragraphs 7, 9 and 10, paragraph 10a as enacted by subsection 3 of section 54 of *The Municipal Amendment Act, 1946*, paragraphs 11, 12 and 13, and paragraph 13a as enacted by subsection 3 of section 54 of *The Municipal Amendment Act, 1946*, of section 423 of *The Municipal Act* are repealed. Rev. Stat.,
c. 266, s. 423,
paras. 7, 9,
10, 10a
(1946, c. 60,
s. 54 (3)),
11, 12, 13,
13a
(1946, c. 60,
s. 54 (3)),
repealed.

(2) Paragraph 16 of the said section 423, as amended by subsection 2 of section 54 of *The Municipal Amendment Act, 1946*, is further amended by striking out the figure "4" in the second line, so that the said paragraph shall now read as follows: Rev. Stat.,
c. 266, s. 423,
para. 16,
amended.

16. For exercising the powers conferred on cities and towns by paragraphs 12 and 13 of section 414. Engineers
and lending
libraries.

18. Paragraph 12 of section 425 of *The Municipal Act* is amended by striking out all the words after the word "thereof" in the third line, so that the said paragraph shall now read as follows: Rev. Stat.,
c. 266, s. 425,
para. 12,
amended.

12. For erecting and maintaining weighing machines within the municipality or within an adjacent village, and charging fees for the use thereof. Erecting
and main-
taining
weighing
machines.

19.—(1) Clauses *f* and *g* of section 426 of *The Municipal Act* are repealed. Rev. Stat.,
c. 266, s. 426,
cls. *f*, *g*,
repealed.

(2) Clause *h* of the said section 426 is amended by striking out the word "*Junk*" in the first line and inserting in lieu thereof the word "*Salvage*", so that the said clause shall now read as follows: Rev. Stat.,
c. 266, s. 426,
cl. *h*,
amended.

- (*h*) Section 430, under the heading "*Salvage and Second-hand Shops, etc.*"

Rev. Stat.,
c. 266, s. 428
(1947, s. 41),
c. 69, s. 41),
amended.

20. Section 428 of *The Municipal Act*, as enacted by section 41 of *The Municipal Amendment Act, 1947*, is amended by adding thereto the following paragraph:

Boat livery
keepers.

3. For licensing, regulating and governing persons keeping boats for hire, and for regulating and inspecting boats kept by such person, and for revoking any such license.

Rev. Stat.,
c. 266, s. 433,
para. 1, cl. a
(1947,
c. 69, s. 42,
subs. 2),
amended.

21.—(1) Clause *a* of paragraph 1 of section 433 of *The Municipal Act*, as re-enacted by subsection 2 of section 42 of *The Municipal Amendment Act, 1947*, is amended by adding the word “or” at the end of subclause iii, and by adding thereto the following subclauses:

- (iv) if the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the municipality, or by his employee, or by his agent, or
- (v) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the municipality in respect of premises used for the sale of such goods, wares or merchandise.

so that the said clause shall now read as follows:

When license
not required.

- (a) No such license shall be required for hawking, peddling or selling goods, wares or merchandise,
 - (i) to wholesale or retail dealers in similar goods, wares or merchandise, or
 - (ii) if the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or his agent or employee having written authority so to do, in the municipality in which the grower, producer or manufacturer resides, or
 - (iii) if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of his own farm, or
 - (iv) if the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the municipality, or by his employee, or by his agent, or

SECTION 20. This new paragraph will give the councils of towns, villages, and townships, and police commissioners of cities power to regulate boat liveryes.

SECTION 21—Subsection 1. The classes of persons who are not required to take out a hawker's license are extended to those referred to in the new subclauses iv and v.

Subsection 2. This amendment provides that no by-law may prescribe a fee in excess of \$2 for a hawker's license without the approval of the Department of Municipal Affairs.

SECTION 22—Subsection 1. The license fees which may be charged for tourist camps and trailer camps are limited to the amounts stated unless approval of larger amounts is given by the Department of Municipal Affairs.

Subsections 2 and 3. The provisions authorizing municipal assessment of income were repealed in 1947.

- (v) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the municipality in respect of premises used for the sale of such goods, wares or merchandise.

(2) Clause g of paragraph 1 of the said section 433 is amended by striking out all the words after the word "resided" in the seventh line and inserting in lieu thereof the words "but no license fee in excess of \$2 shall be prescribed in the by-law without the approval of the Department of Municipal Affairs", so that the said clause shall now read as follows:

Rev. Stat.,
c. 266, s. 433,
para. 1, cl. g,
amended.

- (g) The fee to be paid for the license under by-laws Fees.
passed under this paragraph may be lower in the case of persons who have resided continuously within the municipality for which the license is sought for at least one year prior to the application therefor than in the case of persons who have not so continuously resided, but no license fee in excess of \$2 shall be prescribed in the by-law without the approval of the Department of Municipal Affairs.

22.—(1) Paragraph 3g of section 439 of *The Municipal Act*, as enacted by section 59 of *The Municipal Amendment Act, 1946*, is amended by adding thereto the following clause:

Rev. Stat.,
c. 266, s. 439,
para. 3g
(1946,
c. 60, s. 59).
amended.

- (b). No by-law prescribing a license fee,

- (i) in excess of \$10 per cabin with a maximum of \$100, for a tourist camp, or

- (ii) in excess of \$100 for a trailer camp,

shall come into force or take effect until approved by the Department of Municipal Affairs.

(2) Paragraph 5 of section 439 of *The Municipal Act* is amended by striking out the words "income or" in the third line, so that the said paragraph shall now read as follows:

Rev. Stat.,
c. 266, s. 439,
para. 5,
amended.

- 5. For licensing, regulating and governing transient traders and other persons whose names have not been entered on the assessment roll in respect of business assessment for the then current year, and who offer goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or who offer them for sale in any other manner.

Licensing
and regu-
lating
transient
traders.

Rev. Stat.,
c. 266, s. 439,
para. 6,
amended.

(3) Paragraph 6 of the said section 439 is amended by striking out the words "income or" in the third line, so that the first five lines of the said paragraph shall now read as follows:

Requirement
as to obtain-
ing license
before doing
business.

6. For requiring transient traders and other persons whose names are not entered on the assessment roll or are entered on it for the first time, in respect of business assessment, and who so offer goods, wares or merchandise for sale, to pay a license fee before commencing to trade.

Rev. Stat.,
c. 266, s. 440,
para. 2,
amended.

23. Paragraph 2 of section 440 of *The Municipal Act* is amended by striking out the word "junk" in the first line and inserting in lieu thereof the word "salvage", so that the said paragraph shall now read as follows:

Salvage
shops buy-
ing from
minors.

2. For prohibiting keepers of second-hand shops or salvage stores or shops, directly or indirectly purchasing from, exchanging with, or receiving in pledge from any minor appearing to be under the age of eighteen years, without written authority from a parent or guardian of such minor, any metals, goods, or articles.

Rev. Stat.,
c. 266, s. 507,
para. 3,
amended.

24. Paragraph 3 of section 507 of *The Municipal Act* is amended by inserting after the word "sidewalks" in the ninth line the words "and canopies which project over the sidewalks", and by inserting after the word "device" in the fourth line of clause *b* thereof the words "or canopy", so that the said paragraph shall now read as follows:

Areas and
openings
under
highways.

3. For permitting the owners of land to make, maintain and use areas under and openings to them in the highways and sidewalks and for permitting the owners of land abutting on one side of a highway to construct, maintain and use a bridge or other structure over, across or under the highway for the purpose of access to land owned by such owners on the other side of the highway, and for permitting the owners of land to maintain and use signs and other advertising devices which project over the sidewalks, and canopies which project over the sidewalks, for prescribing the terms and conditions upon which the same shall be made, constructed, maintained and used, and for making such annual or other charge for the privilege conferred by the by-law as the council may deem reasonable, and for providing that upon the termination of such privilege the highway shall be restored to its former condition at the expense of the owner of the land to which the privilege is appurtenant by filling in the area or opening, removing the bridge, structure, sign or other advertising device, or otherwise as may be required by the by-law.

SECTION 23. This amendment is complementary to amendments made by section 43 of *The Municipal Amendment Act, 1944*, whereby the word "junk" was replaced by the word "salvage".

SECTION 24. This amendment empowers every municipality to pass by-laws for permitting owners of land to maintain and use canopies which project over the sidewalks.

SECTION 25. The present section limits the power to restrain by action to by-laws passed under *The Municipal Act*.

- (a) Such annual or other charge and any expense ^{Annual charge for.} incurred by the corporation in restoring the highway to its former condition shall be payable and payment of it may be enforced in like manner as taxes are payable and payment of them may be enforced.
- (b) The corporation shall be liable for any want ^{Liability of corporation for damages.} of repair of the highway which may result from the construction, maintenance and use of any such area or opening, bridge or structure, sign or advertising device, or canopy, but shall be entitled to the remedy over provided for by section 486 against the person by whose act or omission the want of repair is caused.

25. Section 525 of *The Municipal Act*, as amended by ^{Rev. Stat. c. 266, s. 525. re-enacted.} section 48 of *The Municipal Amendment Act, 1944* and section 67 of *The Municipal Amendment Act, 1946*, is repealed and the following substituted therefor:

525. Where any by-law of a municipality or of a local board thereof, passed under the authority of this or any other general or special Act, is contravened, in addition to any other remedy and to any penalty imposed by the by-law, such contravention may be restrained by action at the instance of a ratepayer or the corporation or local board. ^{Power to restrain by action.}

26. This Act shall come into force on the 1st day of June, ^{Commencement of Act.} 1948.

27. This Act may be cited as *The Municipal Amendment Act, 1948*. ^{Short title.}

BILL

An Act to amend The Municipal Act.

1st Reading

March 12th, 1948

2nd Reading

3rd Reading

MR. DUNBAR

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Municipal Act.

MR. DUNBAR

(Reprinted as amended by the Committee on Municipal Law.)

EXPLANATORY NOTES

SECTION 1—Subsection 1. Self-explanatory.

Subsection 2. The present subsection 4 of section 44c provides that the board of trustees of an improvement district shall function as such local boards as may be designated by the Municipal Board, and that it shall be augmented by the persons that may be appointed or elected to the particular board by statute. Now the board of trustees will function as each local board without further additions.

SECTION 2. Self-explanatory.

BILL

An Act to amend The Municipal Act.

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

1.—(1) Section 44c of *The Municipal Act*, as re-enacted by Rev. Stat., c. 266, s. 44c, subsection 1 of section 3 of *The Municipal Amendment Act*, (1947, c. 69, s. 3 (1)), 1947, is amended by adding thereto the following subsection: amended.

(1a) Where, in an improvement district, a high school district is established and a separate school is maintained, one of the trustees appointed under subsection 1 shall be a separate school supporter. Special provision re trustees.

(2) Subsection 4 of the said section 44c is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 44c, subs. 4 (1947, c. 69, s. 3 (1)), re-enacted.

(4) The board, with respect to the improvement district, shall function as every local board, except a separate school board, within the meaning of *The Department of Municipal Affairs Act*. Board deemed to be local boards. Rev. Stat., c. 59.

2.—(1) Clause f of subsection 1 of section 53 of *The Municipal Act* is amended by striking out the words "an electric railway, street railway or steam railway" in the fourth line and inserting in lieu thereof the words "a transportation system", so that the said clause shall now read as follows: Rev. Stat., c. 266, s. 53, subs. 1, cl. f, amended.

(f) a person other than the head of the council who is a member of a board or commission appointed or elected for the construction, management or control of a transportation system which is owned by, or leased to, or controlled by a municipal corporation, or by trustees, or by any board or commission acting for or on behalf of such corporation, and this clause shall have effect notwithstanding the provisions of any general or special Act or any by-law of a municipal corporation.

Rev. Stat.,
c. 266, s. 53,
subs. 6,
amended.

(2) Subsection 6 of the said section 53 is amended by striking out the words "an electric railway, street railway or steam railway" in the fourth and fifth lines and inserting in lieu thereof the words "a transportation system", so that the said subsection shall now read as follows:

Appoint-
ments to two
commissions,
etc.

(6) Notwithstanding the provisions of clause *f* of subsection 1 and of section 37 of *The Public Utilities Act*, a member of a board or commission appointed or elected for the construction, management or control of a transportation system mentioned in said clause *f* may be appointed or elected and be entitled to sit and vote as a member of a commission established under *The Power Commission Act*, *The Public Utilities Act* or any special Act for the management and control of a public utility.

Rev. Stat.,
cc. 62, 286.

Rev. Stat.
c. 266, s. 65,
subs. 1
(1947,
c. 69, s. 9),
amended.

3. Subsection 1 of section 65 of *The Municipal Act*, as re-enacted by section 9 of *The Municipal Amendment Act, 1947*, is amended by striking out the figure and letters "1st" in the eighth line and inserting in lieu thereof the figure and letters "2nd", so that the said subsection shall now read as follows:

Power to fix
nomination
and polling
days.

(1) The council may, not later in the year than the 1st day of November, fix the day for the meeting of electors for the nomination of candidates for council and for any local board or commission any members of which are to be elected by ballot by the electors and the day for the polling, provided that the days so fixed occur during the period from the 15th day of November to the 2nd day of January both inclusive, and are other than a Sunday or the 24th, 25th or 31st days of December, and that the day fixed for nominations is not less than seven days prior to the day fixed for polling, and the by-law shall remain in force from year to year until repealed.

Rev. Stat.,
c. 266, s. 171,
subs. 2,
amended.

4.—(1) Subsection 2 of section 171 of *The Municipal Act* is amended by striking out the figures "76" in the fifth line and inserting in lieu thereof the figures "65", so that the said subsection shall now read as follows:

In office of
mayor, reeve
and deputy
reeve in
towns and
villages.

(2) Where the office of mayor, reeve or deputy reeve of a town or of reeve or deputy reeve of a village or township becomes vacant after the 1st day of November in any year or after the 1st day of October where a by-law has been passed under section 65, and an election to fill the vacancy has not been ordered in a judicial proceeding, the council may elect one of its number to fill the office for the remainder of the term.

SECTION 3. The last day that a by-law under this subsection may authorize for the election is advanced from the 1st day of January to the 2nd day of January.

SECTION 4. Section 65 of *The Municipal Act* now covers the matters formerly dealt with in section 76.

SECTION 5. This amendment is complementary to the amendments in section 17 and 18 of *The Municipal Amendment Act, 1947*, where all other references to the "master in chambers" were changed to read "master".

SECTION 6. The provisions in the Act authorizing municipal income tax were repealed by *The Municipal Amendment Act, 1947*.

SECTION 7. As subsection 4 of section 305 was repealed in 1946, this amendment brings subsection 6 up to date.

SECTION 8. The repealed clause provided in effect that a by-law passed for borrowing money for the purchase of fire-fighting equipment need not be assented to by the electors. Paragraph 30a of section 405, which was enacted in *The Municipal Amendment Act, 1947*, specifically makes this provision, and the repealed clause no longer serves any purpose.

(2) Subsection 3 of the said section 171 is amended by striking out the figures "76" in the third line and inserting in lieu thereof the figures "65", so that the said subsection shall now read as follows: Rev. Stat., c. 266, s. 171, amended.

(3) Where a vacancy occurs in the office of councillor after the first day of November in any year or after the 1st day of October where a by-law has been passed under section 65 and an election has not been ordered in a judicial proceeding, it shall not be necessary that the vacancy be filled if the council so directs. When vacancy need not be filled.

5. Section 190 of *The Municipal Act* is amended by striking out the words "in chambers" in the first line, so that the said section shall now read as follows: Rev. Stat., c. 266, s. 190, amended.

190. The judge or master forthwith after rendering his decision shall return the same with all things had before him touching the proceeding, to the proper officer of the court, there to remain of record as a judgment of the court, and the judgment may be enforced for the costs awarded by execution and in other respects in the same manner as an order of mandamus. Judgment to be returned to proper officer of court.

6. Subsection 2 of section 304 of *The Municipal Act* is amended by striking out the words "income and" in the fourth line, so that the said subsection shall now read as follows: Rev. Stat., c. 266, s. 304, subs. 2, amended.

(2) "Rateable property" when used in this Act or in any by-law heretofore or hereafter passed which directs the levying of a rate on the rateable property in the municipality or any part of it, shall include business assessment as defined by *The Assessment Act*. "Rateable property".
Rev. Stat., c. 272.

7. Subsection 6 of section 305 of *The Municipal Act* is amended by striking out the words and figures "subsections 4 and 5" in the first line and inserting in lieu thereof the word and figure "subsection 5", so that the said subsection shall now read as follows: Rev. Stat., c. 266, s. 305, subs. 6, amended.

(6) In the cases provided for by subsection 5, the by-law shall provide for raising in each year in which an instalment becomes due by a special rate on all the rateable property in the municipality, a specific sum sufficient to pay it when and as it becomes due. Amount to be raised annually.

8. Clause *i* of subsection 3 of section 307 of *The Municipal Act* is repealed. Rev. Stat., c. 266, s. 307, subs. 3, cl. i, repealed.

Rev. Stat.,
c. 266,
ss. 360, 361,
repealed.

9. Sections 360 and 361 of *The Municipal Act* are repealed.

Rev. Stat.,
c. 266, s. 388,
subs. 1,
amended.

10.—(1) Subsection 1 of section 388 of *The Municipal Act* is amended by striking out all the words after the word "apartments" in the second line, so that the said subsection shall now read as follows:

Custody of
gaols.

(1) The sheriff shall have the care of the county gaol, gaol offices and yard and gaoler's apartments.

Rev. Stat.,
c. 266, s. 388,
subs. 2, re-
enacted.

(2) Subsection 2 of the said section 388 is repealed and the following substituted therefor:

Appointment
of gaoler,
etc.

(2) The Lieutenant-Governor in Council may appoint the gaoler, gaol surgeon and other gaol employees, and fix their salaries which shall be paid by the county or city, as the case may be.

Sick leave
credits.

(3) The county or city shall establish the same system of credits and payments for regular attendance of the gaoler and gaol employees, as is provided for in the regulations under *The Public Service Act, 1947*.

1947, c. 89.

Workmen's
compensa-
tion.
Rev. Stat.,
c. 204.

(4) For the purposes of *The Workmen's Compensation Act*, every gaoler and gaol employee shall be deemed to be an employee of the county or city as the case may be.

"Gaol
surgeon".

(5) For the purposes of subsections 3 and 4, a gaol surgeon shall be deemed not to be a gaol employee.

Rev. Stat.,
c. 266, s. 404,
para. 1,
re-enacted.

11.—(1) Paragraph 1 of section 404 of *The Municipal Act* is repealed and the following substituted therefor:

Sports.

1. For aiding athletic or aquatic sports, and for making grants or gifts to persons in recognition of outstanding achievements in athletics, aquatic or other games or contests.

Rev. Stat.,
c. 266, s. 404,
para. 2a
(1946, c. 60,
s. 48 (1)),
re-enacted.

(2) Paragraph 2a of the said section 404, as enacted by subsection 1 of section 48 of *The Municipal Amendment Act, 1946*, is repealed and the following substituted therefor:

Community
programmes.

2a. For carrying on any community or joint community programme of recreation within the meaning of the regulations under *The Department of Education Act*, and for expending money or for granting money in aid for such purposes.

Rev. Stat.,
c. 356.

SECTION 9. These sections, under which certain members of municipal councils are *ex officio* justices of the peace, are repealed. Hereafter these members will be commissioners for taking affidavits. See section 1 of Bill No. 72.

SECTION 10. The effect of these amendments is that the appointments of gaolers, gaol surgeons and gaol officers are no longer made by the sheriff, but are made by the Lieutenant-Governor in Council. A system of sick leave credits is required to be established and the gaol officers and employees, except the gaol surgeon, are deemed employees of the municipality for workmen's compensation purposes. These amendments are supplemented by section 5 of *The Public Service Amendment Act, 1948* (Bill No. 78), which deals with superannuation of these persons.

SECTION 11—Subsection 1. The present paragraph reads as follows:

1. For aiding amateur athletic or aquatic sports.

Subsection 2. This amendment makes it clear that a municipality may spend money or grant money for carrying on a programme of recreation provided for in the regulations under *The Department of Education Act*.

Subsections 3 and 4. The purpose of this amendment is to give to counties the same powers with respect to roads over which the county has jurisdiction as is now given to local municipalities under paragraph 47*a* of section 405.

SECTION 12.—(1) These new paragraphs give to cities, towns, villages and townships powers formerly given to cities, towns and villages under section 407, and to towns, villages and townships under section 423. This amendment merely consolidates powers already existing so that they appear in one section instead of two sections. (See sections 13 and 16 of this Bill.) The only new principle involved is the addition of clause *a* of paragraph 47*d* which authorizes the so-called "parking tag" procedures, which have proved beneficial to all concerned in the municipalities that have established them. To date no authority for their use has existed. The procedures will form part of the general traffic by-law and therefore must be approved by the Department of Highways.

(3) The said section 404 is further amended by adding thereto the following paragraph: Rev. Stat.,
c. 266, s. 404,
amended.

Oil Pipes, etc., on Highways.

48a. Notwithstanding any other Act, for laying, or maintaining, or for authorizing any person to lay, use or maintain pipes or conduits for transmitting gasoline, oil, anti-freeze, brine or other similar products along, under, in or upon highways or land owned by the municipality; and for making such annual or other charge for the privilege conferred as the council may deem reasonable; and for entering into agreements with persons for the use by them of such pipes or conduits on such terms and conditions as may be agreed upon. Laying of
pipes for oil,
etc.

(a) Such annual or other charge and any expense incurred by the corporation in restoring the highway to its former condition shall be payable and payment may be enforced in like manner as taxes.

(4) Every agreement now in force with respect to pipes or conduits that conforms with paragraph 48a of section 404 of *The Municipal Act*, as enacted by subsection 3 of this section shall be deemed to have been made pursuant to the authority of the said paragraph. Present
agreements.

12.—(1) Section 405 of *The Municipal Act* is amended by adding thereto the following paragraphs: Rev. Stat.,
266, s. 405,
amended.

Firemen, etc.

30b. For appointing fire wardens, fire engineers and firemen and for promoting, establishing, and regulating fire, hook-and-ladder, and property saving companies. Establish-
ing fire
companies,
etc.

.
Pits and Quarries.

39b. For prohibiting the making of pits and quarries in the municipality or regulating the location of them, provided that the making or locating of a pit or quarry in contravention of the by-law in addition to any other remedy may be restrained by action at the instance of the corporation. Pits and
quarries.

Stables, etc.

Location of
stables,
garages, etc.

- 44a. For regulating the location, erection and use of stables, garages, barns, outhouses and manure pits.

.
Naming and Surveying Streets.

Marking the
boundaries
of and
naming
streets, etc.

- 47c. To provide for surveying, settling and marking the boundary lines of highways and giving names to them or changing their names, and for affixing the names at the corners thereof, on public or private property.

Proceedings
for changing
names of
streets.

- (a) A by-law for changing the name of a highway shall not have any force or effect unless passed by a vote of at least three-fourths of all the members of the council, or until a copy of it certified under the hand of the clerk and the seal of the corporation has been registered in the registry office of the proper registry division.
- (b) A by-law for changing the name of a highway in a city or town shall state the reason for the change, and shall not be finally passed until it has been approved by a judge of the county or district court of the county or district in which the municipality is situate.
- (c) The judge, on the application of the council, shall appoint a day, hour and place for considering the by-law, and for hearing those advocating and opposing the change.
- (d) A copy of the by-law and of the appointment shall be served on the registrar of the registry division in which the municipality is situate at least two weeks before the time appointed, and a notice of the application in such form as the judge may approve shall be published once in the *Ontario Gazette* at least two weeks before the time so appointed, and at least once a week for four successive weeks in such other newspaper or newspapers as the judge may direct.
- (e) If the judge approves of the change he shall so certify and his certificate shall be registered with the by-law, and the change shall take effect from the date of the registration.

Traffic on Highways, etc., Driving of Cattle, etc.

Regulating
traffic.
Rev. Stat.,
c. 288.

- 47d. Subject to the provisions of *The Highway Traffic Act* for regulating traffic on the highways, and for pro-

SECTION 13—Subsection 1. This amendment broadens the powers of urban municipalities to regulate, control and inspect heating plants and equipment.

hibiting heavy traffic as defined in the by-law and the use of traction engines and the driving of cattle, sheep, pigs and other animals during the whole or any part of the day or night in certain highways and public places named in the by-law; and for prohibiting traffic in any but one direction in highways which in the opinion of the council are too narrow for the passing of one vehicle by another or in which in the opinion of the council, it is desirable that traffic should be limited to one direction.

- (a) A by-law under this paragraph may provide a ^{Expeditious} procedure for the voluntary payment of ^{procedures} penalties out of court in cases where it is ^{authorized} alleged that the parking provisions of the by-law have been contravened, and if payment is not made in accordance with the procedure subsection 2 of section 521 shall apply. ^{for parking offences.}

- 47e. For setting aside and designating in a suitable ^{Safety zones} visible manner, on any highway upon which street cars or buses are operated, any part or parts as a "safety zone" and for prohibiting motor or other vehicles from driving over or upon any such safety zone while any pedestrian is thereon or about to enter thereon.

.
Children Riding behind Vehicles.

- 63a. For prohibiting children from riding on the plat- ^{Prohibiting} forms of cars, or riding behind or getting on waggon, ^{children from} sleighs or other vehicles while in motion, and for ^{riding behind} preventing accidents arising from such causes. ^{waggon, etc.}

Sidewalks—Horses and Cattle upon.

- 63b. For prohibiting the leading, riding or driving of ^{Driving,} horses or cattle upon sidewalks or in other places not ^{etc., upon} proper therefor. ^{sidewalks.}

(2) Paragraph 47a of the said section 405, as enacted by ^{Rev. Stat.,} subsection 1 of section 32 of *The Municipal Amendment Act*, ^{c. 266, s. 405,} (1947, ^{para. 47a} ^{Rev. Stat.,} is repealed. ^{c. 266, s. 407} ^{(1947,} ^{para. 3, re-} ^{enacted.}

13.—(1) Paragraph 3 of section 407 of *The Municipal Act*, as ^{Rev. Stat.,} amended by section 8 of *The Municipal Amendment Act*, 1938, ^{c. 266, s. 407} is repealed and the following substituted therefor: ^{para. 3, re-} ^{enacted.}

3. For regulating, controlling and inspecting all hot air, ^{Regulation} hot water and steam heating plants and equipment, ^{etc., of} or any classes thereof, and the installation thereof; ^{heating} and for requiring the production of plans of all ^{plant and} installations of such plant and equipment and altera- ^{equipment.} tions or additions thereto, and for charging fees for

the inspection and approval of such plans, and fixing the amount of the fees; and for the issuing of a permit certifying to such approval and for requiring that without such permit no such plant and equipment may be installed, altered or added to.

Rev. Stat., c. 266, s. 407, paras. 10, 15, 39, 42, 44, 46, 47, 48, repealed. (2) Paragraphs 10, 15, 39, 42, 44, 46, and paragraphs 47 and 48 as amended by subsections 3 and 4 respectively of section 51 of *The Municipal Amendment Act, 1946*, of the said section 407 are repealed.

Rev. Stat., c. 266, s. 407, amended. (3) The said section 407 is further amended by adding thereto the following paragraph:

Strayed Pigeons.

Strayed pigeons.

53. For empowering officers of the municipality, upon the complaint of the owner or occupant of any premises, to enter upon such premises and the land and buildings in the vicinity thereof, for the purpose of trapping, removing or exterminating strayed pigeons which are causing annoyance to the owner or occupant or damages to such premises.

Rev. Stat., c. 266, s. 408, para. 6, cl. b (1946, c. 60, s. 52), amended. 14. Clause *b* of paragraph 6 of section 408 of *The Municipal Act*, as re-enacted by section 52 of *The Municipal Amendment Act, 1946*, is amended by inserting after the word "and" in the sixth line the words "the by-law may require that", so that the said clause shall now read as follows:

Ticket showing weight required.

- (b) A by-law passed under this paragraph may require coal and other fuel dealers to make out a ticket showing the weight or quantity of the coal or other fuel purchased after the same is weighed or measured in accordance with the by-law, and the by-law may require that the amount so specified and the ticket shall be delivered to the purchaser.

Rev. Stat., c. 266, s. 420, para. 14, amended. 15.—(1) Paragraph 14 of section 420 of *The Municipal Act*, as amended by subsection 3 of section 15 of *The Municipal Amendment Act, 1941*, is further amended by inserting after the word "licenses" in the second line the words "and for revoking such licenses", and by adding at the end of clause *a* the words "or for washing or cleaning motor vehicles", so that the said paragraph shall now read as follows:

Public garages,—licensing, etc.

14. For licensing and regulating the owners of public garages, and for fixing the fees for such licenses, and for revoking such licenses, and for imposing penalties for breaches of such by-law and for the collection thereof.

Subsection 2. The powers given to cities, towns and villages under the repealed paragraphs are also given to towns, villages and townships under paragraphs 7, 9, 10, 10*a*, 11, 12, 13 and 13*a* of section 423. These powers are now covered by the addition of paragraphs 63*a*, 30*b*, 47*c*, 39*b*, 63*b*, 44*a*, 47*d* and 47*e* to section 405 which is applicable to local municipalities, i.e., cities, towns, villages and townships. (See section 12 of this Bill.)

Subsection 3. This new paragraph gives urban municipalities power to deal with nuisance caused by strayed pigeons.

SECTION 14. This amendment permits the by-law to require that the specified amount of fuel and the ticket showing the amount shall be delivered to the purchaser. Thus failure to do these things will be an offence against the by-law and not an offence against the Act as is now provided.

SECTION 15—Subsection 1. This amendment empowers the councils of cities to revoke a public garage license, and the definition of "public garage" is widened to include car-washing establishments.

Subsection 2. This new paragraph gives to cities control over public bath premises.

SECTION 16—Subsection 1. The powers given to towns, villages and townships under the repealed paragraphs are also given to cities, towns and villages under paragraphs 10, 15, 39, 42, 44, 46, 47 and 48 of section 407. These powers will now be covered by the addition of paragraphs 63*a*, 30*b*, 47*c*, 39*b*, 63*b*, 44*a*, 47*d* and 47*e*, respectively, to section 405, which is applicable to local municipalities, i.e., cities, towns, villages and townships. (See section 12 of this Bill.)

Subsection 2. Paragraph 4 of section 414 was repealed by *The Municipal Amendment Act, 1947*, and the power to deal with lodging houses was given to all local municipalities by paragraph 40*a* of section 405.

SECTION 17. The words repealed are "not being contrary to the limitations prescribed by subsection 8 of section 409". That subsection was repealed in 1947, and there is no longer any limitation on such fees.

SECTION 18—Subsection 1. Section 426 gives powers to certain townships in unorganized territories. Clause *f* gives power to deal with vehicles kept for hire and livery stables, and as this power was given to all townships by section 428 as enacted by *The Municipal Amendment Act, 1947*, clause *f* is no longer needed. Clause *g* gives power to deal with auctioneers, and as this power was given to all townships in paragraph 4 of section 436 as enacted in *The Municipal Amendment Act, 1946*, clause *g* is no longer needed.

Subsection 2. This amendment is complementary to amendments made by section 43 of *The Municipal Amendment Act, 1944*, whereby the word "junk" was replaced by the word "salvage".

- (a) For the purpose of this paragraph, a public garage shall include a parking station or a parking lot or a building or place where motor vehicles are hired or kept or used for hire or where such vehicles or gasoline or oils are stored or kept for sale, and a building or place used as a motor vehicle repair shop or for washing or cleaning motor vehicles.
- (2) The said section 420 is further amended by adding thereto the following paragraph: Rev. Stat.,
c. 266, s. 420,
amended.

Licensing Public Baths.

- 16a. For licensing, regulating and governing owners or keepers of any class or classes of public bath premises operated for profit, and for revoking any such license. Public bath
premises.
- 16.**—(1) Paragraphs 7, 9 and 10, paragraph 10a as enacted by subsection 3 of section 54 of *The Municipal Amendment Act, 1946*, paragraphs 11, 12 and 13, and paragraph 13a as enacted by subsection 3 of section 54 of *The Municipal Amendment Act, 1946*, of section 423 of *The Municipal Act* are repealed. Rev. Stat.,
c. 266, s. 423,
paras. 7, 9,
10, 10a
(1946, c. 60,
s. 54 (3)),
11, 12, 13,
13a
(1946, c. 60,
s. 54 (3)),
repealed.
- (2) Paragraph 16 of the said section 423, as amended by subsection 2 of section 54 of *The Municipal Amendment Act, 1946*, is further amended by striking out the figure "4" in the second line, so that the said paragraph shall now read as follows: Rev. Stat.,
c. 266, s. 423,
para. 16,
amended.
16. For exercising the powers conferred on cities and towns by paragraphs 12 and 13 of section 414. Engineers
and lending
libraries.
- 17.** Paragraph 12 of section 425 of *The Municipal Act* is amended by striking out all the words after the word "thereof", in the third line, so that the said paragraph shall now read as follows: Rev. Stat.,
c. 266, s. 425,
para. 12,
amended.
12. For erecting and maintaining weighing machines within the municipality or within an adjacent village, and charging fees for the use thereof. Erecting
and main-
taining
weighing
machines.
- 18.**—(1) Clauses *f* and *g* of section 426 of *The Municipal Act* are repealed. Rev. Stat.,
c. 266, s. 426,
cls. *f*, *g*,
repealed.
- (2) Clause *h* of the said section 426 is amended by striking out the word "*Junk*" in the first line and inserting in lieu thereof the word "*Salvage*", so that the said clause shall now read as follows: Rev. Stat.,
c. 266, s. 426,
cl. *h*,
amended.

- (*h*) Section 430, under the heading "*Salvage and Second-hand Shops, etc.*"

Rev. Stat.,
c. 266, s. 428
(1947,
c. 69, s. 41),
amended.

19. Section 428 of *The Municipal Act*, as enacted by section 41 of *The Municipal Amendment Act, 1947*, is amended by adding thereto the following paragraph:

Boat livery
keepers.

3. For licensing, regulating and governing persons keeping boats for hire, and for regulating and inspecting boats kept by such person, and for revoking any such license.

Rev. Stat.,
c. 266, s. 433,
para. 1, cl. a
(1947,
c. 69, s. 42,
subs. 2),
amended.

20.—(1) Clause *a* of paragraph 1 of section 433 of *The Municipal Act*, as re-enacted by subsection 2 of section 42 of *The Municipal Amendment Act, 1947*, is amended by adding the word “or” at the end of subclause iii, and by adding thereto the following subclauses:

- (iv) if the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the municipality, or by his employee, or by his agent, or
- (v) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the municipality in respect of premises used for the sale of such goods, wares or merchandise.

so that the said clause shall now read as follows:

When license
not required.

- (a) No such license shall be required for hawking, peddling or selling goods, wares or merchandise,
 - (i) to wholesale or retail dealers in similar goods, wares or merchandise, or
 - (ii) if the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or his agent or employee having written authority so to do, in the municipality in which the grower, producer or manufacturer resides, or
 - (iii) if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of his own farm, or
 - (iv) if the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the municipality, or by his employee, or by his agent, or

SECTION 19. This new paragraph will give the councils of towns, villages, and townships, and police commissioners of cities power to regulate boat liveryes.

SECTION 20—Subsection 1. The classes of persons who are not required to take out a hawker's license are extended to those referred to in the new subclauses iv and v.

Subsection 2. This amendment provides that no by-law may prescribe a fee in excess of \$2 for a hawker's license without the approval of the Department of Municipal Affairs.

SECTION 21—Subsection 1. The license fees which may be charged for tourist camps and trailer camps are limited to the amounts stated unless approval of larger amounts is given by the Department of Municipal Affairs.

Subsections 2 and 3. The provisions authorizing municipal assessment of income were repealed in 1947.

- (v) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the municipality in respect of premises used for the sale of such goods, wares or merchandise.

(2) Clause g of paragraph 1 of the said section 433 is amended by striking out all the words after the word "resided" in the seventh line and inserting in lieu thereof the words "but no license fee in excess of \$2 shall be prescribed in the by-law without the approval of the Department of Municipal Affairs", so that the said clause shall now read as follows:

Rev. Stat.,
c. 266, s. 433,
para. 1, cl. g,
amended.

- (g) The fee to be paid for the license under by-laws Fees.
passed under this paragraph may be lower in the case of persons who have resided continuously within the municipality for which the license is sought for at least one year prior to the application therefor than in the case of persons who have not so continuously resided, but no license fee in excess of \$2 shall be prescribed in the by-law without the approval of the Department of Municipal Affairs.

21.—(1) Paragraph 3g of section 439 of *The Municipal Act*, as enacted by section 59 of *The Municipal Amendment Act, 1946*, is amended by adding thereto the following clause:

Rev. Stat.,
c. 266, s. 439,
para. 3g
(1946,
c. 60, s. 59),
amended.

- (b) No by-law prescribing a license fee,
 - (i) in excess of \$10 per cabin with a maximum of \$100, for a tourist camp, or
 - (ii) in excess of \$100 for a trailer camp,
 shall come into force or take effect until approved by the Department of Municipal Affairs.

(2) Paragraph 5 of section 439 of *The Municipal Act* is amended by striking out the words "income or" in the third line, so that the said paragraph shall now read as follows:

Rev. Stat.,
c. 266, s. 439,
para. 5,
amended.

- 5. For licensing, regulating and governing transient traders and other persons whose names have not been entered on the assessment roll in respect of business assessment for the then current year, and who offer goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or who offer them for sale in any other manner.

Licensing
and regu-
lating
transient
traders.

Rev. Stat.,
c. 266, s. 439,
para. 6,
amended.

(3) Paragraph 6 of the said section 439 is amended by striking out the words "income or" in the third line, so that the first five lines of the said paragraph shall now read as follows:

Requirement
as to obtain-
ing license
before doing
business.

6. For requiring transient traders and other persons whose names are not entered on the assessment roll or are entered on it for the first time, in respect of business assessment, and who so offer goods, wares or merchandise for sale, to pay a license fee before commencing to trade.

Rev. Stat.,
c. 266, s. 440,
para. 2,
amended.

22. Paragraph 2 of section 440 of *The Municipal Act* is amended by striking out the word "junk" in the first line and inserting in lieu thereof the word "salvage", so that the said paragraph shall now read as follows:

Salvage
shops buy-
ing from
minors.

2. For prohibiting keepers of second-hand shops or salvage stores or shops, directly or indirectly purchasing from, exchanging with, or receiving in pledge from any minor appearing to be under the age of eighteen years, without written authority from a parent or guardian of such minor, any metals, goods, or articles.

Rev. Stat.,
c. 266, s. 507,
para. 3,
amended.

23. Paragraph 3 of section 507 of *The Municipal Act* is amended by inserting after the word "sidewalks" in the ninth line the words "and canopies which project over the sidewalks", and by inserting after the word "device" in the fourth line of clause *b* thereof the words "or canopy", so that the said paragraph shall now read as follows:

Areas and
openings
under
highways.

3. For permitting the owners of land to make, maintain and use areas under and openings to them in the highways and sidewalks and for permitting the owners of land abutting on one side of a highway to construct, maintain and use a bridge or other structure over, across or under the highway for the purpose of access to land owned by such owners on the other side of the highway, and for permitting the owners of land to maintain and use signs and other advertising devices which project over the sidewalks, and canopies which project over the sidewalks, for prescribing the terms and conditions upon which the same shall be made, constructed, maintained and used, and for making such annual or other charge for the privilege conferred by the by-law as the council may deem reasonable, and for providing that upon the termination of such privilege the highway shall be restored to its former condition at the expense of the owner of the land to which the privilege is appurtenant by filling in the area or opening, removing the bridge, structure, sign or other advertising device, or otherwise as may be required by the by-law.

SECTION 22. This amendment is complementary to amendments made by section 43 of *The Municipal Amendment Act, 1944*, whereby the word "junk" was replaced by the word "salvage".

SECTION 23. This amendment empowers every municipality to pass by-laws for permitting owners of land to maintain and use canopies which project over the sidewalks.

SECTION 24. The present section limits the power to restrain by action to by-laws passed under *The Municipal Act*.

- (a) Such annual or other charge and any expense incurred by the corporation in restoring the highway to its former condition shall be payable and payment of it may be enforced in like manner as taxes are payable and payment of them may be enforced. Annual charge for.
- (b) The corporation shall be liable for any want of repair of the highway which may result from the construction, maintenance and use of any such area or opening, bridge or structure, sign or advertising device, or canopy, but shall be entitled to the remedy over provided for by section 486 against the person by whose act or omission the want of repair is caused. Liability of corporation for damages.

24. Section 525 of *The Municipal Act*, as amended by section 48 of *The Municipal Amendment Act, 1944* and section 67 of *The Municipal Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat. c. 266. s. 525. re-enacted.

525. Where any by-law of a municipality or of a local board thereof, passed under the authority of this or any other general or special Act, is contravened, in addition to any other remedy and to any penalty imposed by the by-law, such contravention may be restrained by action at the instance of a ratepayer or the corporation or local board. Power to restrain by action.

25. This Act shall come into force on the 1st day of June, 1948. Commencement of Act.

26. This Act may be cited as *The Municipal Amendment Act, 1948*. Short title.

BILL

An Act to amend The Municipal Act.

1st Reading

March 12th, 1948

2nd Reading

March 15th, 1948

3rd Reading

MR. DUNBAR

*(Reprinted as amended by the Committee on
Municipal Law.)*

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Municipal Act.

MR. DUNBAR

BILL

An Act to amend The Municipal Act.

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

1.—(1) Section 44c of *The Municipal Act*, as re-enacted by Rev. Stat., c. 266, s. 44c, subsection 1 of section 3 of *The Municipal Amendment Act*, (1947, c. 69, 1947, is amended by adding thereto the following subsection: s. 3 (1)), amended.

(1a) Where, in an improvement district, a high school district is established and a separate school is maintained, one of the trustees appointed under subsection 1 shall be a separate school supporter. Special provision re trustees.

(2) Subsection 4 of the said section 44c is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 44c, subs. 4 (1947, c. 69, s. 3 (1)), re-enacted.

(4) The board, with respect to the improvement district, shall function as every local board, except a separate school board, within the meaning of *The Department of Municipal Affairs Act*. Board deemed to be local boards. Rev. Stat., c. 59.

2.—(1) Clause f of subsection 1 of section 53 of *The Municipal Act* is amended by striking out the words "an electric railway, street railway or steam railway" in the fourth line and inserting in lieu thereof the words "a transportation system", so that the said clause shall now read as follows: Rev. Stat., c. 266, s. 53, subs. 1, cl. f, amended.

(f) a person other than the head of the council who is a member of a board or commission appointed or elected for the construction, management or control of a transportation system which is owned by, or leased to, or controlled by a municipal corporation, or by trustees, or by any board or commission acting for or on behalf of such corporation, and this clause shall have effect notwithstanding the provisions of any general or special Act or any by-law of a municipal corporation.

Rev. Stat.,
c. 266, s. 53,
subs. 6,
amended.

(2) Subsection 6 of the said section 53 is amended by striking out the words "an electric railway, street railway or steam railway" in the fourth and fifth lines and inserting in lieu thereof the words "a transportation system", so that the said subsection shall now read as follows:

Appoint-
ments to two
commissions,
etc.

(6) Notwithstanding the provisions of clause *f* of subsection 1 and of section 37 of *The Public Utilities Act*, a member of a board or commission appointed or elected for the construction, management or control of a transportation system mentioned in said clause *f* may be appointed or elected and be entitled to sit and vote as a member of a commission established under *The Power Commission Act*, *The Public Utilities Act* or any special Act for the management and control of a public utility.

Rev. Stat.,
cc. 62, 286.

Rev. Stat.
c. 266, s. 65,
subs. 1
(1947,
c. 69, s. 9),
amended.

3. Subsection 1 of section 65 of *The Municipal Act*, as re-enacted by section 9 of *The Municipal Amendment Act, 1947*, is amended by striking out the figure and letters "1st" in the eighth line and inserting in lieu thereof the figure and letters "2nd", so that the said subsection shall now read as follows:

Power to fix
nomination
and polling
days.

(1) The council may, not later in the year than the 1st day of November, fix the day for the meeting of electors for the nomination of candidates for council and for any local board or commission any members of which are to be elected by ballot by the electors and the day for the polling, provided that the days so fixed occur during the period from the 15th day of November to the 2nd day of January both inclusive, and are other than a Sunday or the 24th, 25th or 31st days of December, and that the day fixed for nominations is not less than seven days prior to the day fixed for polling, and the by-law shall remain in force from year to year until repealed.

Rev. Stat.,
c. 266, s. 171,
subs. 2,
amended.

4.—(1) Subsection 2 of section 171 of *The Municipal Act* is amended by striking out the figures "76" in the fifth line and inserting in lieu thereof the figures "65", so that the said subsection shall now read as follows:

In office of
mayor, reeve
and deputy
reeve in
towns and
villages.

(2) Where the office of mayor, reeve or deputy reeve of a town or of reeve or deputy reeve of a village or township becomes vacant after the 1st day of November in any year or after the 1st day of October where a by-law has been passed under section 65, and an election to fill the vacancy has not been ordered in a judicial proceeding, the council may elect one of its number to fill the office for the remainder of the term.

(2) Subsection 3 of the said section 171 is amended by striking out the figures "76" in the third line and inserting in lieu thereof the figures "65", so that the said subsection shall now read as follows:

- (3) Where a vacancy occurs in the office of councillor after the first day of November in any year or after the 1st day of October where a by-law has been passed under section 65 and an election has not been ordered in a judicial proceeding, it shall not be necessary that the vacancy be filled if the council so directs.

When
vacancy
need not be
filled.

5. Section 190 of *The Municipal Act* is amended by striking out the words "in chambers" in the first line, so that the said section shall now read as follows:

Rev. Stat.,
c. 266, s. 190,
amended.

190. The judge or master forthwith after rendering his decision shall return the same with all things had before him touching the proceeding, to the proper officer of the court, there to remain of record as a judgment of the court, and the judgment may be enforced for the costs awarded by execution and in other respects in the same manner as an order of mandamus.

Judgment
to be re-
turned to
proper
officer
of court.

6. Subsection 2 of section 304 of *The Municipal Act* is amended by striking out the words "income and" in the fourth line, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266, s. 304,
subs. 2,
amended.

- (2) "Rateable property" when used in this Act or in any by-law heretofore or hereafter passed which directs the levying of a rate on the rateable property in the municipality or any part of it, shall include business assessment as defined by *The Assessment Act*.

"Rateable
property".

Rev. Stat.,
c. 272.

7. Subsection 6 of section 305 of *The Municipal Act* is amended by striking out the words and figures "subsections 4 and 5" in the first line and inserting in lieu thereof the word and figure "subsection 5", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266, s. 305,
subs. 6,
amended.

- (6) In the cases provided for by subsection 5, the by-law shall provide for raising in each year in which an instalment becomes due by a special rate on all the rateable property in the municipality, a specific sum sufficient to pay it when and as it becomes due.

Amount to
be raised
annually.

8. Clause *i* of subsection 3 of section 307 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 307,
subs. 3, cl. i,
repealed.

Rev. Stat.,
c. 266,
ss. 360, 361,
repealed.

9. Sections 360 and 361 of *The Municipal Act* are repealed.

Rev. Stat.
c. 266, s. 388,
subs. 1,
amended.

10.—(1) Subsection 1 of section 388 of *The Municipal Act* is amended by striking out all the words after the word "apartments" in the second line, so that the said subsection shall now read as follows:

Custody of
gaols.

(1) The sheriff shall have the care of the county gaol, gaol offices and yard and gaoler's apartments.

Rev. Stat.,
c. 266, s. 388,
subs. 2, re-
enacted.

(2) Subsection 2 of the said section 388 is repealed and the following substituted therefor:

Appointment
of gaoler,
etc.

(2) The Lieutenant-Governor in Council may appoint the gaoler, gaol surgeon and other gaol employees, and fix their salaries which shall be paid by the county or city, as the case may be.

Sick leave
credits.

(3) The county or city shall establish the same system of credits and payments for regular attendance of the gaoler and gaol employees, as is provided for in the regulations under *The Public Service Act, 1947*.

1947, c. 89.

Workmen's
compensa-
tion.
Rev. Stat.,
c. 204.

(4) For the purposes of *The Workmen's Compensation Act*, every gaoler and gaol employee shall be deemed to be an employee of the county or city as the case may be.

"Gaol
surgeon".

(5) For the purposes of subsections 3 and 4, a gaol surgeon shall be deemed not to be a gaol employee.

Rev. Stat.,
c. 266 s. 404,
para. 1,
re-enacted.

11.—(1) Paragraph 1 of section 404 of *The Municipal Act* is repealed and the following substituted therefor:

Sports.

1. For aiding athletic or aquatic sports, and for making grants or gifts to persons in recognition of outstanding achievements in athletic, aquatic or other games or contests.

Rev. Stat.,
c. 266, s. 404,
para. 2a
(1946, c. 60,
s. 48 (1)),
re-enacted.

(2) Paragraph 2a of the said section 404, as enacted by subsection 1 of section 48 of *The Municipal Amendment Act, 1946*, is repealed and the following substituted therefor:

Community
programmes.

2a. For carrying on any community or joint community programme of recreation within the meaning of the regulations under *The Department of Education Act*, and for expending money or for granting money in aid for such purposes.

Rev. Stat.,
c. 356.

(3) The said section 404 is further amended by adding thereto the following paragraph: Rev. Stat.,
c. 266, s. 404,
amended.

Oil Pipes, etc., on Highways.

48a. Notwithstanding any other Act, for laying, or maintaining, or for authorizing any person to lay, use or maintain pipes or conduits for transmitting gasoline, oil, anti-freeze, brine or other similar products along, under, in or upon highways or land owned by the municipality; and for making such annual or other charge for the privilege conferred as the council may deem reasonable; and for entering into agreements with persons for the use by them of such pipes or conduits on such terms and conditions as may be agreed upon. Laying of
pipes for oil,
etc.

(a) Such annual or other charge and any expense incurred by the corporation in restoring the highway to its former condition shall be payable and payment may be enforced in like manner as taxes.

(4) Every agreement now in force with respect to pipes or conduits that conforms with paragraph 48a of section 404 of *The Municipal Act*, as enacted by subsection 3 of this section shall be deemed to have been made pursuant to the authority of the said paragraph. Present
agreements.

12.—(1) Section 405 of *The Municipal Act* is amended by adding thereto the following paragraphs: Rev. Stat.,
c. 266, s. 405,
amended.

Firemen, etc.

30b. For appointing fire wardens, fire engineers and firemen and for promoting, establishing, and regulating fire, hook-and-ladder, and property saving companies. Establish-
ing fire
companies,
etc.

Pits and Quarries.

39b. For prohibiting the making of pits and quarries in the municipality or regulating the location of them, provided that the making or locating of a pit or quarry in contravention of the by-law in addition to any other remedy may be restrained by action at the instance of the corporation. Pits and
quarries.

Stables, etc.

Location of
stables,
garages, etc.

- 44a. For regulating the location, erection and use of stables, garages, barns, outhouses and manure pits.

Naming and Surveying Streets.

Marking the
boundaries
of and
naming
streets, etc.

- 47c. To provide for surveying, settling and marking the boundary lines of highways and giving names to them or changing their names, and for affixing the names at the corners thereof, on public or private property.

Proceedings
for changing
names of
streets.

- (a) A by-law for changing the name of a highway shall not have any force or effect unless passed by a vote of at least three-fourths of all the members of the council, or until a copy of it certified under the hand of the clerk and the seal of the corporation has been registered in the registry office of the proper registry division.
- (b) A by-law for changing the name of a highway in a city or town shall state the reason for the change, and shall not be finally passed until it has been approved by a judge of the county or district court of the county or district in which the municipality is situate.
- (c) The judge, on the application of the council, shall appoint a day, hour and place for considering the by-law, and for hearing those advocating and opposing the change.
- (d) A copy of the by-law and of the appointment shall be served on the registrar of the registry division in which the municipality is situate at least two weeks before the time appointed, and a notice of the application in such form as the judge may approve shall be published once in the *Ontario Gazette* at least two weeks before the time so appointed, and at least once a week for four successive weeks in such other newspaper or newspapers as the judge may direct.
- (e) If the judge approves of the change he shall so certify and his certificate shall be registered with the by-law, and the change shall take effect from the date of the registration.

Traffic on Highways, etc., Driving of Cattle, etc.

Regulating
traffic.
Rev. Stat.,
c. 288.

- 47d. Subject to the provisions of *The Highway Traffic Act* for regulating traffic on the highways, and for pro-

hibiting heavy traffic as defined in the by-law and the use of traction engines and the driving of cattle, sheep, pigs and other animals during the whole or any part of the day or night in certain highways and public places named in the by-law, and for prohibiting traffic in any but one direction in highways which in the opinion of the council are too narrow for the passing of one vehicle by another or in which in the opinion of the council, it is desirable that traffic should be limited to one direction.

- (a) A by-law under this paragraph may provide a procedure for the voluntary payment of penalties out of court in cases where it is alleged that the parking provisions of the by-law have been contravened, and if payment is not made in accordance with the procedure subsection 2 of section 521 shall apply. Expeditious procedures authorized for parking offences.

- 47e. For setting aside and designating in a suitable visible manner, on any highway upon which street cars or buses are operated, any part or parts as a "safety zone" and for prohibiting motor or other vehicles from driving over or upon any such safety zone while any pedestrian is thereon or about to enter thereon. Safety zones.

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Children Riding behind Vehicles.

- 63a. For prohibiting children from riding on the platforms of cars, or riding behind or getting on waggons, sleighs or other vehicles while in motion, and for preventing accidents arising from such causes. Prohibiting children from riding behind waggons, etc.

Sidewalks—Horses and Cattle upon.

- 63b. For prohibiting the leading, riding or driving of horses or cattle upon sidewalks or in other places not proper therefor. Driving, etc., upon sidewalks.

(2) Paragraph 47a of the said section 405, as enacted by subsection 1 of section 32 of *The Municipal Amendment Act, 1947*, is repealed. Rev. Stat., c. 266, s. 405, para. 47a (1947, c. 69, s. 32, subs. 1), repealed.

13.—(1) Paragraph 3 of section 407 of *The Municipal Act*, as amended by section 8 of *The Municipal Amendment Act, 1938*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 407, para. 3, re-enacted.

3. For regulating, controlling and inspecting all hot air, hot water and steam heating plants and equipment, or any classes thereof, and the installation thereof; and for requiring the production of plans of all installations of such plant and equipment and alterations or additions thereto, and for charging fees for Regulation etc., of heating plant and equipment.

the inspection and approval of such plans, and fixing the amount of the fees; and for the issuing of a permit certifying to such approval and for requiring that without such permit no such plant and equipment may be installed, altered or added to.

Rev. Stat.,
o. 266, s. 407,
paras. 10, 15, 48
39, 42, 44, 46,
47, 48, re-
pealed. (2) Paragraphs 10, 15, 39, 42, 44, 46, and paragraphs 47 and 48 as amended by subsections 3 and 4 respectively of section 51 of *The Municipal Amendment Act, 1946*, of the said section 407 are repealed.

Rev. Stat.,
o. 266, s. 407,
amended. (3) The said section 407 is further amended by adding thereto the following paragraph:

Strayed Pigeons.

Strayed
pigeons.

53. For empowering officers of the municipality, upon the complaint of the owner or occupant of any premises, to enter upon such premises and the land and buildings in the vicinity thereof, for the purpose of trapping, removing or exterminating strayed pigeons which are causing annoyance to the owner or occupant or damages to such premises.

Rev. Stat.,
o. 266, s. 408,
para. 6, cl. b
(1946,
o. 60, s. 52),
amended. 14. Clause *b* of paragraph 6 of section 408 of *The Municipal Act*, as re-enacted by section 52 of *The Municipal Amendment Act, 1946*, is amended by inserting after the word "and" in the sixth line the words "the by-law may require that", so that the said clause shall now read as follows:

Ticket
showing
weight
required.

- (b) A by-law passed under this paragraph may require coal and other fuel dealers to make out a ticket showing the weight or quantity of the coal or other fuel purchased after the same is weighed or measured in accordance with the by-law, and the by-law may require that the amount so specified and the ticket shall be delivered to the purchaser.

Rev. Stat.,
o. 266, s. 420,
para. 14,
amended. 15.—(1) Paragraph 14 of section 420 of *The Municipal Act*, as amended by subsection 3 of section 15 of *The Municipal Amendment Act, 1941*, is further amended by inserting after the word "licenses" in the second line the words "and for revoking such licenses", and by adding at the end of clause *a* the words "or for washing or cleaning motor vehicles", so that the said paragraph shall now read as follows:

Public
garages,—
licensing,
etc.

14. For licensing and regulating the owners of public garages, and for fixing the fees for such licenses, and for revoking such licenses, and for imposing penalties for breaches of such by-law and for the collection thereof.

- (a) For the purpose of this paragraph, a public garage shall include a parking station or a parking lot or a building or place where motor vehicles are hired or kept or used for hire or where such vehicles or gasoline or oils are stored or kept for sale, and a building or place used as a motor vehicle repair shop or for washing or cleaning motor vehicles.

- (2) The said section 420 is further amended by adding thereto the following paragraph: Rev. Stat.,
c. 266, s. 420,
amended.

Licensing Public Baths.

- 16a. For licensing, regulating and governing owners or keepers of any class or classes of public bath premises operated for profit, and for revoking any such license. Public bath
premises.

16.—(1) Paragraphs 7, 9 and 10, paragraph 10a as enacted by subsection 3 of section 54 of *The Municipal Amendment Act, 1946*, paragraphs 11, 12 and 13, and paragraph 13a as enacted by subsection 3 of section 54 of *The Municipal Amendment Act, 1946*, of section 423 of *The Municipal Act* are repealed. Rev. Stat.,
c. 266, s. 423,
paras. 7, 9,
10, 10a
(1946, c. 60,
s. 54 (3)),
11, 12, 13,
13a
(1946, c. 60,
s. 54 (3)),
repealed.

(2) Paragraph 16 of the said section 423, as amended by subsection 2 of section 54 of *The Municipal Amendment Act, 1946*, is further amended by striking out the figure "4" in the second line, so that the said paragraph shall now read as follows: Rev. Stat.,
c. 266, s. 423,
para. 16,
amended.

16. For exercising the powers conferred on cities and towns by paragraphs 12 and 13 of section 414. Engineers
and lending
libraries.

17. Paragraph 12 of section 425 of *The Municipal Act* is amended by striking out all the words after the word "thereof" in the third line, so that the said paragraph shall now read as follows: Rev. Stat.,
c. 266, s. 425,
para. 12,
amended.

12. For erecting and maintaining weighing machines within the municipality or within an adjacent village, and charging fees for the use thereof. Erecting
and main-
taining
weighing
machines.

18.—(1) Clauses *f* and *g* of section 426 of *The Municipal Act* are repealed. Rev. Stat.,
c. 266, s. 426,
cls. *f*, *g*,
repealed.

(2) Clause *h* of the said section 426 is amended by striking out the word "*Junk*" in the first line and inserting in lieu thereof the word "*Salvage*", so that the said clause shall now read as follows: Rev. Stat.,
c. 266, s. 426,
cl. *h*,
amended.

- (*h*) Section 430, under the heading "*Salvage and Second-hand Shops, etc.*"

Rev. Stat.,
c. 266, s. 428
(1947,
c. 69, s. 41),
amended.

19. Section 428 of *The Municipal Act*, as enacted by section 41 of *The Municipal Amendment Act, 1947*, is amended by adding thereto the following paragraph:

Boat livery
keepers.

3. For licensing, regulating and governing persons keeping boats for hire, and for regulating and inspecting boats kept by such person, and for revoking any such license.

Rev. Stat.,
c. 266, s. 433,
para. 1, cl. a
(1947,
c. 69, s. 42,
subs. 2),
amended.

20.—(1) Clause *a* of paragraph 1 of section 433 of *The Municipal Act*, as re-enacted by subsection 2 of section 42 of *The Municipal Amendment Act, 1947*, is amended by adding the word "or" at the end of subclause iii, and by adding thereto the following subclauses:

- (iv) if the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the municipality, or by his employee, or by his agent, or
- (v) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the municipality in respect of premises used for the sale of such goods, wares or merchandise.

so that the said clause shall now read as follows:

When license
not required.

- (a) No such license shall be required for hawking, peddling or selling goods, wares or merchandise,
 - (i) to wholesale or retail dealers in similar goods, wares or merchandise, or
 - (ii) if the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or his agent or employee having written authority so to do, in the municipality in which the grower, producer or manufacturer resides, or
 - (iii) if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of his own farm, or
 - (iv) if the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the municipality, or by his employee, or by his agent, or

- (v) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the municipality in respect of premises used for the sale of such goods, wares or merchandise.

(2) Clause g of paragraph 1 of the said section 433 is amended by striking out all the words after the word "resided" in the seventh line and inserting in lieu thereof the words "but no license fee in excess of \$2 shall be prescribed in the by-law without the approval of the Department of Municipal Affairs", so that the said clause shall now read as follows:

Rev. Stat.,
c. 266, s. 433,
para. 1, cl. g,
amended.

- (g) The fee to be paid for the license under by-laws passed under this paragraph may be lower in the case of persons who have resided continuously within the municipality for which the license is sought for at least one year prior to the application therefor than in the case of persons who have not so continuously resided, but no license fee in excess of \$2 shall be prescribed in the by-law without the approval of the Department of Municipal Affairs.

21.—(1) Paragraph 3g of section 439 of *The Municipal Act*, as enacted by section 59 of *The Municipal Amendment Act, 1946*, is amended by adding thereto the following clause:

Rev. Stat.,
c. 266, s. 439,
para. 3g
(1946,
c. 60, s. 59),
amended.

- (b) No by-law prescribing a license fee,

- (i) in excess of \$10 per cabin with a maximum of \$100, for a tourist camp, or

- (ii) in excess of \$100 for a trailer camp,

shall come into force or take effect until approved by the Department of Municipal Affairs.

(2) Paragraph 5 of section 439 of *The Municipal Act* is amended by striking out the words "income or" in the third line, so that the said paragraph shall now read as follows:

Rev. Stat.,
c. 266, s. 439,
para. 5,
amended.

- 5. For licensing, regulating and governing transient traders and other persons whose names have not been entered on the assessment roll in respect of business assessment for the then current year, and who offer goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or who offer them for sale in any other manner.

Licensing
and regul-
ating
transient
traders.

Rev. Stat.,
o. 266, s. 439,
para. 6,
amended.

(3) Paragraph 6 of the said section 439 is amended by striking out the words "income or" in the third line, so that the first five lines of the said paragraph shall now read as follows:

Requirement
as to obtain-
ing license
before doing
business.

6. For requiring transient traders and other persons whose names are not entered on the assessment roll or are entered on it for the first time, in respect of business assessment, and who so offer goods, wares or merchandise for sale, to pay a license fee before commencing to trade.

Rev. Stat.,
o. 266, s. 440,
para. 2,
amended.

22. Paragraph 2 of section 440 of *The Municipal Act* is amended by striking out the word "junk" in the first line and inserting in lieu thereof the word "salvage", so that the said paragraph shall now read as follows:

Salvage
shops buy-
ing from
minors.

2. For prohibiting keepers of second-hand shops or salvage stores or shops, directly or indirectly purchasing from, exchanging with, or receiving in pledge from any minor appearing to be under the age of eighteen years, without written authority from a parent or guardian of such minor, any metals, goods, or articles.

Rev. Stat.,
o. 266, s. 507,
para. 3,
amended.

23. Paragraph 3 of section 507 of *The Municipal Act* is amended by inserting after the word "sidewalks" in the ninth line the words "and canopies which project over the sidewalks", and by inserting after the word "device" in the fourth line of clause *b* thereof the words "or canopy", so that the said paragraph shall now read as follows:

Areas and
openings
under
highways.

3. For permitting the owners of land to make, maintain and use areas under and openings to them in the highways and sidewalks and for permitting the owners of land abutting on one side of a highway to construct, maintain and use a bridge or other structure over, across or under the highway for the purpose of access to land owned by such owners on the other side of the highway, and for permitting the owners of land to maintain and use signs and other advertising devices which project over the sidewalks, and canopies which project over the sidewalks, for prescribing the terms and conditions upon which the same shall be made, constructed, maintained and used, and for making such annual or other charge for the privilege conferred by the by-law as the council may deem reasonable, and for providing that upon the termination of such privilege the highway shall be restored to its former condition at the expense of the owner of the land to which the privilege is appurtenant by filling in the area or opening, removing the bridge, structure, sign or other advertising device, or otherwise as may be required by the by-law.

- (a) Such annual or other charge and any expense incurred by the corporation in restoring the highway to its former condition shall be payable and payment of it may be enforced in like manner as taxes are payable and payment of them may be enforced. Annual charge for.
- (b) The corporation shall be liable for any want of repair of the highway which may result from the construction, maintenance and use of any such area or opening, bridge or structure, sign or advertising device, or canopy, but shall be entitled to the remedy over provided for by section 486 against the person by whose act or omission the want of repair is caused. Liability of corporation for damages.

24. Section 525 of *The Municipal Act*, as amended by section 48 of *The Municipal Amendment Act, 1944* and section 67 of *The Municipal Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 525. re-enacted.

525. Where any by-law of a municipality or of a local board thereof, passed under the authority of this or any other general or special Act, is contravened, in addition to any other remedy and to any penalty imposed by the by-law, such contravention may be restrained by action at the instance of a ratepayer or the corporation or local board. Power to restrain by action.

25. This Act shall come into force on the 1st day of June, 1948. Commencement of Act.

26. This Act may be cited as *The Municipal Amendment Act, 1948*. Short title.

BILL

An Act to amend The Municipal Act.

1st Reading

March 12th, 1948

2nd Reading

March 15th, 1948

3rd Reading

March 31st, 1948

MR. DUNBAR

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Vital Statistics Act, 1948.

MR. DUNBAR

EXPLANATORY NOTES

This Bill is a revision of the present Act with little change in principle, but with a considerable enlargement of the scope of the Act and changes designed to bring the procedure into line with modern conditions and to collect centrally as complete a record as possible of all births, marriages, deaths, still-births, divorces, adoptions and changes of name. The Bill also implements certain suggestions made at the Dominion-Provincial Conference on Vital Statistics held in Ottawa in 1944 and 1947.

The provision for a registration system for adoptions and divorces is new in that in the past the practice has simply been to make notations on the birth and marriage registrations without making an actual registration of adoptions and divorces. The registration of changes of names is transferred from the Registrar of the Supreme Court to the Registrar-General in accordance with the principle that all vital records should be kept in one place.

A further principle is contained in the provisions respecting certificates. Henceforth no birth certificate will show the parents of the child, and consequently will not show that a child is illegitimate or has been adopted. Where a child is adopted, any birth certificate issued thereafter will show the adopted name only. Cause of death will not be shown on a death certificate. These particulars will be shown only on certified copies of registrations, and certified copies of registrations of births, deaths or still-births will not be obtainable except on an order of a court or of the Registrar-General.

A further principle is that registrations will not be evidence to contradict the common law presumption of legitimacy where a child is born to a married woman. This principle is implemented in subsections 3 and 4 of section 6 and in subsection 4 of section 41.

Provision is also made for an exchange of information with other jurisdictions in the case of adoptions, and with other provinces in the case of divorces, so that where persons whose births or marriages are registered in Ontario are adopted or divorced elsewhere, the registrations may be kept up to date.

No alteration shall be made in a registration itself, but errors may be corrected and adoptions, changes of names and divorces shall be noted on the registration by means of notations.

The fees payable to division registrars in unorganized territory are increased from twenty-five cents per registration to fifty cents per registration.

BILL

The Vital Statistics Act, 1948.

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

INTERPRETATION.

1. In this Act,—

Interpre-
tation,—

- (a) "birth" means the complete expulsion or extraction "birth";
from its mother of a foetus which did at any time
after being completely expelled or extracted from
the mother breathe or show any other sign of life,
whether or not the umbilical cord was cut or the
placenta attached;
- (b) "cemetery" includes a vault, a mausoleum and any "cemetery";
land which is set apart or used for the interment of
the dead or in which bodies are buried; R.S.O.
1937, c. 88, s. 1, cl. (a), *amended*.
- (c) "cemetery owner" includes the person who is in "cemetery
owner";
charge of a cemetery or crematorium under the
authority of the owner thereof;
- (d) "certificate" means a certified extract of the pre-"certificate";
scribed particulars of a registration in the records
of the Registrar-General;
- (e) "cremation" means the disposal of a dead body by "cremation";
incineration under *The Cemetery Act*; Rev. Stat.,
c. 351.
- (f) "Deputy Registrar-General" means the Deputy "Deputy
Registrar-General appointed under this Act; Registrar-General";
- (g) "division registrar" means division registrar ap-"division
pointed under this Act and includes an Indian-
agent; registrar";

- "divorce"; (h) "divorce" means dissolution and annulment of marriage and includes nullity of marriage;
- "error"; (i) "error" means any incorrect information and includes omission of information; *New*.
- "funeral director"; (j) "funeral director" means a person who takes charge of the body of a still-born child or a deceased person for the purpose of burial, cremation or other disposition; 1942, c. 34, s. 40 (1), *amended*.
- "incapable"; (k) "incapable" means incapacity through death, illness, absence from Ontario or otherwise;
- "Indian"; (l) "Indian" means an Indian within the meaning of the *Indian Act* (Canada) but does not include an enfranchised Indian;
R.S.C., c. 98.
- "Indian-agent"; (m) "Indian-agent" means an Indian-agent within the meaning of the *Indian Act* (Canada); *New*.
- "inspector"; (n) "inspector" means an inspector of vital statistics appointed for the purposes of this Act; R.S.O. 1937, c. 88, s. 1, cl. (c), *amended*.
- "notation"; (o) "notation" means any addition to, or alteration of, a registration in the records of the Registrar-General or a division registrar; *New*.
- "municipality"; (p) "municipality" means a city, town, village, organized township or improvement district; R.S.O. 1937, c. 88, s. 1, cl. (d), *amended*.
- "nurse"; (q) "nurse" includes any person, other than a legally qualified medical practitioner, who attends at the birth of a child; R.S.O. 1937, c. 88, s. 1, cl. (e), *amended*.
- "occupier"; (r) "occupier" includes a governor, keeper, warden, superintendent, manager or resident physician of any gaol, prison, penitentiary or other place of detention, a children's home or orphanage, a public or private medical, surgical, maternity or mental hospital, or any public or private charitable institution, a manager of an hotel, and a keeper of a house for public accommodation, a tourist camp or other stopping-place for persons; R.S.O. 1937, c. 88, s. 1, cl. (f), *amended*.
- "prescribed form"; (s) "prescribed form" means the form prescribed by the regulations; R.S.O. 1937, c. 88, s. 1, cl. (g), *amended*.

- (t) "Registrar-General" means the member of the Executive Council who is charged with the administration of this Act; R.S.O. 1937, c. 88, s. 1, cl. (h), *amended*. "Registrar-General";
- (u) "religious body" means a church or any religious denomination, sect, congregation or society. "religious body";
- (v) "state" means any state or territory of the United States of America, or the District of Columbia; and *New*. "state";
- (w) "still-birth" means the complete expulsion or extraction from its mother after the twenty-eighth week of pregnancy of a foetus which did not at any time after being completely expelled or extracted from the mother breathe or show any other sign of life. 1943, c. 28, s. 40, *part, amended*. "still-birth".

ADMINISTRATION.

2.—(1) The Registrar-General shall direct a uniform system of registration of births, marriages, deaths, still-births, adoptions, divorces and changes of name in Ontario, and shall be charged with the enforcement of the provisions of this Act. R.S.O. 1937, c. 88, s. 8 (1), *part, amended*. Uniform system of registration.

(2) The Registrar-General shall cause the registrations of births, marriages, deaths, still-births, adoptions, divorces and changes of name occurring in Ontario and received in his office to be numbered in seven separate series and otherwise systematically filed according to each calendar year in accordance with the regulations and carefully kept in vaults provided for that purpose. Registrations to be numbered by Registrar-General.

(3) The Registrar-General shall cause the said registrations to be indexed separately according to each calendar year, and each index shall contain the numbers and such other particulars of the registrations as may be prescribed by the regulations. R.S.O. 1937, c. 88, s. 10, *amended*. Indexing.

3.—(1) The Registrar-General shall examine the registrations received from the division registrars, and if the registrations are incomplete or unsatisfactory, he shall require such information to be supplied as may be necessary to complete the registration. R.S.O. 1937, c. 88, s. 8 (2), *amended*. Examination of registrations.

(2) Where it is found upon examination that any registration received from a division registrar is incomplete as to the Registrations not signed.

required signatures, the Registrar-General shall cause the registration to be returned by registered mail to the proper division registrar in order that the signatures may be obtained.

Classification by International List of Causes of Death.

(3) The Registrar-General shall cause all deaths registered under this Act to be classified according to the International List of Causes of Death as revised at the last decennial revision thereof by the International Commission assembled for that purpose and he shall supply free of charge to every legally qualified medical practitioner in Ontario a Physician's Pocket Reference Book explanatory of such list.

Publication of Registrar-General.

(4) The Registrar-General may collate, publish and distribute such statistical information regarding the births, marriages, deaths, still-births, adoptions, divorces and changes of name registered during any period as he may deem to be necessary and in the public interest. *New*

Annual report of Registrar-General.

(5) As soon after the 1st day of January in each year as convenient, the Registrar-General shall cause to be printed, for the use of the Legislative Assembly and for public information, a full report of the births, marriages, deaths, still-births, adoptions, divorces and changes of name for the preceding calendar year. R.S.O. 1937, c. 88, s. 4, *amended*.

Instructions by Registrar-General.

(6) The Registrar-General shall prepare and issue to every division registrar such detailed instructions as may be required to procure the uniform observance of the provisions of this Act. R.S.O. 1937, c. 88, s. 8 (1), *part, amended*.

Deputy Registrar-General.

1947, c.89.

4.—(1) There shall be a Deputy Registrar-General appointed by the Lieutenant-Governor in Council who shall be deemed to be a deputy minister under *The Public Service Act, 1947*, and who shall have direct supervision of the office of the Registrar-General and be directly responsible to the Registrar-General for the conduct of his office, and shall perform such other duties as may be prescribed by the regulations or delegated to him by the Registrar-General. *New*.

Appointment and duties of inspectors.

(2) The Lieutenant-Governor in Council may appoint inspectors of vital statistics for the purpose of this Act, who shall perform such duties as may be prescribed by the regulations. R.S.O. 1937, c. 88, s. 3, *amended*

REGISTRATION OF BIRTHS.

Duty of medical practitioner.

5.—(1) Every legally qualified medical practitioner who attends at the birth within Ontario of a child shall give notice of the birth.

(2) Where no legally qualified medical practitioner is in attendance at the birth, the nurse in attendance shall give the notice of the birth. Duty of nurse.

(3) The notice of the birth shall be in the prescribed form and shall be given by delivering or mailing the notice within two days after the day of birth to the division registrar of the registration division within which the child was born. R.S.O. 1937, c. 88, s. 20, *amended*. Mode of giving notice.

(4) The notice so given shall be transmitted by the division registrar to the Registrar-General and preserved by the Registrar-General until such time as the registration of the birth has been completed under this Act. *New*. Notice to be preserved.

6.—(1) Within thirty days after the day of the birth within Ontario of a child,— Statement of birth.

- (a) the mother;
- (b) if the mother is incapable, the father;
- (c) if the mother and father are incapable, the person standing in the place of the parents of the child; or
- (d) if the mother and father are incapable and there is no person standing in the place of the parents of the child, the occupier of the premises in which the child is born, if he has knowledge of the birth, and the nurse or other person present at the birth,

shall complete, certify and deliver or mail a statement in the prescribed form respecting the birth to the division registrar of the registration division within which the child was born, provided that the Registrar-General may accept the statement of the father although the mother is not incapable. R.S.O. 1937, c. 88, s. 21 (1, 2), *amended*.

(2) Notwithstanding the provisions of subsection 1, the father of an illegitimate child shall not be required to register the birth of such child. No duty on father of illegitimate child to register.

(3) The statement shall state whether the mother of the child is single, married, widowed or divorced, but shall not state whether the parents of the child are married to each other. Contents of statement.

(4) No indication of the paternity of the child shall be given in the registration of the birth of a child of a married woman, but the particulars of the husband may be given, provided that the statement shall not be rendered unreceivable by reason only of failure to supply the particulars of the husband. *New*. Birth of child to married woman.

Name of
illegitimate
child.

(5) In the registration of the birth of a child of an unmarried woman, the child shall be registered in the name of the mother and no person shall be named as the father, provided that where the person acknowledging himself to be the father and the mother so request in writing, the father may, be named and the child registered in the name of the father in accordance with the request, and if such request is made after the registration of the birth the Registrar-General may amend the registration in accordance with the request by making a notation thereon. R.S.O. 1937, c. 88, s. 23 (1), *amended*.

Plural
births.

(6) If more than one child is delivered from the mother during a single confinement, a separate statement for each child shall be completed, certified and delivered or mailed as provided in subsection 1, and in each statement the number of children born during the confinement and the number in the order of birth shall be given. *New*.

Violation.

7. If the statement respecting the birth of a child is not completed, certified and delivered or mailed in the manner and within the time provided in section 6, every person upon whom the duty of completing, certifying and delivering or mailing the statement is imposed by section 6 shall remain liable to perform that duty notwithstanding the expiration of the time so provided, and shall, in respect of each successive period of thirty days thereafter during which he neglects so to complete, certify and deliver or mail the statement, be guilty of a violation of this Act. *New*.

Registration
of birth.

8.—(1) Upon receipt, within one year from the day of the birth of a child, of a statement in the prescribed form respecting the birth, the division registrar if he is satisfied as to the correctness and sufficiency thereof, shall register the birth by signing the statement, and thereupon the statement shall constitute the registration of the birth. R.S.O. 1937, c. 88, s. 25, *amended*.

Acknowledg-
ment of
registration.

(2) Upon the registration of a birth, the division registrar shall issue to the person registering the birth, without charge, an acknowledgment of the registration of the birth in the prescribed form. R.S.O. 1937, c. 88, s. 21 (3), *amended*.

Not a
certificate.

(3) The acknowledgment of registration of a birth shall not be deemed to be or be used in any way as a birth certificate.

Not to
register after
one year.

(4) A division registrar shall not register a birth after one year from the day of the birth. R.S.O. 1937, c. 88, s. 42, *part, amended*.

Registration
of birth by
Registrar-
General.

9.—(1) If the birth of a child has not been registered within one year from the day of the birth, application for the registra-

tion of the birth may be made to the Registrar-General in the prescribed form by the person whose birth has not been registered or by any other person.

(2) The application shall be accompanied by,—

Method of
application
for regis-
tration.

- (a) the prescribed fee;
- (b) the statement provided for in subsection 1 of section 6, completed and certified;
- (c) a statutory declaration in the prescribed form by the applicant or any other person; and
- (d) such other evidence as may be prescribed by the regulations.

(3) If the Registrar-General is satisfied as to the *bona fides* of the application and the correctness and sufficiency of the evidence adduced in support thereof, and that the regulations have been complied with, he may register the birth by signing the statement, and thereupon the statement shall constitute the registration of the birth. R.S.O. 1937, c. 88, s. 42, *part, amended*.

Registra-
tion fee.

10.—(1) If a living new-born child is found deserted, the person who finds the child and any person in whose charge the child is placed shall give to the best of his knowledge and belief to the division registrar of the registration division within which the child is found, within seven days after the finding or taking charge of the child, such information concerning the birth of the child as the informant may possess. R.S.O. 1937, c. 88, s. 22, *amended*.

Foundlings.

(2) The division registrar, upon receipt of such information regarding the birth of the child, and upon being satisfied that every effort has been made to identify the child without success shall,—

Duties of
division
registrar.

- (a) cause the person who found or has charge of the child to complete a statutory declaration concerning the facts of the finding of the child and to complete and certify, so far as the person is able, a statement in the prescribed form required under subsection 1 of section 6;
- (b) cause the child to be examined by the local medical officer of health or a legally qualified medical practitioner with a view to determining as nearly as possible the day of the birth of the child, and the

examiner shall make a statutory declaration setting forth the facts as determined by the examination; and

- (c) make a detailed report of the case and transmit the report to the Registrar-General together with evidence regarding the birth of the child.

Fee. (3) A legally qualified medical practitioner shall receive a fee of \$5 for the examination under clause *b* of subsection 2, which fee shall be paid by the Treasurer of Ontario out of the Consolidated Revenue Fund.

Registration of birth of foundlings. (4) The Registrar-General, upon receipt of the evidence referred to in subsection 2, shall review the case and upon being satisfied as to the correctness and sufficiency of the facts stated, shall register the birth and for the purpose of registration shall establish for the child,—

- (a) a date of birth;
- (b) a place of birth; and
- (c) a surname and given name.

Subsequent registration if child identified. (5) If, subsequent to the registration, the identity of the child is established to the satisfaction of the Registrar-General, he may by order set aside the registration made pursuant to this section and cause the substitution of a new registration of the birth in accordance with the actual facts of the birth, and cause the original registration to be withdrawn from the registration files and kept in a separate file and sealed.

Date of registration. (6) Where the identity of the child is established and a new registration is made pursuant to subsection 5, the date of the new registration shall be the date of the original registration.

Cancellation of certificates. (7) The holder of a certificate issued in respect of a registration of a birth made pursuant to subsection 4, which registration has been withdrawn pursuant to subsection 5, shall deliver it forthwith upon demand to the Registrar-General for cancellation. *New.*

Registration of child legitimated by subsequent marriage. **11.—(1)** Where a child has been legitimated by the subsequent intermarriage of his parents, then upon the parents,—

- (a) completing and certifying the statement required under subsection 1 of section 6;
- (b) delivering the statement, together with such evidence

as to the legitimation as is required by the regulations,
to the Registrar-General; and

(c) paying the prescribed fee,

the Registrar-General shall,—

(d) register the birth as if the parents had been married
to each other at the time of the birth; and

(e) make a notation on the statement that the registra-
tion was made under this section,

and the statement shall constitute the registration of the birth,
provided that upon proof that one of the parents is dead or
mentally incapable, the application may be made by the other
parent.

(2) Where the birth of the child has been registered before
the marriage, the original registration shall be withdrawn from
the registration files and shall be kept in a separate file and
sealed. 1939, c. 47, s. 33, *amended*. Original
registration
to be with-
drawn.

12.—(1) Where the birth of a child has been registered,
and,— Alteration
of given
name of
child.

(a) the given name by which the child was registered
has been changed; or

(b) the child was registered without a given name,

the Registrar-General, upon payment of the prescribed fee
and upon receipt of a statutory declaration containing such
particulars as may be prescribed by the regulations as to the
change or giving of the given name, completed by the father,
mother or guardian of the child, or the person procuring the
name to be changed or given, shall cause a notation of the
alteration or addition to be made on the registration of the
birth.

(2) Where the change of the given name is effected by
baptism, a certificate of baptism signed by the person who
performed the rite of baptism shall be filed with the statutory
declaration. R.S.O. 1937, c. 88, s. 27 (1), *amended*. Baptismal
certificate
to be filed.

(3) This section shall apply only where the given name of
the child was changed or the new name given within ten
years after the birth of the child. Applicability
of section.

Limitation
on altera-
tions to
given name.

(4) No notation shall be made in a registration regarding the given name of a child except in the manner prescribed in subsection 1, or pursuant to the provisions of this Act in respect of adopted children, changes of names and correction of errors.

Notation to
be dated and
initialled.

(5) Every notation made pursuant to this section shall be dated and initialled by the officer designated by the regulations.

Changes to
be shown on
certificate.

(6) If subsequent to the making of a notation pursuant to this section application is made for a birth certificate, the certificate shall be prepared as if the registration had been made containing the changed or new given name at the time of registration, but if a certified copy of the registration is required, the certified copy shall contain a copy of the notation made pursuant to subsection 1. *New.*

REGISTRATION OF STILL-BIRTHS.

Statement re
still-births.

13.—(1) In the case of a still-birth within Ontario, the person who, in the case of a birth, would have been required to furnish particulars of the birth under subsection 1 of section 6, shall complete, certify and deliver a statement in the prescribed form respecting the still-birth to the funeral director in charge of the body.

Medical
certificate.

(2) The legally qualified medical practitioner in attendance at a still-birth, or where there is no legally qualified medical practitioner in attendance, a coroner shall complete a medical certificate in the prescribed form of the cause of the still-birth and shall deliver it to the funeral director in charge of the body,

Duty of
funeral
director.

(3) Upon receipt of the statement and the medical certificate, the funeral director shall complete the statement setting forth the proposed date and place of burial, cremation or other disposition or the removal of the body and shall deliver the statement and medical certificate to the division registrar of the proper registration division.

Registration
of still-
birth.

(4) Upon receipt of the statement and the medical certificate the division registrar, if he is satisfied as to the correctness and sufficiency thereof, shall register the still-birth by signing the statement and medical certificate and thereupon the statement and medical certificate shall constitute the registration of the still-birth.

Burial
permit.

(5) Upon the registration of a still-birth, the division registrar, without the payment of any fee, shall forthwith prepare and deliver to the person requiring the same for the

purpose of the burial, cremation or other disposition or removal of the body of the still-born child,—

- (a) an acknowledgment that the still-birth has been registered; and
- (b) a burial permit for the purpose of the burial or other disposition of the body.

(6) Subject to the provisions of this section, sections 5 to 9, Application of ss. 5-9, 11, 11 and 16 to 23 shall apply *mutatis mutandis* to still-births. 16-23.
1943, c. 28, s. 40, *amended*.

REGISTRATION OF MARRIAGES.

14.—(1) In addition to any registration of a marriage ^{Marriages.} required under *The Marriage Act*, every marriage that is ^{Rev. Stat., c. 207.} solemnized within Ontario shall be registered under this Act.
New.

(2) Every person authorized by law to solemnize marriages ^{Person solemnizing to complete statement of marriage.} shall complete a statement in the prescribed form as to each marriage solemnized by him, which statement shall be signed by each of the parties to the marriage and by at least two adult witnesses to the marriage, and the person by whom the marriage was solemnized shall certify in such statement as to the solemnization of the marriage.

(3) The person by whom the marriage was solemnized shall ^{Statement to be delivered within two days.} mail or deliver to the division registrar within two days after the day of the marriage, the statement respecting the marriage.
R.S.O. 1937, c. 88, s. 29 (1), *amended*.

(4) Upon the receipt, within one year from the day of the solemnization of a marriage, of a statement in the prescribed ^{Registration of marriage.} form respecting the marriage, the division registrar if he is satisfied as to the correctness and sufficiency thereof, shall register the marriage by signing the statement, and thereupon the statement shall constitute the registration of the marriage.

(5) Upon receipt of the statement by the division registrar, ^{Receipt for statement.} he shall mail to the person by whom the marriage was solemnized, an acknowledgment of the receipt in the prescribed form.

(6) A division registrar shall not register any marriage ^{Time limitation.} after one year from the day of the marriage. *New.*

15. If a marriage has not been registered within one year from the day of the marriage, the registration may be made by the Registrar-General upon such evidence as may be prescribed by the regulations. ^{Registration of marriage by Registrar-General.} R.S.O. 1937, c. 88, s. 42, *part, amended*.

REGISTRATION OF DEATHS.

Place of
registration
of deaths.

16.—(1) The death of every person who dies within Ontario shall be registered in the office of the division registrar of the registration division within which the death occurs, or if the place of death is not known then in the office of the division registrar of the registration division within which the body is found. *New.*

Information
respecting
deceased.

(2) A statement in the prescribed form containing personal particulars of the deceased person shall, upon the request of the funeral director in charge of the body, be completed, certified and delivered to the funeral director,—

- (a) by the nearest relative present at the death or last illness, or any relative who may be available;
- (b) if no relative is available, by the occupier of the premises in which the person died, or if the occupier be the person who has died, by any adult person residing in the premises who was present at the death or has knowledge of the personal particulars;
- (c) if the death occurred in unoccupied premises and no relative is available, by any adult person who was present at the death or has knowledge of the personal particulars; or
- (d) by the coroner who has been notified of the death and has made an inquiry or held an inquest regarding the death. R.S.O. 1937, c. 88, s. 33, *amended.*

Medical cer-
tificate.

(3) The legally qualified medical practitioner who was last in attendance during the last illness of a deceased person, the coroner who conducts an inquest on the body of a deceased person or an inquiry into the death of a person or the local medical officer of health who makes an investigation as provided in subsection 2 of section 19 shall, forthwith after the death, inquest, inquiry or investigation, as the case may be, complete and sign a medical certificate of death in the prescribed form for the purpose of registration of death, stating therein the cause of death according to the International List of Causes of Death as last revised by the International Commission called for that purpose, and shall deliver the medical certificate of death to the funeral director in charge of the body. R.S.O. 1937, c. 88, s. 32, *amended.*

Particulars
to be stated
in certi-
ficate.

(4) The legally qualified medical practitioner, coroner or local medical officer of health shall in his certificate state that he has viewed the body of the deceased. *New.*

(5) Upon receipt of the statement containing the personal particulars and the medical certificate of death, the funeral director shall complete the statement containing personal particulars, setting forth the proposed date and place of burial, cremation or other disposition or the removal of the body and shall deliver the statement and the medical certificate to the division registrar of the proper registration division. *New.* Duty of funeral director.

17.—(1) Upon the receipt, within one year from the day of the death of a person, of the statement containing the personal particulars and the medical certificate, the division registrar, if he is satisfied as to the correctness and sufficiency thereof, shall register the death by signing the statement and medical certificate, and thereupon the statement and medical certificate shall constitute the registration of the death. Registration of death by division registrar.

(2) A division registrar shall not register any death after one year from the day of the death. *New.* Time limitation.

(3) Upon the registration of a death, the division registrar, without the payment of any fee, shall forthwith prepare and deliver to the funeral director requiring the same for the purpose of the burial, cremation or other disposition or the removal of the body of the deceased person,— Duty of division registrar.

(a) an acknowledgment that the death has been registered; and

(b) a burial permit for the purpose of the burial or other disposition of the body. R.S.O. 1937, c. 88, s. 37, *amended.*

18.—(1) If a death has occurred and it is impracticable to register the same, by reason of distance, with the division registrar of the proper registration division, registration of the death may be made with the nearest division registrar who, upon payment of the prescribed fee, shall register the same and issue an acknowledgment of registration of death and a burial permit and such division registrar shall forward the registration of the death to the division registrar of the proper registration division. R.S.O. 1937, c. 88, s. 34 (1), *amended.* Registration in another registration division.

(2) Where a death has been registered in accordance with subsection 1, the division registrar who registers the death shall be entitled to the fee for his own use. R.S.O. 1937, c. 88, s. 34 (2), *amended.* Fee for registration in another division.

19.—(1) If there is reason to believe that a person has died as a result of violence or misadventure or by unfair means or from any cause other than disease, or as a result of Death by violence or misadventure.

negligence, malpractice or misconduct on the part of others or under such circumstances as require investigation, no acknowledgment of registration of death and no burial permit shall be issued by the division registrar unless,—

(a) the body has been examined by a coroner and the coroner has made inquiry into the circumstances of the death or held an inquest as provided by *The Coroners Act, 1948*;

1948, c.—

(b) the coroner has signed the medical certificate of death; and

(c) the other provisions of this Act regarding registration of death have been complied with. R.S.O. 1937, c. 88, s. 36, *amended*.

Death with-
out medical
attendance.

(2) Where there is no legally qualified medical practitioner in attendance during the last illness of a deceased person and there is no reason to believe that the death occurred under any of the circumstances set forth in subsection 1, the funeral director shall notify the local medical officer of health and refer the case to him for immediate investigation. R.S.O. 1937, c. 88, s. 32 (2), *amended*.

Reference
to coroner.

(3) If the legally qualified medical practitioner referred to in subsection 3 of section 16, or the local medical officer of health referred to in subsection 2, cannot determine the cause of death, or where the circumstances of the case indicate that the death occurred under any of the circumstances set forth in subsection 1, the case shall be referred by either of them to the coroner for investigation. *New*.

Coroner's
warrant
to bury.

(4) Where a person has died under any of the circumstances referred to in subsection 1 or 3 and it is impossible for the coroner to complete a medical certificate of the cause of death, the coroner may issue his warrant to bury as provided by *The Coroners Act, 1948*, and the division registrar shall issue, on the delivery to him of the warrant to bury the body, a burial permit, and the coroner shall, within two days of his determining the cause of death, or of the completion of his investigation, issue and deliver or mail the medical certificate of death to the division registrar of the registration division in which the death occurred. R.S.O. 1937, c. 88, s. 36, cl. (c), *amended*.

Registra-
tion before
disposition
of body.

20.—(1) Subject to subsection 4 of section 19, no person shall bury, cremate or otherwise dispose of the body of any person who dies within Ontario or remove the body from the registration division within which the death occurred or the body is found, and no person shall take part in or conduct

any funeral or religious service for the purpose of burial, cremation or other disposition of the body of a deceased person, unless the death has been registered under this Act, and an acknowledgment of registration of death and a burial permit has been obtained from the division registrar. R.S.O. 1937, c. 88, s. 31 (1), *amended*.

(2) The funeral director shall retain the acknowledgment of registration of death as evidence of his having complied with this Act. Acknowledgment to be retained by funeral director.

(3) No person shall conduct a funeral or other religious burial service unless the burial permit signed by the proper division registrar is produced to him. *New.* Person not to conduct service unless burial permit produced.

(4) A cemetery owner shall not permit the interment or cremation of the body of any person in the cemetery or crematorium unless the burial permit is delivered to him. R.S.O. 1937, c. 88, s. 40 (1), *amended*. Delivery of burial permit.

(5) The cemetery owner shall retain the burial permit as evidence of his having complied with this Act. *New.* Cemetery owner to retain burial permit.

(6) Where no person is in charge of the cemetery at the time of the burial or other disposition of the body, the funeral director shall write across the face of the burial permit the words "No person in charge", and shall append his signature thereto and return the burial permit to the division registrar of the registration division in which the burial or other disposition took place. R.S.O. 1937, c. 88, s. 41, *amended*. Where no person in charge of cemetery.

21.—(1) If the body of a person is to be removed to the place of burial or other disposition by a transportation company or other common carrier, such removal shall not take place until the burial permit has been affixed to the outside of the casket. *New.* Removal of bodies.

(2) If the death occurred outside of Ontario and the burial or other disposition of the body is to take place in Ontario, a burial, transit or removal permit or such other document as may be prescribed or required under the laws of the jurisdiction in which the death occurred, signed by the proper officer of the place in which the death occurred shall be sufficient authority for the burial or other disposition of the body. R.S.O. 1937, c. 88, s. 31 (2), *amended*. Death out of Ontario.

22. A cemetery owner shall, on or before the 10th day of each month, mail to the Registrar-General a return in the prescribed form of the burials and cremations that took place in the cemetery or crematorium during the last preceding month. R.S.O. 1937, c. 88, s. 40 (2), *amended*. Returns of burials and cremations.

Registration
of death by
Registrar-
General.

23.—(1) If the death of a person has not been registered within one year from the day of the death, application for registration of the death may be made to the Registrar-General in the prescribed form.

Method of
application
for regis-
tration.

(2) The application shall be accompanied by,—

- (a) the prescribed fee;
- (b) the statement provided for in subsection 2 of section 16, completed and certified;
- (c) a statutory declaration in the prescribed form by the applicant or any other person; and
- (d) such other evidence as may be prescribed by the regulations.

Registra-
tion of
death.

(3) If the Registrar-General is satisfied as to the *bona fides* of the application and the correctness and sufficiency of the evidence adduced in support thereof, he may register the death by signing the statement, and thereupon the statement shall constitute the registration of the death. R.S.O. 1937, c. 88, s. 42, *part, amended*.

ADOPTION ORDERS.

Registra-
tion of
Ontario
adoption
order.

24.—(1) Upon receipt of a certified copy of an order of adoption transmitted under section 12 of *The Adoption Act*, the Registrar-General shall register the order.

Notation of
adoption on
birth regis-
tration.

(2) If the birth of the person adopted,—

- (a) was registered in Ontario before the adoption; or
- (b) is registered in Ontario after the adoption in accordance with this Act,

the Registrar-General, upon production of evidence satisfactory to him of the identity of the person, shall cause a notation of the adoption and of any change of name consequent thereon with a reference to the registration of the order, to be made upon the registration of birth of the person, and shall cause a reference to the registration of the birth to be endorsed on the copy of the order.

Registration
of order of
another
jurisdiction.

(3) Where a person whose birth has been registered in Ontario has been adopted pursuant to an order, judgment or decree of adoption made by a court of competent jurisdiction of another province, state or country, the Registrar-General,

upon receipt of a certified copy of the order, judgment or decree, issued under the seal of the proper certifying authority and upon production of evidence satisfactory to him of the identity of the person, shall register the order, judgment or decree and shall cause a notation of the adoption and of any change of name consequent thereon with a reference to the registration of the order to be made upon the registration of the birth of the person, and shall cause a reference to the registration of the birth to be endorsed on the copy of the order, judgment or decree. 1941, c. 55, s. 42, *amended*.

(4) Where a notation of adoption and of a change of name consequent thereon has been made on a registration of birth, and application is afterwards made for a birth certificate pursuant to this Act, the certificate shall be issued as if the registration had been made in the name as changed. *New.*

(5) Every notation made pursuant to this section shall be dated and initialled by the officer designated by the regulations. *New.*

25.—(1) If a child born in another province or in any state has been adopted in Ontario pursuant to *The Adoption Act*, the Registrar-General shall transmit a certified copy of the order to the person having charge of the registration of births in the province or state in which the child was born.

(2) If a child born in a jurisdiction other than a province or state has been adopted in Ontario pursuant to *The Adoption Act*, the Registrar-General, upon request, may transmit a certified copy of the order to the person having charge of the registration of births in the jurisdiction in which the child was born. *New.*

CHANGES OF NAMES.

26.—(1) Upon receipt of a certified copy of an order transmitted under section 17 of *The Change of Name Act, 1948*, the Registrar-General shall register the order.

(2) If the birth or marriage of a person whose name is changed by the order,—

(a) was registered in Ontario before the date of the order;
or

(b) is registered in Ontario after the date of the order in accordance with this Act,

the Registrar-General, upon production of evidence satisfactory to him of the identity of the person shall cause a notation of the change of name with a reference to the registration of the order to be made upon the registration of birth or marriage of the person, and shall cause a reference to the registration of the birth or marriage to be endorsed on the copy of the order.

Certificate of registration after notation of change of name.

(3) Where a change of name has been noted on a birth or marriage registration and application is afterwards made for a birth or marriage certificate pursuant to this Act, the certificate shall be issued as if the registration had been made in the name as changed by the order.

Annullment of order re change of name.

1948, c. ...

(4) Upon the receipt of a certified copy of an annulling order transmitted under section 21 of *The Change of Name Act, 1948*, the Registrar-General shall cause a notation of the annulling order and a reference to the registration thereof to be made upon every registration on which a notation has been made pursuant to the original order.

Notation to be dated and initialled.

(5) Every notation made pursuant to this section shall be dated and initialled by the officer designated by the regulations. *New.*

DIVORCE DECREES.

Statement by registrar respecting divorce decrees.

27.—(1) The Registrar of the Supreme Court and every local registrar of the Supreme Court shall, from time to time, as prescribed by the regulations, furnish to the Registrar-General a statement in the prescribed form respecting each final decree of divorce entered by him in the Supreme Court. R.S.O. 1937, c. 88, s. 30 (1), *amended*.

Notation of decree upon registration of marriage.

(2) If the marriage dissolved or annulled by the decree was solemnized in Ontario and registered with the Registrar-General, the Registrar-General, upon receipt of the statement of the divorce, shall register the statement and shall cause a notation of the decree with a reference to the registration of the statement to be made upon the registration of the marriage, and shall cause a reference to the registration of the marriage to be endorsed on the statement.

Divorce decrees of other jurisdictions.

(3) Where a marriage that has been registered in Ontario has been dissolved or annulled by an order, judgment or decree made by a court of competent jurisdiction in another province, or by an Act of the Parliament of Canada, the Registrar-General, upon receipt of a certified copy of such order, judgment, decree or Act issued under the seal of the proper certifying authority shall register the order, judgment, decree or Act and shall cause a notation thereof with a refer-

ence to its registration to be made upon the registration of the marriage, and shall cause a reference to the registration of the marriage to be endorsed on the copy of the order, judgment, decree or Act.

(4) If, subsequent to the registration of the divorce, application is made for a marriage certificate, the certificate shall contain a copy of the notation made under subsection 2 or 3. *New.* Certificate of marriage dissolved by divorce.

(5) The Registrar and the local registrars of the Supreme Court shall receive a fee of fifty cents for each statement of a divorce furnished to the Registrar-General and the fees shall be payable from time to time by the Treasurer of Ontario out of the Consolidated Revenue Fund. R.S.O. 1937, c. 88, s. 30 (2), *amended.* Fee for statement of divorce.

(6) Every notation made pursuant to this section shall be dated and initialled by the officer designated by the regulations. Notation on registration.

(7) No certificate of divorce shall be issued by the Registrar-General. *New.* Certificates prohibited.

28.—(1) Where a marriage that has been performed in another province has been dissolved or annulled in Ontario, the Registrar-General upon receipt of the statement respecting the decree of divorce in respect of the marriage, transmitted under section 27, shall require the Registrar or local registrar who transmitted the statement to furnish him with a certified copy of the order, judgment or decree issued under the seal of the proper certifying authority. Marriage performed in another province.

(2) Upon receipt of the certified copy, the Registrar-General shall transmit it to the person having charge of the registration of marriages in the province in which the marriage was performed. *New.* Idem.

REGISTRATION OF BIRTHS AND DEATHS OCCURRING ON BOARD SHIP.

29. Upon receipt from the Minister of Transport of information transmitted under the *Canada Shipping Act, 1934*, (Canada), respecting the birth of a child or the death of a person on board a ship whose port of registry is within Ontario, the Deputy Registrar-General may register the birth or death. *New.* Births and deaths on board ship. 1934, c. 44 (Canada).

CHURCH RECORDS.

30.—(1) Any cemetery company or association, or any religious body or historical society or association, or any Filing of church records.

corporation or individual in possession of any record of births, marriages, baptisms or deaths which may be of value in establishing the genealogy of any resident in Ontario may, with the approval of the Registrar-General, deposit such record with the Registrar-General without charge. R.S.O. 1937, c. 88, s. 11 (1), *amended*.

Records to be preserved. (2) Upon being deposited, the records shall be preserved and remain in the custody of the Registrar-General as part of the records of his office. *New*.

CORRECTION OF ERRORS IN REGISTRATIONS.

Corrections by division registrar. **31.**—(1) If, while the registration of any birth, marriage, death or still-birth is in the possession of a division registrar, it is reported to him that an error has been made in the registration he shall inquire into the facts and if he is satisfied that an error has been made in the registration he may correct the error according to the facts by a notation on the registration without any alteration being made in the registration. R.S.O. 1937, c. 88, s. 17 (1), *part, amended*.

Correction by personal appearance. (2) If the person originally supplying the information contained in a registration to be corrected appears in person, the division registrar may permit correction in the original entry. *New*.

Correction by Registrar-General. (3) If, after a registration has been received or made by the Registrar-General, it is reported to him that an error has been made, the Registrar-General shall inquire into the facts, and upon the production of evidence satisfactory to him supplemented by statutory declaration in the prescribed form, he may correct the error by a notation on the registration without any alteration being made in the registration. R.S.O. 1937, c. 88, s. 17 (2), *part, amended*.

Certificate of registration which has been corrected. (4) If, subsequent to the correction of an error, application is made for a certificate pursuant to this Act, the certificate shall be prepared as if the registration had been made containing correct particulars at the time of registration, but if a certified copy of the registration is required, the certified copy shall contain a copy of the notation made pursuant to subsection 1 or 3. *New*.

Notation on registration. (5) Every notation made pursuant to this section shall be dated and initialled by the person making the correction or the officer designated by the regulations. R.S.O. 1937, c. 88, s. 17 (1, 2), *part, amended*.

REGISTRATION DIVISIONS.

32.—(1) The whole of Ontario shall be divided into registration divisions. R.S.O. 1937, c. 88, s. 12 (1), *amended*. Registration divisions.

(2) Every municipality shall be a registration division. R.S.O. 1937, c. 88, s. 12 (2). Municipal units.

(3) The Lieutenant-Governor in Council may divide that part of Ontario not within a municipality into registration divisions, and may from time to time extend, reduce, subdivide or annul any such registration division or merge it in whole or in part with one or more registration divisions and may attach any territory or portion thereof not being part of a municipality to a registration division constituted under subsection 2. R.S.O. 1937, c. 88, s. 12 (3), *amended*. Unorganized territory.

APPOINTMENT AND DUTIES OF DIVISION REGISTRARS.

33.—(1) The clerk of every municipality shall be *ex officio* division registrar of the registration division formed by the municipality and any territory thereto attached unless the Lieutenant-Governor in Council appoints some other person as a division registrar in his stead. R.S.O. 1937, c. 88, s. 14 (1), *amended*. Municipal clerks to be division registrars.

(2) The Lieutenant-Governor in Council may appoint the division registrar for a registration division which is formed of territory not within a municipality or attached to a municipality. R.S.O. 1937, c. 88, s. 13, *amended*. Appointment of division registrar in unorganized territory.

(3) The division registrar shall have power to take the affidavit or statutory declaration of any person for the purposes of this Act. *New.* Power to take affidavits.

(4) In a city having a population of 50,000 or over, the division registrar may, with the approval of the Registrar-General, appoint such sub-registrars as may be necessary for the more convenient carrying out of the provisions of this Act with respect to the registration of deaths and for the issuing of burial permits. R.S.O. 1937, c. 88, s. 34 (3). Sub-registrars in cities.

(5) Where the Registrar-General deems it necessary in order to facilitate the registration of deaths for the purpose of burial in any section of Ontario, he may appoint a sub-registrar for the special purpose of issuing a burial permit upon payment by the applicant of a fee of twenty-five cents. R.S.O. 1937, c. 88, s. 38 (1), *amended*. Sub-registrars elsewhere.

Sub-
registrar
to transmit
registration.

(6) A sub-registrar shall forthwith transmit the registration to the division registrar for the registration division in which the death occurred or in which the body was found for registration by him. R.S.O. 1937, c. 88, s. 38 (2), *amended*.

Duties of
division
registrars.

34. The division registrar shall,—

- (a) receive and sign statements and registrations and issue burial permits; *New*.
- (b) supply, free of charge, any prescribed form required by any person in order to comply with this Act; R.S.O. 1937, c. 88, s. 18 (1), *amended*.
- (c) keep all registrations, records, notices and documents received by him in a place of safety;
- (d) use all available means to obtain the necessary information for the purpose of completing the registrations required to be made by him; R.S.O. 1937, c. 88, s. 14 (5), *amended*.
- (e) inform the proper person of the duty to furnish him with particulars for the registration of a birth, marriage, death or still-birth if he has reason to believe that any has taken place within his division and has not been registered, and, on the failure of such person to make the registration within seven days, supply to the Registrar-General such information as he has in his possession regarding the failure of any person to furnish the required particulars; R.S.O. 1937, c. 88, s. 15, *amended*.
- (f) examine every statement of birth, marriage, death or still-birth in order to ascertain whether or not it has been completed in the prescribed form;
- (g) ensure that every registration of birth, marriage, death or still-birth has been written legibly in durable ink;
- (h) refuse to accept any statement which does not contain all the items of information required therein unless he has received a satisfactory explanation for the omission; R.S.O. 1937, c. 88, s. 18 (2), *amended*.
- (i) call attention to any defects in a statement of personal particulars or medical certificate of death which is incomplete or unsatisfactory, and withhold the issuance of the acknowledgment of registration of

death and the burial permit until such defects have been corrected; R.S.O. 1937, c. 88, s. 18 (3), *amended*.

- (j) sign every registration as division registrar in attestation of the date of registration in his office; *New*.
- (k) number consecutively the registrations of births, marriages, deaths and still-births in four separate series beginning with "No. 1" for the first registration of a birth, marriage, death or still-birth in each calendar year; R.S.O. 1937, c. 88, s. 18 (4), *amended*.
- (l) transmit to the Registrar-General as required by the regulations the registration of every birth, marriage, death and still-birth made by him;
- (m) report the fact to the Registrar-General, in the prescribed form, if no birth, marriage, death or still-birth has been registered; R.S.O. 1937, c. 88, s. 14 (3), *amended*.
- (n) keep such records as may be prescribed by the regulations; and
- (o) transmit to the proper division registrar within forty-eight hours every registration of birth, marriage, death or still-birth received by him which did not occur within his registration division. *New*.

35. Every division registrar shall, under the direction of the Registrar-General, enforce this Act in his registration division and shall make an immediate report to the Registrar-General of any violation of this Act of which he has knowledge. *R.S.O. 1937, c. 88, s. 19, amended.*

Report to Registrar-General of any violation of Act.

REMUNERATION OF DIVISION REGISTRAR.

36.—(1) Every municipality shall pay annually, on the 1st day of February, to the division registrar, a remuneration of twenty-five cents for each registration of a birth, marriage, death or still-birth transmitted to the Registrar-General during the preceding calendar year, on presentation of the certificate of the Registrar-General to the treasurer of the municipality, but a municipality may by by-law with the approval of the Registrar-General limit the aggregate remuneration of the division registrar or provide for the payment of a stated annual remuneration.

Remuneration of division registrar.

(2) Remuneration at double the rates set forth in subsection 1 shall be paid to every Indian-agent and to every division registrar appointed by the Lieutenant-Governor in Council for any registration division not included in or

Remuneration in unorganized territory.

attached to a municipality, by the Treasurer of Ontario out of the Consolidated Revenue Fund. R.S.O. 1937, c. 88, s. 54, *amended*.

Monthly remuneration permissible.

(3) Nothing in this section shall prevent the remuneration of a division registrar being paid to him monthly, but in such case the remuneration shall be paid within ten days of the presentation of the certificate of the Registrar-General. *New*.

FORMS.

Registrar-General to distribute forms.

37.—(1) The Registrar-General shall distribute the prescribed forms to the division registrars.

Cost of forms.

(2) The cost of the prescribed forms and the distribution thereof shall be paid out of the Consolidated Revenue Fund.

No other forms to be used.

(3) No forms shall be used for the purposes of this Act other than the prescribed forms supplied by the Registrar-General. R.S.O. 1937, c. 88, s. 7, *amended*.

CERTIFICATES AND SEARCHES.

Contents of birth certificate;

38.—(1) A birth certificate shall contain only the following particulars of the registration:

- (a) name of the child;
- (b) date of birth;
- (c) place of birth;
- (d) sex;
- (e) date of registration; and
- (f) registration number.

death certificate;

(2) A death certificate shall contain only the following particulars of the registration:

- (a) name, age and marital status of the deceased;
- (b) date of death;
- (c) place of death;
- (d) sex;
- (e) date of registration; and
- (f) registration number.

(3) A marriage certificate shall contain only the following ^{marriage certificate.} particulars of the registration:

- (a) names of the parties;
- (b) date of the marriage;
- (c) place of the marriage;
- (d) place of birth of each of the parties;
- (e) date of registration; and
- (f) registration number.

(4) No still-birth certificate shall be issued.

^{Still-birth certificate.}

(5) A certificate, order or other document issued by the Registrar-General pursuant to this Act, may bear the seal of office of the Registrar-General. *New.*

^{Certificates under seal.}

39.—(1) Upon application and upon payment of the prescribed fee, any person who furnishes substantially accurate particulars and satisfies the Registrar-General as to his reason for requiring it, may obtain from the Registrar-General a birth certificate in respect of any birth of which there is registration in his office.

^{Who may obtain birth certificate;}

(2) Upon application and upon payment of the prescribed fee, any person may obtain from the Registrar-General a death certificate in respect of any death of which there is a registration in his office.

^{death certificate;}

(3) Upon application and upon payment of the prescribed fee,—

^{marriage certificate.}

- (a) one of the parties to the marriage;
- (b) a parent of one of the parties;
- (c) a child of the marriage; or
- (d) any person with the approval of the Registrar-General,

may obtain from the Registrar-General a marriage certificate in respect of any marriage of which there is a registration in his office. R.S.O. 1937, c. 88, s. 6 (2), *amended*.

40.—(1) No certified copy of a registration of birth, death or still-birth shall be issued except to a person author-

^{Who may obtain copy of registration of birth, death or still-birth.}

ized by the Registrar-General or the order of a court and upon payment of the prescribed fee.

Who may
obtain copy
of registra-
tion of
marriage.

(2) No certified copy of a registration of marriage shall be issued except to one of the parties to the marriage or to a person authorized by the Registrar-General or the order of a court and upon payment of the prescribed fee. *New.*

Certificate
as *prima*
facie
evidence.

41.—(1) A certificate purporting to be issued pursuant to section 39 and signed by the Registrar-General shall be admissible in any court in Ontario as *prima facie* evidence of the facts certified to be recorded, and it shall not be necessary to prove the signature or official position of the person by whom the certificate purports to be signed. R.S.O. 1937, c. 88, s. 6 (3), *amended.*

Signature of
Registrar-
General.

(2) A lithographed, printed or stamped facsimile signature of the Registrar-General shall be sufficient authentication of a certificate.

Copy of
registration
as *prima*
facie
evidence.

(3) A certified copy of a registration, signed by the Registrar-General or Deputy Registrar-General, purporting to be issued pursuant to section 40, shall be admissible in any court in Ontario as *prima facie* evidence of the facts recorded therein.

Proviso.

(4) Notwithstanding subsections 1 and 3, no birth certificate and no certified copy of a registration of birth or still-birth shall be admissible in evidence to affect a presumption of legitimacy. *New.*

No certifi-
cates by
division
registrars.

42. A division registrar shall not issue a certificate in respect of any birth, death, marriage or still-birth. *New.*

Searches.

43.—(1) Any person who,—

(a) applies;

(b) pays the prescribed fee; and

(c) satisfies the Registrar-General as to his reason for requiring it,

may have search made for the registration of any birth, death, marriage, still-birth, divorce, adoption or change of name in the indexes kept in the office of the Registrar-General. R.S.O. 1937, c. 88, s. 6 (1), *amended.*

Search of
church
records.

(2) Any person who,—

(a) applies;

(b) pays the prescribed fee; and

- (c) satisfies the Registrar-General as to his reason for requiring it,

may have search made for any birth, marriage, baptism or death in any record kept in the office of the Registrar-General pursuant to section 30.

- (3) The only information given upon a search under sub-section 1 or 2 shall be as to the existence or otherwise of the ^{Information given on search.} registration, and the registration number if registered. *New.*

GENERAL PROVISIONS.

44. Subject to section 29, no registration shall be made of a ^{Ontario} birth, still-birth, marriage or death occurring outside of ^{registrations only.} Ontario. *New.*

45. The provisions of this Act shall apply in respect of ^{Application of Act.} any birth, marriage, death, still-birth, divorce, adoption or change of name, that has occurred prior to the passing of this Act, as well as to any birth, marriage, death, still-birth, divorce, adoption or change of name which may occur subsequent to the passing of this Act. *New.*

46. No person shall issue any document which purports to be a certificate of a birth, marriage, death or still-birth other than a certificate provided for under the provisions of this Act. ^{Certificates not to be issued.} *New.*

- 47.—(1) If, after such notice to and the hearing of such ^{Registration unlawfully obtained.} interested parties as he considers proper, the Registrar-General is satisfied that a registration was fraudulently or improperly obtained, he may order that a notation be made on the registration to that effect and thereafter no certificate shall be issued in respect of the registration.

- (2) Upon the making of an order under subsection 1, the Registrar-General may require the delivery to him of every ^{Order for delivery of certificate.} certificate previously issued in respect of the registration.

- (3) If the Registrar-General has reason to believe that a ^{Certificate used improperly.} certificate in respect of a registration is being had or used for fraudulent or improper purposes, he may, after such notice to and hearing of such interested parties as he considers proper, make an order requiring the delivery of the certificate to him.

- (4) Any person who has in his possession or under his ^{Delivery of certificates.} control a certificate in respect of which an order has been made under subsection 2 or 3, shall forthwith deliver the certificate to the Registrar-General. *New.*

Secrecy.

48. No division registrar or sub-registrar and no person employed in the service of His Majesty shall communicate or allow to be communicated to any person not entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any records containing information obtained under this Act. *New.*

PENALTIES.

Failure to give notice or furnish particulars.

49.—(1) Every person who neglects or fails to give any notice, or to register or to furnish any statement, certificate or particulars respecting the birth, marriage, death, still-birth, divorce, adoption or change of name of any person as required by this Act, shall be guilty of an offence and liable to a penalty not exceeding \$100. R.S.O. 1937, c. 88, s. 45 (1), *amended.*

Neglect of division registrar to make returns.

(2) If a division registrar fails to transmit to the Registrar-General any registration, or to make any return as required by this Act he shall be guilty of an offence and liable to a penalty not exceeding \$100 and each succeeding week's continuance of failure to make the transmission or return shall constitute a new and distinct offence; and the Registrar-General may refuse to issue a certificate for the payment of any fee due to the division registrar until the transmission or return is made. R.S.O. 1937, c. 88, s. 43, *amended.*

False information.

50.—(1) Every person who wilfully makes or causes to be made a false statement in any notice, registration, statement, certificate, return or other document respecting any particulars required to be furnished under this Act shall be guilty of an offence and liable to a fine not exceeding \$500 or to imprisonment for a term not exceeding six months or to both fine and imprisonment; and every legally qualified medical practitioner who wilfully makes a false statement as to the cause of the death of any person, or represents himself as having been in attendance during the last illness of any person when in fact he was not called in attendance until after the death, shall, in addition to any penalty imposed by this Act, be subject to discipline by the Council of the College of Physicians and Surgeons of Ontario. R.S.O. 1937, c. 88, s. 44, *amended.*

False information.

(2) Every person who wilfully makes, or causes to be made a registration of a birth, marriage, death or still-birth as having occurred in Ontario in respect of any person whose birth, marriage, death or still-birth did not occur in Ontario, shall be guilty of an offence and liable to a fine not exceeding \$500 or to a term of imprisonment not exceeding six months or to both fine and imprisonment. *New.*

51. Any person violating any of the provisions of section 48 shall be guilty of an offence and liable to a penalty not exceeding \$200. *New.* Breach of
secrecy
provision.

52. Every person guilty of any act or omission in violation of this Act for which no penalty is otherwise provided shall be guilty of an offence and liable to a penalty not exceeding \$100. R.S.O. 1937, c. 88, s. 46, *amended.* General
penalty.

53. The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*. R.S.O. 1937, c. 88, s. 48. Penalties.—
how recover-
able.
Rev. Stat.,
c. 136.

REGULATIONS.

54. The Lieutenant-Governor in Council may make regulations,— Regulations.

- (a) prescribing the forms to be used in carrying out the provisions of this Act;
- (b) prescribing the duties of the Deputy Registrar-General and providing for the delegation to him of such of the powers and duties of the Registrar-General as may be deemed necessary;
- (c) prescribing the duties of inspectors;
- (d) prescribing the system of filing of registrations;
- (e) prescribing the particulars of registrations to be entered in the indexes;
- (f) prescribing the duties of and records to be kept by the division registrars;
- (g) prescribing the information and returns to be furnished to the Registrar-General, and fixing the times when information and returns are to be transmitted;
- (h) fixing the times when division registrars shall forward registrations to the Registrar-General;
- (i) prescribing the duties of, and returns to be made by sub-registrars;
- (j) designating the persons who may have access to, or may be given information from the records in the Registrar-General's office, and prescribing an oath of secrecy to be taken by such persons;
- (k) for the registration of births, marriages, deaths, still-births, divorces, adoptions or changes of name in cases not otherwise provided for in the Act;

- (l) prescribing the fees to be paid for searches, certificates and anything done or permitted to be done under the Act and providing for the waiver of payment of any such fees in favour of any person or class of persons;
- (m) designating the officers who may sign registrations and notations;
- (n) prescribing the evidence on which the Registrar-General may register a birth, still-birth, marriage or death after one year from the date thereof;
- (o) prescribing the evidence on which the Registrar-General may make a registration of birth in the case of a child legitimated by the subsequent inter-marriage of his parents;
- (p) requiring the persons in charge of hospitals to make returns of the births of all children born in the hospitals;
- (q) prescribing special forms for registrations in respect of Indians;
- (r) providing that registrations in respect of Indians shall be kept separate from other registrations;
- (s) authorizing every Indian-agent in Ontario to act *ex officio* as division registrar for the Indians under his jurisdiction; and
- (t) for the purpose of effectively securing the due observance of the Act, and generally for the better carrying out of the provisions thereof and obtaining the information required thereby. R.S.O. 1937, c. 88, s. 53, *amended*.

SPECIAL PROVISIONS.

Transfer of
change of
name
material
from Regis-
trar of
Supreme
Court.

1939, c. 6.

55.—(1) The Registrar of the Supreme Court shall transmit to the Registrar-General, upon the coming into force of this Act,—

- (a) all certified copies of orders and duplicate originals of applications and verifying affidavits received by him pursuant to *The Change of Name Act, 1939*;
- (b) all index books kept by him pursuant to the said Act; and

- (c) all annulling orders received by him pursuant to the said Act.

(2) The Registrar-General, upon application in the prescribed form and upon production of evidence satisfactory to him,—

Notation of change of name occurring before the commencement of this Act.

- (a) that the name of a person whose birth or marriage has been registered in Ontario was changed prior to the coming into force of this Act by an order under *The Change of Name Act, 1939*;

1939, c. 6.

- (b) that the order has not been annulled; and

- (c) of the identity of the person,

shall cause a notation and references to be made as provided in subsection 2 of section 26, and subsections 3 to 5 of section 26 shall thereupon be applicable. *New.*

REPEAL.

56. *The Vital Statistics Act*, section 33 of *The Statute Law Amendment Act, 1939*, section 42 of *The Statute Law Amendment Act, 1941*, section 40 of *The Statute Law Amendment Act, 1942*, and section 40 of *The Statute Law Amendment Act, 1943*, are repealed.

Rev. Stat., c. 88; 1939, c. 47, s. 33; 1941, c. 55, s. 42; 1942, c. 34, s. 40; 1943, c. 28, s. 40, repealed.

COMMENCEMENT OF ACT.

57. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commencement of Act.

SHORT TITLE.

58. This Act may be cited as *The Vital Statistics Act, 1948*.

Short title.



The Vital Statistics Act, 1948.

1st Reading

March 15th, 1948

2nd Reading

3rd Reading

MR. DUNBAR

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Vital Statistics Act, 1948.

MR. DUNBAR



BILL

The Vital Statistics Act, 1948.

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

INTERPRETATION.

1. In this Act,—

Interpre-
tation,—

- (a) "birth" means the complete expulsion or extraction "birth"; from its mother of a foetus which did at any time after being completely expelled or extracted from the mother breathe or show any other sign of life, whether or not the umbilical cord was cut or the placenta attached;
- (b) "cemetery" includes a vault, a mausoleum and any "cemetery"; land which is set apart or used for the interment of the dead or in which bodies are buried; R.S.O. 1937, c. 88, s. 1, cl. (a), *amended*.
- (c) "cemetery owner" includes the person who is in "cemetery owner"; charge of a cemetery or crematorium under the authority of the owner thereof;
- (d) "certificate" means a certified extract of the pre-"certificate"; scribed particulars of a registration in the records of the Registrar-General;
- (e) "cremation" means the disposal of a dead body by "cremation"; incineration under *The Cemetery Act*, Rev. Stat., c. 351.
- (f) "Deputy Registrar-General" means the Deputy Registrar-General appointed under this Act; "Deputy Registrar-General";
- (g) "division registrar" means division registrar ap-"division registrar"; pointed under this Act and includes an Indian-agent;

- "divorce"; (h) "divorce" means dissolution and annulment of marriage and includes nullity of marriage;
- "error"; (i) "error" means any incorrect information and includes omission of information; *New*.
- "funeral director"; (j) "funeral director" means a person who takes charge of the body of a still-born child or a deceased person for the purpose of burial, cremation or other disposition; 1942, c. 34, s. 40 (1), *amended*.
- "incapable"; (k) "incapable" means incapacity through death, illness, absence from Ontario or otherwise;
- "Indian"; (l) "Indian" means an Indian within the meaning of the *Indian Act* (Canada) but does not include an enfranchised Indian;
R.S.C., c. 98.
- "Indian-agent"; (m) "Indian-agent" means an Indian-agent within the meaning of the *Indian Act* (Canada); *New*.
- "inspector"; (n) "inspector" means an inspector of vital statistics appointed for the purposes of this Act; R.S.O. 1937, c. 88, s. 1, cl. (c), *amended*.
- "notation"; (o) "notation" means any addition to, or alteration of, a registration in the records of the Registrar-General or a division registrar; *New*.
- "municipality"; (p) "municipality" means a city, town, village, organized township or improvement district; R.S.O. 1937, c. 88, s. 1, cl. (d), *amended*.
- "nurse"; (q) "nurse" includes any person, other than a legally qualified medical practitioner, who attends at the birth of a child; R.S.O. 1937, c. 88, s. 1, cl. (e), *amended*.
- "occupier"; (r) "occupier" includes a governor, keeper, warden, superintendent, manager or resident physician of any gaol, prison, penitentiary or other place of detention, a children's home or orphanage, a public or private medical, surgical, maternity or mental hospital, or any public or private charitable institution, a manager of an hotel, and a keeper of a house for public accommodation, a tourist camp or other stopping-place for persons; R.S.O. 1937, c. 88, s. 1, cl. (f), *amended*.
- "prescribed form"; (s) "prescribed form" means the form prescribed by the regulations; R.S.O. 1937, c. 88, s. 1, cl. (g), *amended*.

- (t) "Registrar-General" means the member of the Executive Council who is charged with the administration of this Act; R.S.O. 1937, c. 88, s. 1, cl. (h), *amended*. "Registrar-General";
- (u) "religious body" means a church or any religious denomination, sect, congregation or society. "religious body";
- (v) "state" means any state or territory of the United States of America, or the District of Columbia; and *New*. "state";
- (w) "still-birth" means the complete expulsion or extraction from its mother after the twenty-eighth week of pregnancy of a foetus which did not at any time after being completely expelled or extracted from the mother breathe or show any other sign of life. 1943, c. 28, s. 40, *part, amended*. "still-birth";

ADMINISTRATION.

2.—(1) The Registrar-General shall direct a uniform system of registration of births, marriages, deaths, still-births, adoptions, divorces and changes of name in Ontario, and shall be charged with the enforcement of the provisions of this Act. R.S.O. 1937, c. 88, s. 8 (1), *part, amended*. Uniform system of registration.

(2) The Registrar-General shall cause the registrations of births, marriages, deaths, still-births, adoptions, divorces and changes of name occurring in Ontario and received in his office to be numbered in seven separate series and otherwise systematically filed according to each calendar year in accordance with the regulations and carefully kept in vaults provided for that purpose. Registrations to be numbered by Registrar-General.

(3) The Registrar-General shall cause the said registrations to be indexed separately according to each calendar year, and each index shall contain the numbers and such other particulars of the registrations as may be prescribed by the regulations. R.S.O. 1937, c. 88, s. 10, *amended*. Indexing.

3.—(1) The Registrar-General shall examine the registrations received from the division registrars, and if the registrations are incomplete or unsatisfactory, he shall require such information to be supplied as may be necessary to complete the registration. R.S.O. 1937, c. 88, s. 8 (2), *amended*. Examination of registrations.

(2) Where it is found upon examination that any registration received from a division registrar is incomplete as to the Registrations not signed.

required signatures, the Registrar-General shall cause the registration to be returned by registered mail to the proper division registrar in order that the signatures may be obtained.

Classification by International List of Causes of Death.

(3) The Registrar-General shall cause all deaths registered under this Act to be classified according to the International List of Causes of Death as revised at the last decennial revision thereof by the International Commission assembled for that purpose and he shall supply free of charge to every legally qualified medical practitioner in Ontario a Physician's Pocket Reference Book explanatory of such list.

Publication of Registrar-General.

(4) The Registrar-General may collate, publish and distribute such statistical information regarding the births, marriages, deaths, still-births, adoptions, divorces and changes of name registered during any period as he may deem to be necessary and in the public interest. *New.*

Annual report of Registrar-General.

(5) As soon after the 1st day of January in each year as convenient, the Registrar-General shall cause to be printed, for the use of the Legislative Assembly and for public information, a full report of the births, marriages, deaths, still-births, adoptions, divorces and changes of name for the preceding calendar year. R.S.O. 1937, c. 88, s. 4, *amended.*

Instructions by Registrar-General.

(6) The Registrar-General shall prepare and issue to every division registrar such detailed instructions as may be required to procure the uniform observance of the provisions of this Act. R.S.O. 1937, c. 88, s. 8 (1), *part, amended.*

Deputy Registrar-General.

1947, c.89.

4.—(1) There shall be a Deputy Registrar-General appointed by the Lieutenant-Governor in Council who shall be deemed to be a deputy minister under *The Public Service Act, 1947*, and who shall have direct supervision of the office of the Registrar-General and be directly responsible to the Registrar-General for the conduct of his office, and shall perform such other duties as may be prescribed by the regulations or delegated to him by the Registrar-General. *New.*

Appointment and duties of inspectors.

(2) The Lieutenant-Governor in Council may appoint inspectors of vital statistics for the purpose of this Act, who shall perform such duties as may be prescribed by the regulations. R.S.O. 1937, c. 88, s. 3, *amended.*

REGISTRATION OF BIRTHS.

Duty of medical practitioner.

5.—(1) Every legally qualified medical practitioner who attends at the birth within Ontario of a child shall give notice of the birth.

(2) Where no legally qualified medical practitioner is in attendance at the birth, the nurse in attendance shall give the notice of the birth. Duty of nurse.

(3) The notice of the birth shall be in the prescribed form and shall be given by delivering or mailing the notice within two days after the day of birth to the division registrar of the registration division within which the child was born. R.S.O. 1937, c. 88, s. 20, *amended*. Mode of giving notice.

(4) The notice so given shall be transmitted by the division registrar to the Registrar-General and preserved by the Registrar-General until such time as the registration of the birth has been completed under this Act. *New*. Notice to be preserved.

6.—(1) Within thirty days after the day of the birth within Ontario of a child,— Statement of birth.

- (a) the mother;
- (b) if the mother is incapable, the father;
- (c) if the mother and father are incapable, the person standing in the place of the parents of the child; or
- (d) if the mother and father are incapable and there is no person standing in the place of the parents of the child, the occupier of the premises in which the child is born, if he has knowledge of the birth, and the nurse or other person present at the birth,

shall complete, certify and deliver or mail a statement in the prescribed form respecting the birth to the division registrar of the registration division within which the child was born, provided that the Registrar-General may accept the statement of the father although the mother is not incapable. R.S.O. 1937, c. 88, s. 21 (1, 2), *amended*.

(2) Notwithstanding the provisions of subsection 1, the father of an illegitimate child shall not be required to register the birth of such child. No duty on father of illegitimate child to register.

(3) The statement shall state whether the mother of the child is single, married, widowed or divorced, but shall not state whether the parents of the child are married to each other. Contents of statement.

(4) No indication of the paternity of the child shall be given in the registration of the birth of a child of a married woman, but the particulars of the husband may be given, provided that the statement shall not be rendered unreceivable by reason only of failure to supply the particulars of the husband. *New*. Birth of child to married woman.

Name of
illegitimate
child.

(5) In the registration of the birth of a child of an unmarried woman, the child shall be registered in the name of the mother and no person shall be named as the father, provided that where the person acknowledging himself to be the father and the mother so request in writing, the father may be named and the child registered in the name of the father in accordance with the request, and if such request is made after the registration of the birth the Registrar-General may amend the registration in accordance with the request by making a notation thereon. R.S.O. 1937, c. 88, s. 23 (1), *amended*.

Plural
births.

(6) If more than one child is delivered from the mother during a single confinement, a separate statement for each child shall be completed, certified and delivered or mailed as provided in subsection 1, and in each statement the number of children born during the confinement and the number in the order of birth shall be given. *New*.

Violation.

7. If the statement respecting the birth of a child is not completed, certified and delivered or mailed in the manner and within the time provided in section 6, every person upon whom the duty of completing, certifying and delivering or mailing the statement is imposed by section 6 shall remain liable to perform that duty notwithstanding the expiration of the time so provided, and shall, in respect of each successive period of thirty days thereafter during which he neglects so to complete, certify and deliver or mail the statement, be guilty of a violation of this Act. *New*.

Registration
of birth.

8.—(1) Upon receipt, within one year from the day of the birth of a child, of a statement in the prescribed form respecting the birth, the division registrar if he is satisfied as to the correctness and sufficiency thereof, shall register the birth by signing the statement, and thereupon the statement shall constitute the registration of the birth. R.S.O. 1937, c. 88, s. 25, *amended*.

Acknowledg-
ment of
registration.

(2) Upon the registration of a birth, the division registrar shall issue to the person registering the birth, without charge, an acknowledgment of the registration of the birth in the prescribed form. R.S.O. 1937, c. 88, s. 21 (3), *amended*.

Not a
certificate.

(3) The acknowledgment of registration of a birth shall not be deemed to be or be used in any way as a birth certificate.

Not to
register after
one year.

(4) A division registrar shall not register a birth after one year from the day of the birth. R.S.O. 1937, c. 88, s. 42, *part, amended*.

Registration
of birth by
Registrar-
General.

9.—(1) If the birth of a child has not been registered within one year from the day of the birth, application for the registra-

tion of the birth may be made to the Registrar-General in the prescribed form by the person whose birth has not been registered or by any other person.

(2) The application shall be accompanied by,—

Method of
application
for registra-
tion.

- (a) the prescribed fee;
- (b) the statement provided for in subsection 1 of section 6, completed and certified;
- (c) a statutory declaration in the prescribed form by the applicant or any other person; and
- (d) such other evidence as may be prescribed by the regulations.

(3) If the Registrar-General is satisfied as to the *bona fides* of the application and the correctness and sufficiency of the evidence adduced in support thereof, and that the regulations have been complied with, he may register the birth by signing the statement, and thereupon the statement shall constitute the registration of the birth. R.S.O. 1937, c. 88, s. 42, *part, amended*.

Registration.

10.—(1) If a living new-born child is found deserted, the person who finds the child and any person in whose charge the child is placed shall give to the best of his knowledge and belief to the division registrar of the registration division within which the child is found, within seven days after the finding or taking charge of the child, such information concerning the birth of the child as the informant may possess. R.S.O. 1937, c. 88, s. 22, *amended*.

Foundlings.

(2) The division registrar, upon receipt of such information regarding the birth of the child, and upon being satisfied that every effort has been made to identify the child without success shall,—

Duties of
division
registrar.

- (a) cause the person who found or has charge of the child to complete a statutory declaration concerning the facts of the finding of the child and to complete and certify, so far as the person is able, a statement in the prescribed form required under subsection 1 of section 6;
- (b) cause the child to be examined by the local medical officer of health or a legally qualified medical practitioner with a view to determining as nearly as possible the day of the birth of the child, and the

examiner shall make a statutory declaration setting forth the facts as determined by the examination; and

- (c) make a detailed report of the case and transmit the report to the Registrar-General together with evidence regarding the birth of the child.

Fee.

(3) A legally qualified medical practitioner shall receive a fee of \$5 for the examination under clause *b* of subsection 2, which fee shall be paid by the Treasurer of Ontario out of the Consolidated Revenue Fund.

Registration of birth of foundlings.

(4) The Registrar-General, upon receipt of the evidence referred to in subsection 2, shall review the case and upon being satisfied as to the correctness and sufficiency of the facts stated, shall register the birth and for the purpose of registration shall establish for the child,—

- (a) a date of birth;
- (b) a place of birth; and
- (c) a surname and given name.

Subsequent registration if child identified.

(5) If, subsequent to the registration, the identity of the child is established to the satisfaction of the Registrar-General, he may by order set aside the registration made pursuant to this section and cause the substitution of a new registration of the birth in accordance with the actual facts of the birth, and cause the original registration to be withdrawn from the registration files and kept in a separate file and sealed.

Date of registration.

(6) Where the identity of the child is established and a new registration is made pursuant to subsection 5, the date of the new registration shall be the date of the original registration.

Cancellation of certificates.

(7) The holder of a certificate issued in respect of a registration of a birth made pursuant to subsection 4, which registration has been withdrawn pursuant to subsection 5, shall deliver it forthwith upon demand to the Registrar-General for cancellation. *New.*

Registration of child legitimated by subsequent marriage.

11.—(1) Where a child has been legitimated by the subsequent intermarriage of his parents, then upon the parents,—

- (a) completing and certifying the statement required under subsection 1 of section 6;
- (b) delivering the statement, together with such evidence

as to the legitimation as is required by the regulations,
to the Registrar-General; and

(c) paying the prescribed fee,

the Registrar-General shall,—

(d) register the birth as if the parents had been married
to each other at the time of the birth; and

(e) make a notation on the statement that the registra-
tion was made under this section,

and the statement shall constitute the registration of the birth,
provided that upon proof that one of the parents is dead or
mentally incapable, the application may be made by the other
parent.

(2) Where the birth of the child has been registered before the marriage, the original registration shall be withdrawn from the registration files and shall be kept in a separate file and sealed. 1939, c. 47, s. 33, *amended*. Original registration to be withdrawn.

12.—(1) Where the birth of a child has been registered, and,— Alteration of given name of child.

(a) the given name by which the child was registered
has been changed; or

(b) the child was registered without a given name,

the Registrar-General, upon payment of the prescribed fee and upon receipt of a statutory declaration containing such particulars as may be prescribed by the regulations as to the change or giving of the given name, completed by the father, mother or guardian of the child, or the person procuring the name to be changed or given, shall cause a notation of the alteration or addition to be made on the registration of the birth.

(2) Where the change of the given name is effected by baptism, a certificate of baptism signed by the person who performed the rite of baptism shall be filed with the statutory declaration. R.S.O. 1937, c. 88, s. 27 (1), *amended*. Baptismal certificate to be filed.

(3) This section shall apply only where the given name of the child was changed or the new name given within ten years after the birth of the child. Applicability of section.

Limitation
on altera-
tions to
given name.

(4) No notation shall be made in a registration regarding the given name of a child except in the manner prescribed in subsection 1, or pursuant to the provisions of this Act in respect of adopted children, changes of names and correction of errors.

Notation to
be dated and
initialled.

(5) Every notation made pursuant to this section shall be dated and initialled by the officer designated by the regulations.

Changes to
be shown on
certificate.

(6) If subsequent to the making of a notation pursuant to this section application is made for a birth certificate, the certificate shall be prepared as if the registration had been made containing the changed or new given name at the time of registration, but if a certified copy of the registration is required, the certified copy shall contain a copy of the notation made pursuant to subsection 1. *New.*

REGISTRATION OF STILL-BIRTHS.

Statement re
still-births.

13.—(1) In the case of a still-birth within Ontario, the person who, in the case of a birth, would have been required to furnish particulars of the birth under subsection 1 of section 6, shall complete, certify and deliver a statement in the prescribed form respecting the still-birth to the funeral director in charge of the body.

Medical
certificate.

(2) The legally qualified medical practitioner in attendance at a still-birth, or where there is no legally qualified medical practitioner in attendance, a coroner shall complete a medical certificate in the prescribed form of the cause of the still-birth and shall deliver it to the funeral director in charge of the body,

Duty of
funeral
director.

(3) Upon receipt of the statement and the medical certificate, the funeral director shall complete the statement setting forth the proposed date and place of burial, cremation or other disposition or the removal of the body and shall deliver the statement and medical certificate to the division registrar of the proper registration division.

Registration
of still-
birth.

(4) Upon receipt of the statement and the medical certificate the division registrar, if he is satisfied as to the correctness and sufficiency thereof, shall register the still-birth by signing the statement and medical certificate and thereupon the statement and medical certificate shall constitute the registration of the still-birth.

Burial
permit.

(5) Upon the registration of a still-birth, the division registrar, without the payment of any fee, shall forthwith prepare and deliver to the person requiring the same for the

purpose of the burial, cremation or other disposition or removal of the body of the still-born child,—

- (a) an acknowledgment that the still-birth has been registered; and
- (b) a burial permit for the purpose of the burial or other disposition of the body.

(6) Subject to the provisions of this section, sections 5 to 9, 11 and 16 to 23 shall apply *mutatis mutandis* to still-births. Application of ss. 5-9, 11, 16-23.
1943, c. 28, s. 40, *amended*.

REGISTRATION OF MARRIAGES.

14.—(1) In addition to any registration of a marriage Marriages. required under *The Marriage Act*, every marriage that is Rev. Stat., c. 207. solemnized within Ontario shall be registered under this Act.
New.

(2) Every person authorized by law to solemnize marriages Person solemnizing to complete statement of marriage. shall complete a statement in the prescribed form as to each marriage solemnized by him, which statement shall be signed by each of the parties to the marriage and by at least two adult witnesses to the marriage, and the person by whom the marriage was solemnized shall certify in such statement as to the solemnization of the marriage.

(3) The person by whom the marriage was solemnized shall Statement to be delivered within two days. mail or deliver to the division registrar within two days after the day of the marriage, the statement respecting the marriage.
R.S.O. 1937, c. 88, s. 29 (1), *amended*.

(4) Upon the receipt, within one year from the day of the solemnization of a marriage, of a statement in the prescribed Registration of marriage. form respecting the marriage, the division registrar if he is satisfied as to the correctness and sufficiency thereof, shall register the marriage by signing the statement, and thereupon the statement shall constitute the registration of the marriage.

(5) Upon receipt of the statement by the division registrar, Receipt for statement. he shall mail to the person by whom the marriage was solemnized, an acknowledgment of the receipt in the prescribed form.

(6) A division registrar shall not register any marriage Time limitation. after one year from the day of the marriage. *New.*

15. If a marriage has not been registered within one year from the day of the marriage, the registration may be made by the Registrar-General upon such evidence as may be prescribed by the regulations. R.S.O. 1937, c. 88, s. 42, *part, amended*. Registration of marriage by Registrar-General.

REGISTRATION OF DEATHS.

Place of
registration
of deaths.

16.—(1) The death of every person who dies within Ontario shall be registered in the office of the division registrar of the registration division within which the death occurs, or if the place of death is not known then in the office of the division registrar of the registration division within which the body is found. *New.*

Information
respecting
deceased.

(2) A statement in the prescribed form containing personal particulars of the deceased person shall, upon the request of the funeral director in charge of the body, be completed, certified and delivered to the funeral director,—

- (a) by the nearest relative present at the death or last illness, or any relative who may be available;
- (b) if no relative is available, by the occupier of the premises in which the person died, or if the occupier be the person who has died, by any adult person residing in the premises who was present at the death or has knowledge of the personal particulars;
- (c) if the death occurred in unoccupied premises and no relative is available, by any adult person who was present at the death or has knowledge of the personal particulars; or
- (d) by the coroner who has been notified of the death and has made an inquiry or held an inquest regarding the death. R.S.O. 1937, c. 88, s. 33, *amended.*

Medical cer-
tificate.

(3) The legally qualified medical practitioner who was last in attendance during the last illness of a deceased person, the coroner who conducts an inquest on the body of a deceased person or an inquiry into the death of a person or the local medical officer of health who makes an investigation as provided in subsection 2 of section 19 shall, forthwith after the death, inquest, inquiry or investigation, as the case may be, complete and sign a medical certificate of death in the prescribed form for the purpose of registration of death, stating therein the cause of death according to the International List of Causes of Death as last revised by the International Commission called for that purpose, and shall deliver the medical certificate of death to the funeral director in charge of the body. R.S.O. 1937, c. 88, s. 32, *amended.*

Particulars
to be stated
in certifi-
cate.

(4) The legally qualified medical practitioner, coroner or local medical officer of health shall in his certificate state that he has viewed the body of the deceased. *New.*

(5) Upon receipt of the statement containing the personal particulars and the medical certificate of death, the funeral director shall complete the statement containing personal particulars, setting forth the proposed date and place of burial, cremation or other disposition or the removal of the body and shall deliver the statement and the medical certificate to the division registrar of the proper registration division. *New.* Duty of funeral director.

17.—(1) Upon the receipt, within one year from the day of the death of a person, of the statement containing the personal particulars and the medical certificate, the division registrar, if he is satisfied as to the correctness and sufficiency thereof, shall register the death by signing the statement and medical certificate, and thereupon the statement and medical certificate shall constitute the registration of the death. Registration of death by division registrar.

(2) A division registrar shall not register any death after one year from the day of the death. *New.* Time limitation.

(3) Upon the registration of a death, the division registrar, without the payment of any fee, shall forthwith prepare and deliver to the funeral director requiring the same for the purpose of the burial, cremation or other disposition or the removal of the body of the deceased person,— Duty of division registrar.

(a) an acknowledgment that the death has been registered; and

(b) a burial permit for the purpose of the burial or other disposition of the body. R.S.O. 1937, c. 88, s. 37, *amended.*

18.—(1) If a death has occurred and it is impracticable to register the same, by reason of distance, with the division registrar of the proper registration division, registration of the death may be made with the nearest division registrar who, upon payment of the prescribed fee, shall register the same and issue an acknowledgment of registration of death and a burial permit and such division registrar shall forward the registration of the death to the division registrar of the proper registration division. R.S.O. 1937, c. 88, s. 34 (1), *amended.* Registration in another registration division.

(2) Where a death has been registered in accordance with subsection 1, the division registrar who registers the death shall be entitled to the fee for his own use. R.S.O. 1937, c. 88, s. 34 (2), *amended.* Fee for registration in another division.

19.—(1) If there is reason to believe that a person has died as a result of violence or misadventure or by unfair means or from any cause other than disease, or as a result of Death by violence or misadventure.

negligence, malpractice or misconduct on the part of others or under such circumstances as require investigation, no acknowledgment of registration of death and no burial permit shall be issued by the division registrar unless,—

- (a) the body has been examined by a coroner and the coroner has made inquiry into the circumstances of the death or held an inquest as provided by *The Coroners Act, 1948*;
- (b) the coroner has signed the medical certificate of death; and
- (c) the other provisions of this Act regarding registration of death have been complied with. R.S.O. 1937, c. 88, s. 36, *amended*.

1948, c.—

Death with-
out medical
attendance.

(2) Where there is no legally qualified medical practitioner in attendance during the last illness of a deceased person and there is no reason to believe that the death occurred under any of the circumstances set forth in subsection 1, the funeral director shall notify the local medical officer of health and refer the case to him for immediate investigation. R.S.O. 1937, c. 88, s. 32 (2), *amended*.

Reference
to coroner.

(3) If the legally qualified medical practitioner referred to in subsection 3 of section 16, or the local medical officer of health referred to in subsection 2, cannot determine the cause of death, or where the circumstances of the case indicate that the death occurred under any of the circumstances set forth in subsection 1, the case shall be referred by either of them to the coroner for investigation. *New*.

Coroner's
warrant
to bury.

(4) Where a person has died under any of the circumstances referred to in subsection 1 or 3 and it is impossible for the coroner to complete a medical certificate of the cause of death, the coroner may issue his warrant to bury as provided by *The Coroners Act, 1948*, and the division registrar shall issue, on the delivery to him of the warrant to bury the body, a burial permit, and the coroner shall, within two days of his determining the cause of death, or of the completion of his investigation, issue and deliver or mail the medical certificate of death to the division registrar of the registration division in which the death occurred. R.S.O. 1937, c. 88, s. 36, cl. (c), *amended*.

Registra-
tion before
disposition
of body.

20.—(1) Subject to subsection 4 of section 19, no person shall bury, cremate or otherwise dispose of the body of any person who dies within Ontario or remove the body from the registration division within which the death occurred or the body is found, and no person shall take part in or conduct

any funeral or religious service for the purpose of burial, cremation or other disposition of the body of a deceased person, unless the death has been registered under this Act, and an acknowledgment of registration of death and a burial permit has been obtained from the division registrar. R.S.O. 1937, c. 88, s. 31 (1), *amended*.

(2) The funeral director shall retain the acknowledgment of registration of death as evidence of his having complied with this Act. Acknowledgment to be retained by funeral director.

(3) No person shall conduct a funeral or other religious burial service unless the burial permit signed by the proper division registrar is produced to him. *New*. Person not to conduct service unless burial permit produced.

(4) A cemetery owner shall not permit the interment or cremation of the body of any person in the cemetery or crematorium unless the burial permit is delivered to him. R.S.O. 1937, c. 88, s. 40 (1), *amended*. Delivery of burial permit.

(5) The cemetery owner shall retain the burial permit as evidence of his having complied with this Act. *New*. Cemetery owner to retain burial permit.

(6) Where no person is in charge of the cemetery at the time of the burial or other disposition of the body, the funeral director shall write across the face of the burial permit the words "No person in charge", and shall append his signature thereto and return the burial permit to the division registrar of the registration division in which the burial or other disposition took place. R.S.O. 1937, c. 88, s. 41, *amended*. Where no person in charge of cemetery.

21.—(1) If the body of a person is to be removed to the place of burial or other disposition by a transportation company or other common carrier, such removal shall not take place until the burial permit has been affixed to the outside of the casket. *New*. Removal of bodies.

(2) If the death occurred outside of Ontario and the burial or other disposition of the body is to take place in Ontario, a burial, transit or removal permit or such other document as may be prescribed or required under the laws of the jurisdiction in which the death occurred, signed by the proper officer of the place in which the death occurred shall be sufficient authority for the burial or other disposition of the body. R.S.O. 1937, c. 88, s. 31 (2), *amended*. Death out of Ontario.

22. A cemetery owner shall, on or before the 10th day of each month, mail to the Registrar-General a return in the prescribed form of the burials and cremations that took place in the cemetery or crematorium during the last preceding month. R.S.O. 1937, c. 88, s. 40 (2), *amended*. Returns of burials and cremations.

Registration
of death by
Registrar-
General.

23.—(1) If the death of a person has not been registered within one year from the day of the death, application for registration of the death may be made to the Registrar-General in the prescribed form.

Method of
application
for registra-
tion.

(2) The application shall be accompanied by,—

- (a) the prescribed fee;
- (b) the statement provided for in subsection 2 of section 16, completed and certified;
- (c) a statutory declaration in the prescribed form by the applicant or any other person; and
- (d) such other evidence as may be prescribed by the regulations.

Registra-
tion of
death.

(3) If the Registrar-General is satisfied as to the *bona fides* of the application and the correctness and sufficiency of the evidence adduced in support thereof, he may register the death by signing the statement, and thereupon the statement shall constitute the registration of the death. R.S.O. 1937, c. 88, s. 42, *part, amended*.

ADOPTION ORDERS.

Registration
of Ontario
adoption
order.

24.—(1) Upon receipt of a certified copy of an order of adoption transmitted under section 12 of *The Adoption Act*, the Registrar-General shall register the order.

Notation of
adoption on
birth registra-
tion.

(2) If the birth of the person adopted,—

- (a) was registered in Ontario before the adoption; or
- (b) is registered in Ontario after the adoption in accordance with this Act,

the Registrar-General, upon production of evidence satisfactory to him of the identity of the person, shall cause a notation of the adoption and of any change of name consequent thereon with a reference to the registration of the order, to be made upon the registration of birth of the person, and shall cause a reference to the registration of the birth to be endorsed on the copy of the order.

Registration
of order of
another
jurisdiction.

(3) Where a person whose birth has been registered in Ontario has been adopted pursuant to an order, judgment or decree of adoption made by a court of competent jurisdiction of another province, state or country, the Registrar-General,

upon receipt of a certified copy of the order, judgment or decree, issued under the seal of the proper certifying authority and upon production of evidence satisfactory to him of the identity of the person, shall register the order, judgment or decree and shall cause a notation of the adoption and of any change of name consequent thereon with a reference to the registration of the order to be made upon the registration of the birth of the person, and shall cause a reference to the registration of the birth to be endorsed on the copy of the order, judgment or decree. 1941, c. 55, s. 42, *amended*.

(4) Where a notation of adoption and of a change of name consequent thereon has been made on a registration of birth, and application is afterwards made for a birth certificate pursuant to this Act, the certificate shall be issued as if the registration had been made in the name as changed. *New.* Certificate after adoption.

(5) Every notation made pursuant to this section shall be dated and initialled by the officer designated by the regulations. *New.* Notation to be dated and initialled.

25.—(1) If a child born in another province or in any state has been adopted in Ontario pursuant to *The Adoption Act*, the Registrar-General shall transmit a certified copy of the order to the person having charge of the registration of births in the province or state in which the child was born. Child born in another province or state.

(2) If a child born in a jurisdiction other than a province or state has been adopted in Ontario pursuant to *The Adoption Act*, the Registrar-General, upon request, may transmit a certified copy of the order to the person having charge of the registration of births in the jurisdiction in which the child was born. *New.* Child born in another jurisdiction. Rev. Stat. c. 218.

CHANGES OF NAMES.

26.—(1) Upon receipt of a certified copy of an order transmitted under section 17 of *The Change of Name Act, 1948*, the Registrar-General shall register the order. Registration of order changing name. 1948, c. ...

(2) If the birth or marriage of a person whose name is changed by the order,— Notation of change on registrations.

(a) was registered in Ontario before the date of the order;
or

(b) is registered in Ontario after the date of the order in accordance with this Act,

the Registrar-General, upon production of evidence satisfactory to him of the identity of the person shall cause a notation of the change of name with a reference to the registration of the order to be made upon the registration of birth or marriage of the person, and shall cause a reference to the registration of the birth or marriage to be endorsed on the copy of the order.

Certificate of registration after notation of change of name.

(3) Where a change of name has been noted on a birth or marriage registration and application is afterwards made for a birth or marriage certificate pursuant to this Act, the certificate shall be issued as if the registration had been made in the name as changed by the order.

Annulment of order re change of name.

1948, c. . . .

(4) Upon the receipt of a certified copy of an annulling order transmitted under section 21 of *The Change of Name Act, 1948*, the Registrar-General shall cause a notation of the annulling order and a reference to the registration thereof to be made upon every registration on which a notation has been made pursuant to the original order.

Notation to be dated and initialled.

(5) Every notation made pursuant to this section shall be dated and initialled by the officer designated by the regulations. *New.*

DIVORCE DECREES.

Statement by registrar respecting divorce decrees.

27.—(1) The Registrar of the Supreme Court and every local registrar of the Supreme Court shall, from time to time, as prescribed by the regulations, furnish to the Registrar-General a statement in the prescribed form respecting each final decree of divorce entered by him in the Supreme Court. R.S.O. 1937, c. 88, s. 30 (1), *amended*.

Notation of decree upon registration of marriage.

(2) If the marriage dissolved or annulled by the decree was solemnized in Ontario and registered with the Registrar-General, the Registrar-General, upon receipt of the statement of the divorce, shall register the statement and shall cause a notation of the decree with a reference to the registration of the statement to be made upon the registration of the marriage, and shall cause a reference to the registration of the marriage to be endorsed on the statement.

Divorce decrees of other jurisdictions.

(3) Where a marriage that has been registered in Ontario has been dissolved or annulled by an order, judgment or decree made by a court of competent jurisdiction in another province, or by an Act of the Parliament of Canada, the Registrar-General, upon receipt of a certified copy of such order, judgment, decree or Act issued under the seal of the proper certifying authority shall register the order, judgment, decree or Act and shall cause a notation thereof with a refer-

ence to its registration to be made upon the registration of the marriage, and shall cause a reference to the registration of the marriage to be endorsed on the copy of the order, judgment, decree or Act.

(4) If, subsequent to the registration of the divorce, application is made for a marriage certificate, the certificate shall contain a copy of the notation made under subsection 2 or 3. *New.* Certificate of marriage dissolved by divorce.

(5) The Registrar and the local registrars of the Supreme Court shall receive a fee of fifty cents for each statement of a divorce furnished to the Registrar-General and the fees shall be payable from time to time by the Treasurer of Ontario out of the Consolidated Revenue Fund. R.S.O. 1937, c. 88, s. 30 (2), *amended.* Fee for statement of divorce.

(6) Every notation made pursuant to this section shall be dated and initialled by the officer designated by the regulations. Notation on registration.

(7) No certificate of divorce shall be issued by the Registrar-General. *New.* Certificates prohibited.

28.—(1) Where a marriage that has been performed in another province has been dissolved or annulled in Ontario, the Registrar-General upon receipt of the statement respecting the decree of divorce in respect of the marriage, transmitted under section 27, shall require the Registrar or local registrar who transmitted the statement to furnish him with a certified copy of the order, judgment or decree issued under the seal of the proper certifying authority. Marriage performed in another province.

(2) Upon receipt of the certified copy, the Registrar-General shall transmit it to the person having charge of the registration of marriages in the province in which the marriage was performed. *New.* Idem.

REGISTRATION OF BIRTHS AND DEATHS OCCURRING ON BOARD SHIP.

29. Upon receipt from the Minister of Transport of information transmitted under the *Canada Shipping Act, 1934*, (Canada), respecting the birth of a child or the death of a person on board a ship whose port of registry is within Ontario, the Deputy Registrar-General may register the birth or death. *New.* Births and deaths on board ship. 1934, c. 44 (Canada).

CHURCH RECORDS.

30.—(1) Any cemetery company or association, or any religious body or historical society or association, or any Filing of church records.

corporation or individual in possession of any record of births, marriages, baptisms or deaths which may be of value in establishing the genealogy of any resident in Ontario may, with the approval of the Registrar-General, deposit such record with the Registrar-General without charge. R.S.O. 1937, c. 88, s. 11 (1), *amended*.

Records to
be preserved.

(2) Upon being deposited, the records shall be preserved and remain in the custody of the Registrar-General as part of the records of his office. *New*.

CORRECTION OF ERRORS IN REGISTRATIONS.

Corrections
by division
registrar.

31.—(1) If, while the registration of any birth, marriage, death or still-birth is in the possession of a division registrar, it is reported to him that an error has been made in the registration he shall inquire into the facts and if he is satisfied that an error has been made in the registration he may correct the error according to the facts by a notation on the registration without any alteration being made in the registration. R.S.O. 1937, c. 88, s. 17 (1), *part, amended*.

Correction
by personal
appearance.

(2) If the person originally supplying the information contained in a registration to be corrected appears in person, the division registrar may permit correction in the original entry. *New*.

Correction
by Registrar-
General.

(3) If, after a registration has been received or made by the Registrar-General, it is reported to him that an error has been made, the Registrar-General shall inquire into the facts, and upon the production of evidence satisfactory to him supplemented by statutory declaration in the prescribed form, he may correct the error by a notation on the registration without any alteration being made in the registration. R.S.O. 1937, c. 88, s. 17 (2), *part, amended*.

Certificate
of registra-
tion which
has been
corrected.

(4) If, subsequent to the correction of an error, application is made for a certificate pursuant to this Act, the certificate shall be prepared as if the registration had been made containing correct particulars at the time of registration, but if a certified copy of the registration is required, the certified copy shall contain a copy of the notation made pursuant to subsection 1 or 3. *New*.

Notation on
registration.

(5) Every notation made pursuant to this section shall be dated and initialled by the person making the correction or the officer designated by the regulations. R.S.O. 1937, c. 88, s. 17 (1, 2), *part, amended*.

REGISTRATION DIVISIONS.

32.—(1) The whole of Ontario shall be divided into registration divisions. R.S.O. 1937, c. 88, s. 12 (1), *amended*.
Registration divisions.

(2) Every municipality shall be a registration division. R.S.O. 1937, c. 88, s. 12 (2).
Municipal units.

(3) The Lieutenant-Governor in Council may divide that part of Ontario not within a municipality into registration divisions, and may from time to time extend, reduce, subdivide or annul any such registration division or merge it in whole or in part with one or more registration divisions and may attach any territory or portion thereof not being part of a municipality to a registration division constituted under subsection 2. R.S.O. 1937, c. 88, s. 12 (3), *amended*.
Unorganized territory.

APPOINTMENT AND DUTIES OF DIVISION REGISTRARS.

33.—(1) The clerk of every municipality shall be *ex officio* division registrar of the registration division formed by the municipality and any territory thereto attached unless the Lieutenant-Governor in Council appoints some other person as a division registrar in his stead. R.S.O. 1937, c. 88, s. 14 (1), *amended*.
Municipal clerks to be division registrars.

(2) The Lieutenant-Governor in Council may appoint the division registrar for a registration division which is formed of territory not within a municipality or attached to a municipality. R.S.O. 1937, c. 88, s. 13, *amended*.
Appointment of division registrar in unorganized territory.

(3) The division registrar shall have power to take the affidavit or statutory declaration of any person for the purposes of this Act. *New*.
Power to take affidavits.

(4) In a city having a population of 50,000 or over, the division registrar may, with the approval of the Registrar-General, appoint such sub-registrars as may be necessary for the more convenient carrying out of the provisions of this Act with respect to the registration of deaths and for the issuing of burial permits. R.S.O. 1937, c. 88, s. 34 (3).
Sub-registrars in cities.

(5) Where the Registrar-General deems it necessary in order to facilitate the registration of deaths for the purpose of burial in any section of Ontario, he may appoint a sub-registrar for the special purpose of issuing a burial permit upon payment by the applicant of a fee of twenty-five cents. R.S.O. 1937, c. 88, s. 38 (1), *amended*.
Sub-registrars elsewhere.

Sub-
registrar
to transmit
registration.

(6) A sub-registrar shall forthwith transmit the registration to the division registrar for the registration division in which the death occurred or in which the body was found for registration by him. R.S.O. 1937, c. 88, s. 38 (2), *amended*.

Duties of
division
registrars.

34. The division registrar shall,—

- (a) receive and sign statements and registrations and issue burial permits; *New*.
- (b) supply, free of charge, any prescribed form required by any person in order to comply with this Act; R.S.O. 1937, c. 88, s. 18 (1), *amended*.
- (c) keep all registrations, records, notices and documents received by him in a place of safety;
- (d) use all available means to obtain the necessary information for the purpose of completing the registrations required to be made by him; R.S.O. 1937, c. 88, s. 14 (5), *amended*.
- (e) inform the proper person of the duty to furnish him with particulars for the registration of a birth, marriage, death or still-birth if he has reason to believe that any has taken place within his division and has not been registered, and, on the failure of such person to make the registration within seven days, supply to the Registrar-General such information as he has in his possession regarding the failure of any person to furnish the required particulars; R.S.O. 1937, c. 88, s. 15, *amended*.
- (f) examine every statement of birth, marriage, death or still-birth in order to ascertain whether or not it has been completed in the prescribed form;
- (g) ensure that every registration of birth, marriage, death or still-birth has been written legibly in durable ink;
- (h) refuse to accept any statement which does not contain all the items of information required therein unless he has received a satisfactory explanation for the omission; R.S.O. 1937, c. 88, s. 18 (2), *amended*.
- (i) call attention to any defects in a statement of personal particulars or medical certificate of death which is incomplete or unsatisfactory, and withhold the issuance of the acknowledgment of registration of

death and the burial permit until such defects have been corrected; R.S.O. 1937, c. 88, s. 18 (3), *amended*.

- (j) sign every registration as division registrar in attestation of the date of registration in his office; *New*.
- (k) number consecutively the registrations of births, marriages, deaths and still-births in four separate series beginning with "No. 1" for the first registration of a birth, marriage, death or still-birth in each calendar year; R.S.O. 1937, c. 88, s. 18 (4), *amended*.
- (l) transmit to the Registrar-General as required by the regulations the registration of every birth, marriage, death and still-birth made by him;
- (m) report the fact to the Registrar-General, in the prescribed form, if no birth, marriage, death or still-birth has been registered; R.S.O. 1937, c. 88, s. 14 (3), *amended*.
- (n) keep such records as may be prescribed by the regulations; and
- (o) transmit to the proper division registrar within forty-eight hours every registration of birth, marriage, death or still-birth received by him which did not occur within his registration division. *New*.

35. Every division registrar shall, under the direction of the Registrar-General, enforce this Act in his registration division and shall make an immediate report to the Registrar-General of any violation of this Act of which he has knowledge. *R.S.O. 1937, c. 88, s. 19, amended.*

Report to Registrar-General of any violation of Act.

REMUNERATION OF DIVISION REGISTRAR.

36.—(1) Every municipality shall pay annually, on the 1st day of February, to the division registrar, a remuneration of twenty-five cents for each registration of a birth, marriage, death or still-birth transmitted to the Registrar-General during the preceding calendar year, on presentation of the certificate of the Registrar-General to the treasurer of the municipality, but a municipality may by by-law with the approval of the Registrar-General limit the aggregate remuneration of the division registrar or provide for the payment of a stated annual remuneration.

Remuneration of division registrar.

(2) Remuneration at double the rates set forth in subsection 1 shall be paid to every Indian-agent and to every division registrar appointed by the Lieutenant-Governor in Council for any registration division not included in or

Remuneration in unorganized territory.

attached to a municipality, by the Treasurer of Ontario out of the Consolidated Revenue Fund. R.S.O. 1937, c. 88, s. 54, *amended*.

Monthly remuneration permissible.

(3) Nothing in this section shall prevent the remuneration of a division registrar being paid to him monthly, but in such case the remuneration shall be paid within ten days of the presentation of the certificate of the Registrar-General. *New*.

FORMS.

Registrar-General to distribute forms.

37.—(1) The Registrar-General shall distribute the prescribed forms to the division registrars.

Cost of forms.

(2) The cost of the prescribed forms and the distribution thereof shall be paid out of the Consolidated Revenue Fund.

No other forms to be used.

(3) No forms shall be used for the purposes of this Act other than the prescribed forms supplied by the Registrar-General. R.S.O. 1937, c. 88, s. 7, *amended*.

CERTIFICATES AND SEARCHES.

Contents of birth certificate;

38.—(1) A birth certificate shall contain only the following particulars of the registration:

- (a) name of the child;
- (b) date of birth;
- (c) place of birth;
- (d) sex;
- (e) date of registration; and
- (f) registration number.

death certificate;

(2) A death certificate shall contain only the following particulars of the registration:

- (a) name, age and marital status of the deceased;
- (b) date of death;
- (c) place of death;
- (d) sex;
- (e) date of registration; and
- (f) registration number.

(3) A marriage certificate shall contain only the following ^{marriage certificate.} particulars of the registration:

- (a) names of the parties;
- (b) date of the marriage;
- (c) place of the marriage;
- (d) place of birth of each of the parties;
- (e) date of registration; and
- (f) registration number.

(4) No still-birth certificate shall be issued.

^{Still-birth certificate.}

(5) A certificate, order or other document issued by the Registrar-General pursuant to this Act, may bear the seal of office of the Registrar-General. *New.*

^{Certificates under seal.}

39.—(1) Upon application and upon payment of the prescribed fee, any person who furnishes substantially accurate particulars and satisfies the Registrar-General as to his reason for requiring it, may obtain from the Registrar-General a birth certificate in respect of any birth of which there is registration in his office.

^{Who may obtain birth certificate;}

(2) Upon application and upon payment of the prescribed fee, any person may obtain from the Registrar-General a death certificate in respect of any death of which there is a registration in his office.

^{death certificate;}

(3) Upon application and upon payment of the prescribed fee,—

^{marriage certificate.}

- (a) one of the parties to the marriage;
- (b) a parent of one of the parties;
- (c) a child of the marriage; or
- (d) any person with the approval of the Registrar-General,

may obtain from the Registrar-General a marriage certificate in respect of any marriage of which there is a registration in his office. R.S.O. 1937, c. 88, s. 6 (2), *amended*.

40.—(1) No certified copy of a registration of birth, death or still-birth shall be issued except to a person author-

^{Who may obtain copy of registration of birth, death or still-birth.}

ized by the Registrar-General or the order of a court and upon payment of the prescribed fee.

Who may obtain copy of registration of marriage.

(2) No certified copy of a registration of marriage shall be issued except to one of the parties to the marriage or to a person authorized by the Registrar-General or the order of a court and upon payment of the prescribed fee. *New.*

Certificate as *prima facie* evidence.

41.—(1) A certificate purporting to be issued pursuant to section 39 and signed by the Registrar-General shall be admissible in any court in Ontario as *prima facie* evidence of the facts certified to be recorded, and it shall not be necessary to prove the signature or official position of the person by whom the certificate purports to be signed. R.S.O. 1937, c. 88, s. 6 (3), *amended.*

Signature of Registrar-General.

(2) A lithographed, printed or stamped facsimile signature of the Registrar-General shall be sufficient authentication of a certificate.

Copy of registration as *prima facie* evidence.

(3) A certified copy of a registration, signed by the Registrar-General or Deputy Registrar-General, purporting to be issued pursuant to section 40, shall be admissible in any court in Ontario as *prima facie* evidence of the facts recorded therein.

Proviso.

(4) Notwithstanding subsections 1 and 3, no birth certificate and no certified copy of a registration of birth or still-birth shall be admissible in evidence to affect a presumption of legitimacy. *New.*

No certificates by division registrar.

42. A division registrar shall not issue a certificate in respect of any birth, death, marriage or still-birth. *New.*

Searches.

43.—(1) Any person who,—

(a) applies;

(b) pays the prescribed fee; and

(c) satisfies the Registrar-General as to his reason for requiring it,

may have search made for the registration of any birth, death, marriage, still-birth, divorce, adoption or change of name in the indexes kept in the office of the Registrar-General. R.S.O. 1937, c. 88, s. 6 (1), *amended.*

Search of church records.

(2) Any person who,—

(a) applies;

(b) pays the prescribed fee; and

- (c) satisfies the Registrar-General as to his reason for requiring it,

may have search made for any birth, marriage, baptism or death in any record kept in the office of the Registrar-General pursuant to section 30.

(3) The only information given upon a search under sub-section 1 or 2 shall be as to the existence or otherwise of the registration, and the registration number if registered. *New.* Information given on search.

GENERAL PROVISIONS.

44. Subject to section 29, no registration shall be made of a birth, still-birth, marriage or death occurring outside of Ontario. *New.* Ontario registrations only.

45. The provisions of this Act shall apply in respect of any birth, marriage, death, still-birth, divorce, adoption or change of name, that has occurred prior to the passing of this Act, as well as to any birth, marriage, death, still-birth, divorce, adoption or change of name which may occur subsequent to the passing of this Act. *New.* Application of Act.

46. No person shall issue any document which purports to be a certificate of a birth, marriage, death or still-birth other than a certificate provided for under the provisions of this Act. *New.* Certificates not to be issued.

47.—(1) If, after such notice to and the hearing of such interested parties as he considers proper, the Registrar-General is satisfied that a registration was fraudulently or improperly obtained, he may order that a notation be made on the registration to that effect and thereafter no certificate shall be issued in respect of the registration. Registration unlawfully obtained.

(2) Upon the making of an order under subsection 1, the Registrar-General may require the delivery to him of every certificate previously issued in respect of the registration. Order for delivery of certificate.

(3) If the Registrar-General has reason to believe that a certificate in respect of a registration is being had or used for fraudulent or improper purposes, he may, after such notice to and hearing of such interested parties as he considers proper, make an order requiring the delivery of the certificate to him. Certificate used improperly.

(4) Any person who has in his possession or under his control a certificate in respect of which an order has been made under subsection 2 or 3, shall forthwith deliver the certificate to the Registrar-General. *New.* Delivery of certificates.

Secrecy.

48. No division registrar or sub-registrar and no person employed in the service of His Majesty shall communicate or allow to be communicated to any person not entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any records containing information obtained under this Act. *New.*

PENALTIES.

Failure to give notice or furnish particulars.

49.—(1) Every person who neglects or fails to give any notice, or to register or to furnish any statement, certificate or particulars respecting the birth, marriage, death, still-birth, divorce, adoption or change of name of any person as required by this Act, shall be guilty of an offence and liable to a penalty not exceeding \$100. R.S.O. 1937, c. 88, s. 45 (1), *amended.*

Neglect of division registrar to make returns.

(2) If a division registrar fails to transmit to the Registrar-General any registration, or to make any return as required by this Act he shall be guilty of an offence and liable to a penalty not exceeding \$100 and each succeeding week's continuance of failure to make the transmission or return shall constitute a new and distinct offence; and the Registrar-General may refuse to issue a certificate for the payment of any fee due to the division registrar until the transmission or return is made. R.S.O. 1937, c. 88, s. 43, *amended.*

False information.

50.—(1) Every person who wilfully makes or causes to be made a false statement in any notice, registration, statement, certificate, return or other document respecting any particulars required to be furnished under this Act shall be guilty of an offence and liable to a fine not exceeding \$500 or to imprisonment for a term not exceeding six months or to both fine and imprisonment; and every legally qualified medical practitioner who wilfully makes a false statement as to the cause of the death of any person, or represents himself as having been in attendance during the last illness of any person when in fact he was not called in attendance until after the death, shall, in addition to any penalty imposed by this Act, be subject to discipline by the Council of the College of Physicians and Surgeons of Ontario. R.S.O. 1937, c. 88, s. 44, *amended.*

False information.

(2) Every person who wilfully makes, or causes to be made a registration of a birth, marriage, death or still-birth as having occurred in Ontario in respect of any person whose birth, marriage, death or still-birth did not occur in Ontario, shall be guilty of an offence and liable to a fine not exceeding \$500 or to a term of imprisonment not exceeding six months or to both fine and imprisonment. *New.*

51. Any person violating any of the provisions of section 48 shall be guilty of an offence and liable to a penalty not exceeding \$200. *New.* Breach of
secrecy
provision.

52. Every person guilty of any act or omission in violation of this Act for which no penalty is otherwise provided shall be guilty of an offence and liable to a penalty not exceeding \$100. *R.S.O. 1937, c. 88, s. 46, amended.* General
penalty.

53. The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*. *R.S.O. 1937, c. 88, s. 48.* Penalties,—
how recover-
able.
Rev. Stat.,
c. 136.

REGULATIONS.

54. The Lieutenant-Governor in Council may make regulations,— Regulations.

- (a) prescribing the forms to be used in carrying out the provisions of this Act;
- (b) prescribing the duties of the Deputy Registrar-General and providing for the delegation to him of such of the powers and duties of the Registrar-General as may be deemed necessary;
- (c) prescribing the duties of inspectors;
- (d) prescribing the system of filing of registrations;
- (e) prescribing the particulars of registrations to be entered in the indexes;
- (f) prescribing the duties of and records to be kept by the division registrars;
- (g) prescribing the information and returns to be furnished to the Registrar-General, and fixing the times when information and returns are to be transmitted;
- (h) fixing the times when division registrars shall forward registrations to the Registrar-General;
- (i) prescribing the duties of, and returns to be made by sub-registrars;
- (j) designating the persons who may have access to, or may be given information from the records in the Registrar-General's office, and prescribing an oath of secrecy to be taken by such persons;
- (k) for the registration of births, marriages, deaths, still-births, divorces, adoptions or changes of name in cases not otherwise provided for in the Act;

- (l) prescribing the fees to be paid for searches, certificates and anything done or permitted to be done under the Act and providing for the waiver of payment of any such fees in favour of any person or class of persons;
- (m) designating the officers who may sign registrations and notations;
- (n) prescribing the evidence on which the Registrar-General may register a birth, still-birth, marriage or death after one year from the date thereof;
- (o) prescribing the evidence on which the Registrar-General may make a registration of birth in the case of a child legitimated by the subsequent inter-marriage of his parents;
- (p) requiring the persons in charge of hospitals to make returns of the births of all children born in the hospitals;
- (q) prescribing special forms for registrations in respect of Indians;
- (r) providing that registrations in respect of Indians shall be kept separate from other registrations;
- (s) authorizing every Indian-agent in Ontario to act *ex officio* as division registrar for the Indians under his jurisdiction; and
- (t) for the purpose of effectively securing the due observance of the Act, and generally for the better carrying out of the provisions thereof and obtaining the information required thereby. R.S.O. 1937, c. 88, s. 53, *amended*.

SPECIAL PROVISIONS.

Transfer of
change of
name
material
from Regis-
trar of
Supreme
Court.

1939, c. 6.

55.—(1) The Registrar of the Supreme Court shall transmit to the Registrar-General, upon the coming into force of this Act,—

- (a) all certified copies of orders and duplicate originals of applications and verifying affidavits received by him pursuant to *The Change of Name Act, 1939*;
- (b) all index books kept by him pursuant to the said Act; and

- (c) all annulling orders received by him pursuant to the said Act.

(2) The Registrar-General, upon application in the prescribed form and upon production of evidence satisfactory to him,—

Notation of change of name occurring before the commencement of this Act.

- (a) that the name of a person whose birth or marriage has been registered in Ontario was changed prior to the coming into force of this Act by an order under *The Change of Name Act, 1939*;

1939, c. 6.

- (b) that the order has not been annulled; and

- (c) of the identity of the person,

shall cause a notation and references to be made as provided in subsection 2 of section 26, and subsections 3 to 5 of section 26 shall thereupon be applicable. *New.*

REPEAL.

56. *The Vital Statistics Act*, section 33 of *The Statute Law Amendment Act, 1939*, section 42 of *The Statute Law Amendment Act, 1941*, section 40 of *The Statute Law Amendment Act, 1942*, and section 40 of *The Statute Law Amendment Act, 1943*, are repealed.

Rev. Stat., c. 88; 1939, c. 47, s. 33; 1941, c. 55, s. 42; 1942, c. 34, s. 40; 1943, c. 28, s. 40, repealed.

COMMENCEMENT OF ACT.

57. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commencement of Act.

SHORT TITLE.

58. This Act may be cited as *The Vital Statistics Act, 1948*.

Short title.



BILL

The Vital Statistics Act, 1948.

1st Reading

March 15th, 1948

2nd Reading

March 17th, 1948

3rd Reading

March 22nd, 1948

MR. DUNBAR

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Female Refuges Act.

MR. BLACKWELL

EXPLANATORY NOTE

The effect of this amendment is to give a judge of a juvenile court power to deal with cases under *The Female Refugees Act*.

No. 92

1948

BILL

An Act to amend The Female Refuges Act.

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

1. Clause *c* of section 1 of *The Female Refuges Act* is amended by inserting after the word "court" in the second line the words "judge of a juvenile court," so that the said clause shall now read as follows:

Rev. Stat.,
c. 384, s. 1,
cl. *c*,
amended.

(*c*) "Judge" shall include judge of the Supreme Court, "Judge".
judge of a county or district court, judge of a juvenile
court, and magistrate.

2. This Act may be cited as *The Female Refuges Amendment Act, 1948*. Short title.

BILL

An Act to amend The Female
Refuges Act.

1st Reading

March 16th, 1948

2nd Reading

3rd Reading

MR. BLACKWELL

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Female Refuges Act.

MR. BLACKWELL



No. 92

1948

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Rev. Stat.,
c. 384, s. 1,
cl. *c*,
amended.

(*c*) "Judge" shall include judge of the Supreme Court, "Judge", judge of a county or district court, judge of a juvenile court, and magistrate.

2. This Act may be cited as *The Female Refuges Amendment Act, 1948*. Short title.

An Act to amend 'The Female
Refuges Act.

1st Reading

March 16th, 1948

2nd Reading

March 17th, 1948

3rd Reading

March 24th, 1948

MR. BLACKWELL.

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Agricultural Development Finance Act.

MR. FROST

EXPLANATORY NOTE

This Act, passed in 1921, empowers the Treasurer of Ontario to borrow money by means of deposits in any amount from any person and to open offices for this purpose. Section 3 states the purposes for which the money borrowed may be used. It now reads:

3. Moneys available under this Act shall be used for investment for any one or all of the following purposes and no other:

- (a) loans to members of associations under *The Farm Loans Act*;
- (b) bonds or debentures issued under *The Agricultural Development Act*;
- (c) bonds or debentures of or guaranteed by the Dominion of Canada or any Province of Canada;
- (d) bonds or debentures of or guaranteed by any municipality or school section in the Province of Ontario;
- (e) securities in which under *The Trustee Act*, trustees may invest trust funds.

No. 93

1948

BILL

An Act to amend The Agricultural Development Finance Act.

HIS 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 Agricultural Development Finance Act* Rev. Stat., c. 77, s. 3, re-enacted. is repealed and the following substituted therefor:
3. Moneys borrowed under this Act shall be used for Use of moneys. any of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature.
2. This Act shall come into force on the day upon which it Commence-ment of Act. receives the Royal Assent.
3. This Act may be cited as *The Agricultural Development Finance Amendment Act, 1948.* Short title.

BILL

An Act to amend The Agricultural
Development Finance Act.

1st Reading

March 16th, 1948

2nd Reading

3rd Reading

MR. FROST

No. 93

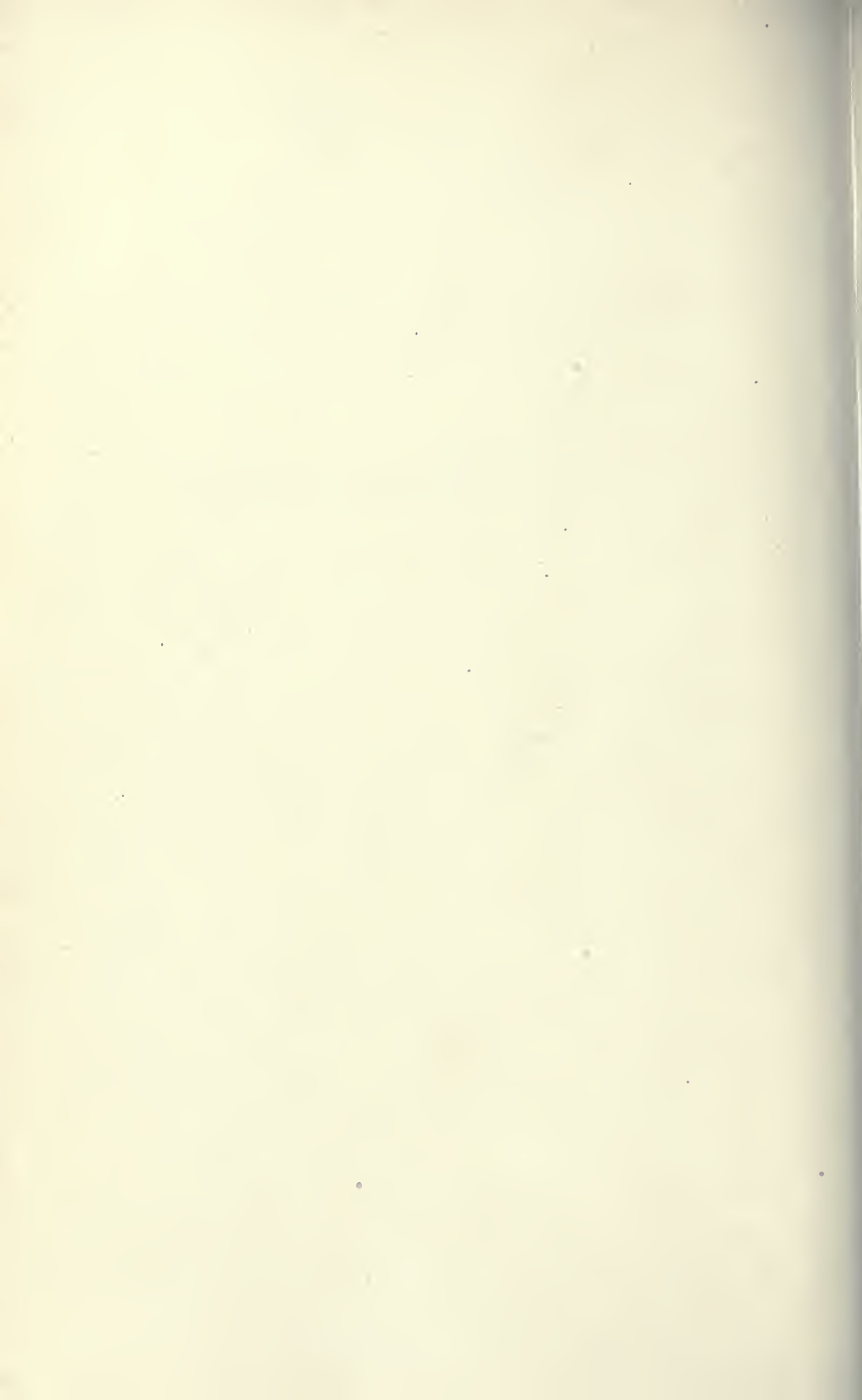
4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

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MR. FROST

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



No. 93

1948

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2. This Act shall come into force on the day upon which it Commence-ment of Act. receives the Royal Assent.

3. This Act may be cited as *The Agricultural Development Finance Amendment Act, 1948.* Short title.

BILL

An Act to amend The Agricultural
Development Finance Act.

1st Reading

March 16th, 1948

2nd Reading

March 17th, 1948

3rd Reading

March 23rd, 1938

Mr. FROST

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Northern Development Act.

MR. FROST

EXPLANATORY NOTES

SECTION 1. The appointment of an assistant commissioner is made possible.

SECTION 2. Sections 5 and 6, which deal with the taking of oaths and the fixing of salaries, are deleted as these matters are now dealt with in *The Public Service Act, 1947*.

SECTION 3. The powers of the Commissioner are broadened in order that titles may be cleared up in cases where settlers' lands have been abandoned.

BILL

An Act to amend The Northern Development Act.

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

1. *The Northern Development Act* is amended by adding thereto the following section: Rev. Stat.,
c. 34,
amended.

4a. The Lieutenant-Governor in Council may from time to time appoint an assistant commissioner who shall have and may exercise and perform all the powers, rights, duties and obligations of a commissioner under this Act. Assistant
Commis-
sioner.

2. Sections 5 and 6 of *The Northern Development Act* are repealed. Rev. Stat.,
c. 34,
ss. 5, 6,
repealed.

3. Section 22 of *The Northern Development Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 34, s. 22,
re-enacted.

22.—(1) Where notice of a lien or charge in respect of a loan to a settler has been duly registered in the Department of Lands and Forests or in the proper registry or land titles office in accordance with this Act or any predecessor of this Act, the Commissioner shall be deemed to have and to have had from the date of the registration of such notice and may exercise and enforce all rights, privileges, powers and remedies in the name of the Crown in the same manner and to the same extent as if the settler and his wife, if any, to bar her dower or as co-mortgagor or co-chargor had executed a mortgage to the Crown under *The Mortgages Act* and such mortgage had been registered against the lands described in the notice of lien. Powers as
to registered
liens.

Rev. Stat.,
c. 155.

(2) In addition to the rights, privileges, powers and remedies given under *The Mortgages Act*, the Commissioner, on default of payment for six months, may on one month's notice enter on and lease or sell the said lands. Additional
powers.

Notice.

(3) The notice under subsection 2 may be effectually given,—

- (a) where the lands described in the notice of lien are occupied, by leaving it with any person on the lands; or
- (b) where the lands are unoccupied, by posting it in a conspicuous place on the lands, or by publishing it once in a newspaper having a general circulation in the locality in which the lands are situate.

Validity of notice.

(4) The notice shall be effectual although,—

- (a) it is not addressed to any person or persons by name or designation;
- (b) any person or persons to be effected thereby may be unknown or unascertained or under disability;
- (c) the settler and his wife or any person affected thereby may be dead and no personal representative appointed to their respective estates; and
- (d) the whereabouts of the settler and his wife or of any person to be affected thereby may be unknown.

Payments due deemed as rent.

(5) Any payment or payments due or to become due on the said lands shall be deemed to be rent, and the Commission shall be deemed to have and to have had from the date of the registration of the notice of lien, and may exercise and enforce all rights, privileges, powers and remedies in the name of the Crown in the same manner and to the same extent as a landlord under *The Landlord and Tenant Act*.

Rev. Stat., c. 219.

Assignment of charge or loan debt.

(6) The Commissioner may assign the loan, debt or charge and convey the property charged, and the person to whom any such assignment is made shall have, and in his own name may exercise and enforce all rights, privileges, powers and remedies in the same manner and to the same extent as if the said lien or charge were a mortgage made under *The Mortgages Act* and assigned to such person.

Rev. Stat., c. 155.

Power to accept release of settler's interest and dispose of land.

(7) The Commissioner may accept a release, quit claim or other conveyance of the settler's interest or the

SECTION 4. Self-explanatory.

interest of any interested person in title in the lands in regard to which any lien exists and may sell, lease or otherwise dispose of any property which he has thus acquired at such price and upon such terms as in his discretion is deemed advisable.

4. Every certificate of discharge and every release given by the Minister, Deputy Minister or Commissioner prior to the 1st day of January, 1948, purporting to discharge any lien or charge under *The Northern Development Act* or any predecessor of *The Northern Development Act* is hereby confirmed. Certificates of discharge and releases confirmed.

5. This Act may be cited as *The Northern Development Amendment Act, 1948*. Short title.

BILL

An Act to amend The Northern
Development Act.

1st Reading

March 16th, 1948

2nd Reading

3rd Reading

MR. FROST

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Northern Development Act.

MR. FROST

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to registered
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Rev. Stat.,
c. 155.

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Validity of notice.

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- (d) the whereabouts of the settler and his wife or of any person to be affected thereby may be unknown.

Payments due deemed as rent.

(5) Any payment or payments due or to become due on the said lands shall be deemed to be rent, and the Commission shall be deemed to have and to have had from the date of the registration of the notice of lien, and may exercise and enforce all rights, privileges, powers and remedies in the name of the Crown in the same manner and to the same extent as a landlord under *The Landlord and Tenant Act*.

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Assignment of charge or loan debt.

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Power to accept release of settler's interest and dispose of land.

(7) The Commissioner may accept a release, quit claim or other conveyance of the settler's interest or the

interest of any interested person in title in the lands in regard to which any lien exists and may sell, lease or otherwise dispose of any property which he has thus acquired at such price and upon such terms as in his discretion is deemed advisable.

4. Every certificate of discharge and every release given by the Minister, Deputy Minister or Commissioner prior to the 1st day of January, 1948, purporting to discharge any lien or charge under *The Northern Development Act* or any predecessor of *The Northern Development Act* is hereby confirmed. Certificates of discharge and releases confirmed.

5. This Act may be cited as *The Northern Development Amendment Act, 1948*. Short title.

BILL

An Act to amend The Northern
Development Act.

1st Reading

March 16th, 1948

2nd Reading

March 19th, 1948

3rd Reading

March 23rd, 1948

MR. FROST

No. 95

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Adoption Act.

MR. GOODFELLOW

EXPLANATORY NOTE

This amendment is complementary to the provisions of *The Vital Statistics Act, 1948*. The present section 12 provides what shall be done by the Registrar-General upon receipt of an adoption order and such matters are now covered in *The Vital Statistics Act, 1948*.

BILL

An Act to amend The Adoption Act.

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

1. Section 12 of *The Adoption Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 218, s. 12,
re-enacted.
- 12.—(1) The proper officer of the court shall transmit Copy of
order to
Registrar-
General.
1948, c. ...
to the Registrar-General under *The Vital Statistics Act, 1948*, a certified copy of every adoption order, under the seal of the proper certifying authority, within ten days of the making of the order.
- (2) Where the adopted child was born outside of Ontario Additional
copy.
the clerk shall transmit an additional certified copy to the Registrar-General.
2. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commence-
ment of Act.
3. This Act may be cited as *The Adoption Amendment Act, 1948*. Short title.

BILL

An Act to amend The Adoption Act.

1st Reading

March 16th, 1948

2nd Reading

3rd Reading

MR. GOODFELLOW

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Adoption Act.

MR. GOODFELLOW

No. 95

1948

BILL

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General.
1948, c. ...

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Additional
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 the clerk shall transmit an additional certified copy to the Registrar-General.
2. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment of Act.
3. This Act may be cited as *The Adoption Amendment Act, 1948*.

Short title.

BILL

An Act to amend The Adoption Act.

1st Reading

March 16th, 1948

2nd Reading

March 17th, 1948

3rd Reading

March 23rd, 1948

MR. GOODFELLOW

No. 96

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Apprenticeship Act.

MR. DALEY

EXPLANATORY NOTE

These amendments are necessary in order that the Act may be properly administered. Their purpose is to enable a branch of a designated trade to be defined and enable the period of time in each year to be served by an apprentice to be prescribed in the regulations.

BILL

An Act to amend The Apprenticeship Act.

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

1. Clause *c* of section 1 of *The Apprenticeship Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 192, s. 1,
cl. *c*,
re-enacted.

 - (c) "Designated trade" shall mean any trade specified in or added to Schedule A or B hereto or any branch of any such trade.

"Designated
trade".
2. Clause *a* of subsection 1 of section 15 of *The Apprenticeship Act*, as re-enacted by subsection 1 of section 4 of *The Apprenticeship Amendment Act, 1946*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 192, s. 15,
subs. 1,
cl. *a*
(1946,
c. 2, s. 4,
subs. 1),
re-enacted.

 - (a) defining any designated trade;
 - (aa) prescribing the qualifications of persons who may become apprentices in any designated trade, the nature and number of educational classes to be attended, the course of training to be provided by the employer and the period of time in each year to be completed by an apprentice in learning his trade.
3. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of Act.
4. This Act may be cited as *The Apprenticeship Amendment Act, 1948*.

Short title.

BILL

An Act to amend The Apprenticeship Act.

1st Reading

March 16th, 1948

2nd Reading

3rd Reading

MR. DALEY

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Apprenticeship Act.

MR. DALEY

BILL

An Act to amend The Apprenticeship Act.

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

1. Clause *c* of section 1 of *The Apprenticeship Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 192, s. 1,
cl. c,
re-enacted.

 - (c) "Designated trade" shall mean any trade specified in or added to Schedule A or B hereto or any branch of any such trade.

"Designated
trade".
2. Clause *a* of subsection 1 of section 15 of *The Apprenticeship Act*, as re-enacted by subsection 1 of section 4 of *The Apprenticeship Amendment Act, 1946*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 192, s. 15,
subs. 1,
cl. a
(1946,
c. 2, s. 4,
subs. 1),
re-enacted.

 - (a) defining any designated trade;
 - (aa) prescribing the qualifications of persons who may become apprentices in any designated trade, the nature and number of educational classes to be attended, the course of training to be provided by the employer and the period of time in each year to be completed by an apprentice in learning his trade.
3. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of Act.
4. This Act may be cited as *The Apprenticeship Amendment Act, 1948*.

Short title.

An Act to amend The Apprenticeship Act.

1st Reading

March 16th, 1948

2nd Reading

March 19th, 1948

3rd Reading

March 23rd, 1948

MR. DALEY

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Factory, Shop and Office Building Act.

MR. DALEY

EXPLANATORY NOTES.

SECTION 1. The purpose of the proposed subsections is to improve safety requirements in factories.

SECTION 2. The proposed section complements Bill No. 81, *An Act to amend The Industrial Standards Act*, and enlarges the powers of local municipalities with respect to the closing of retail gasoline outlets.

BILL

An Act to amend The Factory, Shop and Office Building Act.

HIS 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 53 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor: Rev. Stat., c. 194, s. 53, subs. 1, re-enacted.

(1) Where any mill-gearing, machinery, appliance, place, matter or thing, or part or parts thereof, in a factory is dangerous to any person, it shall be safely fenced or guarded unless its position, construction or attachment assures protection. Dangerous places to be fenced or guarded.

(1a) Where any dangerous machinery, or part or parts thereof, cannot be safely fenced or guarded, the requirements of subsection 1 shall be deemed to have been complied with if the machinery is provided with a safety device which automatically prevents any person operating it from coming into contact with any dangerous part. Safety devices.

(1b) Not more than one person shall work within reach of any guillotine-knife, shears, press dies, in-running rolls or any similar device. Not more than one person to be within reach of certain devices.

(1c) Where an inspector has given notice in writing to an employer, no machinery other than steam engines shall be cleaned while in motion. Cleaning machinery.

2. *The Factory, Shop and Office Building Act* is amended by adding thereto the following section: Rev. Stat., c. 194, amended.

82a. In addition to any matter authorized by section 82, any by-law thereunder applicable to retail gasoline service stations, gasoline pumps and outlets in the retail gasoline service industry as defined in *The Industrial Standards Act* may,— Retail gasoline outlets. Rev. Stat., c. 191.

- (a) provide that the by-law shall apply only in the portion or portions of the municipality designated in the by-law;
- (b) require that during the whole or any part or parts of the year such retail gasoline service stations, gasoline pumps and outlets be closed and remain closed during any time or hours between six of the clock in the afternoon of Saturday and five of the clock in the forenoon of the next following Monday; and
- (c) provide for the issuing of permits authorizing the retail gasoline service station, gasoline pump or outlet for which it is issued to be and remain open, notwithstanding the by-law, on the day or days specified in the permit until the time or hour specified therein.

Commence-
ment of Act. **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. **4.** This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1948*.



BILL

An Act to amend The Factory, Shop and
Office Building Act.

1st Reading

March 16th, 1948

2nd Reading

3rd Reading

MR. DALEY

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Factory, Shop and Office Building Act.

MR. DALEY

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTES.

SECTION 1. The purpose of the proposed subsections is to improve safety requirements in factories.

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BILL

An Act to amend The Factory, Shop and Office Building Act.

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(1) Where any mill-gearing, machinery, appliance, place, matter or thing, or part or parts thereof, in a factory is dangerous to any person, it shall be safely fenced or guarded unless its position, construction or attachment assures protection. Dangerous places to be fenced or guarded.

(1a) Where any dangerous machinery, or part or parts thereof, cannot be safely fenced or guarded, the requirements of subsection 1 shall be deemed to have been complied with if the machinery is provided with a safety device which automatically prevents any person operating it from coming into contact with any dangerous part. Safety devices.

(1b) Not more than one person shall work within reach of any guillotine-knife, shears, press dies, in-running rolls or any similar device. Not more than one person to be within reach of certain devices.

(1c) Where an inspector has given notice in writing to an employer, no machinery other than steam engines shall be cleaned while in motion. Cleaning machinery.

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82a. In addition to any matter authorized by section 82, any by-law thereunder applicable to retail gasoline service stations, gasoline pumps and outlets in the retail gasoline service industry as defined in *The Industrial Standards Act* may,— Retail gasoline outlets. Rev. Stat., c. 191.

(a) provide that the by-law shall apply only in the portion or portions of the municipality designated in the by-law;

(b) require that during the whole or any part or parts of the year such retail gasoline service stations, gasoline pumps and outlets be closed and remain closed at and during any time or hours between six of the clock in the afternoon of any day and seven of the clock in the forenoon of the next following day and between six of the clock in the afternoon of Saturday and seven of the clock in the forenoon of the next following Monday; and

(c) provide for the issuing of permits authorizing the retail gasoline service station, gasoline pump or outlet for which it is issued to be and remain open, notwithstanding the by-law, during the part or parts of the day or days specified in the permit.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1948*.

BILL

An Act to amend The Factory, Shop and
Office Building Act.

1st Reading

March 16th, 1948

2nd Reading

March 19th, 1948

3rd Reading

MR. DALEY

(Reprinted as amended in Committee of the
Whole House.)

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Factory, Shop and Office Building Act.

MR. DALEY



BILL

An Act to amend The Factory, Shop and Office Building Act.

HIS 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 53 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor: Rev. Stat., c. 194, s. 53, subs. 1, re-enacted.

(1) Where any mill-gearing, machinery, appliance, place, matter or thing, or part or parts thereof, in a factory is dangerous to any person, it shall be safely fenced or guarded unless its position, construction or attachment assures protection. Dangerous places to be fenced or guarded.

(1a) Where any dangerous machinery, or part or parts thereof, cannot be safely fenced or guarded, the requirements of subsection 1 shall be deemed to have been complied with if the machinery is provided with a safety device which automatically prevents any person operating it from coming into contact with any dangerous part. Safety devices.

(1b) Not more than one person shall work within reach of any guillotine-knife, shears, press dies, in-running rolls or any similar device. Not more than one person to be within reach of certain devices.

(1c) Where an inspector has given notice in writing to an employer, no machinery other than steam engines shall be cleaned while in motion. Cleaning machinery.

2. *The Factory, Shop and Office Building Act* is amended by adding thereto the following section: Rev. Stat., c. 194, amended.

82a. In addition to any matter authorized by section 82, any by-law thereunder applicable to retail gasoline service stations, gasoline pumps and outlets in the retail gasoline service industry as defined in *The Industrial Standards Act* may,— Retail gasoline outlets. Rev. Stat., c. 191.

- (a) provide that the by-law shall apply only in the portion or portions of the municipality designated in the by-law;
- (b) require that during the whole or any part or parts of the year such retail gasoline service stations, gasoline pumps and outlets be closed and remain closed at and during any time or hours between six of the clock in the afternoon of any day and seven of the clock in the forenoon of the next following day and between six of the clock in the afternoon of Saturday and seven of the clock in the forenoon of the next following Monday; and
- (c) provide for the issuing of permits authorizing the retail gasoline service station, gasoline pump or outlet for which it is issued to be and remain open, notwithstanding the by-law, during the part or parts of the day or days specified in the permit.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1948*.



BILL

An Act to amend The Factory, Shop and
Office Building Act.

1st Reading

March 16th, 1948

2nd Reading

March 19th, 1948

3rd Reading

March 31st, 1948

Mr. DALEY

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The University Avenue Extension Act, 1928.

MR. DUNBAR

EXPLANATORY NOTE

The body that in 1928 was known as the Ontario Railway and Municipal Board is now the Ontario Municipal Board.

It is considered that the approval of the Municipal Board to by-laws disposing of these surplus lands is adequate. The additional approval of the Lieutenant-Governor in Council to such by-laws will no longer be required.

BILL

An Act to amend The University Avenue Extension Act, 1928.

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

1. Subsection 5 of section 2 of *The University Avenue Extension Act, 1928*, is amended by striking out the words ^{1928, c. 17, s. 2, subs. 5,} amended. "Railway and" in the seventh line and the words "and of the Lieutenant-Governor in Council" in the seventh and eighth lines, so that the said subsection shall now read as follows:

- (5) Upon University Avenue being extended under the provisions of this Act the lands acquired by the said corporation on either side of University Avenue as ^{Sale of new frontages on extension of University Avenue.} so extended shall be sold, leased or otherwise disposed of by the said corporation upon such terms and conditions as may be fixed by by-law of the council of the said corporation with the approval of the Ontario Municipal Board, and all purchase moneys and rentals received for such lands shall be paid into the general funds of the corporation.

2. This Act may be cited as *The University Avenue Extension Amendment Act, 1948*. Short title.

BILL

An Act to amend The University Avenue
Extension Act, 1928.

1st Reading

March 16th, 1948

2nd Reading

3rd Reading

MR. DUNBAR

No. 98

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The University Avenue Extension Act, 1928.

MR. DUNBAR

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

BILL

An Act to amend The University Avenue Extension Act, 1928.

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

1. Subsection 5 of section 2 of *The University Avenue Extension Act, 1928*, is amended by striking out the words "Railway and" in the seventh line and the words "and of the Lieutenant-Governor in Council" in the seventh and eighth lines, so that the said subsection shall now read as follows:

- (5) Upon University Avenue being extended under the provisions of this Act the lands acquired by the said corporation on either side of University Avenue as so extended shall be sold, leased or otherwise disposed of by the said corporation upon such terms and conditions as may be fixed by by-law of the council of the said corporation with the approval of the Ontario Municipal Board, and all purchase moneys and rentals received for such lands shall be paid into the general funds of the corporation.

2. This Act may be cited as *The University Avenue Extension Amendment Act, 1948*.

BILL

An Act to amend The University Avenue
Extension Act, 1928.

1st Reading

March 16th, 1948

2nd Reading

March 19th, 1948

3rd Reading

March 23rd, 1948

MR. DUNBAR

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Assessment Act.

MR. DUNBAR

EXPLANATORY NOTES

SECTION 1—Subsection 1. This amendment merely brings this clause into line with the balance of the subsection.

Subsection 2. At present rooming houses as defined in clause *a* of subsection 9 of section 8 of *The Assessment Act* are exempt from assessment for business tax. The effect of the present definition is to make it clear that a rooming house proprietor is exempt only if he is resident in the rooming house and occupies at least fifty per centum of the floor space as his residence.

SECTION 2. Column 3 of the assessment roll presently requires an entry of the age of every person entered on the roll. The amendment changes the entry to "the year of birth of every person entered on the roll".

BILL

An Act to amend The Assessment Act.

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

1.—(1) Clause *k* of subsection 1 of section 8 of *The Assessment Act* is amended by inserting after the letter “*l*” in the eighth line the word and letter “or *m*”, so that the said clause shall now read as follows: Rev. Stat.,
c. 272, s. 8,
subs. 1, cl. *k*,
amended.

- (*k*) Every person carrying on the business of a photographer or of a theatre, concert hall, or skating rink, or other place of amusement, or of a boarding stable, or a livery, or the letting of vehicles or other property for hire, or of a restaurant, eating house, or other house of public entertainment, or of a hotel or any business not before in this section or in clause *l* or *m* specially mentioned, for a sum equal to twenty-five per centum of the assessed value.

(2) Clause *a* of subsection 9 of the said section 8, as enacted by section 2 of *The Assessment Amendment Act, 1940*, is repealed and the following substituted therefor: Rev. Stat.,
c. 272, s. 8,
subs. 9, cl. *a*
(1940,
c. 1, s. 2),
re-enacted.

- (*a*) In this subsection, “rooming house” shall mean any house or building or portion thereof, in which the proprietor resides and occupies at least fifty per centum of the floor space as his residence, and supplies for hire or gain to other persons, lodging with or without meals in rooms furnished by the proprietor with necessary furnishings, and shall not include an hotel or apartment house.

2. Subsection 3 of section 23 of *The Assessment Act*, as amended by section 15 of *The Assessment Amendment Act, 1947*, is further amended by striking out “Column 3.—The age of every person entered on the roll” and inserting in lieu thereof “Column 3.—The year of birth of every person entered on the roll”. Rev. Stat.,
c. 272, s. 23,
subs. 3,
amended.

Rev. Stat.,
c. 272, s. 38
(1946,
c. 3, s. 6),
amended.

3. Section 38 of *The Assessment Act*, as re-enacted by section 6 of *The Assessment Amendment Act, 1946* and amended by section 16 of *The Assessment Amendment Act, 1947*, is further amended by adding thereto the following subsection:

Section 57
not to apply.

(1a) The provisions of section 57 shall not apply in respect of land owned by His Majesty in right of Ontario or land in which His Majesty in right of Ontario has an interest.

Rev. Stat.,
c. 272, s. 39,
subs. 6,
amended.

4. Subsection 6 of section 39 of *The Assessment Act*, as amended by subsection 1 of section 17 of *The Assessment Amendment Act, 1947*, is further amended by inserting after the word "situate" in the fourth line the words "or, in unorganized territory, the school board having jurisdiction over the area in which such mine or mineral work is situate", so that the said subsection shall now read as follows:

Profits from
mines.

(6) The profits from a mine or mineral work shall be assessed by, and the tax leviable thereon shall be paid to the municipality in which such mine or mineral work is situate, or, in unorganized territory, the school board having jurisdiction over the area in which such mine or mineral work is situate; provided that the assessment on each oil or gas well operated at any time during the year shall be at least \$20.

Rev. Stat.,
c. 272, s. 57,
subs. 2,
amended.

5.—(1) Subsection 2 of section 57 of *The Assessment Act* is amended by striking out the words "income or" where they occur in the second and seventh lines respectively, and by inserting after the word "omitted" in the third line the words "in whole or in part", so that the said subsection shall now read as follows:

missions of
business
assessment.

(2) If at any time it appears to any officer of the municipality that any business assessment has been omitted in whole or in part from the assessment roll for the current year or for either or both of the next two preceding years, he shall report the same to the clerk of the municipality, or if the omission to assess comes to the knowledge of the clerk in any other manner, and the clerk shall enter such business assessment on the assessment roll from which such assessment has been omitted, and as well for the preceding year as for the current year, on the collector's roll for the current year, but in respect to any assessment for a preceding year or years the taxes payable in respect thereto shall be calculated at the rates of taxation levied for such year or years.'

SECTION 3. Subsection 1 of section 38 of *The Assessment Act* authorizes assessment of the interest of a tenant of Crown land or land in which the Crown has an interest. Section 57 authorizes the addition to the collector's roll of land which has not been assessed for the current year or the two preceding years. The effect of this amendment is that no such addition can be made in respect of Ontario Crown lands, that is, unless the assessment is made at the normal time it cannot be added later.

SECTION 4. This amendment makes it clear that a school board in unorganized territory has authority to assess and collect taxes on the profits of a mine or mineral work situate in the area for which the school board was established.

SECTION 5—Subsection 1. The authority for municipal income assessment was repealed in 1947.

The words added to subsection 2 of section 57 of *The Assessment Act* ensure that where a part only of the land used in connection with a business has been assessed, the provisions of section 57 will operate to allow the addition of the balance of the land so used.

Subsection 2. This amendment makes it clear that an appeal lies from the court of revision to the county judge. A further appeal to the Ontario Municipal Board is given in the re-enactment of subsection 1 of section 84 of *The Assessment Act* (see section 11 of this Bill).

SECTION 6—Subsection 1. This amendment makes it clear that the provisions of *The Assessment Act* with respect to the making and revision of assessment rolls and the times therefor apply in every municipality in Ontario. In addition change is made to permit the roll to be returned, the court of revision to be closed, and the county judge to make his final return, prior to the dates fixed.

Subsection 2. Where a county court of revision has been constituted it is not feasible with the amount of work involved to comply with the dates set in subsection 1 of section 59. The times are therefore extended with reference to the county court of revision.

(2) Subsection 3 of the said section 57, as amended by subsection 2 of section 11 of *The Assessment Amendment Act, 1946*, is further amended by striking out all the words after the word "roll" in the fifth line and inserting in lieu thereof the words "and the same rights in respect of appeal shall apply as if such building or land or business had been assessed in the usual way", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 272, s. 57,
subs. 3,
amended.

- (3) Where the clerk performs any of the duties required by this section he shall forthwith thereafter deliver to or send by registered letter post to the person so taxed a notice setting out the amount of the assessment and of the taxes entered on the roll, and the same rights in respect of appeal shall apply as if such building or land or business had been assessed in the usual way.

Notice to
person
taxed;
right of
appeal.

6.—(1) Subsection 1 of section 59 of *The Assessment Act*, as re-enacted by subsection 1 of section 13 of *The Assessment Amendment Act, 1946*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 272, s. 59,
subs. 1
(1946,
c. 3, s. 13,
subs. 1),
re-enacted.

- (1) Notwithstanding any other public or private Act heretofore passed, in every municipality the assessment shall be taken between the 1st day of January and the 30th day of September and the assessment roll shall be returned to the clerk not later than the 1st day of October and the time for closing the court of revision shall be not later than the 15th day of November and for the final return by the county judge shall be not later than the 15th day of December, and the assessment so made shall be the assessment on which the rate of taxation for the following year shall be fixed and levied.

Time for
taking the
assessment
and revising
the roll.

- (1a) Where a county court of revision has been constituted, the time for closing the court of revision shall be not later than the 15th day of January in the following year and for the final return by the judge shall be not later than the 15th day of February in the following year.

Revision
where
county court
of revision
constituted.

(2) Subsection 2 of the said section 59 is amended by inserting after the word "December" in the third line the words "or the 15th day of February, as the case may be", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 272, s. 59,
subs. 2,
amended.

- (2) Where there has, from any cause, been delay in so completing the final revision of the said roll beyond the said 15th day of December or the 15th day of February, as the case may be, the assessment when

Delay in
completing
assessment,
effect of.

finally revised shall nevertheless be the assessment on which the rate of taxation for such following year shall be levied.

Special
provision
for 1948
taxation.

(3) When the assessor did not complete the making of the assessment or did not return the roll or the roll was not revised or finally revised in the year 1947 in accordance with *The Assessment Act*, the Minister may extend the time for the completion of the roll, the return of the roll, the revision of the roll or the final revision of the roll, and the assessment so made shall when finally revised be the assessment on which the rate of taxation for the year 1948 shall be fixed and levied.

Idem.

(4) Any municipality that made an assessment and levied taxes thereon in 1947 may pass a by-law adopting for the purpose of levying and collecting taxes in 1948 the assessment roll made and revised in 1947, and such roll shall be subject to revision in the manner provided in subsection 1 of section 59 of *The Assessment Act*, as re-enacted by subsection 1 of this section and shall have the same effect as if made under such subsection.

Rev. Stat.,
c. 272, s. 60,
subs. 6,
amended.

7. Subsection 6 of section 60 of *The Assessment Act*, as amended by subsection 2 of section 14 of *The Assessment Amendment Act, 1946*, is further amended by striking out the word "five" where it occurs in the sixth and twelfth lines respectively and inserting in lieu thereof the word "ten", so that the said subsection shall now read as follows:

Time for
giving
notice, etc.

(6) In any municipality in which any by-law has been passed under this section, the provisions of sections 73 and 76, so far as the same relate to the time for appealing and giving notice thereof, shall not apply, but the clerk shall give notice to every person appealing, or whose assessment or non-assessment is appealed against, at least ten days before the sitting of the court of revision, such notice to be served upon such person, or left at his residence or place of business, or upon the premises concerning which such appeal arises, or addressed to such person through the post office, but no advertisement of the court shall be necessary, and in case of appeals to the county judge, ten days' notice of the day fixed by the county judge for hearing such appeals shall be served in the manner provided in the case of appeals to the court of revision.

Rev. Stat.,
c. 272, s. 61,
amended.

8. Section 61 of *The Assessment Act* is amended by striking out the word and figures "16 or 20" in the fourth line and inserting in lieu thereof the figures "23", so that the said section shall now read as follows:

Subsection 3. The process of change from the old method of assessing in one year and levying taxes in the same year to the new method is not yet finally completed and this subsection authorizes the Minister to extend the time limits so that the 1947 assessments which are not yet completed will be valid.

Subsection 4. This provision is complementary to subsection 1 of this section and authorizes any municipality which by special legislation has not heretofore been subject to *The Assessment Act* with respect to the making of assessments, to make the change-over with a minimum of difficulty.

SECTION 7. The notice to be given to the person appealing to the court of revision or the county judge of the day fixed for hearing the appeal in cases where the municipality has passed a by-law providing for taking the assessment by wards is changed from five to ten days.

SECTION 8. Sections 16 and 20 of *The Municipal Act* have been repealed and section 23 now provides for the matters formerly dealt with by these sections.

SECTION 9. The provisions authorizing assessment of income were repealed in 1947, and the line struck out is no longer applicable.

SECTION 10. Section 52 of *The Assessment Act* was re-enacted in 1946, and the notice formerly provided for in subsection 7 of section 52 is now provided for in subsection 4 of section 52.

61. Where an addition of any part of the localities adjacent to any city, town or village has been made to said city, town or village, in any year subsequent to the 30th day of September, under the provisions of section 23 of *The Municipal Act*, the council of said city, town or village may pass a by-law in the succeeding year, adopting the assessment of the said addition as last revised while a part of the adjoining municipality as the basis of the assessment for said part for that year, although the assessment of the remainder of the city, town or village has been made, and the rate of taxation has been levied in accordance with the provisions of sections 59 and 60, and the levying of a proportionate share of the taxation upon said addition shall not invalidate either the assessment of the remainder or the tax levied thereon, and the qualification of municipal electors in said addition shall, for the said succeeding year, be the same as that required in the municipality from which the part has been taken.

Assessment
of localities
added to
cities and
towns.

Rev. Stat.,
c. 266.

9. Subsection 8 of section 73 of *The Assessment Act* is amended by striking out "*L.M. Self Income overcharged.*" in the eighth line, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 272, s. 73,
subs. 8,
amended.

- (8) Such list may be in the following form:

Form of
list of
appeals.

Appeals to be heard at the Court of Revision to be held at
on the day of , 19 .

Appellant.	Respecting whom.	Matter complained of.
A.B.	Self	Overcharged on land.
C.D.	E.F.	Name omitted.
G.H.	J.K.	Not <i>bona fide</i> owner or tenant.
&c.	&c.	

10. Section 74 of *The Assessment Act* is amended by striking out the figure "7" in the eleventh line and inserting in lieu thereof the figure "4", so that the said section shall now read as follows:

Rev. Stat.,
c. 272, s. 74,
amended.

74. The roll, as finally passed by the court, and certified by the clerk as passed, shall, except in so far as the same may be further amended on appeal to the judge of the county court, be valid, and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll, or any defect, error or misstatement in the notice required by section 52, or the omission to deliver or transmit such notice, provided that the provisions of this section in so far as they relate to the omission to deliver or transmit such notice shall not apply to any person

Roll to be
binding not-
withstanding
errors in it
or in notice
sent to
persons
assessed.

who has given the clerk or assessment commissioner the notice provided for in subsection 4 of section 52.

Rev. Stat.,
c. 272, s. 84,
subs. 1
(1946,
c. 3, s. 21,
subs. 1),
amended.

11.—(1) Subsection 1 of section 84 of *The Assessment Act*, as re-enacted by subsection 1 of section 21 of *The Assessment Amendment Act, 1946*, is amended by striking out the words "In the case of the assessment of a telephone company or where a person is assessed to an amount aggregating in a municipality in territory without county organization \$5,000 or upwards or in any other municipality \$10,000 or upwards, such company or person" at the commencement thereof, so that the said subsection shall now read as follows:

Appeals to
Municipal
Board.

- (1) The municipal corporation, the assessor or assessment commissioner or any person assessed may appeal from the decision of the county judge to the Ontario Municipal Board or where no appeal is taken to the county judge, may appeal direct from the decision of the court of revision to the Ontario Municipal Board.

Rev. Stat.,
c. 272, s. 84,
subs. 2,
re-enacted.

- (2) Subsection 2 of the said section 84 is repealed and the following substituted therefor:

Appeal
under
ss. 57, 57a,
125.

- (2) An appeal shall also lie to the Ontario Municipal Board from a decision,—

(a) of the county judge; or

(b) of the court of revision, where no appeal is taken to the county judge,

given under the provisions of sections 57, 57a and 125.

Rev. Stat.,
c. 272, s. 84,
subs. 4a
(1946,
c. 3, s. 21,
subs. 2),
amended.

- (3) Subsection 4a of the said section 84, as enacted by subsection 2 of section 21 of *The Assessment Amendment Act, 1946*, is amended by adding at the end thereof the words "at least fourteen days before the hearing", so that the said subsection shall now read as follows:

Notice of
hearing.

- (4a) Upon receipt of a notice of appeal under this section, the secretary of the Board shall arrange a time and place for hearing the appeal and shall send notice thereof by registered mail to all parties concerned in the appeal at least fourteen days before the hearing.

Rev. Stat.,
c. 272,
amended.

12. *The Assessment Act* is amended by adding thereto the following section:

Revision of
business
assessment
roll on
alteration
of real
property
assessment.

- 87a. Where the assessment of any real property is altered on an appeal, any business assessment based on the assessed value of such real property shall be

SECTION 11—Subsections 1 and 2. The present subsections 1 and 2 of section 84 of *The Assessment Act* limit appeals to the Municipal Board to cases where large amounts of money are involved. By the amendments an appeal will lie to all persons concerned to the Municipal Board regardless of the amount involved in all assessment cases.

Subsection 3. Self-explanatory.

SECTION 12. Business assessments are made on a percentage of the assessed value of the real property used in connection with the business. This amendment provides that when the real property assessment has been increased or decreased on an appeal, the business assessment shall be adjusted as well in conformity with the change in the real property assessment.

SECTION 13. The amendment provides that the county assessor shall supervise the assessment not merely the assessors.

SECTION 14—Subsections 1 and 2. The provisions authorizing the assessment of income were repealed in 1947.

altered in the business assessment roll by the clerk of the municipality to conform with the altered real property assessment, whether or not the business assessment roll has been finally revised.

13. Subsection 1 of section 89a of *The Assessment Act*, Rev. Stat., c. 272, s. 89a, as enacted by section 5 of *The Assessment Amendment Act*, subs. 1 (1940, 1940 and amended by subsection 1 of section 9 of *The Assessment Amendment Act*, 1944, is further amended by inserting after the word "supervise" where it occurs in the amendment of 1944 the words "the assessment", so that the said subsection shall now read as follows: c. 1, s. 5), amended.

- (1) Subject to the approval of the Department of County assessor, Municipal Affairs, the council of every county may appoint a county assessor who, for the purpose of making uniform the methods of preparation of the assessment rolls in the municipalities in the county and for the purpose of ascertaining whether the valuations of real property made by the assessors in each such municipality bear a just relation one to another, shall supervise the assessment and advise the assessors and shall report thereon to the county council before the 1st day of June in every year and such report shall form the basis for equalization under section 90.

14.—(1) Subsection 1 of section 104 of *The Assessment Act* Rev. Stat., c. 272, s. 104, is amended by striking out the words "and income" in the subs. 1, seventh line. amended.

(2) Subsection 2 of the said section 104, as amended by Rev. Stat., c. 272, s. 104, subsection 1 of section 6 of *The Assessment Amendment Act*, subs. 2, 1939, is further amended by inserting after the word "property" in the sixth line the word "and", and by striking out the words "and income" in the seventh line, so that the said subsection shall now read as follows: amended.

- (2) Notwithstanding anything contained in subsection 1 Preparation of collector's roll. or in *The Public Schools or Separate Schools Acts*, the council of any municipality may by by-law provide that the clerk shall set down the name in full of every person assessed and the assessed value of his real property and taxable business, as ascertained after the final revision of the assessment roll, and opposite such assessed value he shall set down in a column for that purpose the total amount for which the person is chargeable for all sums ordered to be levied by the said council or school boards for the purposes thereof. Rev. Stat., cc. 357, 362.

Rev. Stat.,
c. 272, s. 104,
subs. 6
(1939,
c. 3, s. 6,
subs. 2),
amended.

(3) Subsection 6 of the said section 104, as enacted by subsection 2 of section 6 of *The Assessment Amendment Act, 1939*, is amended by striking out the words "city having a population of more than 50,000" in the second and third lines and inserting in lieu thereof the words "local municipality", so that the said subsection shall now read as follows:

Certain
names to
be omitted
from col-
lector's roll.

- (6) Notwithstanding anything contained in this or any other Act the council of any local municipality may by by-law provide that the clerk shall not enter on any collector's roll the name of any tenant or lessee unless such tenant or lessee is required by the terms of his lease to pay the taxes.

Rev. Stat.,
c. 272, s. 120,
amended.

15. Section 120 of *The Assessment Act* is amended by adding thereto the following subsection:

Audit of
collector's
roll.

- (6) Every collector, on the request of the treasurer, shall deliver his roll, together with an account of all collections made, to the treasurer to be audited.

Rev. Stat.,
c. 272, s. 125,
subs. 2
(1944,
c. 7, s. 15,
subs. 1),
amended.

16. Subsection 2 of section 125 of *The Assessment Act*, as re-enacted by subsection 1 of section 15 of *The Assessment Amendment Act, 1944*, is amended by adding at the end thereof the words "or the assessment commissioner, if any", so that the said subsection shall now read as follows:

Time for
making ap-
plication.

- (2) The application may be made at any time during the year and until the 31st day of March in the following year and notice in writing of the application shall be given to the clerk of the municipality or the assessment commissioner, if any.

Rev. Stat.,
c. 272, s. 129,
subs. 1
(1947,
c. 3, s. 28),
amended.

17. Subsection 1 of section 129 of *The Assessment Act*, as re-enacted by section 28 of *The Assessment Amendment Act, 1947*, is amended by striking out the word "described" in the ninth line and inserting in lieu thereof the word "directed", so that the said subsection shall now read as follows:

Statement
to be
furnished
to county
treasurer.

- (1) In cases in which the county treasurer is required to collect arrears of taxes of a township or village, the treasurer of the township or village, as the case may be, shall within fourteen days after the time appointed for the return and final settlement of the collector's roll and before the 8th day of April in every year, furnish the county treasurer with a statement of all unpaid taxes and school rates directed in the said collector's roll or by school trustees to be collected.

Rev. Stat.,
c. 272, s. 143,
subs. 1,
amended.

18. Subsection 1 of section 143 of *The Assessment Act* is amended by striking out the word "twenty-five" in the third

Subsection 3. In the present subsection the power provided is limited to the council of a city having a population of more than 50,000. By this amendment the council of any local municipality is given the power in question.

SECTION 15. This new subsection is necessary as the municipal audit may be carried out before the date set for the return of the collector's roll under subsections 1 to 3 of section 120.

SECTION 16. This amendment brings the subsection into line with an appeal under section 73 under which notice of appeal is to be given to the clerk or the assessment commissioner, if any.

SECTION 17. This amendment corrects a typographical error.

SECTION 18. The fee which a municipal treasurer may charge for each tax certificate is raised to thirty-five cents for each separate parcel. At present the fee is twenty-five cents each for the first four separate parcels and ten cents for each additional parcel.

SECTION 19. Subsection 9 of section 178 permits the notice to the incumbrancers and owner to be sent after the ninety-day period. This amendment makes subsection 2 of section 181 consistent with section 178.

SECTION 20. The repealed section provided the procedure as to sale of land for arrears of taxes in the territorial district of Parry Sound. This district has now been placed under the tax arrears procedure provided in *The Department of Municipal Affairs Act*, and the section is no longer necessary.

SECTION 21. The provisions authorizing municipal assessment of income were repealed in 1947.

line and inserting in lieu thereof the word "thirty-five", and by striking out the words "not exceeding four, and for every additional parcel, a further fee of ten cents" in the fourth and fifth lines, so that the said subsection shall now read as follows:

- (1) The treasurer shall, on demand, give a written certified statement of the arrears due on any land, and he may charge thirty-five cents for the search and certified statement on each separate parcel, but he shall not make any charge to any person who forthwith pays the taxes.
- If demanded, treasurer to give a written statement of arrears.

19. Subsection 2 of section 181 of *The Assessment Act*, as enacted by section 18 of *The Assessment Amendment Act, 1944* and amended by section 37 of *The Assessment Amendment Act, 1946*, is further amended by striking out the words "complied with subsection 2 of" in the third and fourth lines and inserting in lieu thereof the words "sent to the incumbrancers and registered owner the notice as provided in", so that the said subsection shall now read as follows:

Rev. Stat., c. 272, s. 181, subs. 2 (1944, c. 7, s. 18), amended.

- (2) Notwithstanding subsection 1, a tax deed shall not be valid unless there is affixed thereto a statutory declaration of the treasurer that he has sent to the incumbrancers and registered owner the notice as provided in section 178, and such declaration shall form part thereof, and where the tax deed has been registered, the treasurer shall deposit the declaration in the proper registry or land titles office where it shall be attached to the tax deed of the land in respect of which it was made.
- Declaration of treasurer.

20. Section 202 of *The Assessment Act* is repealed.

Rev. Stat., c. 272, s. 202, repealed.

21.—(1) Form 4 of *The Assessment Act*, as re-enacted by subsection 4 of section 2 of *The Statute Law Amendment Act, 1938*, is amended by striking out the column headed "For income".

Rev. Stat., c. 272, Form 4 (1938, c. 37, s. 2, subs. 4), amended.

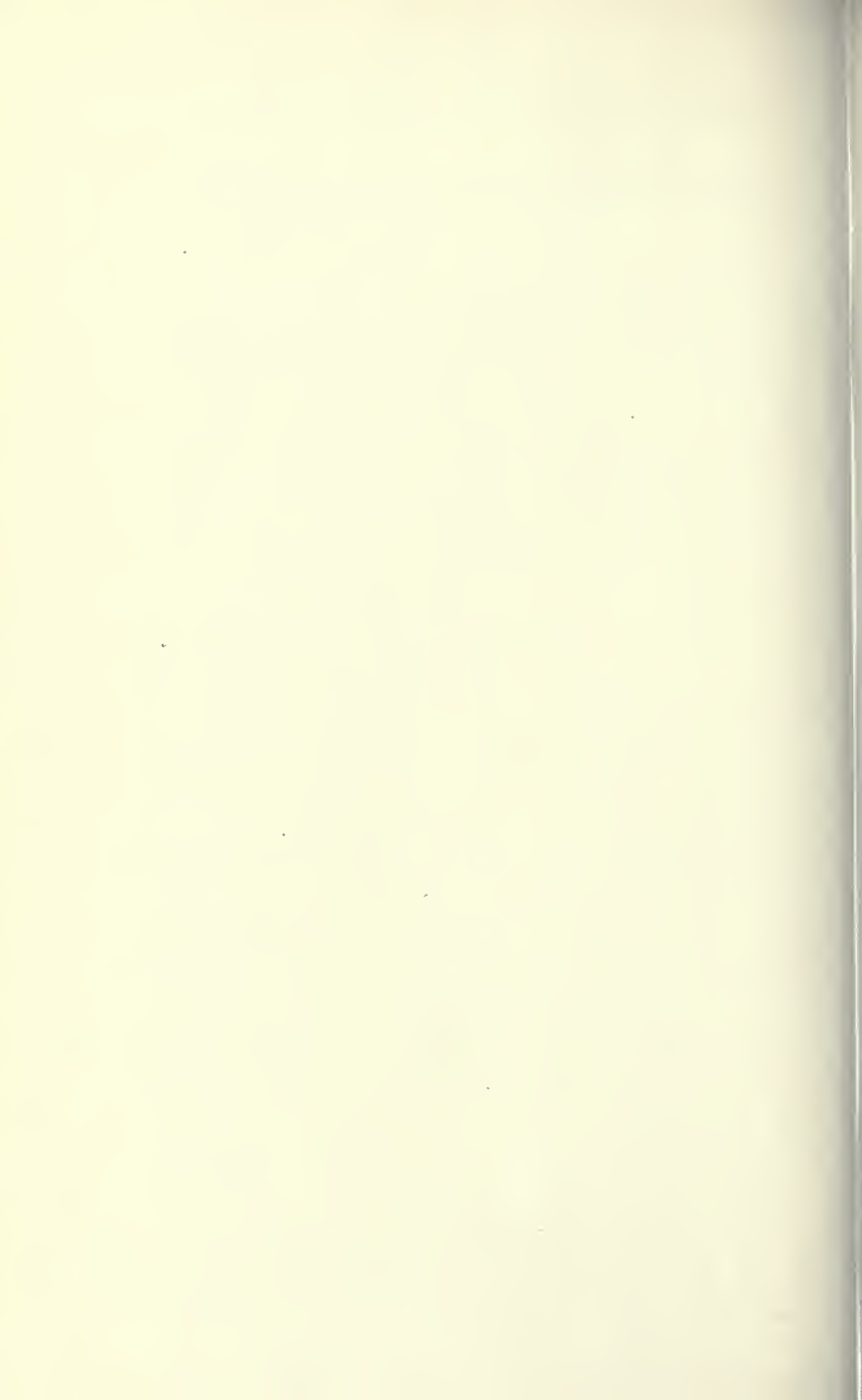
(2) Paragraph 2 of Form 5 of *The Assessment Act* is amended by striking out the word "income" in the third line, so that the said paragraph shall now read as follows:

Rev. Stat., c. 272, Form 5, para. 2, amended.

2. I have estimated and set down, according to the best of my information and belief, in said assessment roll, *the amounts assessable against every person named in the said roll for business or otherwise under The Assessment Act.*

Commence-
ment of Act. **22.** This Act shall come into force on the 1st day of June,
1948.

Short title. **23.** This Act may be cited as *The Assessment Amendment
Act, 1948*.



BILL

An Act to amend The Assessment Act.

1st Reading

March 16th, 1948

2nd Reading

3rd Reading

MR. DUNBAR

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Assessment Act.

MR. DUNBAR

(Reprinted as amended by the Committee on Municipal Law.)

EXPLANATORY NOTES

SECTION 1—Subsection 1. This amendment merely brings this clause into line with the balance of the subsection.

Subsection 2. At present rooming houses as defined in clause *a* of subsection 9 of section 8 of *The Assessment Act* are exempt from assessment for business tax. The effect of the present definition is to make it clear that a rooming house proprietor is exempt only if he is resident in the rooming house and occupies at least ten per centum of the floor space as his residence.

SECTION 2. Column 3 of the assessment roll presently requires an entry of the age of every person entered on the roll. The amendment changes the entry to "the year of birth of every person entered on the roll".

BILL

An Act to amend The Assessment Act.

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

1.—(1) Clause *k* of subsection 1 of section 8 of *The Assessment Act* is amended by inserting after the letter “*l*” in the eighth line the word and letter “or *m*”, so that the said clause shall now read as follows: Rev. Stat.,
c. 272, s. 8,
subs. 1, cl. *k*,
amended.

(*k*) Every person carrying on the business of a photographer or of a theatre, concert hall, or skating rink, or other place of amusement, or of a boarding stable, or a livery, or the letting of vehicles or other property for hire, or of a restaurant, eating house, or other house of public entertainment, or of a hotel or any business not before in this section or in clause *l* or *m* specially mentioned, for a sum equal to twenty-five per centum of the assessed value.

(2) Clause *a* of subsection 9 of the said section 8, as enacted by section 2 of *The Assessment Amendment Act, 1940*, is repealed and the following substituted therefor: Rev. Stat.,
c. 272, s. 8,
subs. 9, cl. *a*
(1940,
c. 1, s. 2),
re-enacted.

(*a*) In this subsection, “rooming house” shall mean any house or building or portion thereof, in which the proprietor resides and occupies at least ten per centum of the floor space as his residence, and supplies for hire or gain to other persons, lodging with or without meals in rooms furnished by the proprietor with necessary furnishings, and shall not include an hotel or apartment house.

2. Subsection 3 of section 23 of *The Assessment Act*, as amended by section 15 of *The Assessment Amendment Act, 1947*, is further amended by striking out “Column 3.—The age of every person entered on the roll” and inserting in lieu thereof “Column 3.—The year of birth of every person entered on the roll”. Rev. Stat.,
c. 272, s. 23,
subs. 3,
amended.

Rev. Stat.,
c. 272, s. 38
(1946,
c. 3, s. 6),
amended.

3. Section 38 of *The Assessment Act*, as re-enacted by section 6 of *The Assessment Amendment Act, 1946* and amended by section 16 of *The Assessment Amendment Act, 1947*, is further amended by adding thereto the following subsection:

Section 57
not to apply.

(1a) The provisions of section 57 shall not apply in respect of land owned by His Majesty in right of Ontario or land in which His Majesty in right of Ontario has an interest.

Rev. Stat.,
c. 272, s. 39,
subs. 6,
amended.

4. Subsection 6 of section 39 of *The Assessment Act*, as amended by subsection 1 of section 17 of *The Assessment Amendment Act, 1947*, is further amended by inserting after the word "situate" in the fourth line the words "or, in unorganized territory, the school board having jurisdiction over the area in which such mine or mineral work is situate", so that the said subsection shall now read as follows:

Profits from
mines.

(6) The profits from a mine or mineral work shall be assessed by, and the tax leviable thereon shall be paid to the municipality in which such mine or mineral work is situate, or, in unorganized territory, the school board having jurisdiction over the area in which such mine or mineral work is situate; provided that the assessment on each oil or gas well operated at any time during the year shall be at least \$20.

Rev. Stat.,
c. 272, s. 57,
subs. 2,
amended.

5.—(1) Subsection 2 of section 57 of *The Assessment Act* is amended by striking out the words "income or" where they occur in the second and seventh lines respectively, and by inserting after the word "omitted" in the third line the words "in whole or in part", so that the said subsection shall now read as follows:

Omissions of
business
assessment.

(2) If at any time it appears to any officer of the municipality that any business assessment has been omitted in whole or in part from the assessment roll for the current year or for either or both of the next two preceding years, he shall report the same to the clerk of the municipality, or if the omission to assess comes to the knowledge of the clerk in any other manner, and the clerk shall enter such business assessment on the assessment roll from which such assessment has been omitted, and as well for the preceding year as for the current year, on the collector's roll for the current year, but in respect to any assessment for a preceding year or years the taxes payable in respect thereto shall be calculated at the rates of taxation levied for such year or years.

SECTION 3. Subsection 1 of section 38 of *The Assessment Act* authorizes assessment of the interest of a tenant of Crown land or land in which the Crown has an interest. Section 57 authorizes the addition to the collector's roll of land which has not been assessed for the current year or the two preceding years. The effect of this amendment is that no such addition can be made in respect of Ontario Crown lands, that is, unless the assessment is made at the normal time it cannot be added later.

SECTION 4. This amendment makes it clear that a school board in unorganized territory has authority to assess and collect taxes on the profits of a mine or mineral work situate in the area for which the school board was established.

SECTION 5—Subsection 1. The authority for municipal income assessment was repealed in 1947.

The words added to subsection 2 of section 57 of *The Assessment Act* ensure that where a part only of the land used in connection with a business has been assessed, the provisions of section 57 will operate to allow the addition of the balance of the land so used.

Subsection 2. This amendment makes it clear that an appeal lies from the court of revision to the county judge. A further appeal to the Ontario Municipal Board is given in the re-enactment of subsection 1 of section 84 of *The Assessment Act* (see section 11 of this Bill).

SECTION 6—Subsection 1. This amendment makes it clear that the provisions of *The Assessment Act* with respect to the making and revision of assessment rolls and the times therefor apply in every municipality in Ontario. In addition change is made to permit the roll to be returned, the court of revision to be closed, and the county judge to make his final return, prior to the dates fixed.

Subsection 2. Where a county court of revision has been constituted it is not feasible with the amount of work involved to comply with the dates set in subsection 1 of section 59. The times are therefore extended with reference to the county court of revision.

(2) Subsection 3 of the said section 57, as amended by subsection 2 of section 11 of *The Assessment Amendment Act, 1946*, is further amended by striking out all the words after the word "roll" in the fifth line and inserting in lieu thereof the words "and the same rights in respect of appeal shall apply as if such building or land or business had been assessed in the usual way", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 272, s. 57,
subs. 3,
amended.

- (3) Where the clerk performs any of the duties required by this section he shall forthwith thereafter deliver to or send by registered letter post to the person so taxed a notice setting out the amount of the assessment and of the taxes entered on the roll, and the same rights in respect of appeal shall apply as if such building or land or business had been assessed in the usual way.

Notice to
person
taxed;
right of
appeal.

6.—(1) Subsection 1 of section 59 of *The Assessment Act*, as re-enacted by subsection 1 of section 13 of *The Assessment Amendment Act, 1946*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 272, s. 59,
subs. 1
(1946,
c. 3, s. 13,
subs. 1),
re-enacted.

- (1) Notwithstanding any other public or private Act heretofore passed, in every municipality the assessment shall be taken between the 1st day of January and the 30th day of September and the assessment roll shall be returned to the clerk not later than the 1st day of October and the time for closing the court of revision shall be not later than the 15th day of November and for the final return by the county judge shall be not later than the 15th day of December, and the assessment so made shall be the assessment on which the rate of taxation for the following year shall be fixed and levied.

Time for
taking the
assessment
and revising
the roll.

- (1a) Where a county court of revision has been constituted, the time for closing the court of revision shall be not later than the 15th day of January in the following year and for the final return by the judge shall be not later than the 15th day of February in the following year.

Revision
where
county court
of revision
constituted.

(2) Subsection 2 of the said section 59 is amended by inserting after the word "December" in the third line the words "or the 15th day of February, as the case may be", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 272, s. 59,
subs. 2,
amended.

- (2) Where there has, from any cause, been delay in so completing the final revision of the said roll beyond the said 15th day of December or the 15th day of February, as the case may be, the assessment when

Delay in
completing
assessment,
effect of.

finally revised shall nevertheless be the assessment on which the rate of taxation for such following year shall be levied.

Special
provision
for 1948
taxation.

(3) When the assessor did not complete the making of the assessment or did not return the roll or the roll was not revised or finally revised in the year 1947 in accordance with *The Assessment Act*, the Minister may extend the time for the completion of the roll, the return of the roll, the revision of the roll or the final revision of the roll, and the assessment so made shall when finally revised be the assessment on which the rate of taxation for the year 1948 shall be fixed and levied.

Idem.

(4) Any municipality that made an assessment and levied taxes thereon in 1947 may pass a by-law adopting for the purpose of levying and collecting taxes in 1948 the assessment roll made and revised in 1947, and such roll shall be subject to revision in the manner provided in subsection 1 of section 59 of *The Assessment Act*, as re-enacted by subsection 1 of this section and shall have the same effect as if made under such subsection.

Rev. Stat.,
c. 272, s. 60,
subs. 6,
amended.

7. Subsection 6 of section 60 of *The Assessment Act*, as amended by subsection 2 of section 14 of *The Assessment Amendment Act, 1946*, is further amended by striking out the word "five" where it occurs in the sixth and twelfth lines respectively and inserting in lieu thereof the word "ten", so that the said subsection shall now read as follows:

Time for
giving
notice, etc.

(6) In any municipality in which any by-law has been passed under this section, the provisions of sections 73 and 76, so far as the same relate to the time for appealing and giving notice thereof, shall not apply, but the clerk shall give notice to every person appealing, or whose assessment or non-assessment is appealed against, at least ten days before the sitting of the court of revision, such notice to be served upon such person, or left at his residence or place of business, or upon the premises concerning which such appeal arises, or addressed to such person through the post office, but no advertisement of the court shall be necessary, and in case of appeals to the county judge, ten days' notice of the day fixed by the county judge for hearing such appeals shall be served in the manner provided in the case of appeals to the court of revision.

Rev. Stat.,
c. 272, s. 61,
amended.

8. Section 61 of *The Assessment Act* is amended by striking out the word and figures "16 or 20" in the fourth line and inserting in lieu thereof the figures "23", so that the said section shall now read as follows:

Subsection 3. The process of change from the old method of assessing in one year and levying taxes in the same year to the new method is not yet finally completed and this subsection authorizes the Minister to extend the time limits so that the 1947 assessments which are not yet completed will be valid.

Subsection 4. This provision is complementary to subsection 1 of this section and authorizes any municipality which by special legislation has not heretofore been subject to *The Assessment Act* with respect to the making of assessments, to make the change-over with a minimum of difficulty.

SECTION 7. The notice to be given to the person appealing to the court of revision or the county judge of the day fixed for hearing the appeal in cases where the municipality has passed a by-law providing for taking the assessment by wards is changed from five to ten days.

SECTION 8. Sections 16 and 20 of *The Municipal Act* have been repealed and section 23 now provides for the matters formerly dealt with by these sections.

SECTION 9. The provisions authorizing assessment of income were repealed in 1947, and the line struck out is no longer applicable.

SECTION 10. Section 52 of *The Assessment Act* was re-enacted in 1946, and the notice formerly provided for in subsection 7 of section 52 is now provided for in subsection 4 of section 52.

61. Where an addition of any part of the localities adjacent to any city, town or village has been made to said city, town or village, in any year subsequent to the 30th day of September, under the provisions of section 23 of *The Municipal Act*, the council of said city, town or village may pass a by-law in the succeeding year, adopting the assessment of the said addition as last revised while a part of the adjoining municipality as the basis of the assessment for said part for that year, although the assessment of the remainder of the city, town or village has been made, and the rate of taxation has been levied in accordance with the provisions of sections 59 and 60, and the levying of a proportionate share of the taxation upon said addition shall not invalidate either the assessment of the remainder or the tax levied thereon, and the qualification of municipal electors in said addition shall, for the said succeeding year, be the same as that required in the municipality from which the part has been taken.

Assessment of localities added to cities and towns.

Rev. Stat., c. 266.

9. Subsection 8 of section 73 of *The Assessment Act* is amended by striking out "*L.M. Self Income overcharged.*" in the eighth line, so that the said subsection shall now read as follows:

Rev. Stat., c. 272, s. 73, subs. 8, amended.

- (8) Such list may be in the following form: •

Form of list of appeals.

Appeals to be heard at the Court of Revision to be held at		
on the		day of
		, 19
Appellant.	Respecting whom.	Matter complained of.
A.B.	Self	Overcharged on land.
C.D.	E.F.	Name omitted.
G.H.	J.K.	Not <i>bona fide</i> owner or tenant.
&c.	&c.	

10. Section 74 of *The Assessment Act* is amended by striking out the figure "7" in the eleventh line and inserting in lieu thereof the figure "4", so that the said section shall now read as follows:

Rev. Stat., c. 272, s. 74, amended.

74. The roll, as finally passed by the court, and certified by the clerk as passed, shall, except in so far as the same may be further amended on appeal to the judge of the county court, be valid, and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll, or any defect, error or misstatement in the notice required by section 52, or the omission to deliver or transmit such notice, provided that the provisions of this section in so far as they relate to the omission to deliver or transmit such notice shall not apply to any person

Roll to be binding notwithstanding errors in it or in notice sent to persons assessed.

who has given the clerk or assessment commissioner the notice provided for in subsection 4 of section 52.

Rev. Stat.,
c. 272, s. 84,
subs. 1
(1946,
c. 3, s. 21,
subs. 1),
amended.

11.—(1) Subsection 1 of section 84 of *The Assessment Act*, as re-enacted by subsection 1 of section 21 of *The Assessment Amendment Act, 1946*, is amended by striking out the words "In the case of the assessment of a telephone company or where a person is assessed to an amount aggregating in a municipality in territory without county organization \$5,000 or upwards or in any other municipality \$10,000 or upwards, such company or person" at the commencement thereof, so that the said subsection shall now read as follows:

Appeals to
Municipal
Board.

(1) The municipal corporation, the assessor or assessment commissioner or any person assessed may appeal from the decision of the county judge to the Ontario Municipal Board or where no appeal is taken to the county judge, may appeal direct from the decision of the court of revision to the Ontario Municipal Board.

Rev. Stat.,
c. 272, s. 84,
subs. 2,
re-enacted.

(2) Subsection 2 of the said section 84 is repealed and the following substituted therefor:

Appeal
under
ss. 57, 57a,
125.

(2) An appeal shall also lie to the Ontario Municipal Board from a decision,—

(a) of the county judge; or

(b) of the court of revision, where no appeal is taken to the county judge,

given under the provisions of sections 57, 57a and 125.

Rev. Stat.,
c. 272, s. 84,
subs. 4a
(1946,
c. 3, s. 21,
subs. 2),
amended.

(3) Subsection 4a of the said section 84, as enacted by subsection 2 of section 21 of *The Assessment Amendment Act, 1946*, is amended by adding at the end thereof the words "at least fourteen days before the hearing", so that the said subsection shall now read as follows:

Notice of
hearing.

(4a) Upon receipt of a notice of appeal under this section, the secretary of the Board shall arrange a time and place for hearing the appeal and shall send notice thereof by registered mail to all parties concerned in the appeal at least fourteen days before the hearing.

Rev. Stat.,
c. 272,
amended.

12. *The Assessment Act* is amended by adding thereto the following section:

Revision of
business
assessment
roll on
alteration
of real
property
assessment.

87a. Where the assessment of any real property is altered on an appeal, any business assessment based on the assessed value of such real property shall be

SECTION 11—Subsections 1 and 2. The present subsections 1 and 2 of section 84 of *The Assessment Act* limit appeals to the Municipal Board to cases where large amounts of money are involved. By the amendments an appeal will lie to all persons concerned to the Municipal Board regardless of the amount involved in all assessment cases.

Subsection 3. Self-explanatory.

SECTION 12. Business assessments are made on a percentage of the assessed value of the real property used in connection with the business. This amendment provides that when the real property assessment has been increased or decreased on an appeal, the business assessment shall be adjusted as well in conformity with the change in the real property assessment.

SECTION 13. The amendment provides that the county assessor shall supervise the assessment not merely the assessors.

SECTION 14—Subsections 1 and 2. The provisions authorizing the assessment of income were repealed in 1947.

altered in the business assessment roll by the clerk of the municipality to conform with the altered real property assessment, whether or not the business assessment roll has been finally revised.

13. Subsection 1 of section 89a of *The Assessment Act*, Rev. Stat., c. 272, s. 89a, as enacted by section 5 of *The Assessment Amendment Act*, subs. 1 (1940, 1940 and amended by subsection 1 of section 9 of *The Assessment Amendment Act*, 1944, is further amended by inserting after the word "supervise" where it occurs in the amendment of 1944 the words "the assessment", so that the said subsection shall now read as follows: c. 1, s. 5), amended.

- (1) Subject to the approval of the Department of County Municipal Affairs, the council of every county may assessor. appoint a county assessor who, for the purpose of making uniform the methods of preparation of the assessment rolls in the municipalities in the county and for the purpose of ascertaining whether the valuations of real property made by the assessors in each such municipality bear a just relation one to another, shall supervise the assessment and advise the assessors and shall report thereon to the county council before the 1st day of June in every year and such report shall form the basis for equalization under section 90.

14.—(1) Subsection 1 of section 104 of *The Assessment Act* Rev. Stat., c. 272, s. 104, is amended by striking out the words "and income" in the subs. 1, seventh line. amended.

(2) Subsection 2 of the said section 104, as amended by Rev. Stat., c. 272, s. 104, subsection 1 of section 6 of *The Assessment Amendment Act*, subs. 2, 1939, is further amended by inserting after the word "prop- amended. erty" in the sixth line the word "and", and by striking out the words "and income" in the seventh line, so that the said subsection shall now read as follows:

- (2) Notwithstanding anything contained in subsection 1 Preparation of collector's roll. or in *The Public Schools or Separate Schools Acts*, the council of any municipality may by by-law provide that the clerk shall set down the name in full of every person assessed and the assessed value of his real property and taxable business, as ascertained after the final revision of the assessment roll, and opposite such assessed value he shall set down in a column for that purpose the total amount for which the person is chargeable for all sums ordered to be levied by the said council or school boards for the purposes thereof. Rev. Stat., cc. 357, 362.

Rev. Stat.,
c. 272, s. 104,
subs. 6
(1939,
c. 3, s. 6,
subs. 2),
amended.

(3) Subsection 6 of the said section 104, as enacted by subsection 2 of section 6 of *The Assessment Amendment Act, 1939*, is amended by striking out the words "city having a population of more than 50,000" in the second and third lines and inserting in lieu thereof the words "local municipality", and by adding at the end thereof the words "or unless the owner is not liable to pay the taxes", so that the said subsection shall now read as follows:

Certain
names to
be omitted
from col-
lector's roll.

- (6) Notwithstanding anything contained in this or any other Act the council of any local municipality may by by-law provide that the clerk shall not enter on any collector's roll the name of any tenant or lessee unless such tenant or lessee is required by the terms of his lease to pay the taxes or unless the owner is not liable to pay the taxes.

Rev. Stat.,
c. 272, s. 120,
amended.

15. Section 120 of *The Assessment Act* is amended by adding thereto the following subsection:

Audit of
collector's
roll.

- (6) Every collector, on the request of the treasurer, shall deliver his roll, together with an account of all collections made, to the treasurer to be audited.

Rev. Stat.,
c. 272, s. 125,
subs. 2
(1944,
c. 7, s. 15,
subs. 1),
amended.

16. Subsection 2 of section 125 of *The Assessment Act*, as re-enacted by subsection 1 of section 15 of *The Assessment Amendment Act, 1944*, is amended by adding at the end thereof the words "or the assessment commissioner, if any", so that the said subsection shall now read as follows:

Time for
making ap-
plication.

- (2) The application may be made at any time during the year and until the 31st day of March in the following year and notice in writing of the application shall be given to the clerk of the municipality or the assessment commissioner, if any.

Rev. Stat.,
c. 272, s. 129,
subs. 1
(1947,
c. 3, s. 28),
amended.

17. Subsection 1 of section 129 of *The Assessment Act*, as re-enacted by section 28 of *The Assessment Amendment Act, 1947*, is amended by striking out the word "described" in the ninth line and inserting in lieu thereof the word "directed", so that the said subsection shall now read as follows:

Statement
to be
furnished
to county
treasurer.

- (1) In cases in which the county treasurer is required to collect arrears of taxes of a township or village, the treasurer of the township or village, as the case may be, shall within fourteen days after the time appointed for the return and final settlement of the collector's roll and before the 8th day of April in every year, furnish the county treasurer with a statement of all unpaid taxes and school rates directed in the said collector's roll or by school trustees to be collected.

Subsection 3. In the present subsection the power provided is limited to the council of a city having a population of more than 50,000. By this amendment the council of any local municipality is given the power in question.

SECTION 15. This new subsection is necessary as the municipal audit may be carried out before the date set for the return of the collector's roll under subsections 1 to 3 of section 120.

SECTION 16. This amendment brings the subsection into line with an appeal under section 73 under which notice of appeal is to be given to the clerk or the assessment commissioner, if any.

SECTION 17. This amendment corrects a typographical error.

SECTION 18. The fee which a municipal treasurer may charge for each tax certificate is raised to thirty-five cents for each separate parcel. At present the fee is twenty-five cents each for the first four separate parcels and ten cents for each additional parcel.

SECTION 19. Subsection 9 of section 178 permits the notice to the incumbrancers and owner to be sent after the ninety-day period. This amendment makes subsection 2 of section 181 consistent with section 178.

SECTION 20. The repealed section provided the procedure as to sale of land for arrears of taxes in the territorial district of Parry Sound. This district has now been placed under the tax arrears procedure provided in *The Department of Municipal Affairs Act*, and the section is no longer necessary.

SECTION 21. The provisions authorizing municipal assessment of income were repealed in 1947.

18. Subsection 1 of section 143 of *The Assessment Act* is amended by striking out the word "twenty-five" in the third line and inserting in lieu thereof the word "thirty-five", and by striking out the words "not exceeding four, and for every additional parcel, a further fee of ten cents" in the fourth and fifth lines, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 272, s. 143,
subs. 1,
amended.

- (1) The treasurer shall, on demand, give a written certified statement of the arrears due on any land, and he may charge thirty-five cents for the search and certified statement on each separate parcel, but he shall not make any charge to any person who forthwith pays the taxes.

If demanded,
treasurer
to give a
written
statement
of arrears.

19. Subsection 2 of section 181 of *The Assessment Act*, as enacted by section 18 of *The Assessment Amendment Act, 1944* and amended by section 37 of *The Assessment Amendment Act, 1946*, is further amended by striking out the words "complied with subsection 2 of" in the third and fourth lines and inserting in lieu thereof the words "sent to the incumbancers and registered owner the notice as provided in", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 272, s. 181,
subs. 2
(1944,
c. 7, s. 18),
amended.

- (2) Notwithstanding subsection 1, a tax deed shall not be valid unless there is affixed thereto a statutory declaration of the treasurer that he has sent to the incumbancers and registered owner the notice as provided in section 178, and such declaration shall form part thereof, and where the tax deed has been registered, the treasurer shall deposit the declaration in the proper registry or land titles office where it shall be attached to the tax deed of the land in respect of which it was made.

Declaration
of treasurer.

20. Section 202 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 272, s. 202,
repealed.

21.—(1) Form 4 of *The Assessment Act*, as re-enacted by subsection 4 of section 2 of *The Statute Law Amendment Act, 1938*, is amended by striking out the column headed "For income".

Rev. Stat.,
c. 272,
Form 4
(1938,
c. 37, s. 2,
subs. 4),
amended.

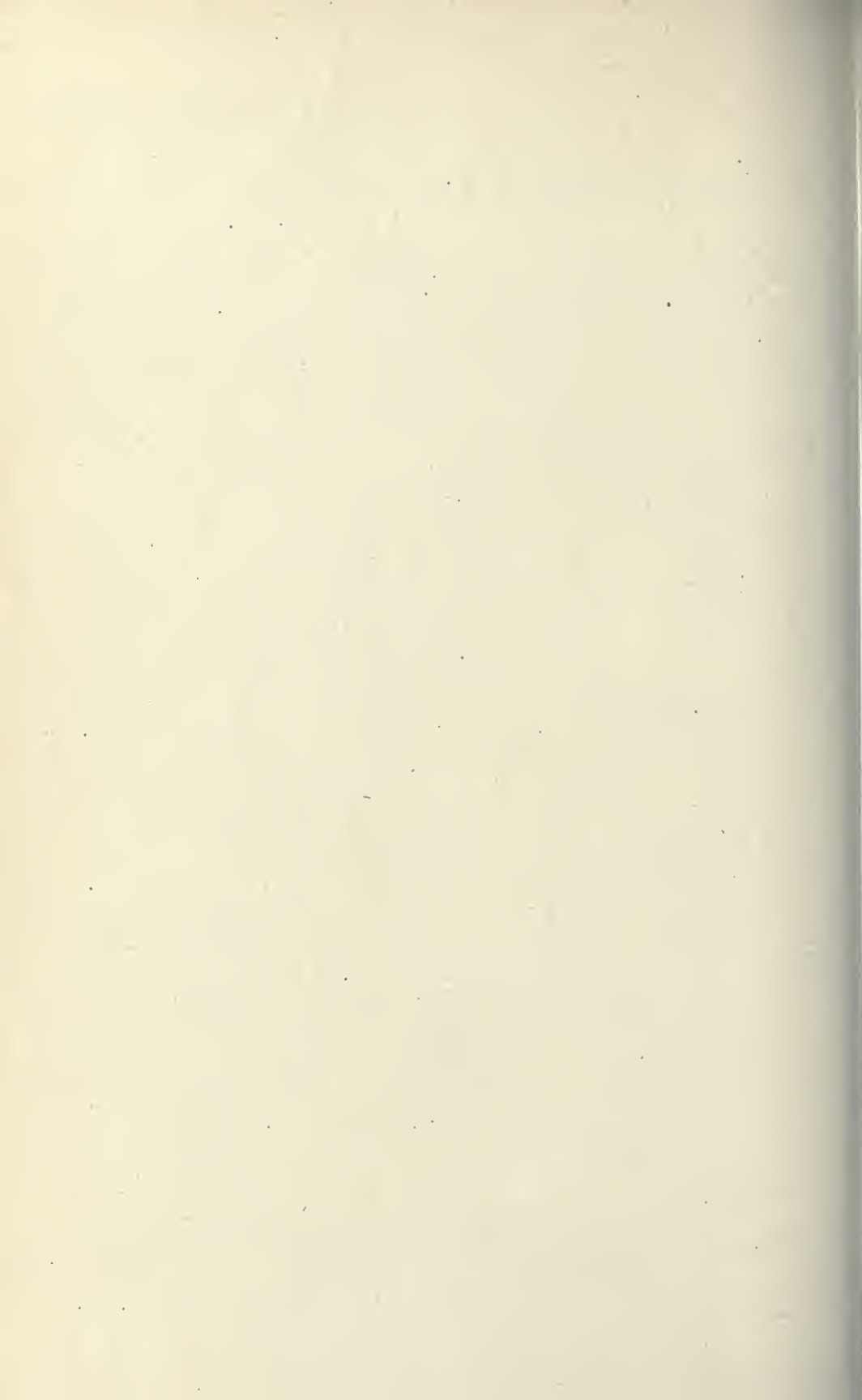
(2) Paragraph 2 of Form 5 of *The Assessment Act* is amended by striking out the word "income" in the third line, so that the said paragraph shall now read as follows:

Rev. Stat.,
c. 272,
Form 5,
para. 2,
amended.

2. I have estimated and set down, according to the best of my information and belief, in said assessment roll, the amounts assessable against every person named in the said roll for business or otherwise under *The Assessment Act*.

Commence-
ment of Act. **22.** This Act shall come into force on the 1st day of June,
1948.

Short title. **23.** This Act may be cited as *The Assessment Amendment
Act, 1948*.



BILL

An Act to amend The Assessment Act.

1st Reading

March 16th, 1948

2nd Reading

March 19th, 1948

3rd Reading

MR. DUNBAR

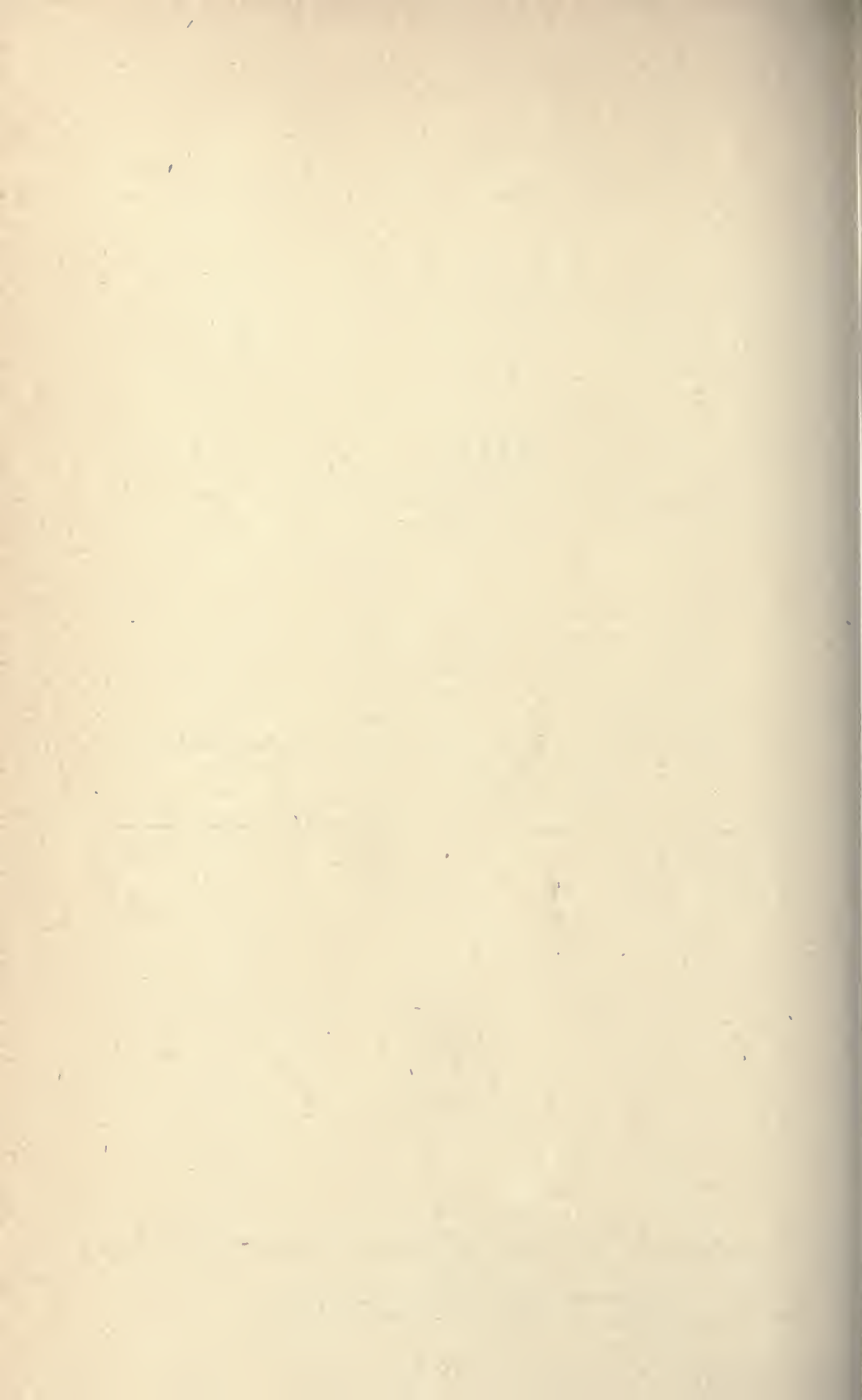
(Reprinted as amended by the Committee on
Municipal Law.)

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Assessment Act.

MR. DUNBAR



BILL

An Act to amend The Assessment Act.

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

1.—(1) Clause *k* of subsection 1 of section 8 of *The Assessment Act* is amended by inserting after the letter “*v*” in the eighth line the word and letter “or *m*”, so that the said clause shall now read as follows: Rev. Stat.,
c. 272, s. 8,
subs. 1, cl. *k*,
amended.

- (*k*) Every person carrying on the business of a photographer or of a theatre, concert hall, or skating rink, or other place of amusement, or of a boarding stable, or a livery, or the letting of vehicles or other property for hire, or of a restaurant, eating house, or other house of public entertainment, or of a hotel or any business not before in this section or in clause *l* or *m* specially mentioned, for a sum equal to twenty-five per centum of the assessed value.

(2) Clause *a* of subsection 9 of the said section 8, as enacted by section 2 of *The Assessment Amendment Act, 1940*, is repealed and the following substituted therefor: Rev. Stat.,
c. 272, s. 8,
subs. 9, cl. *a*
(1940,
c. 1, s. 2),
re-enacted.

- (*a*) In this subsection, “rooming house” shall mean any house or building or portion thereof, in which the proprietor resides and occupies at least ten per centum of the floor space as his residence, and supplies for hire or gain to other persons, lodging with or without meals in rooms furnished by the proprietor with necessary furnishings, and shall not include an hotel or apartment house.

2. Subsection 3 of section 23 of *The Assessment Act*, as amended by section 15 of *The Assessment Amendment Act, 1947*, is further amended by striking out “Column 3.—The age of every person entered on the roll” and inserting in lieu thereof “Column 3.—The year of birth of every person entered on the roll”. Rev. Stat.,
c. 272, s. 23,
subs. 3,
amended.

Rev. Stat.,
c. 272, s. 38
(1946,
c. 3, s. 6),
amended.

3. Section 38 of *The Assessment Act*, as re-enacted by section 6 of *The Assessment Amendment Act, 1946* and amended by section 16 of *The Assessment Amendment Act, 1947*, is further amended by adding thereto the following subsection:

Section 57
not to apply.

- (1a) The provisions of section 57 shall not apply in respect of land owned by His Majesty in right of Ontario or land in which His Majesty in right of Ontario has an interest.

Rev. Stat.,
c. 272, s. 39,
subs. 6,
amended.

4. Subsection 6 of section 39 of *The Assessment Act*, as amended by subsection 1 of section 17 of *The Assessment Amendment Act, 1947*, is further amended by inserting after the word "situate" in the fourth line the words "or, in unorganized territory, the school board having jurisdiction over the area in which such mine or mineral work is situate", so that the said subsection shall now read as follows:

Profits from
mines.

- (6) The profits from a mine or mineral work shall be assessed by, and the tax leviable thereon shall be paid to the municipality in which such mine or mineral work is situate, or, in unorganized territory, the school board having jurisdiction over the area in which such mine or mineral work is situate; provided that the assessment on each oil or gas well operated at any time during the year shall be at least \$20.

Rev. Stat.,
c. 272, s. 57,
subs. 2,
amended.

5.—(1) Subsection 2 of section 57 of *The Assessment Act* is amended by striking out the words "income or" where they occur in the second and seventh lines respectively, and by inserting after the word "omitted" in the third line the words "in whole or in part", so that the said subsection shall now read as follows:

Omissions of
business
assessment.

- (2) If at any time it appears to any officer of the municipality that any business assessment has been omitted in whole or in part from the assessment roll for the current year or for either or both of the next two preceding years, he shall report the same to the clerk of the municipality, or if the omission to assess comes to the knowledge of the clerk in any other manner, and the clerk shall enter such business assessment on the assessment roll from which such assessment has been omitted, and as well for the preceding year as for the current year, on the collector's roll for the current year, but in respect to any assessment for a preceding year or years the taxes payable in respect thereto shall be calculated at the rates of taxation levied for such year or years.

(2) Subsection 3 of the said section 57, as amended by subsection 2 of section 11 of *The Assessment Amendment Act, 1946*, is further amended by striking out all the words after the word "roll" in the fifth line and inserting in lieu thereof the words "and the same rights in respect of appeal shall apply as if such building or land or business had been assessed in the usual way", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 272, s. 57,
subs. 3,
amended.

- (3) Where the clerk performs any of the duties required by this section he shall forthwith thereafter deliver to or send by registered letter post to the person so taxed a notice setting out the amount of the assessment and of the taxes entered on the roll, and the same rights in respect of appeal shall apply as if such building or land or business had been assessed in the usual way.

Notice to
person
taxed;
right of
appeal.

6.—(1) Subsection 1 of section 59 of *The Assessment Act*, as re-enacted by subsection 1 of section 13 of *The Assessment Amendment Act, 1946*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 272, s. 59,
subs. 1
(1946,
c. 3, s. 13,
subs. 1),
re-enacted.

- (1) Notwithstanding any other public or private Act heretofore passed, in every municipality the assessment shall be taken between the 1st day of January and the 30th day of September and the assessment roll shall be returned to the clerk not later than the 1st day of October and the time for closing the court of revision shall be not later than the 15th day of November and for the final return by the county judge shall be not later than the 15th day of December, and the assessment so made shall be the assessment on which the rate of taxation for the following year shall be fixed and levied.

Time for
taking the
assessment
and revising
the roll.

- (1a) Where a county court of revision has been constituted, the time for closing the court of revision shall be not later than the 15th day of January in the following year and for the final return by the judge shall be not later than the 15th day of February in the following year.

Revision
where
county court
of revision
constituted.

(2) Subsection 2 of the said section 59 is amended by inserting after the word "December" in the third line the words "or the 15th day of February, as the case may be", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 272, s. 59
subs. 2,
amended.

- (2) Where there has, from any cause, been delay in so completing the final revision of the said roll beyond the said 15th day of December or the 15th day of February, as the case may be, the assessment when

Delay in
completing
assessment,
effect of.

finally revised shall nevertheless be the assessment on which the rate of taxation for such following year shall be levied.

Special
provision
for 1948
taxation.

(3) When the assessor did not complete the making of the assessment or did not return the roll or the roll was not revised or finally revised in the year 1947 in accordance with *The Assessment Act*, the Minister may extend the time for the completion of the roll, the return of the roll, the revision of the roll or the final revision of the roll, and the assessment so made shall when finally revised be the assessment on which the rate of taxation for the year 1948 shall be fixed and levied.

Idem.

(4) Any municipality that made an assessment and levied taxes thereon in 1947 may pass a by-law adopting for the purpose of levying and collecting taxes in 1948 the assessment roll made and revised in 1947, and such roll shall be subject to revision in the manner provided in subsection 1 of section 59 of *The Assessment Act*, as re-enacted by subsection 1 of this section and shall have the same effect as if made under such subsection.

Rev. Stat.,
c. 272, s. 60,
subs. 6,
amended.

7. Subsection 6 of section 60 of *The Assessment Act*, as amended by subsection 2 of section 14 of *The Assessment Amendment Act, 1946*, is further amended by striking out the word "five" where it occurs in the sixth and twelfth lines respectively and inserting in lieu thereof the word "ten", so that the said subsection shall now read as follows:

Time for
giving
notice, etc.

(6) In any municipality in which any by-law has been passed under this section, the provisions of sections 73 and 76, so far as the same relate to the time for appealing and giving notice thereof, shall not apply, but the clerk shall give notice to every person appealing, or whose assessment or non-assessment is appealed against, at least ten days before the sitting of the court of revision, such notice to be served upon such person, or left at his residence or place of business, or upon the premises concerning which such appeal arises, or addressed to such person through the post office, but no advertisement of the court shall be necessary, and in case of appeals to the county judge, ten days' notice of the day fixed by the county judge for hearing such appeals shall be served in the manner provided in the case of appeals to the court of revision.

Rev. Stat.,
c. 272, s. 61,
amended.

8. Section 61 of *The Assessment Act* is amended by striking out the word and figures "16 or 20" in the fourth line and inserting in lieu thereof the figures "23", so that the said section shall now read as follows:

61. Where an addition of any part of the localities adjacent to any city, town or village has been made to said city, town or village, in any year subsequent to the 30th day of September, under the provisions of section 23 of *The Municipal Act*, the council of said city, town or village may pass a by-law in the succeeding year, adopting the assessment of the said addition as last revised while a part of the adjoining municipality as the basis of the assessment for said part for that year, although the assessment of the remainder of the city, town or village has been made, and the rate of taxation has been levied in accordance with the provisions of sections 59 and 60, and the levying of a proportionate share of the taxation upon said addition shall not invalidate either the assessment of the remainder or the tax levied thereon, and the qualification of municipal electors in said addition shall, for the said succeeding year, be the same as that required in the municipality from which the part has been taken.

Assessment of localities added to cities and towns.

Rev. Stat., c. 266.

9. Subsection 8 of section 73 of *The Assessment Act* is amended by striking out "*L.M..... Self..... Income overcharged.*" in the eighth line, so that the said subsection shall now read as follows:

Rev. Stat., c. 272, s. 73, subs. 8, amended.

- (8) Such list may be in the following form:

Form of list of appeals.

Appeals to be heard at the Court of Revision to be held at
on the day of , 19 .

Appellant.	Respecting whom.	Matter complained of.
A.B.	Self	Overcharged on land.
C.D.	E.F.	Name omitted.
G.H.	J.K.	Not bona fide owner or tenant.
&c.	&c.	

10. Section 74 of *The Assessment Act* is amended by striking out the figure "7" in the eleventh line and inserting in lieu thereof the figure "4", so that the said section shall now read as follows:

Rev. Stat., c. 272, s. 74, amended.

74. The roll, as finally passed by the court, and certified by the clerk as passed, shall, except in so far as the same may be further amended on appeal to the judge of the county court, be valid, and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll, or any defect, error or misstatement in the notice required by section 52, or the omission to deliver or transmit such notice, provided that the provisions of this section in so far as they relate to the omission to deliver or transmit such notice shall not apply to any person

Roll to be binding notwithstanding errors in it or in notice sent to persons assessed.

who has given the clerk or assessment commissioner the notice provided for in subsection 4 of section 52.

Rev. Stat.,
c. 272, s. 84,
subs. 1
(1946,
c. 3, s. 21,
subs. 1),
amended.

11.—(1) Subsection 1 of section 84 of *The Assessment Act*, as re-enacted by subsection 1 of section 21 of *The Assessment Amendment Act, 1946*, is amended by striking out the words "In the case of the assessment of a telephone company or where a person is assessed to an amount aggregating in a municipality in territory without county organization \$5,000 or upwards or in any other municipality \$10,000 or upwards, such company or person" at the commencement thereof, so that the said subsection shall now read as follows:

Appeals to
Municipal
Board.

(1) The municipal corporation, the assessor or assessment commissioner or any person assessed may appeal from the decision of the county judge to the Ontario Municipal Board or where no appeal is taken to the county judge, may appeal direct from the decision of the court of revision to the Ontario Municipal Board.

Rev. Stat.,
c. 272, s. 84,
subs. 2,
re-enacted.

(2) Subsection 2 of the said section 84 is repealed and the following substituted therefor:

Appeal
under
ss. 57, 57a,
125.

(2) An appeal shall also lie to the Ontario Municipal Board from a decision,—

(a) of the county judge; or

(b) of the court of revision, where no appeal is taken to the county judge,

given under the provisions of sections 57, 57a and 125.

Rev. Stat.,
c. 272, s. 84,
subs. 4a
(1946,
c. 3, s. 21,
subs. 2),
amended.

(3) Subsection 4a of the said section 84, as enacted by subsection 2 of section 21 of *The Assessment Amendment Act, 1946*, is amended by adding at the end thereof the words "at least fourteen days before the hearing", so that the said subsection shall now read as follows:

Notice of
hearing.

(4a) Upon receipt of a notice of appeal under this section, the secretary of the Board shall arrange a time and place for hearing the appeal and shall send notice thereof by registered mail to all parties concerned in the appeal at least fourteen days before the hearing.

Rev. Stat.,
c. 272,
amended.

12. *The Assessment Act* is amended by adding thereto the following section:

Revision of
business
assessment
roll on
alteration
of real
property
assessment.

87a. Where the assessment of any real property is altered on an appeal, any business assessment based on the assessed value of such real property shall be

altered in the business assessment roll by the clerk of the municipality to conform with the altered real property assessment, whether or not the business assessment roll has been finally revised.

13. Subsection 1 of section 89a of *The Assessment Act*, Rev. Stat., c. 272, s. 89a, as enacted by section 5 of *The Assessment Amendment Act*, subs. 1 (1940, 1940 and amended by subsection 1 of section 9 of *The Assessment Amendment Act, 1944*, is further amended by inserting after the word "supervise" where it occurs in the amendment of 1944 the words "the assessment", so that the said subsection shall now read as follows: c. 1, s. 5), amended.

- (1) Subject to the approval of the Department of County assessor. Municipal Affairs, the council of every county may appoint a county assessor who, for the purpose of making uniform the methods of preparation of the assessment rolls in the municipalities in the county and for the purpose of ascertaining whether the valuations of real property made by the assessors in each such municipality bear a just relation one to another, shall supervise the assessment and advise the assessors and shall report thereon to the county council before the 1st day of June in every year and such report shall form the basis for equalization under section 90.

14.—(1) Subsection 1 of section 104 of *The Assessment Act* Rev. Stat., c. 272, s. 104, is amended by striking out the words "and income" in the subs. 1, seventh line. amended.

(2) Subsection 2 of the said section 104, as amended by subsection 1 of section 6 of *The Assessment Amendment Act, 1939*, is further amended by inserting after the word "property" in the sixth line the word "and", and by striking out the words "and income" in the seventh line, so that the said subsection shall now read as follows: Rev. Stat., c. 272, s. 104, subs. 2, amended.

- (2) Notwithstanding anything contained in subsection 1 Preparation of collector's roll. or in *The Public Schools or Separate Schools Acts*, the council of any municipality may by by-law provide that the clerk shall set down the name in full of every person assessed and the assessed value of his real property and taxable business, as ascertained after the final revision of the assessment roll, and opposite such assessed value he shall set down in a column for that purpose the total amount for which the person is chargeable for all sums ordered to be levied by the said council or school boards for the purposes thereof. Rev. Stat., cc. 357, 362.

Rev. Stat.,
c. 272, s. 104,
subs. 6
(1939,
c. 3, s. 6,
subs. 2),
amended.

(3) Subsection 6 of the said section 104, as enacted by subsection 2 of section 6 of *The Assessment Amendment Act, 1939*, is amended by striking out the words "city having a population of more than 50,000" in the second and third lines and inserting in lieu thereof the words "local municipality", and by adding at the end thereof the words "or unless the owner is not liable to pay the taxes", so that the said subsection shall now read as follows:

Certain
names to
be omitted
from col-
lector's roll.

- (6) Notwithstanding anything contained in this or any other Act the council of any local municipality may by by-law provide that the clerk shall not enter on any collector's roll the name of any tenant or lessee unless such tenant or lessee is required by the terms of his lease to pay the taxes or unless the owner is not liable to pay the taxes.

Rev. Stat.,
c. 272, s. 120,
amended.

15. Section 120 of *The Assessment Act* is amended by adding thereto the following subsection:

Audit of
collector's
roll.

- (6) Every collector, on the request of the treasurer, shall deliver his roll, together with an account of all collections made, to the treasurer to be audited.

Rev. Stat.,
c. 272, s. 125,
subs. 2
(1944,
c. 7, s. 15,
subs. 1),
amended.

16. Subsection 2 of section 125 of *The Assessment Act*, as re-enacted by subsection 1 of section 15 of *The Assessment Amendment Act, 1944*, is amended by adding at the end thereof the words "or the assessment commissioner, if any", so that the said subsection shall now read as follows:

Time for
making ap-
plication.

- (2) The application may be made at any time during the year and until the 31st day of March in the following year and notice in writing of the application shall be given to the clerk of the municipality or the assessment commissioner, if any.

Rev. Stat.,
c. 272, s. 129,
subs. 1
(1947,
c. 3, s. 28),
amended.

17. Subsection 1 of section 129 of *The Assessment Act*, as re-enacted by section 28 of *The Assessment Amendment Act, 1947*, is amended by striking out the word "described" in the ninth line and inserting in lieu thereof the word "directed", so that the said subsection shall now read as follows:

Statement
to be
furnished
to county
treasurer.

- (1) In cases in which the county treasurer is required to collect arrears of taxes of a township or village, the treasurer of the township or village, as the case may be, shall within fourteen days after the time appointed for the return and final settlement of the collector's roll and before the 8th day of April in every year, furnish the county treasurer with a statement of all unpaid taxes and school rates directed in the said collector's roll or by school trustees to be collected.

18. Subsection 1 of section 143 of *The Assessment Act* is amended by striking out the word "twenty-five" in the third line and inserting in lieu thereof the word "thirty-five", and by striking out the words "not exceeding four, and for every additional parcel, a further fee of ten cents" in the fourth and fifth lines, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 272, s. 143,
subs. 1,
amended.

- (1) The treasurer shall, on demand, give a written certified statement of the arrears due on any land, and he may charge thirty-five cents for the search and certified statement on each separate parcel, but he shall not make any charge to any person who forthwith pays the taxes.

If demanded,
treasurer
to give a
written
statement
of arrears.

19. Subsection 2 of section 181 of *The Assessment Act*, as enacted by section 18 of *The Assessment Amendment Act, 1944* and amended by section 37 of *The Assessment Amendment Act, 1946*, is further amended by striking out the words "complied with subsection 2 of" in the third and fourth lines and inserting in lieu thereof the words "sent to the incumbancers and registered owner the notice as provided in", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 272, s. 181,
subs. 2
(1944,
c. 7, s. 18),
amended.

- (2) Notwithstanding subsection 1, a tax deed shall not be valid unless there is affixed thereto a statutory declaration of the treasurer that he has sent to the incumbancers and registered owner the notice as provided in section 178, and such declaration shall form part thereof, and where the tax deed has been registered, the treasurer shall deposit the declaration in the proper registry or land titles office where it shall be attached to the tax deed of the land in respect of which it was made.

Declaration
of treasurer.

20. Section 202 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 272, s. 202,
repealed.

21.—(1) Form 4 of *The Assessment Act*, as re-enacted by subsection 4 of section 2 of *The Statute Law Amendment Act, 1938*, is amended by striking out the column headed "For income".

Rev. Stat.,
c. 272,
Form 4
(1938,
c. 37, s. 2,
subs. 4),
amended.

(2) Paragraph 2 of Form 5 of *The Assessment Act* is amended by striking out the word "income" in the third line, so that the said paragraph shall now read as follows:

Rev. Stat.,
c. 272,
Form 5,
para. 2,
amended.

2. I have estimated and set down, according to the best of my information and belief, in said assessment roll, the amounts assessable against every person named in the said roll for business or otherwise under *The Assessment Act*.

Commence-
ment of Act. **22.** This Act shall come into force on the 1st day of June,
1948.

Short title. **23.** This Act may be cited as *The Assessment Amendment
Act, 1948.*



BILL

An Act to amend The Assessment Act.

1st Reading

March 16th, 1948

2nd Reading

March 19th, 1948

3rd Reading

March 31st, 1948

MR. DUNBAR

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Agricultural Associations Act.

MR. KENNEDY

EXPLANATORY NOTE

At the annual meeting of The Ontario Fruit Growers' Association and the annual meeting of The Ontario Vegetable Growers' Association, both held recently, the two Associations were amalgamated.

The section is amended to conform with this amalgamation.

BILL

An Act to amend The Agricultural Associations Act.

HIS 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 Agricultural Associations Act*, as amended by section 2 of *The Statute Law Amendment Act, 1941*, is further amended by striking out the words "The Ontario Fruit Growers' Association" in the amendment of 1941 and inserting in lieu thereof the words "The Ontario Fruit and Vegetable Growers' Association", and by striking out the words "The Ontario Vegetable Growers' Association" in the seventeenth line, so that the said section shall now read as follows:

2. The following associations, societies and organizations shall be, or continue to be, bodies corporate under the provisions of this Act:—

Certain
bodies
declared
to be cor-
poration

The Ontario Fruit and Vegetable Growers' Association.
The Entomological Society of Ontario.
The Dairymen's Association of Eastern Ontario.
The Dairymen's Association of Western Ontario.
The Ontario Poultry Association.
The Eastern Ontario Poultry Association.
The Ontario Bee-keepers' Association.
The Ontario Agricultural and Experimental Union.
The Dominion Sheep Breeders' Association.
The Dominion Swine Breeders' Association.
The Dominion Cattle Breeders' Association.
The Canadian Horsemen's Association.
The Ontario Horse Breeders' Association.
The Gardeners' and Florists' Association.
The Ontario Corn Growers' Association.
The Ontario Plowmen's Association.
The Ontario Swine Breeders' Association.

and such other associations, societies, institutes, or organizations as may be designated by the Lieutenant-Governor in Council.

Commence-
ment of Act. **2.** This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. **3.** This Act may be cited as *The Agricultural Associations Amendment Act, 1948*.

An Act to amend The Agricultural
Associations Act.

1st Reading

March 16th, 1948

2nd Reading

3rd Reading

MR. KENNEDY

No. 100

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Agricultural Associations Act.

MR. KENNEDY

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



BILL

An Act to amend The Agricultural Associations Act.

HIS 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 Agricultural Associations Act*, as Rev. Stat., c. 80, s. 2, amended. amended by section 2 of *The Statute Law Amendment Act, 1941*, is further amended by striking out the words "The Ontario Fruit Growers' Association" in the amendment of 1941 and inserting in lieu thereof the words "The Ontario Fruit and Vegetable Growers' Association", and by striking out the words "The Ontario Vegetable Growers' Association" in the seventeenth line, so that the said section shall now read as follows:

2. The following associations, societies and organizations shall be, or continue to be, bodies corporate under the provisions of this Act:—

Certain
bodies
declared
to be cor-
poration

The Ontario Fruit and Vegetable Growers' Association.
 The Entomological Society of Ontario.
 The Dairymen's Association of Eastern Ontario.
 The Dairymen's Association of Western Ontario.
 The Ontario Poultry Association.
 The Eastern Ontario Poultry Association.
 The Ontario Bee-keepers' Association.
 The Ontario Agricultural and Experimental Union.
 The Dominion Sheep Breeders' Association.
 The Dominion Swine Breeders' Association.
 The Dominion Cattle Breeders' Association.
 The Canadian Horsemen's Association.
 The Ontario Horse Breeders' Association.
 The Gardeners' and Florists' Association.
 The Ontario Corn Growers' Association.
 The Ontario Plowmen's Association.
 The Ontario Swine Breeders' Association.

and such other associations, societies, institutes, or organizations as may be designated by the Lieutenant-Governor in Council.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Agricultural Associations Amendment Act, 1948*.



BILL

An Act to amend The Agricultural
Associations Act.

1st Reading

March 16th, 1948

2nd Reading

March 19th, 1948

3rd Reading

March 23rd, 1948

MR. KENNEDY

No. 101

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Farm Products Containers Act, 1947.

MR. KENNEDY

EXPLANATORY NOTE

The proposed amendment is complementary to the provision of Bill No. 100 to amend *The Agricultural Associations Act* and is necessary because of the amalgamation of the two associations.

BILL

An Act to amend The Farm Products Containers Act, 1947.

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

1. Clause *a* of section 1 of *The Farm Products Containers Act, 1947*, is amended by striking out the words "The Ontario Fruit Growers' Association and The Ontario Vegetable Growers' Association" in the second and third lines and inserting in lieu thereof the words "or The Ontario Fruit and Vegetable Growers' Association", so that the said clause shall now read as follows:

(a) "association" shall mean The Ontario Beekeepers' Association or The Ontario Fruit and Vegetable Growers' Association within the meaning of *The Agricultural Associations Act*.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

3. This Act may be cited as *The Farm Products Containers Amendment Act, 1948*.

BILL

An Act to amend The Farm Products
Containers Act, 1947.

1st Reading

March 16th, 1948

2nd Reading

3rd Reading

MR. KENNEDY

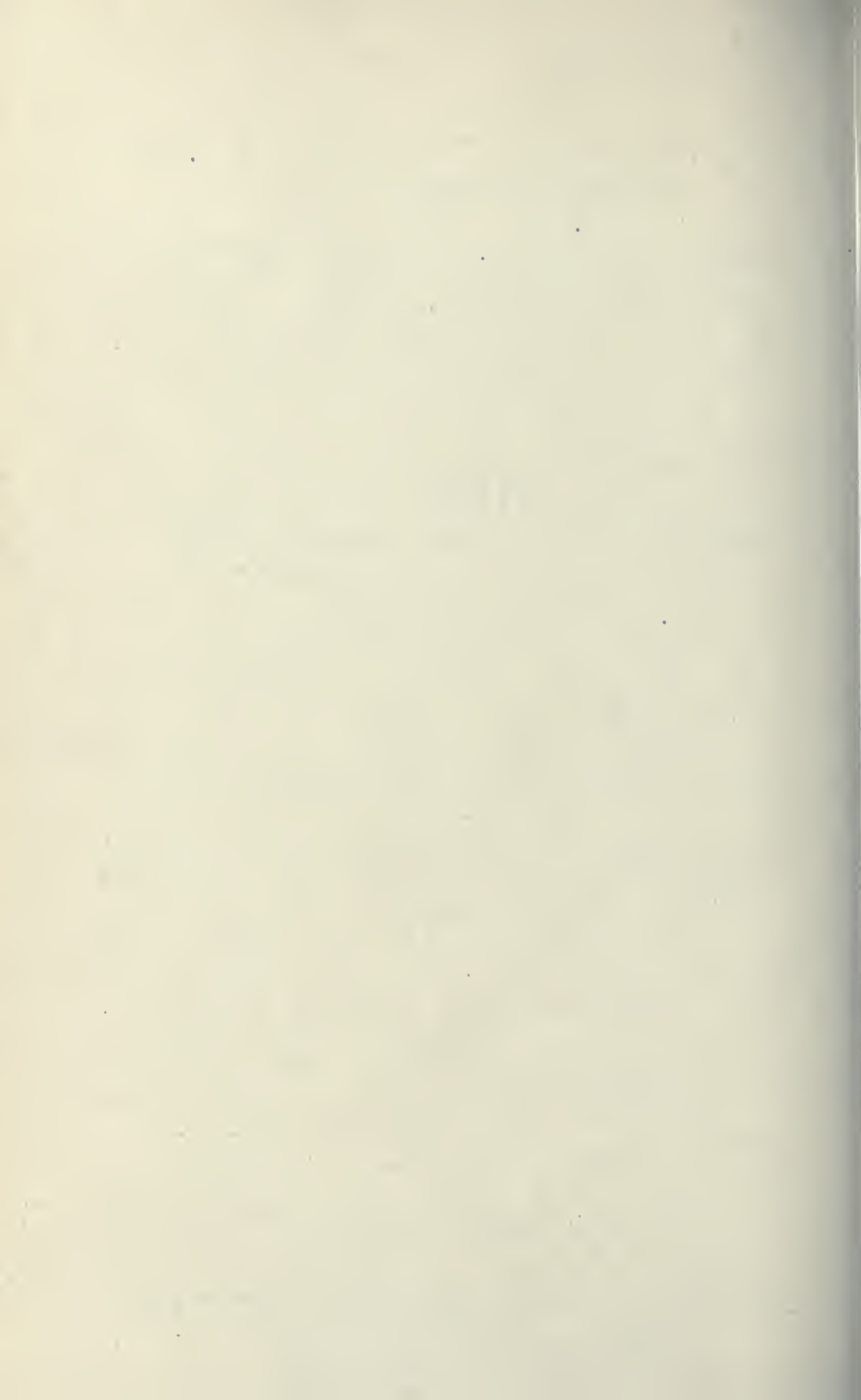
No. 101

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Farm Products Containers Act, 1947.

MR. KENNEDY



No. 101

1948

BILL

An Act to amend The Farm Products Containers Act, 1947.

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

1. Clause *a* of section 1 of *The Farm Products Containers Act, 1947*, is amended by striking out the words "The Ontario Fruit Growers' Association and The Ontario Vegetable Growers' Association" in the second and third lines and inserting in lieu thereof the words "or The Ontario Fruit and Vegetable Growers' Association", so that the said clause shall now read as follows:

(a) "association" shall mean The Ontario Beekeepers' Association or The Ontario Fruit and Vegetable Growers' Association within the meaning of *The Agricultural Associations Act*. ^{"association";} ^{Rev. Stat., c. 80.}

2. This Act shall come into force on the day upon which it receives the Royal Assent. <sup>Commence-
ment of Act.</sup>

3. This Act may be cited as *The Farm Products Containers Amendment Act, 1948*. ^{Short title.}

BILL

An Act to amend The Farm Products
Containers Act, 1947.

1st Reading

March 16th, 1948

2nd Reading

March 19th, 1948

3rd Reading

March 23rd, 1948

MR. KENNEDY

No. 102

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Bees Act.

MR. KENNEDY

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTE

The amendment will require used honey containers to be cleansed before they are sold, transported or shipped.

No. 102

1948

BILL

An Act to amend The Bees Act.

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

1. *The Bees Act* is amended by adding thereto the following section: Rev. Stat.,
c. 348,
amended.

24. Every person who sells, transports or ships any used honey container that has not been cleansed shall be Used
containers. guilty of an offence and liable to a penalty not exceeding \$25.

2. This Act may be cited as *The Bees Amendment Act, 1948*. Short title.

BILL

An Act to amend The Bees Act.

1st Reading

March 16th, 1948

2nd Reading

3rd Reading

MR. KENNEDY

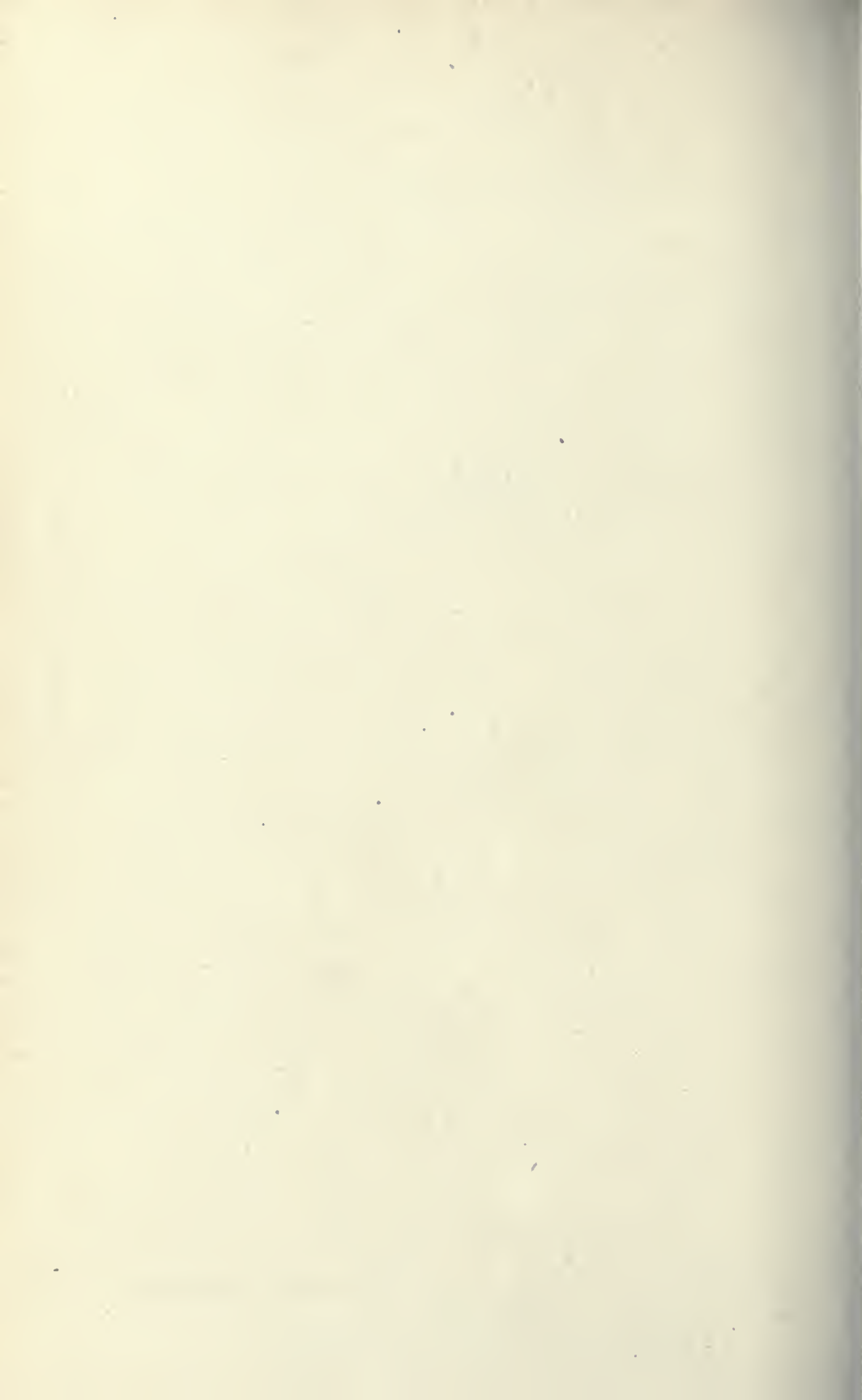
No. 102

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Bees Act.

MR. KENNEDY



No. 102

1948

BILL

An Act to amend The Bees Act.

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

1. *The Bees Act* is amended by adding thereto the following Rev. Stat.,
c. 348,
amended.
section:

24. Every person who sells, transports or ships any used Used
containers.
honey container that has not been cleansed shall be
guilty of an offence and liable to a penalty not
exceeding \$25.

2. This Act may be cited as *The Bees Amendment Act, 1948*. Short title.

BILL

An Act to amend The Bees Act.

1st Reading

March 16th, 1948

2nd Reading

March 19th, 1948

3rd Reading

March 23rd, 1948

MR. KENNEDY

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Community Halls Act.

MR. KENNEDY

TORONTO

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

EXPLANATORY NOTES

SECTION 1. The purpose of this amendment is to provide that a grant shall not exceed \$5,000, in place of \$2,000.

SECTION 2. The purpose of this amendment is to permit the establishment of a community hall or athletic field, or both, in a school area or part thereof.

SECTION 3. The purpose of this amendment is to permit the board of a community hall or athletic field, or both, to make rules and fix charges.

BILL

An Act to amend The Community Halls Act.

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

1. Subsection 1 of section 2 of *The Community Halls Act* is amended by striking out the symbol and figures "\$2,000" in the eighth line and inserting in lieu thereof the symbol and figures "\$5,000", and by adding at the end thereof the words "or any one village", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 284, s. 2,
subs. 1,
amended.

(1) The Minister may grant aid to the municipal corporation of a township or incorporated village for the purpose of assisting in providing for a community hall or the establishment and laying out of an athletic field, but such grant shall not exceed an amount equal to twenty-five per centum of the cost of the building or that part of the building designed for a community hall or of the cost of the athletic field, nor shall such grant exceed the sum of \$5,000, but grants may be made for the establishment of more than one community hall or athletic field by the corporation of any one township or any one village.

Granting aid
to township
or village
for com-
munity hall
and athletic
field.

2. Section 6 of *The Community Halls Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 284, s. 6,
amended.

(10) Where a township school area has been established under *The Public Schools Act* this section shall apply *mutatis mutandis* to the area or any part thereof.

Establish-
ment of
community
hall and
athletic
field in
school areas.

3. Section 7 of *The Community Halls Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 284, s. 7,
amended.

(4) The board of a community hall or athletic field or both, as the case may be, may make such rules as it deems necessary relating to the management and

Board may
make rules
and fix
charges.

control thereof and may fix such charges therefor as it deems advisable.

Short title. **4.** This Act may be cited as *The Community Halls Amendment Act, 1948*.



BILL

An Act to amend The Community
Halls Act.

1st Reading

March 16th, 1948

2nd Reading

3rd Reading

MR. KENNEDY

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Community Halls Act.

MR. KENNEDY

TORONTO

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



BILL

An Act to amend The Community Halls Act.

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

1. Subsection 1 of section 2 of *The Community Halls Act* is amended by striking out the symbol and figures "\$2,000" in the eighth line and inserting in lieu thereof the symbol and figures "\$5,000", and by adding at the end thereof the words "or any one village", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 284, s. 2,
subs. 1,
amended.

- (1) The Minister may grant aid to the municipal corporation of a township or incorporated village for the purpose of assisting in providing for a community hall or the establishment and laying out of an athletic field, but such grant shall not exceed an amount equal to twenty-five per centum of the cost of the building or that part of the building designed for a community hall or of the cost of the athletic field, nor shall such grant exceed the sum of \$5,000, but grants may be made for the establishment of more than one community hall or athletic field by the corporation of any one township or any one village.

Granting aid
to township
or village
for com-
munity hall
and athletic
field.

2. Section 6 of *The Community Halls Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 284, s. 6,
amended.

- (10) Where a township school area has been established under *The Public Schools Act* this section shall apply *mutatis mutandis* to the area or any part thereof.

Establish-
ment of
community
hall and
athletic
field in
school areas.

3. Section 7 of *The Community Halls Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 284, s. 7,
amended.

- (4) The board of a community hall or athletic field or both, as the case may be, may make such rules as it deems necessary relating to the management and

Board may
make rules
and fix
charges.

control thereof and may fix such charges therefor as it deems advisable.

Short title. **4.** This Act may be cited as *The Community Halls Amendment Act, 1948*.



BILL

An Act to amend 'The Community
Halls Act.

1st Reading

March 16th, 1948

2nd Reading

March 22nd, 1948

3rd Reading

March 24th, 1948

MR. KENNEDY

No. 104

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Cheese and Hog Subsidy Act, 1948.

MR. KENNEDY

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

EXPLANATORY NOTE

The effect of this Bill is to extend the provisions of *The Cheese and Hog Subsidy Act, 1941*, until the 31st day of March, 1949.

No. 104

1948

BILL

The Cheese and Hog Subsidy Act, 1948.

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

1. Notwithstanding anything contained in section 6 of *The Cheese and Hog Subsidy Act, 1941*, *The Cheese and Hog Subsidy Act, 1942*, *The Cheese and Hog Subsidy Act, 1943*, *The Cheese and Hog Subsidy Act, 1944*, *The Cheese and Hog Subsidy Act, 1945*, *The Cheese and Hog Subsidy Act, 1946*, or *The Cheese and Hog Subsidy Act, 1947*, all the other provisions of *The Cheese and Hog Subsidy Act, 1941*, shall continue in force and have effect until the 31st day of March, 1949.

1941, c. 11, continued in force.
1942, c. 6;
1943, c. 3;
1944, c. 8;
1945 (2nd Sess.), c. 1;
1946, c. 8;
1947, c. 12.

2. This Act shall come into force on the 1st day of April, 1948.

Commence-
ment of Act

3. This Act may be cited as *The Cheese and Hog Subsidy Act, 1948*.

Short title.

The Cheese and Hog Subsidy Act, 1948.

1st Reading

March 16th, 1948

2nd Reading

3rd Reading

MR. KENNEDY

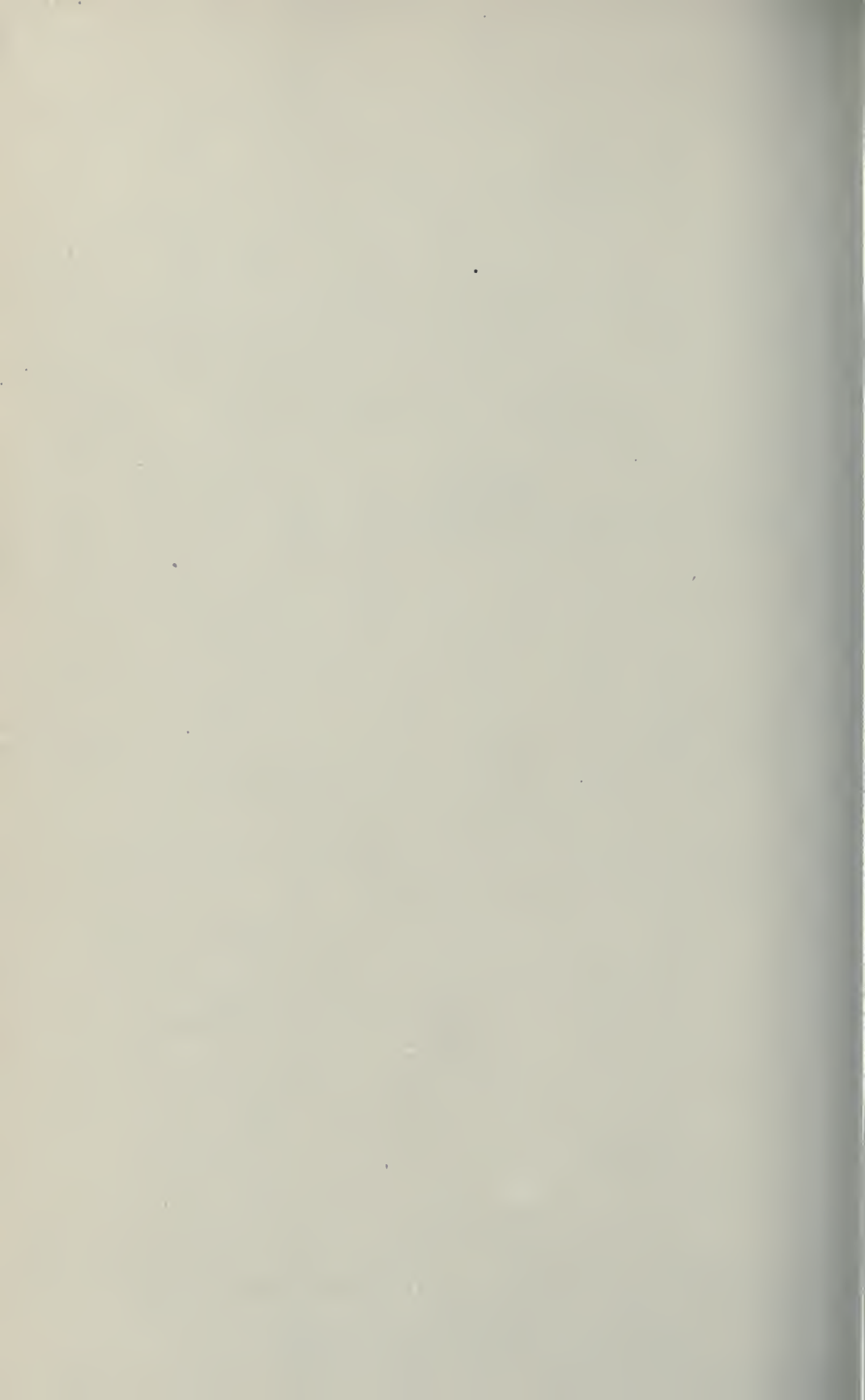
No. 104

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Cheese and Hog Subsidy Act, 1948.

MR. KENNEDY



BILL

The Cheese and Hog Subsidy Act, 1948.

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

1. Notwithstanding anything contained in section 6 of *The Cheese and Hog Subsidy Act, 1941*, *The Cheese and Hog Subsidy Act, 1942*, *The Cheese and Hog Subsidy Act, 1943*, *The Cheese and Hog Subsidy Act, 1944*, *The Cheese and Hog Subsidy Act, 1945*, *The Cheese and Hog Subsidy Act, 1946*, or *The Cheese and Hog Subsidy Act, 1947*, all the other provisions of *The Cheese and Hog Subsidy Act, 1941*, shall continue in force and have effect until the 31st day of March, 1949.

1941, c. 11, continued in force.
1942, c. 6;
1943, c. 3;
1944, c. 8;
1945 (2nd Sess.), c. 1;
1946, c. 8;
1947, c. 12.

2. This Act shall come into force on the 1st day of April, 1948.

Commence-
ment of Act.

3. This Act may be cited as *The Cheese and Hog Subsidy Act, 1948*.

Short title.

BILL

The Cheese and Hog Subsidy Act, 1948.

1st Reading

March 16th, 1948

2nd Reading

March 19th, 1948

3rd Reading

March 23rd, 1948

MR. KENNEDY

No. 105

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Power Commission Act.

MR. DREW

EXPLANATORY NOTES

SECTION 1. This amendment provides for the application of funds out of Commission's income for the frequency standardization reserve authorized by section 3 of this Bill.

SECTION 2. This new subsection authorizes the transfer of funds from the contingency reserve account to the frequency standardization reserve account.

SECTION 3. The new section 11a authorizes the setting up of a frequently standardization reserve account.

The new section 21a authorizes the changing of the frequency at which power is delivered to any person by the Commission.

The new section 21b authorizes alterations in—

- (a) the Commission's own works; and
- (b) the equipment and appliances of persons using Commission power, other than municipalities.

It also authorizes—

- (c) the Commission to bear the expense of anything done in respect of its own works;
- (d) the Commission to bear the expense of changing the electric appliances of domestic, rural domestic and commercial lighting consumers, and also such portion of the expense of changing other consumers works as may be advisable.

L.O. 105

1948

BILL

An Act to amend The Power Commission Act.

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

1. Clause *f* of section 9 of *The Power Commission Act*, as re-enacted by section 4 of *The Power Commission Amendment Act, 1946*, is amended by inserting after the figures "11" in the first line the figures and letter "11a," so that the said clause shall now read as follows:

Rev. Stat.,
c. 62, s. 9,
cl. *f* (1946,
c. 73, s. 4),
amended.

(f) to provide reserves authorized by sections 11, 11a, 12 and 14; and

.

2. Section 11 of *The Power Commission Act*, as re-enacted by section 5 of *The Power Commission Amendment Act, 1946*, is amended by adding thereto the following subsection:

Rev. Stat.,
c. 62, s. 11
(1946,
c. 73, s. 5),
amended.

(3) The Commission may from time to time transfer from its reserve account established under clause *b* of subsection 1 such amounts as it deems advisable, and place the same to the credit of the frequency standardization reserve account.

Transfer to
frequency
standardiza-
tion reserve
account.

3. *The Power Commission Act* is amended by adding thereto the following sections:

Rev. Stat.,
c. 62,
amended.

11a.—(1) An account to be known as the frequency standardization reserve account may be opened and maintained on the books of the Commission and the Commission may place to the credit of such account,—

Frequency
standardiza-
tion reserve
account.

(a) such amounts as the Commission transfers under subsection 3 of section 11, from the reserve account established under clause *b* of subsection 1 of section 11;

- (b) such amounts as the Commission collects pursuant to clause *e* of section 21*b*;
- (c) such amounts as may be made available for the credit of this account pursuant to subsection 2 of section 56;
- (d) such additional amounts as may in the opinion of the Commission be necessary for the purposes of this section;
- (e) interest at such rates as the Commission shall deem equitable and just upon balances remaining from time to time to the credit of the account.

Use of
moneys.

- (2) Any or all of the amounts at the credit of the frequency standardization reserve account may be used in the discretion of the Commission for meeting any expenditure or costs made or incurred under section 21*b*, except expenditure or costs made or incurred in respect to works held by it under section 71.

.

Change of
frequency.

- 21*a*. Subject to the approval of the Lieutenant-Governor in Council and notwithstanding any agreement between the Commission and any person, the Commission may change the periodicity in alternations of current at which it supplies electrical power or energy to any person.

Powers of
Commission
on frequency
change-over.

- 21*b*. Subject to the approval of the Lieutenant-Governor in Council the Commission may,—

- (a) for the purposes of standardizing and making uniform the periodicity in alternations of current at which it supplies electrical power or energy, alter, reconstruct, rebuild, re-assemble, construct, extend, replace or do whatever else may be necessary in respect of its works and works held by it under section 71;
- (b) for the purpose of standardizing and making uniform the periodicity in alternations of current at which electrical power or energy generated or procured by it is utilized, and with the consent of the owner, alter, reconstruct, rebuild, re-assemble, construct, extend, replace or do whatever else may be necessary in respect of the electrical equipment, appa-

SECTION 4. Section 56, under which power is sold directly to system customers at cost, is re-enacted to conform with modern conditions and with the frequency change-over.

tus, appliances, devices or works of any person other than a municipal corporation or municipal commission which are utilized for taking from the Commission and using electrical power or energy;

- (c) bear the expense of anything done pursuant to clause *a*;
- (d) bear the expense of anything done pursuant to clause *b*; to the electrical equipment, apparatus, appliances, devices or works of domestic, rural domestic and commercial lighting consumers, and also such portion of anything done pursuant to clause *b* to the electrical equipment, apparatus, appliances, devices or works of any person other than domestic, rural domestic or commercial lighting consumers as the Commission may deem advisable;
- (e) except as provided in clause *d*, charge to and collect from any person to whose electrical equipment, apparatus, appliances, devices or works anything has been done pursuant to clause *b* the cost or any part thereof according to a tariff approved by the Lieutenant-Governor in Council.

4. Section 56 of *The Power Commission Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 62, s. 56,
re-enacted.

56.—(1) In addition to the powers conferred upon it by this Act or any other Act to contract with municipal corporations for the supply by it of electrical power and energy and to contract with persons pursuant to sections 47, 72 and 76, the Commission, subject to the approval of the Lieutenant-Governor in Council, may contract with any other person for the supply of electrical power or energy to such person upon such terms and conditions as the Commission may deem proper. Supply of
power.

(2) The revenue, or any part thereof, derived by the Commission from supplying power or energy under subsection 1 for use outside of Ontario and which in the opinion of the Commission is so derived because of anything done pursuant to section 21*b* may be placed to the credit of the frequency standardization reserve account. Application
of revenue.

Application
of net profit.

- (3) Any net profit made by the Commission in supplying power or energy under subsection 1 shall be applied in reduction of the cost of electrical power or energy to municipal corporations having contracts with the Commission.

Determina-
tion of net
profit.

- (4) Net profit referred to in subsection 3 shall be determined by deducting from the revenue received from supplying power or energy under subsection 1 all moneys placed to the credit of the frequency standardization reserve account pursuant to subsection 2 and an amount determined by the Commission for costs and charges as enumerated in clauses *a*, *b* and *c* of section 61 and for the purposes of section 11 and clause *d* of subsection 1 of section 11*a*.

Use of
right-of-way
of railway,
power and
transmission
companies.

- (5) The Commission may, with the approval of the Lieutenant-Governor in Council, contract with a railway company or power or transmission company for the use of its right-of-way and property for the purposes of the Commission.

Rev. Stat.,
c. 62, s. 58,
re-enacted.

5. Section 58 of *The Power Commission Act*, as amended by section 7 of *The Power Commission Amendment Act, 1943* and section 1 of *The Power Commission Amendment Act, 1947* (No. 2), is repealed and the following substituted therefor:

Amendment
of agree-
ments.

- 58.—(1) If any agreement heretofore or hereafter entered into by the Commission for the supplying of electrical power or energy by the Commission to a municipal corporation or for any other work or service to be done or supplied by the Commission to a municipal corporation contains any term or condition conflicting with or contrary to this Act, the agreement shall be deemed to be amended in such manner and to such extent as to give effect to this Act.

Effect of
approval.

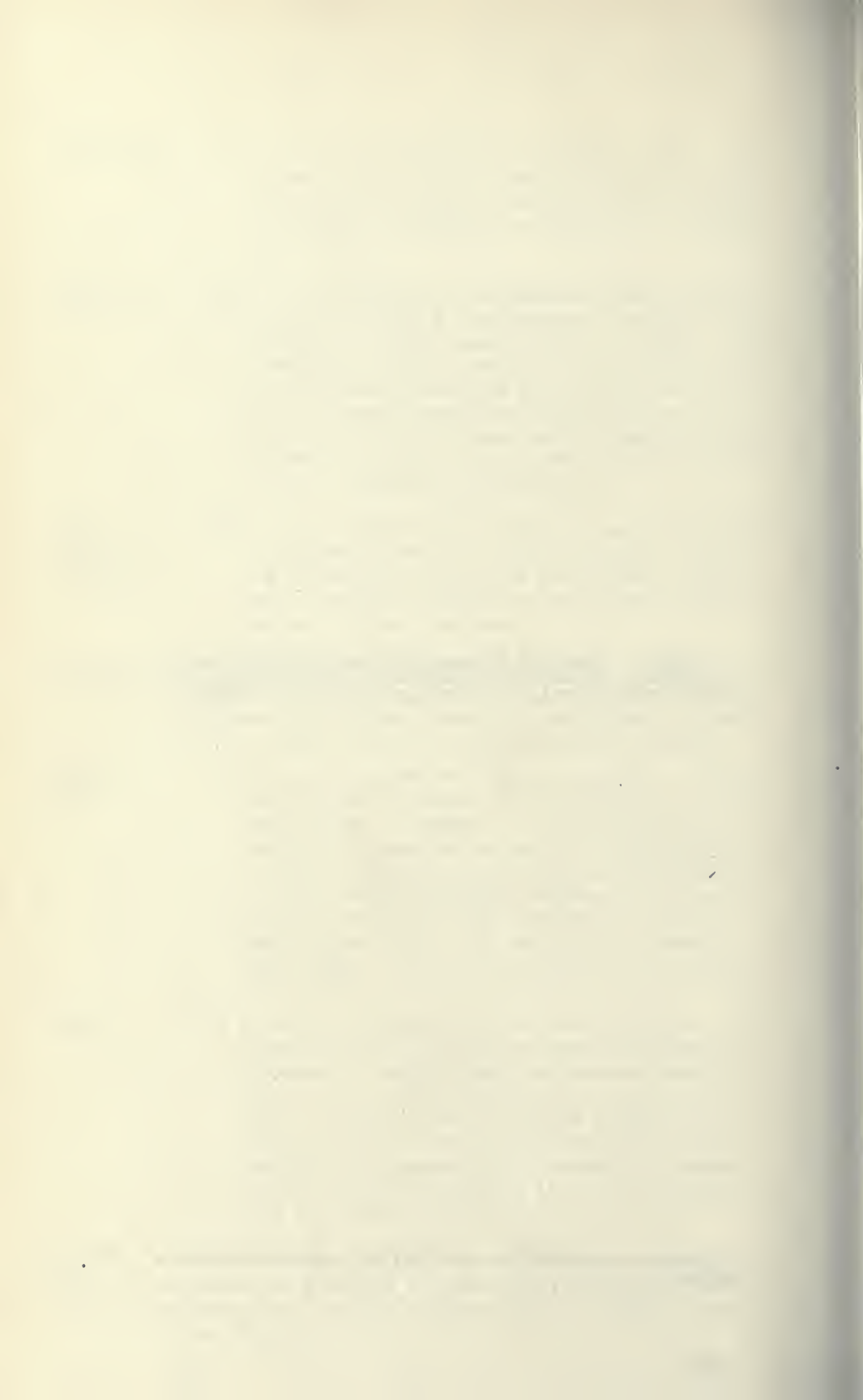
- (2) Subject to subsection 1, where the Commission has heretofore entered, or shall hereafter enter, into an agreement for the supplying of electrical power or energy by or to the Commission or for any other work or service to be done by or supplied to the Commission and such agreement has been or shall hereafter be approved by the Lieutenant-Governor in Council, it shall thereupon be valid and binding upon the parties thereto.

Rev. Stat.,
c. 62, s. 58*a*
(1947,
c. 79, s. 2),
re-enacted.

6. Subsection 2 of section 58*a* of *The Power Commission Act*, as enacted by section 2 of *The Power Commission Amendment Act, 1947* (No. 2), is repealed and the following substituted therefor:

SECTION 5. Section 58, as re-enacted, provides for amending contracts with municipal corporations by making the provisions of *The Power Commission Act* prevail, and also provides for validating power contracts.

SECTION 6. Section 58a, which deals with power conservation, is extended.



- (2) The Commission may at any time modify, restrict, suspend or re-impose any order, regulation, restriction, prohibition or control, heretofore or hereafter given, made or exercised pursuant to subsection 1. Modification of restrictions.
- (3) The Commission may interrupt or decrease delivery of electrical power or energy in such manner and to such extent as it sees fit to any of its customers who fails to comply with any direction, order, regulation, restriction, prohibition or control given, made or exercised by it pursuant to subsection 1 by such means as it may deem proper and may enter upon any land of any such customer and do whatever is necessary for that purpose. Cessation of power delivery.
- (4) Any municipal corporation or municipal commission receiving electrical power or energy from the Commission for distribution may interrupt or decrease delivery of electrical power or energy in such manner and to such extent as it sees fit to any of its customers who fails to comply with any direction, order, regulation, restriction, prohibition or control given, made or exercised by the Commission, pursuant to subsection 1, by such means as it may deem proper, and may enter upon any land of any such customer and do whatever is necessary for that purpose. Entry by municipal corporation.
- (5) Nothing done under this section or under any direction, order, regulation, restriction, prohibition or control made or exercised by the Commission under this section or done to enforce or give effect thereto by the Commission, its servants or agents, or by any municipal corporation or municipal commission or its servants or agents, shall be deemed a breach of contract by the Commission or any municipal corporation or municipal commission or entitle any person to rescind any contract or release any guarantor from the performance of his obligation, or render the Commission, its servants or agents, or any municipal corporation or municipal commission, its or their servants or agents liable in any action-at-law or other legal proceedings for damages or otherwise. No breach of contract.
- (6) Any person refusing or neglecting to comply with any direction, order, regulation, restriction, prohibition or control made or exercised by the Commission under this section shall be guilty of an offence and in addition to any other liability incur a penalty of not less than \$100 and not more than \$500 and a further penalty of not less than \$100 and not more than \$500 for each and every separate day upon which such refusal or neglect is repeated or continued. Penalties.

Recovery of
penalties.
Rev. Stat.,
c. 136.

- (7) The penalties imposed by or under the authority of this section shall be recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 62, s. 61,
cl. d (1946,
c. 73, s. 11),
amended.

7. Clause *d* of section 61 of *The Power Commission Act*, as re-enacted by section 11 of *The Power Commission Amendment Act, 1946*, is amended by adding at the end thereof the words "and clause *d* of section 11a", so that the said clause shall now read as follows:

- (d) an amount to be determined by the Commission for the purposes of sections 11 and 12 and clause *d* of section 11a.

Rev. Stat.,
c. 62, s. 71
(1939,
c. 35, s. 3),
amended.

8. Section 71 of *The Power Commission Act*, as re-enacted by section 3 of *The Power Commission Amendment Act, 1939* and amended by section 8 of *The Power Commission Amendment Act, 1943*, is further amended by adding thereto the following subsection:

Use of
moneys for
standardiza-
tion of
frequency.

- (6) The Commission may in its discretion use any of the revenue which may be derived or may have been derived from the distribution of electrical power or energy by the Commission on behalf of the corporation of any township forming a rural power district or any part thereof for altering, reconstructing, rebuilding, re-assembling, constructing, extending, replacing or whatever else may be necessary in respect of works held by it under subsection 3, for the purpose of standardizing and making uniform to such extent and in such manner as it may deem necessary the periodicity in alternations of current at which it supplies electrical power to customers of the corporation or at premises pursuant to subsection 3.

Rev. Stat.,
c. 62, s. 95a,
cl. d (1946,
c. 73, s. 14),
amended.

9. Clause *d* of section 95a of *The Power Commission Act*, as enacted by section 14 of *The Power Commission Amendment Act, 1946*, is amended by adding at the end thereof the words "in the alteration, reconstruction, rebuilding, re-assembling, construction, replacing or whatever else may be necessary in respect of such works for the purpose of receiving from the Commission and distributing electrical power or energy at a changed periodicity in alternations of current; or", so that the said clause shall now read as follows:

Extension
and altera-
tion of
works.

- (d) in the extension of works for the production, development, distribution or sale of electrical power or energy or in the alteration, reconstruction, rebuilding, re-assembling, construction, replacing or whatever else may be necessary in respect of such works for the

SECTION 7. The words added to section 61 take into account the addition of the new section 11a. (*See* section 3 of this Bill.)

SECTION 8. A new subsection is added to section 71 (rural power) to provide for the use of revenue for frequency conversion.

SECTION 9. Clause *d* of section 95a is amended to authorize the use of available hydro municipality electrical utility funds for frequency conversion.

SECTION 10. See note to section 9.

purpose of receiving from the Commission and distributing electrical power or energy at a changed periodicity in alternations of current; or

.

10. Clauses *a* and *b* of subsection 1 of section 96 of *The Power Commission Act*, as re-enacted by section 15 of *The Power Commission Amendment Act, 1946*, are repealed and the following substituted therefor:

Rev. Stat.,
c. 62, s. 96,
subs. 1, cls.
a, b (1946,
c. 73, s. 15.)
re-enacted.

(a) in altering, reconstructing, rebuilding, re-assembling, constructing, replacing or doing whatever else may be necessary in respect of works for the production, development, distribution or sale of electrical power or energy for the purpose of receiving from the Commission and distributing electrical power or energy at a changed periodicity in alternations of current;

Alteration
of works.

(b) in repaying to persons to whom electrical power or energy is being supplied by such municipal corporation or municipal commission money paid by them for electrical power or energy so supplied, such repayment being made either directly or by a credit on or reduction in bills for electrical power or energy; or

In repay-
ment to cus-
tomers.

(c) to the extent to which such surplus is derived from the supply of electrical power or energy for the lighting of the streets of the municipality or for the operation of any street railway or electric railway or any public utility of the corporation other than an electric utility, by payment over of such surplus or of such portion thereof as the Commission may deem proper, to the treasurer of the municipality to be applied to the general purposes of the corporation.

To general
purposes of
municipal
corporations.

11. This Act may be cited as *The Power Commission Amendment Act, 1948*.

Short title.

An Act to amend The Power
Commission Act.

1st Reading

March 16th, 1948

2nd Reading

3rd Reading

MR. DREW

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Power Commission Act.

MR. DREW

Bill

for the month of June 1880

1880

DECEMBER

for the month of December 1880

BILL

An Act to amend The Power Commission Act.

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

1. Clause *f* of section 9 of *The Power Commission Act*, as re-enacted by section 4 of *The Power Commission Amendment Act, 1946*, is amended by inserting after the figures "11" in the first line the figures and letter "11a," so that the said clause shall now read as follows:

Rev. Stat.,
c. 62, s. 9,
cl. *f* (1946,
c. 73, s. 4),
amended.

(f) to provide reserves authorized by sections 11, 11a, 12 and 14; and

.

2. Section 11 of *The Power Commission Act*, as re-enacted by section 5 of *The Power Commission Amendment Act, 1946*, is amended by adding thereto the following subsection:

Rev. Stat.,
c. 62, s. 11
(1946,
c. 73, s. 5),
amended.

(3) The Commission may from time to time transfer from its reserve account established under clause *b* of subsection 1 such amounts as it deems advisable, and place the same to the credit of the frequency standardization reserve account.

Transfer to
frequency
standardiza-
tion reserve
account.

3. *The Power Commission Act* is amended by adding thereto the following sections:

Rev. Stat.,
c. 62,
amended.

11a.—(1) An account to be known as the frequency standardization reserve account may be opened and maintained on the books of the Commission and the Commission may place to the credit of such account,—

Frequency
standardiza-
tion reserve
account.

(a) such amounts as the Commission transfers under subsection 3 of section 11, from the reserve account established under clause *b* of subsection 1 of section 11;

- (b) such amounts as the Commission collects pursuant to clause *e* of section 21*b*;
- (c) such amounts as may be made available for the credit of this account pursuant to subsection 2 of section 56;
- (d) such additional amounts as may in the opinion of the Commission be necessary for the purposes of this section;
- (e) interest at such rates as the Commission shall deem equitable and just upon balances remaining from time to time to the credit of the account.

Use of
moneys.

- (2) Any or all of the amounts at the credit of the frequency standardization reserve account may be used in the discretion of the Commission for meeting any expenditure or costs made or incurred under section 21*b*, except expenditure or costs made or incurred in respect to works held by it under section 71.

.

Change of
frequency.

- 21*a*. Subject to the approval of the Lieutenant-Governor in Council and notwithstanding any agreement between the Commission and any person, the Commission may change the periodicity in alternations of current at which it supplies electrical power or energy to any person.

Powers of
Commission
on frequency
change-over.

- 21*b*. Subject to the approval of the Lieutenant-Governor in Council the Commission may,—

- (a) for the purposes of standardizing and making uniform the periodicity in alternations of current at which it supplies electrical power or energy, alter, reconstruct, rebuild, re-assemble, construct, extend, replace or do whatever else may be necessary in respect of its works and works held by it under section 71;
- (b) for the purpose of standardizing and making uniform the periodicity in alternations of current at which electrical power or energy generated or procured by it is utilized, and with the consent of the owner, alter, reconstruct, rebuild, re-assemble, construct, extend, replace or do whatever else may be necessary in respect of the electrical equipment, appara-

tus, appliances, devices or works of any person other than a municipal corporation or municipal commission which are utilized for taking from the Commission and using electrical power or energy;

- (c) bear the expense of anything done pursuant to clause *a*;
- (d) bear the expense of anything done pursuant to clause *b* to the electrical equipment, apparatus, appliances, devices or works of domestic, rural domestic and commercial lighting consumers, and also such portion of anything done pursuant to clause *b* to the electrical equipment, apparatus, appliances, devices or works of any person other than domestic, rural domestic or commercial lighting consumers as the Commission may deem advisable;
- (e) except as provided in clause *d*, charge to and collect from any person to whose electrical equipment, apparatus, appliances, devices or works anything has been done pursuant to clause *b* the cost or any part thereof according to a tariff approved by the Lieutenant-Governor in Council.

4. Section 56 of *The Power Commission Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 62, s. 56,
re-enacted.

- 56.—(1) In addition to the powers conferred upon it by this Act or any other Act to contract with municipal corporations for the supply by it of electrical power and energy and to contract with persons pursuant to sections 47, 72 and 76, the Commission, subject to the approval of the Lieutenant-Governor in Council, may contract with any other person for the supply of electrical power or energy to such person upon such terms and conditions as the Commission may deem proper. Supply of
power.
- (2) The revenue, or any part thereof, derived by the Commission from supplying power or energy under subsection 1 for use outside of Ontario and which in the opinion of the Commission is so derived because of anything done pursuant to section 21*b* may be placed to the credit of the frequency standardization reserve account. Application
of revenue.

Application
of net profit.

- (3) Any net profit made by the Commission in supplying power or energy under subsection 1 shall be applied in reduction of the cost of electrical power or energy to municipal corporations having contracts with the Commission.

Determina-
tion of net
profit.

- (4) Net profit referred to in subsection 3 shall be determined by deducting from the revenue received from supplying power or energy under subsection 1 all moneys placed to the credit of the frequency standardization reserve account pursuant to subsection 2 and an amount determined by the Commission for costs and charges as enumerated in clauses *a*, *b* and *c* of section 61 and for the purposes of section 11 and clause *d* of subsection 1 of section 11*a*.

Use of
right-of-way
of railway,
power and
transmission
companies.

- (5) The Commission may, with the approval of the Lieutenant-Governor in Council, contract with a railway company or power or transmission company for the use of its right-of-way and property for the purposes of the Commission.

Rev. Stat.,
c. 62, s. 58,
re-enacted.

5. Section 58 of *The Power Commission Act*, as amended by section 7 of *The Power Commission Amendment Act, 1943* and section 1 of *The Power Commission Amendment Act, 1947* (No. 2), is repealed and the following substituted therefor:

Amendment
of agree-
ments.

- 58.—(1) If any agreement heretofore or hereafter entered into by the Commission for the supplying of electrical power or energy by the Commission to a municipal corporation or for any other work or service to be done or supplied by the Commission to a municipal corporation contains any term or condition conflicting with or contrary to this Act, the agreement shall be deemed to be amended in such manner and to such extent as to give effect to this Act.

Effect of
approval.

- (2) Subject to subsection 1, where the Commission has heretofore entered, or shall hereafter enter, into an agreement for the supplying of electrical power or energy by or to the Commission or for any other work or service to be done by or supplied to the Commission and such agreement has been or shall hereafter be approved by the Lieutenant-Governor in Council, it shall thereupon be valid and binding upon the parties thereto.

Rev. Stat.,
c. 62, s. 58*a*
(1947,
c. 79, s. 2),
re-enacted.

6. Subsection 2 of section 58*a* of *The Power Commission Act*, as enacted by section 2 of *The Power Commission Amendment Act, 1947* (No. 2), is repealed and the following substituted therefor:

- (2) The Commission may at any time modify, restrict, suspend or re-impose any order, regulation, restriction, prohibition or control, heretofore or hereafter given, made or exercised pursuant to subsection 1. ^{Modification of restrictions.}
- (3) The Commission may interrupt or decrease delivery of electrical power or energy in such manner and to such extent as it sees fit to any of its customers who fails to comply with any direction, order, regulation, restriction, prohibition or control given, made or exercised by it pursuant to subsection 1 by such means as it may deem proper and may enter upon any land of any such customer and do whatever is necessary for that purpose. ^{Cessation of power delivery}
- (4) Any municipal corporation or municipal commission receiving electrical power or energy from the Commission for distribution may interrupt or decrease delivery of electrical power or energy in such manner and to such extent as it sees fit to any of its customers who fails to comply with any direction, order, regulation, restriction, prohibition or control given, made or exercised by the Commission, pursuant to subsection 1, by such means as it may deem proper, and may enter upon any land of any such customer and do whatever is necessary for that purpose. ^{Entry by municipal corporation.}
- (5) Nothing done under this section or under any direction, order, regulation, restriction, prohibition or control made or exercised by the Commission under this section or done to enforce or give effect thereto by the Commission, its servants or agents, or by any municipal corporation or municipal commission or its servants or agents, shall be deemed a breach of contract by the Commission or any municipal corporation or municipal commission or entitle any person to rescind any contract or release any guarantor from the performance of his obligation, or render the Commission, its servants or agents, or any municipal corporation or municipal commission, its or their servants or agents liable in any action-at-law or other legal proceedings for damages or otherwise. ^{No breach of contract.}
- (6) Any person refusing or neglecting to comply with any direction, order, regulation, restriction, prohibition or control made or exercised by the Commission under this section shall be guilty of an offence and in addition to any other liability incur a penalty of not less than \$100 and not more than \$500 and a further penalty of not less than \$100 and not more than \$500 for each and every separate day upon which such refusal or neglect is repeated or continued. ^{Penalties.}

Recovery of
penalties.
Rev. Stat.,
c. 136.

- (7) The penalties imposed by or under the authority of this section shall be recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 62, s. 61,
cl. d (1946,
c. 73, s. 11),
amended.

7. Clause *d* of section 61 of *The Power Commission Act*, as re-enacted by section 11 of *The Power Commission Amendment Act, 1946*, is amended by adding at the end thereof the words "and clause *d* of section 11a", so that the said clause shall now read as follows:

- (d) an amount to be determined by the Commission for the purposes of sections 11 and 12 and clause *d* of section 11a.

Rev. Stat.,
c. 62, s. 71
(1939,
c. 35, s. 3),
amended.

8. Section 71 of *The Power Commission Act*, as re-enacted by section 3 of *The Power Commission Amendment Act, 1939* and amended by section 8 of *The Power Commission Amendment Act, 1943*, is further amended by adding thereto the following subsection:

Use of
moneys for
standardiza-
tion of
frequency.

- (6) The Commission may in its discretion use any of the revenue which may be derived or may have been derived from the distribution of electrical power or energy by the Commission on behalf of the corporation of any township forming a rural power district or any part thereof for altering, reconstructing, rebuilding, re-assembling, constructing, extending, replacing or whatever else may be necessary in respect of works held by it under subsection 3, for the purpose of standardizing and making uniform to such extent and in such manner as it may deem necessary the periodicity in alternations of current at which it supplies electrical power to customers of the corporation or at premises pursuant to subsection 3.

Rev. Stat.,
c. 62, s. 95a,
cl. d (1946,
c. 73, s. 14),
amended.

9. Clause *d* of section 95a of *The Power Commission Act*, as enacted by section 14 of *The Power Commission Amendment Act, 1946*, is amended by adding at the end thereof the words "in the alteration, reconstruction, rebuilding, re-assembling, construction, replacing or whatever else may be necessary in respect of such works for the purpose of receiving from the Commission and distributing electrical power or energy at a changed periodicity in alternations of current; or", so that the said clause shall now read as follows:

Extension
and altera-
tion of
works.

- (d) in the extension of works for the production, development, distribution or sale of electrical power or energy or in the alteration, reconstruction, rebuilding, re-assembling, construction, replacing or whatever else may be necessary in respect of such works for the

purpose of receiving from the Commission and distributing electrical power or energy at a changed periodicity in alternations of current; or

.

10. Clauses *a* and *b* of subsection 1 of section 96 of *The Power Commission Act*, as re-enacted by section 15 of *The Power Commission Amendment Act, 1946*, are repealed and the following substituted therefor:

Rev. Stat.,
c. 62, s. 96,
subs. 1, cls.
a, b (1946,
c. 73, s. 15,
re-enacted.

- (a) in altering, reconstructing, rebuilding, re-assembling, constructing, replacing or doing whatever else may be necessary in respect of works for the production, development, distribution or sale of electrical power or energy for the purpose of receiving from the Commission and distributing electrical power or energy at a changed periodicity in alternations of current; Alteration of works.
- (b) in repaying to persons to whom electrical power or energy is being supplied by such municipal corporation or municipal commission money paid by them for electrical power or energy so supplied, such repayment being made either directly or by a credit on or reduction in bills for electrical power or energy; In repayment to customers.
- (c) to the extent to which such surplus is derived from the supply of electrical power or energy for the lighting of the streets of the municipality or for the operation of any street railway or electric railway or any public utility of the corporation other than an electric utility, by payment over of such surplus or of such portion thereof as the Commission may deem proper, to the treasurer of the municipality to be applied to the general purposes of the corporation. To general purposes of municipal corporations.

11. This Act may be cited as *The Power Commission Amendment Act, 1948*. Short title.

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BILL

An Act to amend The Power
Commission Act.

1st Reading

March 16th, 1948

2nd Reading

March 19th, 1948

3rd Reading

March 31st, 1948

MR. DREW

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Training Schools Act, 1939.

MR. DUNBAR

EXPLANATORY NOTES.

SECTION 1. The amendment increases the liability of the municipality from which a boy or girl goes to a training school from fifty cents per day to seventy-five cents per day.

SECTION 2. This amendment increases the provincial contribution to private training schools from fifty cents per day to seventy-five cents per day where the boy or girl comes from a municipality, and from \$1 to \$1.50 where the boy or girl comes from a part of a provisional judicial district which is not within a city or separated town or a town or township having a population of 5,000 or over.

No. 106

1948

BILL

An Act to amend The Training Schools Act, 1939.

HIS 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 15 of *The Training Schools Act*, 1939, c. 51, s. 15, subs. 1, amended, is amended by striking out the word "fifty" in the sixth line and inserting in lieu thereof the word "seventy-five", so that the said subsection shall now read as follows:

- (1) Subject as in this Act may otherwise be provided, when a boy or girl is sent or admitted to a training school, the municipality to which the boy or girl belongs shall be liable to the Department in the case of an Ontario training school and to the society operating the training school in the case of a private training school, for and shall pay the sum of seventy-five cents per day towards the cost of maintenance and education of such boy or girl for each actual day's stay of the boy or girl in the training school. Liability of municipality.

2. Subsection 1 of section 20 of *The Training Schools Act*, 1939, c. 51, s. 20, subs. 1, amended, as amended by section 1 of *The Training Schools Amendment Act*, 1947, is further amended by striking out the word "fifty" in the first line and inserting in lieu thereof the word "seventy-five", and by striking out the words "one dollar" in the amendment of 1947 and inserting in lieu thereof the symbol and figure "\$1.50", so that the said subsection shall now read as follows:

- (1) The sum of seventy-five cents per day and in the case of a boy or girl belonging to a part of a provincial judicial district not within a city or separated town or a town or township having a population of 5,000 or over the sum of \$1.50 per day for each day's actual stay of a boy or girl in a private training school shall be paid quarterly by the Treasurer of Ontario to the society maintaining the training school out of any moneys appropriated for that purpose. Contribution from Province to private schools.

Commence-
ment of Act. 3. This Act shall come into force on the day upon which
it receives the Royal Assent.

Short title. 4. This Act may be cited as *The Training Schools Amend-
ment Act, 1948*.



BILL

An Act to amend The Training Schools
Act, 1939.

1st Reading

March 17th, 1948

2nd Reading

3rd Reading

MR. DUNBAR

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Training Schools Act, 1939.

MR. DUNBAR

TORONTO

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BILL

An Act to amend The Training Schools Act, 1939.

HIS 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 15 of *The Training Schools Act*, 1939, c. 51, s. 15, subs. 1, amended, 1939, is amended by striking out the word "fifty" in the sixth line and inserting in lieu thereof the word "seventy-five", so that the said subsection shall now read as follows:

- (1) Subject as in this Act may otherwise be provided, when a boy or girl is sent or admitted to a training school, the municipality to which the boy or girl belongs shall be liable to the Department in the case of an Ontario training school and to the society operating the training school in the case of a private training school, for and shall pay the sum of seventy-five cents per day towards the cost of maintenance and education of such boy or girl for each actual day's stay of the boy or girl in the training school.

2. Subsection 1 of section 20 of *The Training Schools Act*, 1939, c. 51, s. 20, subs. 1, amended, 1939, as amended by section 1 of *The Training Schools Amendment Act*, 1947, is further amended by striking out the word "fifty" in the first line and inserting in lieu thereof the word "seventy-five", and by striking out the words "one dollar" in the amendment of 1947 and inserting in lieu thereof the symbol and figure "\$1.50", so that the said subsection shall now read as follows:

- (1) The sum of seventy-five cents per day and in the case of a boy or girl belonging to a part of a provincial judicial district not within a city or separated town or a town or township having a population of 5,000 or over the sum of \$1.50 per day for each day's actual stay of a boy or girl in a private training school shall be paid quarterly by the Treasurer of Ontario to the society maintaining the training school out of any moneys appropriated for that purpose.

Commence-
ment of Act. 3. This Act shall come into force on the day upon which
it receives the Royal Assent.

Short title. 4. This Act may be cited as *The Training Schools Amend-
ment Act, 1948*.



BILL

An Act to amend The Training Schools
Act, 1939.

1st Reading

March 17th, 1948

2nd Reading

March 19th, 1948

3rd Reading

March 23rd, 1948

MR. DUNBAR

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Workmen's Compensation Act.

MR. CARLIN

EXPLANATORY NOTES

SECTION 1. Eliminates the seven-day waiting period before compensation can be paid.

SECTIONS 2, 3 and 4. Increase the basis of compensation from sixty-six and two-thirds per cent of earnings to one hundred per cent of earnings. The reference to the waiting period in subsection 1 of section 40 of the Act is deleted because the waiting period is eliminated by section 1 of this Bill.

BILL

An Act to amend The Workmen's Compensation Act.

HIS 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 2 of *The Workmen's Compensation Act* is repealed. Rev. Stat.,
c. 204, s. 2,
subs. 1, cl. *a*,
repealed.

2. Section 38 of *The Workmen's Compensation Act*, as re-enacted by section 2 of *The Workmen's Compensation Amendment Act, 1942*, is amended by striking out the words "sixty-six and two-thirds" in the third line and inserting in lieu thereof the words "one hundred", so that the said section shall now read as follows: Rev. Stat.,
c. 204, s. 38
(1942,
c. 41, s. 2),
amended.

38. Where temporary total disability results from the injury, the compensation shall be a weekly payment of one hundred per centum of the workman's average weekly earnings during the previous twelve months if he has been so long employed, but if not then for any less period during which he has been in the employ of his employer, and shall be payable so long as the disability lasts. Compensation in case of temporary total disability.

3. Section 39 of *The Workmen's Compensation Act*, as re-enacted by section 2 of *The Workmen's Compensation Amendment Act, 1942*, is amended by striking out the words "sixty-six and two-thirds" in the third line and inserting in lieu thereof the words "one hundred", so that the said section shall now read as follows: Rev. Stat.,
c. 204, s. 39
(1942,
c. 41, s. 2),
amended.

39. Where temporary partial disability results from the injury, the compensation shall be a weekly payment of one hundred per centum of the difference between the average weekly earnings of the workman before the accident and the average amount which he is earning or is able to earn in some suitable employ- Temporary partial disability.

ment or business after the accident, and shall be payable so long as the disability lasts, and subsection 3 of section 40 shall apply.

Rev. Stat.,
c. 204, s. 40,
subs. 1
(1942,
c. 41, s. 2),
amended.

4.—(1) Subsection 1 of section 40 of *The Workmen's Compensation Act*, as re-enacted by section 2 of *The Workmen's Compensation Amendment Act, 1942*, is amended by striking out the words "sixty-six and two-thirds" in the ninth line and inserting in lieu thereof the words "one hundred", and by striking out the words "and shall be payable notwithstanding clause a of subsection 1 of section 2" in the eleventh and twelfth lines, so that the said subsection shall now read as follows:

Permanent
disability.

- (1) Where permanent disability results from the injury, the impairment of earning capacity of the workman shall be estimated from the nature and degree of the injury and the compensation shall be a weekly or other periodical payment during the lifetime of the workman, or such other period as the Board may fix, of a sum proportionate to such impairment not exceeding in any case the like proportion of one hundred per centum of his average weekly earnings ascertained in the manner provided by section 38.

Rev. Stat.,
c. 204, s. 40,
subs. 2
(1942,
c. 41, s. 2),
amended.

(2) Subsection 4 of the said section 40 is amended by striking out the words "sixty-six and two-thirds" in the eighth and ninth lines and inserting in lieu thereof the words "one hundred", so that the said subsection shall now read as follows:

Compensation
for
permanent
disability.

- (4) Where the Board deems it more equitable, the Board may award compensation for permanent disability having regard to the difference between the average weekly earnings of the workman before the accident and the average amount which he is earning or is able to earn in some suitable occupation after the accident, and the compensation may be a weekly or other periodical payment of one hundred per centum of such difference, and regard shall be had to the workman's fitness to continue in the employment in which he was injured or to adapt himself to some other suitable occupation.

Rev. Stat.,
c. 204,
amended.

5. *The Workmen's Compensation Act* is amended by adding thereto the following section:

Pre-existing
condition.

- 41.—(1) Where a workman suffers any disability which is in part the result of an accident and in part the result of aggravation of a pre-existing condition, whether such aggravation is apparent at the time of

SECTION 5. Provides for compensation where a pre-existing condition is aggravated.

SECTION 6. Provides that any workman who is exposed to silica dust must be given an annual X-ray examination, and where any degree of lung injury is discovered, the examination thereafter must be every two months.

SECTION 7. Gives added protection to victims of silicosis by providing for compensation where other disabling conditions develop.

the accident or becomes apparent at any time thereafter, the Board shall pay compensation to the workman in accordance with the actual degree of disability from which he suffers.

- (2) The Board shall estimate the degree of disability ^{Assessment.} which is directly due to the accident and shall pay the amount of compensation payable for that degree of disability from the accident fund, and the remainder of the compensation from the special fund provided for in subsection 2 of section 101.

6. Section 50 of *The Workmen's Compensation Act* is ^{Rev. Stat.,} amended by adding thereto the following subsection: ^{c. 204, s. 50,} ^{amended.}

- (13) Every workman who in the course of his employment is exposed to the danger of inhalation of silica dust ^{X-ray} shall be given an X-ray examination of his lungs at least once in each year of such employment, and where such examination reveals any degree of injury to a lung he shall be given such examination at least once in every two months thereafter, and the provisions of this section with respect to provision of medical aid shall apply *mutatis mutandis*. ^{examinations} ^{to be given.}

7. Section 115 of *The Workmen's Compensation Act* is ^{Rev. Stat.,} amended by adding thereto the following subsection: ^{c. 204, s. 115,} ^{amended.}

- (9) Notwithstanding anything to the contrary contained in this Act, where any workman has been exposed to the danger of inhalation of silica dust and is found to have contracted any condition which could be attributed to silicosis and suffers any disability therefrom, such disability for purposes of compensation shall be deemed to be due to silicosis, and any chronic lung disease contracted by such workman at any time thereafter shall be deemed to be an industrial disease arising out of and in the course of his employment at the time such condition was contracted. ^{When} ^{disability} ^{deemed due} ^{to silicosis.}

8. This Act may be cited as *The Workmen's Compensation* ^{Short title.} *Amendment Act, 1948.*

BILL

An Act to amend The Workmen's
Compensation Act.

1st Reading

March 17th, 1948

2nd Reading

3rd Reading

MR. CARLIN

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act respecting the Provision of Services by the Province and
Municipalities to Persons Occupying Dominion Crown Lands.

MR. DREW

EXPLANATORY NOTE.

Self-explanatory.

BILL

An Act respecting the Provision of Services by the Province and Municipalities to Persons Occupying Dominion Crown Lands.

HIS 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) "area" means any parcel or parcels of land; "area";
- (b) "council" includes the board of trustees of an im- "council";
provement district;
- (c) "local municipality" includes an improvement dis- "local
municipal-
ity".

2.—(1) Where an area of land is vested in His Majesty in right of Canada or in a person or corporation on behalf of His Majesty in right of Canada, the Lieutenant-Governor in Council, upon receipt of representations from the council of the local municipality and the council of the county, if any, in which the area is situate that no suitable arrangements have been made to pay for provincial and municipal services by way of submitting to assessment and taxation of the land or paying compensation in lieu thereof, may by Order-in-Council exclude the area from the local municipality and the county, if any, in which it is situate for any or all of the following purposes:

Exclusion
of Crown
land from
municipali-
ties.

- (a) Education;
- (b) Fire and police protection;
- (c) Planning;
- (d) Highways;
- (e) Sewers and sewage disposal;

- (f) Garbage disposal;
- (g) Public health, including hospitals and hospitalization;
- (h) Welfare, including relief and payment under any Act of this Legislature with respect to the inhabitants of the area;
- (i) Public utility as defined in *The Department of Municipal Affairs Act*;
- (j) The payment of any grants by the Province in relation to such area or the inhabitants thereof;
- (k) Any other purpose in respect of which provision is made from time to time that any municipality or the Province may spend public money.

Rev. Stat.,
c. 59.

Exclusion
from
territorial
districts.

(2) Where such an area is unorganized territory, the Lieutenant-Governor in Council may by Order-in-Council exclude the area from the territorial district in which it is situate for any or all of the purposes set out in subsection 1.

Effect of
exclusion.

3. Upon the passing of an Order-in-Council under section 2, the local municipality, the county and the Province shall be relieved from responsibility with respect to such area and the inhabitants thereof for the purposes set out in the Order-in-Council.

Application
of provincial
Acts where
service
provided
by Crown.

4. If,—

- (a) any area is so excluded; and
- (b) no suitable arrangement is made as to payment for any service; and
- (c) His Majesty in right of Canada or the person or corporation on behalf of His Majesty in right of Canada is providing any service to the inhabitants of the area,

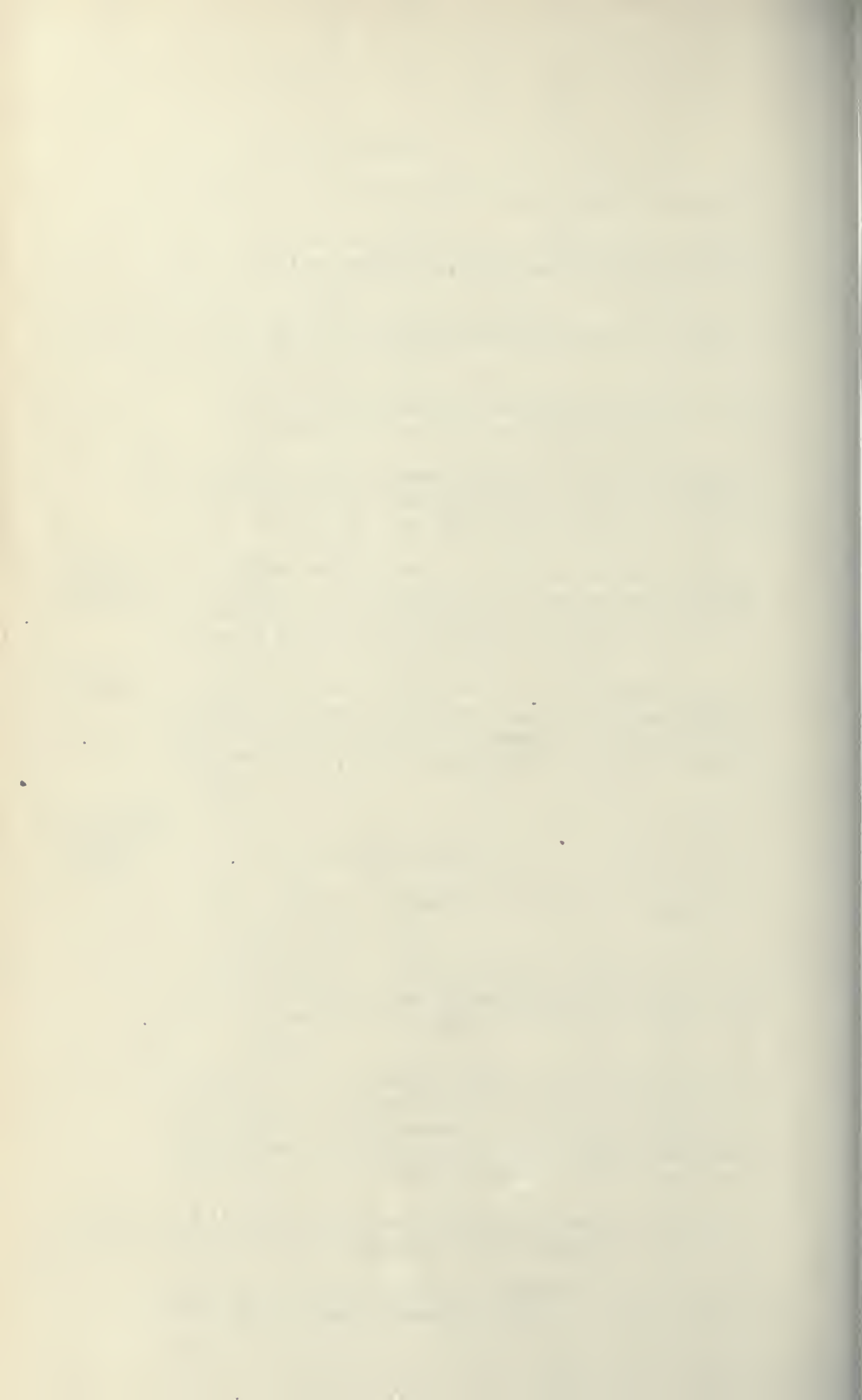
the Lieutenant-Governor in Council may by Order-in-Council provide that His Majesty in right of Canada or the person or corporation shall receive grants and assistance under any Act of this Legislature with respect to that service in the same manner as any other public authority providing such service.

Commence-
ment of Act.

5. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

6. This Act may be cited as *The Dominion Crown Tenants Provincial-Municipal Services Act, 1948*.



An Act respecting the Provision of Services
by the Province and Municipalities to Per-
sons Occupying Dominion Crown Lands.

1st Reading

March 17th, 1948

2nd Reading

3rd Reading

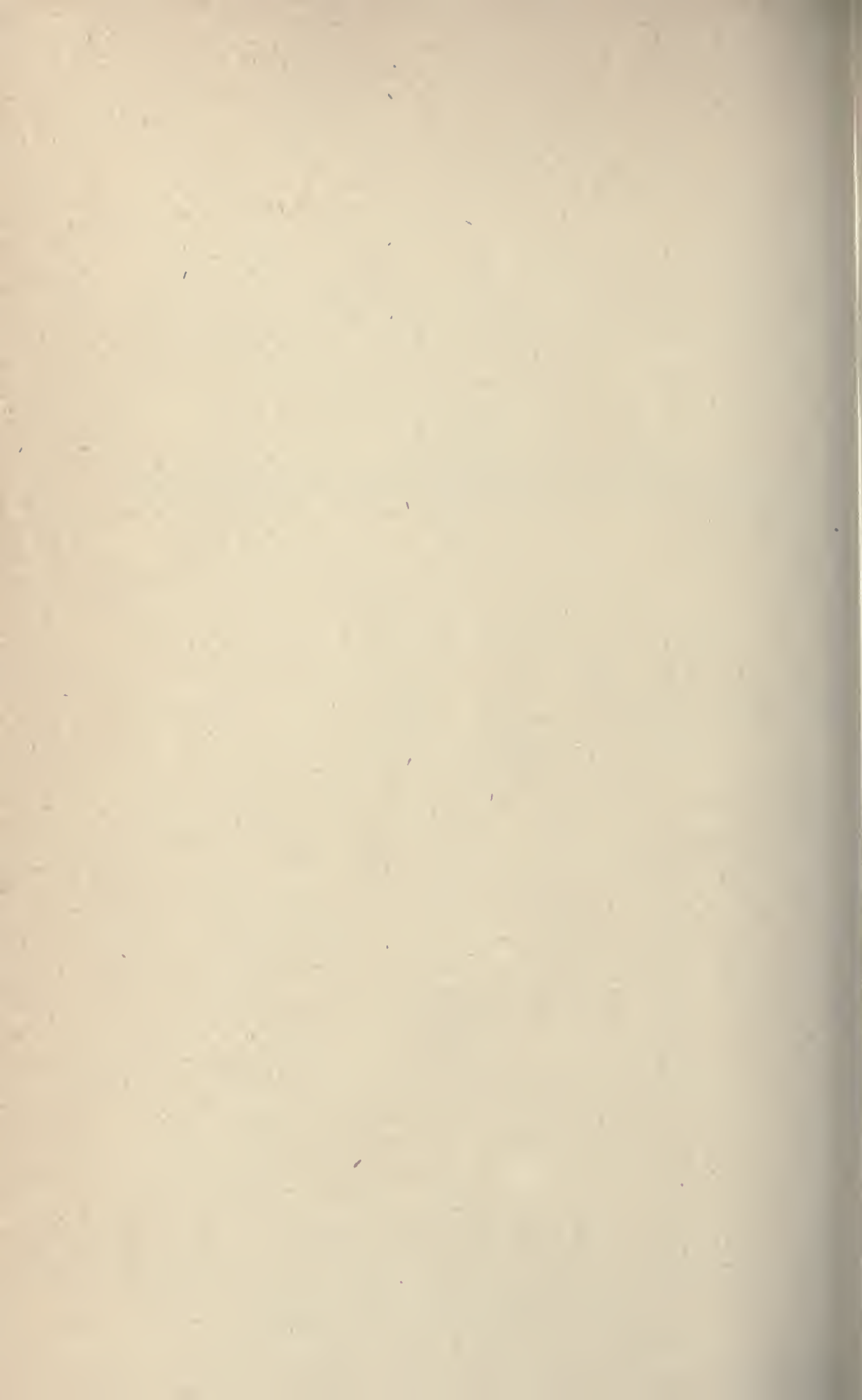
MR. DREW

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act respecting the Provision of Services by the Province and
Municipalities to Persons Occupying Dominion Crown Lands.

MR. DREW



BILL

An Act respecting the Provision of Services by the Province and Municipalities to Persons Occupying Dominion Crown Lands.

HIS 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) "area" means any parcel or parcels of land; "area";
- (b) "council" includes the board of trustees of an im- "council";
provement district;
- (c) "local municipality" includes an improvement dis- "local
trict. municipali-
ity".

2.—(1) Where an area of land is vested in His Majesty in right of Canada or in a person or corporation on behalf of His Majesty in right of Canada, the Lieutenant-Governor in Council, upon receipt of representations from the council of the local municipality and the council of the county, if any, in which the area is situate that no suitable arrangements have been made to pay for provincial and municipal services by way of submitting to assessment and taxation of the land or paying compensation in lieu thereof, may by Order-in-Council exclude the area from the local municipality and the county, if any, in which it is situate for any or all of the following purposes:

Exclusion
of Crown
land from
municipali-
ties.

- (a) Education;
- (b) Fire and police protection;
- (c) Planning;
- (d) Highways;
- (e) Sewers and sewage disposal;

- (f) Garbage disposal;
- (g) Public health, including hospitals and hospitalization;
- (h) Welfare, including relief and payment under any Act of this Legislature with respect to the inhabitants of the area;
- (i) Public utility as defined in *The Department of Municipal Affairs Act*;
- (j) The payment of any grants by the Province in relation to such area or the inhabitants thereof;
- (k) Any other purpose in respect of which provision is made from time to time that any municipality or the Province may spend public money.

Rev. Stat.,
c. 59.

Exclusion
from
territorial
districts.

(2) Where such an area is unorganized territory, the Lieutenant-Governor in Council may by Order-in-Council exclude the area from the territorial district in which it is situate for any or all of the purposes set out in subsection 1.

Effect of
exclusion.

3. Upon the passing of an Order-in-Council under section 2, the local municipality, the county and the Province shall be relieved from responsibility with respect to such area and the inhabitants thereof for the purposes set out in the Order-in-Council.

Application
of provincial
Acts where
service
provided
by Crown.

4. If,—

- (a) any area is so excluded; and
- (b) no suitable arrangement is made as to payment for any service; and
- (c) His Majesty in right of Canada or the person or corporation on behalf of His Majesty in right of Canada is providing any service to the inhabitants of the area,

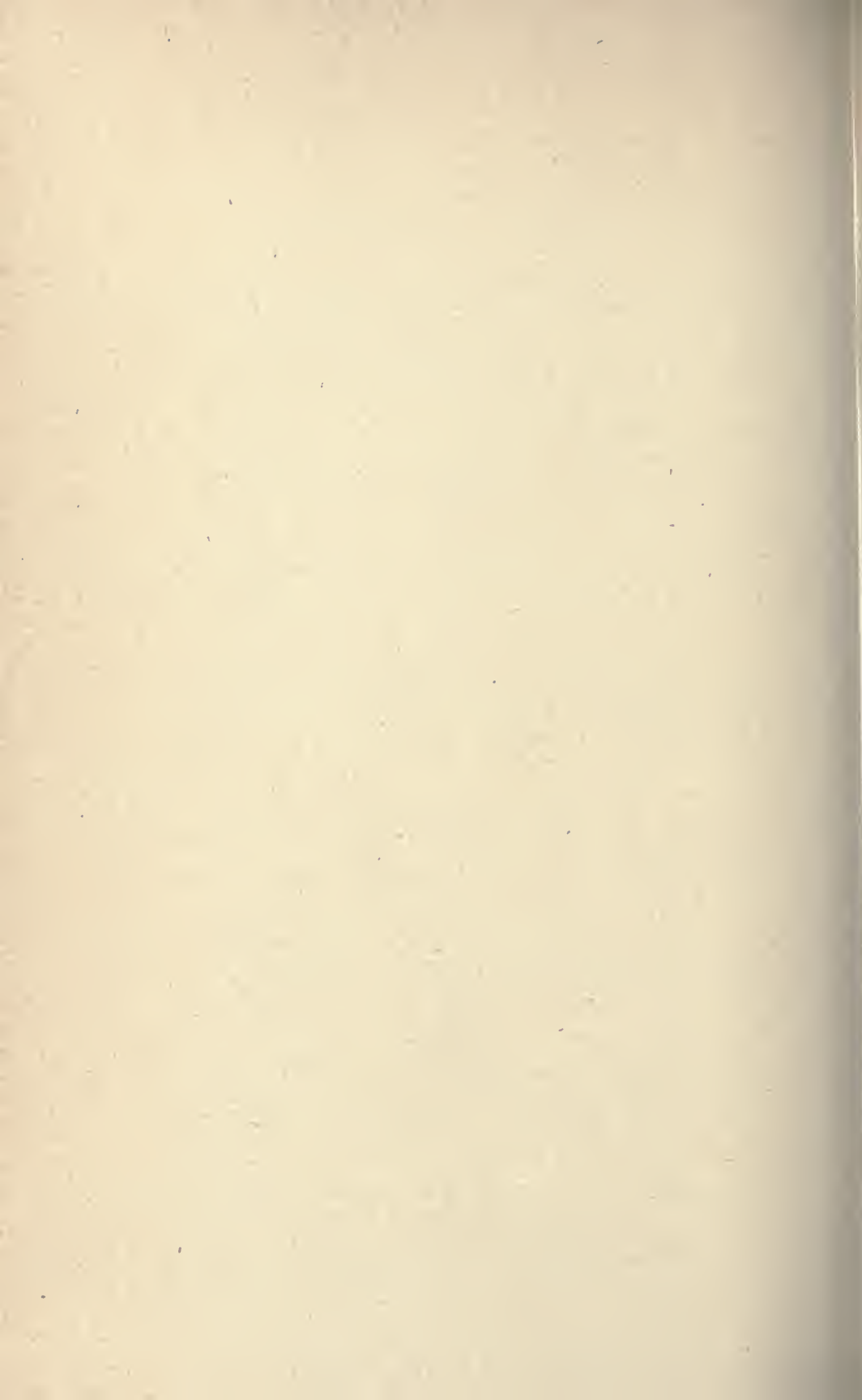
the Lieutenant-Governor in Council may by Order-in-Council provide that His Majesty in right of Canada or the person or corporation shall receive grants and assistance under any Act of this Legislature with respect to that service in the same manner as any other public authority providing such service.

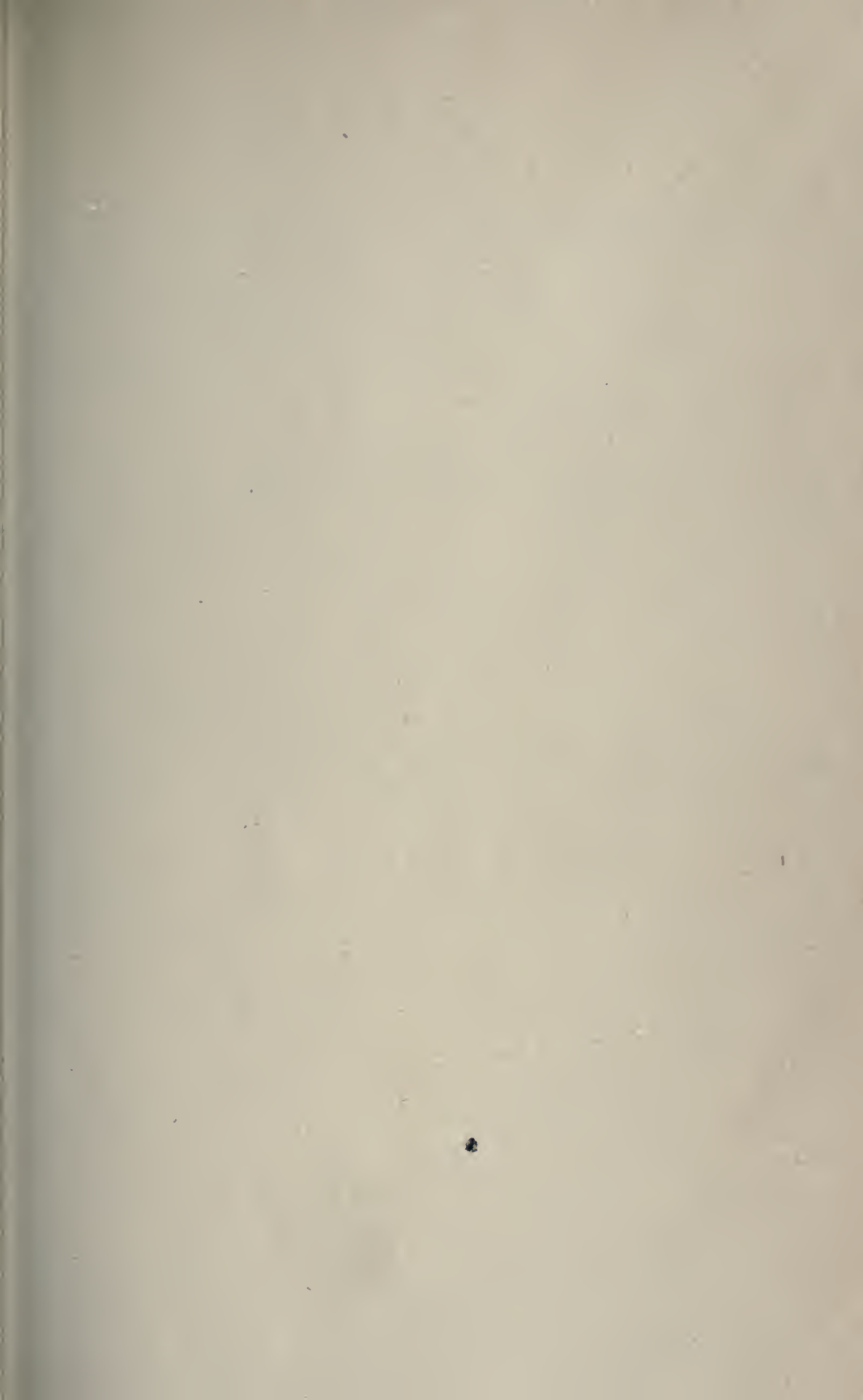
Commence-
ment of Act.

5. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

6. This Act may be cited as *The Dominion Crown Tenants Provincial-Municipal Services Act, 1948*.





BILL

An Act respecting the Provision of Services
by the Province and Municipalities to Per-
sons Occupying Dominion Crown Lands.

1st Reading

March 17th, 1948

2nd Reading

March 22nd, 1948

3rd Reading

March 24th, 1948

MR. DREW

No. 109

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Labour Relations Board Act, 1944.

MR. CARLIN

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

EXPLANATORY NOTES

SECTION 1. The interpretation section is re-enacted in accordance with the new terms introduced into the Act. (Section 1.)

The provision for application of Dominion regulations is repealed, and replaced by a statement of the right to organize and bargain collectively. (Section 2.) Section 3 of the Act, which is no longer necessary, is repealed.

No. 109

1948

BILL

An Act to amend The Labour Relations Board Act,
1944.

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

1. Section 1, section 2 as amended by section 1 of *The 1944, c. 44, Labour Relations Board Amendment Act, 1946*, and section 3 ^{ss. 1, 2, re-enacted;} of *The Labour Relations Board Act, 1944*, are repealed and the ^{s. 3, repealed.} following substituted therefor:

1. In this Act,—

Interpre-
tation,—

- (a) “bargaining collectively” means negotiating in ^{“bargain collectively”;} good faith with a view to the conclusion of a collective bargaining agreement, the embodiment in writing of the terms of agreement arrived at in negotiations or required to be inserted in a collective bargaining agreement of this Act, the execution by or on behalf of the parties of such written agreement and the negotiations from time to time for the settlement of disputes and grievances of employees covered by the agreement;
- (b) “Board” shall mean Ontario Labour Relations “Board”;
Board;
- (c) “collective bargaining agreement” means an ^{“collective bargaining agreement”;} agreement in writing between an employer and a trade union setting forth the terms and conditions of employment or containing provisions in regard to rates of pay, hours of work or other working conditions;
- (d) “company dominated organization” means any ^{“company dominated organization”;} labour organization, the formation or administration of which any employer or employer’s

agent has dominated or interfered with or to which any employer or employer's agent has contributed financial or other support, except as permitted by this Act;

"employee";

- (e) "employee" means any person in the employment of an employer, except any person having authority to employ or discharge employees or regularly acting on behalf of management in a confidential capacity, and includes any person on strike or locked out in a current labour dispute who has not secured permanent employment elsewhere;

"employer";

- (f) "employer" means,

(i) an employer who employs three or more employees, or

(ii) an employer who employs less than three employees, if at least one of the said employees is a member of a trade union which includes among its membership employees of more than one employer,

and includes an employer whose relations with his employees are not withdrawn, so far as the matters dealt with in this Act are concerned, from the legislative jurisdiction of the Legislature of Ontario by any valid law or regulation passed by or under the authority of the Parliament of Canada;

"employer's agent";

- (g) "employer's agent" means,

(i) a person or association acting on behalf of an employer,

(ii) an officer, official, foreman or other representative or employee of an employer acting in any way on behalf of an employer in respect to the hiring or discharging or any of the terms or conditions of employment of the employees of such employer;

"labour organization";

- (h) "labour organization" means an organization of employees, not necessarily employees of one employer, which has bargaining collectively among its purposes;

SECTION 2. Subsection 2 of section 4 of the Act is re-enacted, to give the Board the powers that are required under the Act as amended.

- (i) "Minister" means the Minister of Labour; and "Minister";
- (j) "trade union" means a labour organization ^{"trade union";} which is not a company dominated organization.

2. Employees shall have the right to organize in and ^{Rights of employees.} to form, join or assist trade unions and to bargain collectively through representatives of their own choosing, and the representatives designated or selected for the purpose of bargaining collectively by the majority of employees in a unit appropriate for such purpose shall be exclusive representatives of all employees in such unit for the purpose of bargaining collectively.

2. Subsection 2 of section 4 of *The Labour Relations Board* ^{1944,} *Act, 1944*, as amended by section 2 of *The Labour Relations Board Amendment Act, 1946*, ^{c. 29, s. 4,} is repealed and the following ^{subs. 2,} ^{re-enacted.} substituted therefor:

- (2) The Board shall have power to make orders,— ^{Powers of Board.}
 - (a) determining whether the appropriate unit of employees for the purpose of bargaining collectively shall be an employer unit, craft unit, plant unit or a subdivision thereof or some other unit;
 - (b) determining what trade union, if any, represents a majority of employees in an appropriate unit of employees;
 - (c) requiring an employer to bargain collectively;
 - (d) requiring any person to refrain from violations of this Act or from engaging in any unfair labour practice;
 - (e) requiring an employer to reinstate any employee discharged contrary to the provisions of this Act and to pay such employee the monetary loss suffered by reason of such discharge;
 - (f) requiring an employer to disestablish a company dominated organization; and
 - (g) rescinding or amending any order or decision of the Board.

1944,
c. 29, s. 5,
subm. 7,
amended.

3. Subsection 7 of section 5 of *The Labour Relations Board Act, 1944*, is amended by striking out all the words after the word "procedure" in the third line, so that the said subsection shall now read as follows:

Procedure.

(7) Subject to the approval of the Lieutenant-Governor in Council, the Board may make rules or regulations governing its procedure.

1944,
c. 29, s. 8,
re-enacted.

4. Section 8 of *The Labour Relations Board Act, 1944*, as amended by section 4 of *The Labour Relations Board Amendment Act, 1946*, is repealed and the following substituted therefor:

Power to
order vote.

8.—(1) When the choice of a trade union as representative of the majority of employees for the purpose of bargaining collectively is in question, the Board,—

(a) may direct a vote to be taken by secret ballot of all employees eligible to vote to determine such question; and

(b) shall direct such a vote upon the application of any trade union which 25 per cent or more of the employees in any appropriate unit have, within six months preceding the application, indicated as their choice as representative for the purpose of bargaining collectively either by membership in such trade union or by written authority.

Quorum.

(2) In any such vote a majority of the employees eligible to vote shall constitute a quorum and if a majority of those eligible to vote actually vote, the majority of those voting shall determine the trade union which represents the majority of employees for the purpose of bargaining collectively.

Unfair
labour
practice of
employer.

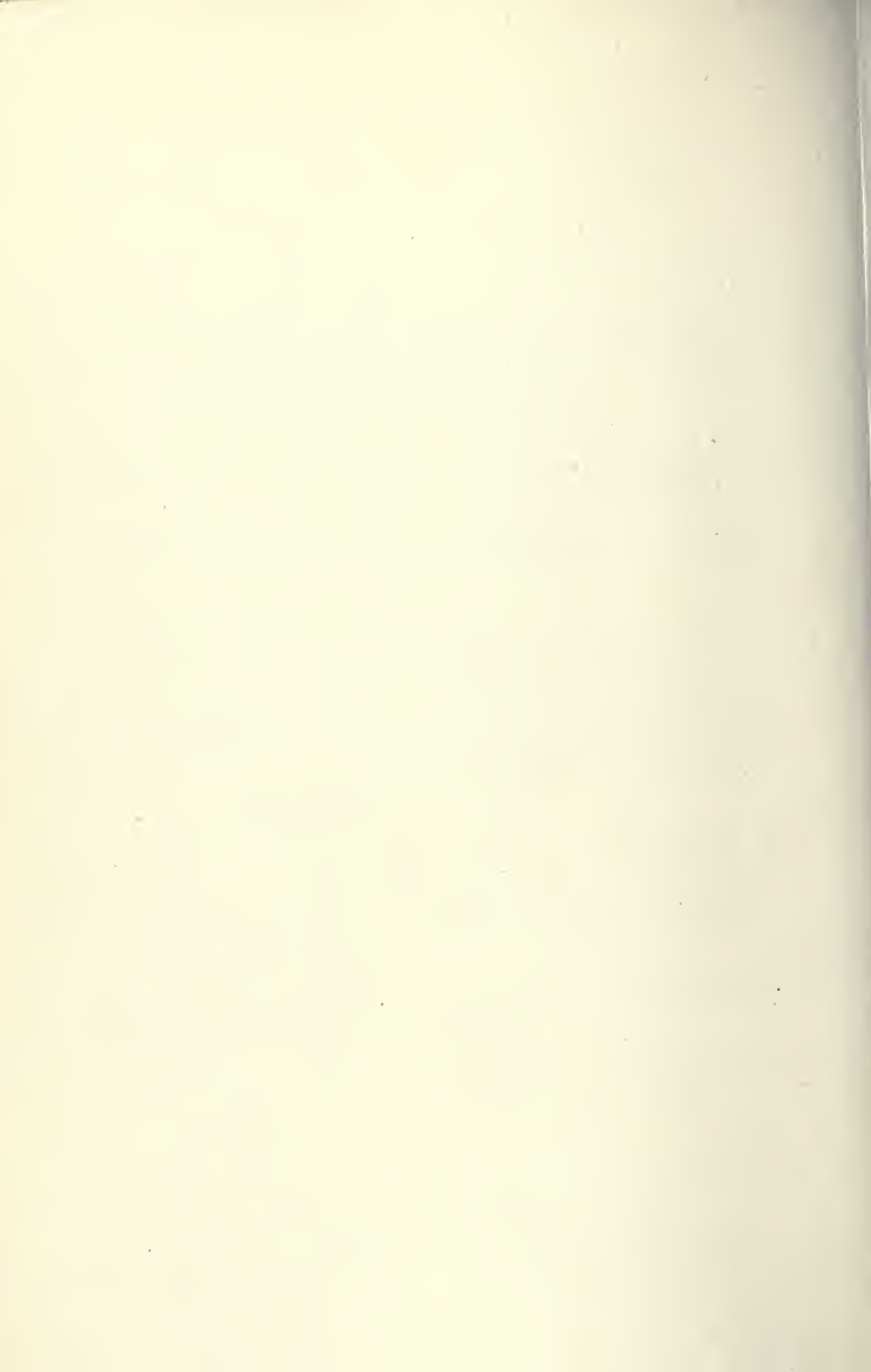
8a.—(1) It shall be an unfair labour practice for any employer or employer's agent,—

(a) to interfere with, restrain or coerce any employee in the exercise of any right conferred by this Act;

(b) to discriminate or interfere with the formation or administration of any labour organization or contribute financial or other support to it; provided that an employer shall not be prohibited from permitting the bargaining committee or officers of a trade union representing

SECTION 4. A number of new sections are added to the Act to provide:

- (1) that a vote must be taken on request of 25 per cent of the employees, and that if a majority of the employees vote, the majority of those voting shall determine the collective bargaining agency. (New section 8.)
- (2) a precise definition of "unfair labour practices". (New section 8*a*.)
- (3) penalties for unfair labour practices. (New section 8*b*.)
- (4) that the Lieutenant-Governor in Council may appoint a controller to operate the plant of any employer who wilfully disregards or disobeys an order of the Board. (New section 8*c*.)
- (5) for conciliation machinery. (New sections 8*d* and 8*e*.)
- (6) for provision of arbitration machinery in any collective bargaining agreement. (New section 8*f*.)
- (7) for the check-off of union dues upon request of the employee. (New section 8*g*.)
- (8) that collective bargaining agreements shall remain in force for at least a year, with one month's notice of termination required thereafter. (See section 8*h*.)
- (9) for a modified union shop. (New section 8*i*.)



his employees in any unit to confer with him for the purpose of bargaining collectively or attending to the business of a trade union without deductions from wages for loss of time so occupied or from agreeing with any trade union for the use of notice boards and of the employer's premises for the purposes of such trade union;

- (c) to fail or refuse to bargain collectively with representatives elected or appointed, not necessarily being the employees of the employer, by a trade union representing the majority of the employees in an appropriate unit;
- (d) to refuse to permit any duly authorized representative of a trade union with which he has entered into a collective bargaining agreement to negotiate with him during working hours for the settlement of disputes and grievances of employees covered by the agreement, or to make any deductions from the wages of any such duly authorized representative of a trade union in respect of the time actually spent in negotiating for the settlement of such disputes and grievances;
- (e) to discriminate in regard to hiring or tenure of employment or any term or condition of employment or to use coercion or intimidation of any kind with a view to encouraging or discouraging membership in or activity in or for a labour organization or participation of any kind in a proceeding under this Act; provided that nothing in this Act shall preclude any employer from making an agreement with a trade union to require as a condition of employment membership in or maintenance of membership in such trade union or the selection of employees by or with the advice of a trade union or any other condition in regard to employment, if such trade union has been designated or selected by a majority of employees in any such unit as their representative for the purpose of bargaining collectively;
- (f) to require as a condition of employment that any person shall abstain from joining or assisting or being active in any trade union or from exercising any right provided by this Act, except as permitted by this Act;

- (g) to interfere in the selection of a trade union as a representative of employees for the purpose of bargaining collectively;
- (h) to maintain a system of industrial espionage or to employ or direct any person to spy upon a member or proceedings of a labour organization or the offices thereof or the exercise by any employee of any right provided by this Act;
- (i) to threaten to shut down or move a plant or any part of a plant in the course of a labour dispute; or
- (j) to declare or cause a lock-out or to make or threaten any change in wages, hours, conditions of employment, benefits or privileges while any application is pending before a board of conciliation appointed under the provisions of this Act.

Unfair
labour
practice of
employee.

(2) It shall be an unfair labour practice for any employee or any person acting on behalf of a labour organization,—

- (a) to use coercion or intimidation of any kind with a view to encouraging or discouraging membership in or activity in or for a labour organization; provided that nothing in this Act shall preclude a person acting on behalf of a trade union from attempting to persuade an employer to make an agreement with that trade union to require as a condition of employment membership or maintenance of membership in such trade union or the selection of employees by or with the advice of a trade union or any other condition in regard to employment, if such trade union has been designated or selected by a majority of employees in any such unit as their representative for the purpose of bargaining collectively; or
- (b) to take part in or persuade or attempt to persuade any employee to take part in a strike while an application is pending before the Board or any matter is pending before a board of conciliation appointed under the provisions of this Act.

- 8b.—(1) Any person who takes part in, aids, abets, ^{Penalties.} counsels or procures any unfair labour practice shall, in addition to any other penalty which he has incurred or had imposed upon him under the provisions of this Act, be guilty of an offence and liable on summary conviction for a first offence to a fine of not less than \$25 and not more than \$200, if an individual, or not less than \$200 and not more than \$5,000 if a corporation, and upon a second and subsequent offence, to such fine and to imprisonment not exceeding one year, if an individual, or to a fine of not less than \$500 and not more than \$10,000 if a corporation.
- (2) No prosecution shall be instituted under this section ^{Consent of Board.} without the consent of the Board.
- 8c. In addition to any other penalties imposed or remedies ^{Appointment of controller.} provided by this Act, the Lieutenant-Governor in Council, upon the application of the Board and upon being satisfied that any employer has wilfully disregarded or disobeyed any order filed by the Board, may appoint a controller to take possession of any business, plant or premises of such employer within Ontario as a going concern and operate the same on behalf of His Majesty until such time as the Lieutenant-Governor in Council is satisfied that upon the return of such business, plant or premises to the employer the order of the Board will be obeyed.
- 8d. The Minister may establish a board of conciliation ^{Board of conciliation.} to investigate, conciliate and report upon any dispute between an employer and a trade union, or, if no trade union has been determined under this Act as representing a majority of the employees concerned, between an employer and any of his employees affecting any terms or conditions of employment of any employees of such employer or affecting or relating to the relations between such employer and all or any of his employees or relating to the interpretation of any agreement or clause thereof between an employer and a trade union.
- 8e. The Minister may make such regulations as he thinks ^{Minister may make regulations for board.} fit in regard to the appointment of boards of conciliation and the chairman thereof by the nomination of the parties to the dispute or by himself, and for the sittings, procedure and remuneration of such boards and publication of the reports of such boards with a view to the rapid disposition of any dispute.

Union may
enter into
agreement.

8f. Any trade union representing the majority of employees in any unit of employees may enter into an agreement with an employer to refer a dispute or disputes or a class of disputes to the Board and the Board shall hear and determine any dispute referred to it by either party in pursuance of such agreement and the finding of the Board shall be final and conclusive and shall in regard to all matters within the legislative jurisdiction of this Legislature be binding upon the parties and enforceable as an order of the Board made in accordance with the provisions of this Act.

Check-off.

8g. Upon the request in writing of any employee, and upon request of a trade union representing the majority of employees in any bargaining unit of his employees, the employer shall deduct and pay in periodic payments out of the wages due to such employee, to the person designated by the trade union to receive the same, the union dues of such employee until such employee has withdrawn in writing such request, and the employer shall furnish to such trade union the names of the employees who have given or withdrawn such authority and failure to make payments and furnish information required by this section shall be an unfair labour practice.

Term of
agreement.

8h.—(1) Except as hereinafter provided, every collective bargaining agreement, whether heretofore or hereafter entered into, shall notwithstanding anything contained therein, remain in force for a period of one year from its effective date and thereafter from year to year.

Termination
of agree-
ment.

(2) Either party to a collective bargaining agreement may, not less than thirty days nor more than sixty days before the expiry date of such agreement, give notice in writing to the other party to terminate such agreement or to negotiate a revision thereof, and thereupon, subject to subsection 3, the parties shall forthwith bargain collectively with a view to the renewal or revision of such agreement or the conclusion of a new agreement.

Board may
designate
trade union.

(3) Any trade union claiming to represent a majority of employees in the appropriate unit of employees or any part thereof to which any collective bargaining agreement applies may, not less than thirty days nor more than sixty days before the expiry date of such agreement, apply to the Board for an order determining it to be the trade union representing a majority of employees in the appropriate unit of employees to which the agreement applies, or in

SECTION 5. Repeals certain sections of the Act dealing principally with exemptions from the Act; finality of the Board's orders; and the suspension of *The Industrial Disputes Investigation Act*.

SECTION 6. *The Labour Relations Board Act, 1947*, is superseded by this Act.

any part thereof, and if the Board makes such order the employer shall forthwith bargain collectively with such trade union and the former agreement shall be of no force or effect in so far as it applies to any unit of employees in which such trade union has been determined as representing a majority of employees.

- 8i.—(1) Upon the request of a trade union representing a majority of employees in any appropriate bargaining unit, the following clause shall be included in any collective bargaining agreement entered into between the trade union and the employer concerned, and, whether or not any collective bargaining agreement is for the time being in force, such clause shall be effective and its terms shall be carried out by the employer with respect to the employees on and after the date of the trade union's request until such time as the employer is no longer required by or pursuant to this Act to bargain collectively with such trade union:

“Every employee who is now or hereafter becomes a member of the union shall maintain his membership in the union as a condition of his employment, and every new employee whose employment commences hereafter shall, within thirty days after the commencement of his employment, apply for and maintain membership in the union as a condition of his employment.”

and the expression “the union” in the said clause shall mean the trade union making such request.

- (2) Subject to any law or any regulation applicable thereto passed by authority of the Parliament of Canada, failure on the part of any employer to carry out the provisions of subsection 1 shall be an unfair labour practice.
5. Sections 10, 11, 12 and 13 of *The Labour Relations Board Act, 1944*, are repealed. 1944, c. 29, ss. 10, 11, 12, 13, repealed.
6. *The Labour Relations Board Act, 1947*, is repealed. 1947, c. 54, repealed.
7. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.
8. This Act may be cited as *The Labour Relations Board Amendment Act, 1948*. Short title.

BILL

An Act to amend The Labour Relations
Board Act, 1944.

1st Reading

March 17th, 1948

2nd Reading

3rd Reading

MR. CARLIN

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Fumes Control Act, 1948.

MR. CARLIN

TORONTO

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

EXPLANATORY NOTE

The purpose of the Bill is to require every smelter which smelts or roasts nickel-copper or iron ore to adopt and carry out a plan which comprises the best practicable means for controlling or preventing the discharge of noxious or offensive gas or fumes, or, where discharged, to render them harmless or inoffensive.

Application for approval of a plan is made to the Ontario Municipal Board, notice thereof being given to all interested government departments and municipalities.

BILL

The Fumes Control Act, 1948.

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

1. In this Act,—

Interpretation,—

- (a) "Board" shall mean Ontario Municipal Board; and "Board";
- (b) "smelter" shall mean any person, company or corporation carrying on any undertaking which includes the smelting or roasting of nickel-copper or iron ore.

2. Every smelter, within three months after the coming into force of this Act, or within one month after commencing its undertaking, shall prepare and submit to the Board an application for approval of a plan to control or prevent the discharge from the furnaces, chimneys or smokestacks, operated by the smelter of any noxious or offensive gas or fumes or to render such gas or fumes where discharged harmless or inoffensive.

Plan to control fumes.

3. Every such application shall include evidence that the plan submitted represents the best practicable means for the purpose in the circumstances.

Evidence of best plan.

4. The Board shall forward copies of every such application at the earliest possible date, by registered mail to the Minister of Mines, the Minister of Health, the Minister of Agriculture, the Minister of Planning and Development, and to the clerk of every municipality within a radius of thirty miles of the undertaking carried on by the smelter.

Copies of plan to Government, municipalities.

5. The Board shall fix a date for hearing the application, not less than two months nor more than four months after the receipt thereof, and reasonable notice of such hearing and of any adjournment thereof shall be given by the Board to every Minister and the clerk of every municipality mentioned in section 4, any of whom may appear by counsel or otherwise

Hearing.

and adduce evidence and make representations for or against the plan submitted or any alternative plan.

Duty of Board.

6. The Board shall determine whether the plan submitted or any modification or variation thereof represents the best practicable means for the purpose in the circumstances, and whether any other plan ought to be considered or adopted.

Order of Board.

7.—(1) Not more than three months after hearing the application the Board shall make an order either approving the application or a modification or variation thereof or an alternative plan and requiring the smelter to institute and maintain such plan as may be approved by the Board.

Compliance.

(2) The smelter shall, within three months from the date of the order institute and maintain a plan in conformity therewith.

Penalty.

8. Every smelter which erects, operates, maintains or carries on any undertaking in violation of this Act or fails to comply with any order of the Board, shall for each offence, incur a penalty of \$1,000, and each day's continuance of such violation or failure to comply shall constitute a new and distinct offence.

Acts of officers, agents.

9. For the purpose of enforcing any penalty under any of the provisions of this Act, or enforcing any order of the Board made under this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by the smelter shall in every case be also deemed to be the act, omission or failure of the smelter as well as that of the officer, agent or other person.

Recovery of penalties.

10. The penalties imposed by this Act may be recovered by action in the name of His Majesty by the Attorney General for Ontario.

Rev. Stat., c. 61 to apply.

11. Nothing in this Act shall exclude the operation of any of the provisions of *The Damage by Fumes Arbitration Act*.

Short title.

12. This Act may be cited as *The Fumes Control Act, 1948*.

BILL

The Fumes Control Act, 1948.

1st Reading

March 17th, 1948

2nd Reading

3rd Reading

MR. CARLIN

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Fire Departments Act, 1947.

MR. BLACKWELL

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. This provision is new. It is self-explanatory.

SECTION 3. The subsection repealed reads:

- (2) A provision of an agreement, decision or award involving the expenditure of money by the council of the municipality shall not be enforceable until the commencement of the next fiscal period in respect of which the council may include provisions for such expenditure in its estimates.

This matter will hereafter be found in section 9a of the Act. See section 4 of this Bill.

SECTION 4—Section 9a. This provides for the commencement of agreements, etc.

BILL

An Act to amend The Fire Departments Act, 1947.

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

1. Subsection 1 of section 7 of *The Fire Departments Act, 1947*, is amended by inserting after the word "requested" in the third line the words "in writing", so that the said subsection shall now read as follows: 1947,
c. 37, s. 7,
subs. 1,
amended.

(1) Where in any municipality there is a permanent fire department, the council of the municipality shall, when requested in writing by a majority of the members of the fire department, bargain in good faith with a bargaining committee of the members for the purpose of defining, determining and providing for remuneration and working conditions. Bargaining.

2. Section 8 of *The Fire Departments Act, 1947*, is amended by adding thereto the following subsection: 1947,
c. 37, s. 8,
amended.

(3a) Where upon an arbitration, a majority of the members of the board of arbitration fail to agree upon any matter, the decision of the chairman upon such matter shall be deemed to be the decision of the board of arbitration. Decision
of board of
arbitration.

3. Subsection 2 of section 9 of *The Fire Departments Act, 1947*, is repealed. 1947,
c. 37, s. 9,
subs. 2,
repealed.

4.—(1) *The Fire Departments Act, 1947*, is amended by adding thereto the following sections: 1947, c. 37,
amended.

9a.—(1) An agreement, decision or award shall have effect upon the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures incurred in the agreement, decision or award, whether such day is before or after the date of the agreement, Agreement,
decision or
award,—
when to
have effect.

decision or award, unless another day is named in the agreement, decision or award in lieu thereof.

Idem.

- (2) Where, pursuant to subsection 1, another day is named in an agreement, decision or award as the day upon which the agreement, decision or award shall have effect and such day is prior to the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures involved in the agreement, decision or award, any of the provisions involving expenses shall, notwithstanding the naming of such day, have effect from the first day of such fiscal period.

Payment of expenditures.

- 9b.—(1) Where a request in writing is made under subsection 1 of section 7 to the council of a municipality after the 30th day of November in any year and before the 1st day of December in the year next following and no agreement, decision or award has resulted therefrom at the time when the council is passing its estimates in the year next following the last-mentioned year, the council shall make adequate provision for the payment of such expenditures as may be involved in the request.

Withholding of provincial grant.

- (2) Where the council of a municipality fails to comply with the requirements of subsection 1, the Lieutenant-Governor in Council may,—

(a) upon being requested in writing by a majority of the members of the fire department; and

(b) upon determining the fact of such failure and so certifying in writing,

direct the withholding from the municipality of any grant at any time payable out of provincial funds to the municipality and the deposit of such a direction with the Treasurer of Ontario shall be his authority to withhold a grant accordingly.

Request by union.

- (3) Where not less than fifty per centum of the members of the fire department belong to a trade union, any request made under subsection 2 shall be made by the union.

Revocation of direction.

- (4) Where a direction has been made under subsection 2, the Lieutenant-Governor in Council may, upon provision being made by the council of the municipality for the making of the expenditures involved, revoke such direction in whole or in part and subject

Section 9b. This section is new. It is designed to expedite the commencement of agreements, etc.

to any terms or conditions which he may deem advisable.

(2) Section 9b of *The Fire Departments Act, 1947*, as enacted by this section, shall apply in the case of every request in writing made by the majority of the members of a fire department or by a trade union whether the request was made before or after the coming into force of this Act. Application of s. 9b.

5. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

6. This Act may be cited as *The Fire Departments Amendment Act, 1948*. Short title.

BILL

An Act to amend The Fire Departments
Act, 1947.

1st Reading

March 18th, 1948

2nd Reading

3rd Reading

MR. BLACKWELL

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Fire Departments Act, 1947.

MR. BLACKWELL

BILL

An Act to amend The Fire Departments Act, 1947.

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

1. Subsection 1 of section 7 of *The Fire Departments Act, 1947*, is amended by inserting after the word "requested" in the third line the words "in writing", so that the said subsection shall now read as follows:

(1) Where in any municipality there is a permanent fire department, the council of the municipality shall, when requested in writing by a majority of the members of the fire department, bargain in good faith with a bargaining committee of the members for the purpose of defining, determining and providing for remuneration and working conditions.

2. Section 8 of *The Fire Departments Act, 1947*, is amended by adding thereto the following subsection:

(3a) Where upon an arbitration, a majority of the members of the board of arbitration fail to agree upon any matter, the decision of the chairman upon such matter shall be deemed to be the decision of the board of arbitration.

3. Subsection 2 of section 9 of *The Fire Departments Act, 1947*, is repealed.

4.—(1) *The Fire Departments Act, 1947*, is amended by adding thereto the following sections:

9a.—(1) An agreement, decision or award shall have effect upon the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures incurred in the agreement, decision or award, whether such day is before or after the date of the agreement,

decision or award, unless another day is named in the agreement, decision or award in lieu thereof.

Idem.

- (2) Where, pursuant to subsection 1, another day is named in an agreement, decision or award as the day upon which the agreement, decision or award shall have effect and such day is prior to the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures involved in the agreement, decision or award, any of the provisions involving expenses shall, notwithstanding the naming of such day, have effect from the first day of such fiscal period.

Payment of expenditures.

- 9b.—(1) Where a request in writing is made under subsection 1 of section 7 to the council of a municipality after the 30th day of November in any year and before the 1st day of December in the year next following and no agreement, decision or award has resulted therefrom at the time when the council is passing its estimates in the year next following the last-mentioned year, the council shall make adequate provision for the payment of such expenditures as may be involved in the request.

Withholding of provincial grant.

- (2) Where the council of a municipality fails to comply with the requirements of subsection 1, the Lieutenant-Governor in Council may,—

(a) upon being requested in writing by a majority of the members of the fire department; and

(b) upon determining the fact of such failure and so certifying in writing,

direct the withholding from the municipality of any grant at any time payable out of provincial funds to the municipality and the deposit of such a direction with the Treasurer of Ontario shall be his authority to withhold a grant accordingly.

Request by union.

- (3) Where not less than fifty per centum of the members of the fire department belong to a trade union, any request made under subsection 2 shall be made by the union.

Revocation of direction.

- (4) Where a direction has been made under subsection 2, the Lieutenant-Governor in Council may, upon provision being made by the council of the municipality for the making of the expenditures involved, revoke such direction in whole or in part and subject

to any terms or conditions which he may deem advisable.

(2) Section 9b of *The Fire Departments Act, 1947*, as enacted ^{Application of s. 9b.} by this section, shall apply in the case of every request in writing made by the majority of the members of a fire department or by a trade union whether the request was made before or after the coming into force of this Act.

5. This Act shall come into force on the day upon which ^{Commencement of Act.} it receives the Royal Assent.

6. This Act may be cited as *The Fire Departments Amendment Act, 1948*. ^{Short title.}

BILL

An Act to amend The Fire Departments
Act, 1947.

1st Reading

March 18th, 1948

2nd Reading

March 22nd, 1948

3rd Reading

March 31st, 1948

MR. BLACKWELL

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Police Act, 1946.

MR. BLACKWELL

EXPLANATORY NOTES

SECTION 1. This section is added to ensure that improvement districts are within the purview of the Act. No change in principle.

SECTION 2. The words deleted confuse the meaning of the provisions. There is no change in principle.

SECTION 3. Self-explanatory.

No. 112

1948

BILL

An Act to amend The Police Act, 1946.

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

1. Section 1 of *The Police Act, 1946*, is amended by adding thereto the following subsection: 1946,
c. 72, s. 1,
amended.
 - (2) Every improvement district shall for the purposes of this Act be deemed to be a township municipality unless it is otherwise designated by the Ontario Municipal Board. Act applies
to improve-
ment dis-
tricts.
2. Section 17 of *The Police Act, 1946*, is amended by striking out the word "ensuing" and the word "and" in the fourth line, so that the said section shall now read as follows: 1946,
c. 72, s. 17,
amended.
 17. The board shall, on or before the 1st day of March in each year, prepare and submit to the council for its consideration and approval, its estimates of all moneys required for the year to pay the remuneration of the members of the police force and to provide and pay for offices, arms, accoutrements, clothing and other things for the accommodation, use and maintenance of the force. Submission
of estimates
to council.
3. Subsection 1 of section 27b of *The Police Act, 1946*, as enacted by section 10 of *The Police Amendment Act, 1947*, is amended by inserting after the word "requested" in the fourth line the words "in writing", so that the said subsection shall now read as follows: 1946,
c. 72, s. 27b,
subs. 1
(1947,
c. 77, s. 10),
amended.
 - (1) Where one or more full-time members of a police force are appointed by any municipality or board, the council of the municipality or, where there is a board, the board shall, when requested in writing by a majority of the members of the police force, bargain in good faith with a bargaining committee of the members of the police force for the purpose Bargaining.

of defining, determining and providing for remuneration and working conditions, except such working conditions as may be governed by any regulations made pursuant to this Act.

1946,
c. 72, s. 27c
(1947,
c. 77, s. 10),
amended.

4. Section 27c of *The Police Act, 1946*, as enacted by section 10 of *The Police Amendment Act, 1947*, is amended by adding thereto the following subsection:

Decision
of board of
arbitration.

(3a) Where upon an arbitration, a majority of the members of the board of arbitration fail to agree upon any matter, the decision of the chairman upon such matter shall be deemed to be the decision of the board of arbitration.

1946,
c. 72, s. 27e,
subs. 2
(1947,
c. 77, s. 10),
repealed.

5. Subsection 2 of section 27e of *The Police Act, 1946*, as enacted by section 10 of *The Police Amendment Act, 1947*, is repealed.

1946, c. 72,
amended.

6.—(1) *The Police Act, 1946*, is amended by adding thereto the following sections:

Effect of
agreement,
decision
or award.

27f.—(1) An agreement, decision or award shall have effect upon the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures incurred in the agreement, decision or award, whether such day is before or after the date of the agreement, decision or award, unless another day is named in the agreement, decision or award in lieu thereof.

Idem.

(2) Where, pursuant to subsection 1, another day is named in an agreement, decision or award as the day upon which the agreement, decision or award shall have effect and such day is prior to the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures involved in the agreement, decision or award, any of the provisions involving expenses shall, notwithstanding the naming of such day, have effect from the first day of such fiscal period.

Provision
for expendi-
ture
involved
in request.

27g.—(1) Where a request in writing is made under subsection 1 of section 7 to the council of a municipality after the 30th day of November in any year and before the 1st day of December in the year next following and no agreement, decision or award has resulted therefrom at the time when the council is passing its estimates in the year next following the last-mentioned year, the council shall make ade-

SECTION 4. This provision is new. It is self-explanatory.

SECTION 5. The subsection repealed reads as follows:

- (2) A provision of an agreement, decision or award involving the expenditure of money by the council of the municipality shall not be enforceable until the commencement of the next fiscal period in respect of which the council may include provisions for such expenditure in its estimates.

This matter will hereafter be found in section 27*f* of the Act. See section 6 of this Bill.

SECTION 6—Section 27*f*. This provides for the commencement of agreements, etc.

Section 27*g*. This section is new. It is designed to expedite the commencement of agreements, etc.

SECTIONS 7, 8 and 9. Under the present Act, municipalities must pay the cost of special police services rendered by the Provincial Police and also the costs of investigations into police matters. These amendments will enable municipalities to be relieved from payment of such costs.

quate provision for the payment of such expenditures as may be involved in the request.

- (2) Where the council of a municipality fails to comply with the requirements of subsection 1, the Lieutenant-Governor in Council may,—

- (a) upon being requested in writing by a majority of the members of the police force; and
- (b) upon determining the fact of such failure and so certifying in writing,

direct the withholding from the municipality of any grant at any time payable out of provincial funds to the municipality and the deposit of such a direction with the Treasurer of Ontario shall be his authority to withhold a grant accordingly.

- (3) Where not less than fifty per centum of the members of the police force belong to an association, any request made under subsection 2 shall be made by the association. Where members belong to association.
- (4) Where a direction has been made under subsection 2, the Lieutenant-Governor in Council may, upon provision being made by the council of the municipality for the making of the expenditures involved, revoke such direction in whole or in part and subject to any terms or conditions which he may deem advisable. Revocation of direction.

(2) Section 27g of *The Police Act, 1946*, as enacted by this section, shall apply in the case of every request in writing made by the majority of the members of a police force or by an association whether the request was made before or after the coming into force of this Act. Application of s. 27g.

7. Subsection 1 of section 33 of *The Police Act, 1946*, as re-enacted by section 11 of *The Police Amendment Act, 1947*, is amended by inserting after the word "and" in the seventh line the words "unless the Attorney General otherwise directs", so that the said subsection shall now read as follows: 1946, c. 72, s. 33, subs. 1 (1947, c. 77, s. 11), amended.

- (1) The Crown attorney may request the services of a member of the Ontario Provincial Police Force in any area for the policing of which a municipality or board is responsible and the expenses of any member of such Force furnished in compliance with the request shall be certified by the Crown attorney or the Commissioner and, unless the Attorney General Expenses of Ontario Provincial Police Force,—when payable by municipality.

otherwise directs, the amount so certified shall be paid by the municipality to the Treasurer of Ontario and may be deducted from any grant payable out of provincial funds to the municipality or recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty.

1946,
c. 72, s. 33a,
subs. 2
(1947,
c. 77, s. 12),
amended.

8. Subsection 2 of section 33a of *The Police Act, 1946*, as enacted by section 12 of *The Police Amendment Act, 1947*, is amended by inserting after the word "and" in the fourth line the words "unless the Attorney General otherwise directs", so that the said subsection shall now read as follows:

Expenses,—
how payable.

(2) Where such assistance is provided in an area for the policing of which the board or municipality is responsible, the expense incurred shall be certified by the Commission and, unless the Attorney General otherwise directs, the amount certified shall be paid by the municipality to the Treasurer of Ontario and may be deducted from any grant payable out of provincial funds to the municipality or recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty.

1946,
c. 72, s. 36,
subs. 1, cl. a,
amended.

9. Clause a of subsection 1 of section 36 of *The Police Act, 1946*, is amended by inserting after the word "municipality" in the second line the words "unless the Attorney General otherwise directs", so that the said clause shall now read as follows:

(a) at the request of the council of any municipality, in which case the municipality, unless the Attorney General otherwise directs, shall pay the cost of such investigation; or

.

1946,
c. 72, s. 43,
subs. 1,
cl. g, re-
enacted.

10. Clause g of subsection 1 of section 43 of *The Police Act, 1946*, is repealed and the following substituted therefor:

(g) prescribing courses of training for constables, chief constables and other members of police forces.

Commence-
ment of Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

12. This Act may be cited as *The Police Amendment Act, 1948*.

SECTION 10. The clause is re-enacted so that it may be made applicable to all members of police forces. The reference to high constables is deleted as there is no longer provision for the appointment of high constables.

BILL

An Act to amend The Police Act, 1946.

1st Reading

March 18th, 1948

2nd Reading

3rd Reading

MR. BLACKWELL

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Police Act, 1946.

MR. BLACKWELL

No. 112

1948

BILL

An Act to amend The Police Act, 1946.

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

1. Section 1 of *The Police Act, 1946*, is amended by adding thereto the following subsection: 1946,
c. 72, s. 1,
amended.
 - (2) Every improvement district shall for the purposes of this Act be deemed to be a township municipality unless it is otherwise designated by the Ontario Municipal Board. Act applies
to improve-
ment dis-
tricts.
2. Section 17 of *The Police Act, 1946*, is amended by striking out the word "ensuing" and the word "and" in the fourth line, so that the said section shall now read as follows: 1946,
c. 72, s. 17,
amended.
 17. The board shall, on or before the 1st day of March in each year, prepare and submit to the council for its consideration and approval, its estimates of all moneys required for the year to pay the remuneration of the members of the police force and to provide and pay for offices, arms, accoutrements, clothing and other things for the accommodation, use and maintenance of the force. Submission
of estimates
to council.
3. Subsection 1 of section 27b of *The Police Act, 1946*, as enacted by section 10 of *The Police Amendment Act, 1947*, is amended by inserting after the word "requested" in the fourth line the words "in writing", so that the said subsection shall now read as follows: 1946,
c. 72, s. 27b,
subs. 1
(1947,
c. 77, s. 10),
amended.
 - (1) Where one or more full-time members of a police force are appointed by any municipality or board, the council of the municipality or, where there is a board, the board shall, when requested in writing by a majority of the members of the police force, bargain in good faith with a bargaining committee of the members of the police force for the purpose Bargaining.

of defining, determining and providing for remuneration and working conditions, except such working conditions as may be governed by any regulations made pursuant to this Act.

1946,
c. 72, s. 27c
(1947,
c. 77, s. 10),
amended.

4. Section 27c of *The Police Act, 1946*, as enacted by section 10 of *The Police Amendment Act, 1947*, is amended by adding thereto the following subsection:

Decision
of board of
arbitration.

(3a) Where upon an arbitration, a majority of the members of the board of arbitration fail to agree upon any matter, the decision of the chairman upon such matter shall be deemed to be the decision of the board of arbitration.

1946,
c. 72, s. 27e,
subs. 2
(1947,
c. 77, s. 10),
repealed.

5. Subsection 2 of section 27e of *The Police Act, 1946*, as enacted by section 10 of *The Police Amendment Act, 1947*, is repealed.

1946, c. 72,
amended.

6.—(1) *The Police Act, 1946*, is amended by adding thereto the following sections:

Effect of
agreement,
decision
or award.

27f.—(1) An agreement, decision or award shall have effect upon the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures incurred in the agreement, decision or award, whether such day is before or after the date of the agreement, decision or award, unless another day is named in the agreement, decision or award in lieu thereof.

Idem.

(2) Where, pursuant to subsection 1, another day is named in an agreement, decision or award as the day upon which the agreement, decision or award shall have effect and such day is prior to the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures involved in the agreement, decision or award, any of the provisions involving expenses shall, notwithstanding the naming of such day, have effect from the first day of such fiscal period.

Provision
for expen-
diture
involved
in request.

27g.—(1) Where a request in writing is made under subsection 1 of section 27b to the council of a municipality after the 30th day of November in any year and before the 1st day of December in the year next following and no agreement, decision or award has resulted therefrom at the time when the council is passing its estimates in the year next following the last-mentioned year, the council shall make ade-

quate provision for the payment of such expenditures as may be involved in the request.

- (2) Where the council of a municipality fails to comply with the requirements of subsection 1, the Lieutenant-Governor in Council may,—

- (a) upon being requested in writing by a majority of the members of the police force; and
- (b) upon determining the fact of such failure and so certifying in writing,

direct the withholding from the municipality of any grant at any time payable out of provincial funds to the municipality and the deposit of such a direction with the Treasurer of Ontario shall be his authority to withhold a grant accordingly.

- (3) Where not less than fifty per centum of the members of the police force belong to an association, any request made under subsection 2 shall be made by the association. Where members belong to association.
- (4) Where a direction has been made under subsection 2, the Lieutenant-Governor in Council may, upon provision being made by the council of the municipality for the making of the expenditures involved, revoke such direction in whole or in part and subject to any terms or conditions which he may deem advisable. Revocation of direction.

(2) Section 27g of *The Police Act, 1946*, as enacted by this section, shall apply in the case of every request in writing made by the majority of the members of a police force or by an association whether the request was made before or after the coming into force of this Act. Application of s. 27g.

7. Subsection 1 of section 33 of *The Police Act, 1946*, as re-enacted by section 11 of *The Police Amendment Act, 1947*, is amended by inserting after the word "and" in the seventh line the words "unless the Attorney General otherwise directs", so that the said subsection shall now read as follows: 1946, c. 72, s. 33, subs. 1 (1947, c. 77, s. 11), amended.

- (1) The Crown attorney may request the services of a member of the Ontario Provincial Police Force in any area for the policing of which a municipality or board is responsible and the expenses of any member of such Force furnished in compliance with the request shall be certified by the Crown attorney or the Commissioner and, unless the Attorney General Expenses of Ontario Provincial Police Force,—when payable by municipality.

otherwise directs, the amount so certified shall be paid by the municipality to the Treasurer of Ontario and may be deducted from any grant payable out of provincial funds to the municipality or recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty.

1946,
c. 72, s. 33a,
subs. 2
(1947,
c. 77, s. 12),
amended.

8. Subsection 2 of section 33a of *The Police Act, 1946*, as enacted by section 12 of *The Police Amendment Act, 1947*, is amended by inserting after the word "and" in the fourth line the words "unless the Attorney General otherwise directs", so that the said subsection shall now read as follows:

Expenses,—
how payable.

- (2) Where such assistance is provided in an area for the policing of which the board or municipality is responsible, the expense incurred shall be certified by the Commissioner and, unless the Attorney General otherwise directs, the amount certified shall be paid by the municipality to the Treasurer of Ontario and may be deducted from any grant payable out of provincial funds to the municipality or recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty.

1946,
c. 72, s. 36,
subs. 1, cl. a,
amended.

9. Clause a of subsection 1 of section 36 of *The Police Act, 1946*, is amended by inserting after the word "municipality" in the second line the words "unless the Attorney General otherwise directs", so that the said clause shall now read as follows:

- (a) at the request of the council of any municipality, in which case the municipality, unless the Attorney General otherwise directs, shall pay the cost of such investigation; or

.

1946,
c. 72, s. 43,
subs. 1,
cl. g, re-
enacted.

10. Clause g of subsection 1 of section 43 of *The Police Act, 1946*, is repealed and the following substituted therefor:

- (g) prescribing courses of training for constables, chief constables and other members of police forces.

Commence-
ment of Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

12. This Act may be cited as *The Police Amendment Act, 1948*.

BILL

An Act to amend The Police Act, 1946.

1st Reading

March 18th, 1948

2nd Reading

March 22nd, 1948

3rd Reading

March 31st, 1948

MR. BLACKWELL.

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Athletics Control Act, 1947.

MR. FROST

TORONTO

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EXPLANATORY NOTES

SECTION 1. The name of the Fund established under *The Athletics Control Act, 1947*, is changed from the Physical Fitness and Recreation Fund to Athletics and Physical Education Fund to bring the Act into line with changes in the regulations under *The Department of Education Act* wherein the expression "physical fitness" is no longer used (see Bill No. 83).

SECTION 2—Subsection 1. This amendment authorizes the Minister to accept such amount as he sees fit in lieu of the percentage tax payable under subsection 1 of section 4 of the Act, where the entire proceeds of a professional contest or exhibition are for charitable purposes.

Subsection 2. This amendment authorizes the Minister to refund part of the tax heretofore paid if he is satisfied that the contest or exhibition was conducted for charitable purposes.

SECTION 3. This amendment is complementary to section 1 of the Bill.

No. 113

1948

BILL

An Act to amend The Athletics Control Act, 1947.

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

1. Clause *b* of section 1 of *The Athletics Control Act, 1947*,^{1947, c. 4, s. 1, cl. b, amended.} is amended by striking out the words "Physical Fitness and Recreation Fund" in the first and second lines and inserting in lieu thereof the words "Athletics and Physical Education Fund", so that the said clause shall now read as follows:

(b) "Fund" shall mean the "Athletics and Physical Education Fund" established under this Act.

2.—(1) Section 4 of *The Athletics Control Act, 1947*, is^{1947, c. 4, s. 4, amended.} amended by adding thereto the following subsection:

(2a) If the Minister is satisfied that the entire proceeds^{Reduction of tax.} of any professional contest or exhibition are for charitable purposes, he may accept such amount as in the circumstances he deems proper in lieu of the percentage of the gross receipts payable under subsection 1.

(2) The Minister may refund such part as in the circumstances he deems proper of any amount heretofore paid under subsection 1 of section 4 of *The Athletics Control Act, 1947*, if he is satisfied that the professional contest or exhibition, in respect of which the amount was paid, was conducted for charitable purposes.^{Refund of tax heretofore paid.}

3. Section 8 of *The Athletics Control Act, 1947*, is repealed^{1947, c. 4, s. 8, re-enacted.} and the following substituted therefor:

8. There shall be a fund to be known as the "Athletics and Physical Education Fund" and there shall be kept on the books of the Minister an account to be known as the "Athletics and Physical Education Fund Account."^{Athletics and Physical Education Fund.}

1947,
c. 4, s. 10,
subs. 1,
amended.

4.—(1) Subsection 1 of section 10 of *The Athletics Control Act, 1947*, is amended by striking out the words "the preceding" in the second and third lines and inserting in lieu thereof the word "such", so that the said subsection shall now read as follows:

Reimburse-
ment of
Consolidated
Revenue
Fund.

(1) At the end of each fiscal year, the Minister shall fix the amount of all expenditures incurred during such fiscal year for the administration of this Act and shall pay such amount out of the Fund into the Consolidated Revenue Fund.

1947,
c. 4, s. 10,
subs. 2,
re-enacted.

(2) Subsection 2 of the said section 10 is repealed and the following substituted therefor:

Expenditures
for athletics
and physical
education.

(2) From time to time, the Minister, upon the recommendation of the Minister of Education, may expend the balance of the Fund or any part thereof for the purposes of any programme of athletics or physical education, including recreation for crippled persons under 19 years of age, under regulations made pursuant to subsection 2 of section 4 of *The Department of Education Act*.

Rev. Stat.,
c. 356.

1947, c. 4,
s. 14, subs. 2,
amended.

5. Subsection 2 of section 14 of *The Athletics Control Act, 1947*, is amended by adding at the end thereof the words "and such part thereof as consists of money and securities shall be credited to and form part of the Fund", so that the said subsection shall now read as follows:

Personal
property of
Ontario
Athletic
Commission.

(2) All personal property of the Ontario Athletic Commission appointed under *The Athletic Commission Act, 1939*, shall be the property of His Majesty in right of Ontario represented by the Minister, and such part thereof as consists of money and securities shall be credited to and form part of the Fund.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Athletics Control Amendment Act, 1948*.

SECTION 4—Subsection 1. This amendment is for clarification only.

Subsection 2. This amendment is complementary to section 1 of the Bill, and in addition makes it clear that the Fund may be utilized for recreation for crippled persons under 19 years of age.

SECTION 5. The possession of the money and securities assets of the Ontario Athletic Commission appointed under *The Athletic Commission Act, 1939*, is clarified.

BILL

An Act to amend The Athletics Control
Act, 1947.

1st Reading

March 18th, 1948

2nd Reading

3rd Reading

Mr. FROST

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend **The Athletics Control Act, 1947.**

MR. FROST

No. 113

1948

BILL

An Act to amend The Athletics Control Act, 1947.

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

1. Clause *b* of section 1 of *The Athletics Control Act, 1947*, ^{1947,} is amended by striking out the words "Physical Fitness and Recreation Fund" in the first and second lines and inserting ^{c. 4, s. 1, cl. b, amended.} in lieu thereof the words "Athletics and Physical Education Fund", so that the said clause shall now read as follows:

(b) "Fund" shall mean the "Athletics and Physical Education Fund" established under this Act.

2.—(1) Section 4 of *The Athletics Control Act, 1947*, is ^{1947,} amended by adding thereto the following subsection: ^{c. 4, s. 4, amended.}

(2a) If the Minister is satisfied that the entire proceeds ^{Reduction of tax.} of any professional contest or exhibition are for charitable purposes, he may accept such amount as in the circumstances he deems proper in lieu of the percentage of the gross receipts payable under subsection 1.

(2) The Minister may refund such part as in the circumstances he deems proper of any amount heretofore paid under subsection 1 of section 4 of *The Athletics Control Act, 1947*, ^{Refund of tax heretofore paid.} if he is satisfied that the professional contest or exhibition, in respect of which the amount was paid, was conducted for charitable purposes.

3. Section 8 of *The Athletics Control Act, 1947*, is repealed ^{1947,} and the following substituted therefor: ^{c. 4, s. 8, re-enacted.}

8. There shall be a fund to be known as the "Athletics and Physical Education Fund" and there shall be kept on the books of the Minister an account to be known as the "Athletics and Physical Education Fund Account."

1947,
c. 4, s. 10,
subs. 1,
amended.

4.—(1) Subsection 1 of section 10 of *The Athletics Control Act, 1947*, is amended by striking out the words "the preceding" in the second and third lines and inserting in lieu thereof the word "such", so that the said subsection shall now read as follows:

Reimburse-
ment of
Consolidated
Revenue
Fund.

(1) At the end of each fiscal year, the Minister shall fix the amount of all expenditures incurred during such fiscal year for the administration of this Act and shall pay such amount out of the Fund into the Consolidated Revenue Fund.

1947,
c. 4, s. 10,
subs. 2,
re-enacted.

(2) Subsection 2 of the said section 10 is repealed and the following substituted therefor:

Expenditures
for athletics
and physical
education.

(2) From time to time, the Minister, upon the recommendation of the Minister of Education, may expend the balance of the Fund or any part thereof for the purposes of any programme of athletics or physical education, including recreation for crippled persons under 19 years of age, under regulations made pursuant to subsection 2 of section 4 of *The Department of Education Act*.

Rev. Stat.,
c. 356.

1947, c. 4,
s. 14, subs. 2,
amended.

5. Subsection 2 of section 14 of *The Athletics Control Act, 1947*, is amended by adding at the end thereof the words "and such part thereof as consists of money and securities shall be credited to and form part of the Fund", so that the said subsection shall now read as follows:

Personal
property of
Ontario
Athletic
Commission.

(2) All personal property of the Ontario Athletic Commission appointed under *The Athletic Commission Act, 1939*, shall be the property of His Majesty in right of Ontario represented by the Minister, and such part thereof as consists of money and securities shall be credited to and form part of the Fund.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Athletics Control Amendment Act, 1948*.

BILL

An Act to amend The Athletics Control
Act, 1947.

1st Reading

March 18th, 1948

2nd Reading

March 22nd, 1948

3rd Reading

March 24th, 1948

Mr. Frost

No. 114

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act respecting the Research Council of Ontario.

MR. MICHENER

TORONTO

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

EXPLANATORY NOTE.

In August, 1945, the Ontario Research Commission was appointed under *The Public Inquiries Act* to inquire into and report upon all matters concerned with scientific and industrial research as they affect the Province of Ontario.

In December, 1946, the Commission submitted a progress report (Sessional Paper No. 47, 1947).

The final report of the Commission was made in January of this year (Sessional Paper No. 42, 1948).

This Bill provides for the carrying out of the recommendation of the Commission by the establishment of the Research Council of Ontario.

Provision is made in the Bill for financing the work of the Council.

BILL

An Act respecting the Research Council of Ontario.

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

1. In this Act,—

Interpre-
tation,—

- (a) "Council" means Research Council of Ontario; "Council";
- (b) "Minister" means the member of the Executive "Minister".
Council to whom the administration of this Act is
assigned by the Lieutenant-Governor in Council.

2. There shall be a body corporate to be known as the Council,—
Research Council of Ontario composed of not more than twelve establish-
ment;
members appointed by the Lieutenant-Governor in Council, objects.
and having for its object the betterment of industrial, agricul-
tural and other research and scientific activity in Ontario as a
means to the utilization of the resources of the Province.

3. Each member of the Council shall be appointed for a term of three years from the date of his appointment, except Members,—
term of
term of
appointment.
that of the first appointments not more than four members
may be appointed for four years and not more than four
members for five years, so as to establish a system of retire-
ment in rotation, and a member shall be eligible for re-
appointment for one additional term of three years.

4. Upon a vacancy occurring in the membership of the Council the Lieutenant-Governor in Council may appoint a person to fill the vacancy and such appointment shall be for the remainder of the term for which his predecessor was appointed. Vacancies.

5.—(1) The Lieutenant-Governor in Council may name President.
one of the members to be president of the Council for a period
not exceeding the term of his appointment as a member.

Vice-president.

(2) There shall be a vice-president elected annually by the Council from among its members.

Vacancy in office of president.

(3) When the office of president is vacant, or in the absence of the president, the vice-president shall act as president.

Executive committee.

(4) There shall be an executive committee consisting of the president and vice-president *ex officio* and three members elected annually by the Council from among its members, which shall have, when the Council is not in session, such powers of the Council as the Council delegates to the executive committee.

Remuneration and expenses.

6. No member of the Council or of any committee thereof shall receive any remuneration for his services, but each member shall be paid his proper travelling and other expenses incurred in the work of the Council or the committee thereof.

Quorum.

7. At any meeting of the Council five members shall constitute a quorum.

Majority.

8. A majority vote of the members present at any meeting of the Council shall determine any question.

Power of Council.

9. The council shall have power,—

(a) to take over and continue as the Council may determine, the activities, staff and advisory committees of the Ontario Research Commission, a commission appointed under *The Public Inquiries Act*;

(b) to inquire into industrial, agricultural and other research and scientific activity in, or affecting the material development of, Ontario;

(c) to organize and maintain advisory or other committees in the several fields of industrial, agricultural and other research and scientific activity, and such other committees as the Council deems advisable;

(d) to advise the Lieutenant-Governor in Council with respect to such industrial, agricultural and other research and scientific activity and, without limiting the generality of the foregoing, with respect to research workers and scientists, facilities for research and scientific investigation, research organizations and agencies, research projects and programmes whether fundamental or applied, the integration and co-ordination of industrial, agricultural and other research and scientific activity, co-operation as between public and private, provincial and extra-

Rev. Stat.,
c. 19.

provincial agencies, and the use of public funds in the encouragement and carrying out of such research and activity;

- (e) to arrange for others to carry out such specific or general research programmes as may be authorized by the Lieutenant-Governor in Council, and to supervise the same;
- (f) to publish and disseminate scientific and technical information;
- (g) to establish and administer scholarships to assist in the training of research and scientific workers;
- (h) to receive property, real or personal, or funds given to the Council for specific or general research purposes and to administer the same;
- (i) subject to the approval of the Lieutenant-Governor in Council, to apply for or acquire patents of invention or interests therein, and to dispose thereof;
- (j) to make by-laws for the conduct of its business and for the control and direction of its work;
- (k) to do all such other things connected with industrial, agricultural and other research and scientific activity as may from time to time be authorized or directed by the Lieutenant-Governor in Council.

10. There shall be paid out of the Consolidated Revenue ^{Finances.} Fund such sums as the Lieutenant-Governor in Council may authorize, for the following purposes:

- (a) the administrative expenses of the Council;
- (b) the establishment and awarding of scholarships to assist in the training of research and scientific workers; and
- (c) contributions to the cost of such group industrial, agricultural and other research projects and activities as are recommended by the Council and are undertaken by industrial, agricultural or other organizations or groups on a basis on which the contribution from the Consolidated Revenue Fund does not exceed fifty per centum of the cost of the project or activity.

11.—(1) The Council shall submit to the Minister on or ^{Annual} report;

before the 30th day of April in each year an annual report containing a financial statement, a description of the work of the Council for the previous fiscal year and such other information as the Minister may request.

(2) The Minister shall lay such report before the Assembly ^{to be laid before} if it is then in session, or if it is not, at the next ensuing session. ^{Assembly.}

12.—(1) The accounts of the Council shall be audited by ^{Audit.} the Provincial Auditor or by such other auditor as the Lieutenant-Governor in Council may appoint, and the Auditor shall make an annual report in respect of the preceding fiscal year to the Minister.

(2) The Minister shall lay such report before the Assembly ^{Auditor's report to be laid before} if it is then in session, or if it is not, at the next ensuing session. ^{Assembly.}

13. This Act shall come into force on the 1st day of April, ^{Commence-} 1948. ^{ment of Act.}

14. This Act may be cited as *The Research Council Act*, ^{Short title.} 1948.

BILL

An Act respecting the Research Council
of Ontario.

1st Reading

March 22nd, 1948

2nd Reading

3rd Reading

MR. MICHENER

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act respecting the Research Council of Ontario.

MR. MICHENER

TORONTO

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

BILL

An Act respecting the Research Council of Ontario.

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

1. In this Act,—

Interpre-
tation,—

(a) "Council" means Research Council of Ontario;

"Council";

(b) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council.

2. There shall be a body corporate to be known as the Research Council of Ontario composed of not more than twelve members appointed by the Lieutenant-Governor in Council, and having for its object the betterment of industrial, agricultural and other research and scientific activity in Ontario as a means to the utilization of the resources of the Province.

Council,—
estab-
lish-
ment;
objects.

3. Each member of the Council shall be appointed for a term of three years from the date of his appointment, except that of the first appointments not more than four members may be appointed for four years and not more than four members for five years, so as to establish a system of retirement in rotation, and a member shall be eligible for re-appointment for one additional term of three years.

Members,—
term of
appoint-
ment.

4. Upon a vacancy occurring in the membership of the Council the Lieutenant-Governor in Council may appoint a person to fill the vacancy and such appointment shall be for the remainder of the term for which his predecessor was appointed.

Vacancies.

5.—(1) The Lieutenant-Governor in Council may name one of the members to be president of the Council for a period not exceeding the term of his appointment as a member.

President.

Vice-president. (2) There shall be a vice-president elected annually by the Council from among its members.

Vacancy in office of president. (3) When the office of president is vacant, or in the absence of the president, the vice-president shall act as president.

Executive committee. (4) There shall be an executive committee consisting of the president and vice-president *ex officio* and three members elected annually by the Council from among its members, which shall have, when the Council is not in session, such powers of the Council as the Council delegates to the executive committee.

Remuneration and expenses. 6. No member of the Council or of any committee thereof shall receive any remuneration for his services, but each member shall be paid his proper travelling and other expenses incurred in the work of the Council or the committee thereof.

Quorum. 7. At any meeting of the Council five members shall constitute a quorum.

Majority. 8. A majority vote of the members present at any meeting of the Council shall determine any question.

Power of Council. 9. The council shall have power,—

(a) to take over and continue as the Council may determine, the activities, staff and advisory committees of the Ontario Research Commission, a commission appointed under *The Public Inquiries Act*;

(b) to inquire into industrial, agricultural and other research and scientific activity in, or affecting the material development of, Ontario;

(c) to organize and maintain advisory or other committees in the several fields of industrial, agricultural and other research and scientific activity, and such other committees as the Council deems advisable;

(d) to advise the Lieutenant-Governor in Council with respect to such industrial, agricultural and other research and scientific activity and, without limiting the generality of the foregoing, with respect to research workers and scientists, facilities for research and scientific investigation, research organizations and agencies, research projects and programmes whether fundamental or applied, the integration and co-ordination of industrial, agricultural and other research and scientific activity, co-operation as between public and private, provincial and extra-

Rev. Stat.,
c. 19.

provincial agencies, and the use of public funds in the encouragement and carrying out of such research and activity;

- (e) to arrange for others to carry out such specific or general research programmes as may be authorized by the Lieutenant-Governor in Council, and to supervise the same;
- (f) to publish and disseminate scientific and technical information;
- (g) to establish and administer scholarships to assist in the training of research and scientific workers;
- (h) to receive property, real or personal, or funds given to the Council for specific or general research purposes and to administer the same;
- (i) subject to the approval of the Lieutenant-Governor in Council, to apply for or acquire patents of invention or interests therein, and to dispose thereof;
- (j) to make by-laws for the conduct of its business and for the control and direction of its work;
- (k) to do all such other things connected with industrial, agricultural and other research and scientific activity as may from time to time be authorized or directed by the Lieutenant-Governor in Council.

10. There shall be paid out of the Consolidated Revenue ^{Finances.} Fund such sums as the Lieutenant-Governor in Council may authorize, for the following purposes:

- (a) the administrative expenses of the Council;
- (b) the establishment and awarding of scholarships to assist in the training of research and scientific workers; and
- (c) contributions to the cost of such group industrial, agricultural and other research projects and activities as are recommended by the Council and are undertaken by industrial, agricultural or other organizations or groups on a basis on which the contribution from the Consolidated Revenue Fund does not exceed fifty per centum of the cost of the project or activity.

11.—(1) The Council shall submit to the Minister on or ^{Annual} report;

before the 30th day of April in each year an annual report containing a financial statement, a description of the work of the Council for the previous fiscal year and such other information as the Minister may request.

(2) The Minister shall lay such report before the Assembly ^{to be laid before} if it is then in session, or if it is not, at the next ensuing session. ^{Assembly.}

12.—(1) The accounts of the Council shall be audited by ^{Audit.} the Provincial Auditor or by such other auditor as the Lieutenant-Governor in Council may appoint, and the Auditor shall make an annual report in respect of the preceding fiscal year to the Minister.

(2) The Minister shall lay such report before the Assembly ^{Auditor's report to be} if it is then in session, or if it is not, at the next ensuing session. ^{laid before Assembly.}

13. This Act shall come into force on the 1st day of April, ^{Commence-} 1948. ^{ment of Act.}

14. This Act may be cited as *The Research Council Act*, ^{Short title.} 1948.

BILL

An Act respecting the Research Council
of Ontario.

1st Reading

March 22nd, 1948

2nd Reading

March 24th, 1948

3rd Reading

March 31st, 1948

MR. MICHENER

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Natural Gas Conservation Act.

MR. FROST

EXPLANATORY NOTE

With the gradual depletion of natural gas fields and pools distributing companies now find it necessary to make arrangements to import gas and store it in depleted or partially depleted gas pools and fields. Before a company can undertake the storage of gas suitable gas areas must be under its control. However, within suitable storage areas there may be small producing wells owned and operated by other persons or leases held by other persons, either of which could result in the withdrawal of gas which has been placed in storage. In order to overcome these obstacles and make additional supplies of gas available to consumers during the heating season the Minister may designate storage areas and control the drilling and operation of gas wells therein.

No. 115

1948

BILL

An Act to amend The Natural Gas Conservation
Act.

HIS 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 Natural Gas Conservation Act* is amended Rev. Stat.,
c. 49, s. 4,
amended.
by adding thereto the following clause:

(ff) the designation of any area as a gas storage area and
the prohibition therein of the drilling or operating of
natural gas wells without his written consent.

2. This Act may be cited as *The Natural Gas Conservation* Short title.
Amendment Act, 1948.

BILL

An Act to amend The Natural Gas
Conservation Act.

1st Reading

March 22nd, 1948

2nd Reading

3rd Reading

MR. FROST

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Natural Gas Conservation Act.

MR. FROST

No. 115

1948

BILL

An Act to amend The Natural Gas Conservation Act.

HIS 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 Natural Gas Conservation Act* is amended Rev. Stat.,
c. 49, s. 4,
amended. by adding thereto the following clause:

(ff) the designation of any area as a gas storage area and the prohibition therein of the drilling or operating of natural gas wells without his written consent.

2. This Act may be cited as *The Natural Gas Conservation* Short title.
Amendment Act, 1948.

BILL

An Act to amend The Natural Gas
Conservation Act.

1st Reading

March 22nd, 1948

2nd Reading

March 24th, 1948

3rd Reading

March 31st, 1948

MR. FROST

No. 116

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Highway Traffic Act.

MR. DOUCETT

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

EXPLANATORY NOTES

SECTION 1. The definition by reference will ensure that the definitions in the two Acts will coincide.

SECTION 2. In order to curb improper practices in connection with permits and licenses these provisions are strengthened.

In the case of an illegal permit the penalty is increased by providing for the confiscation of the motor vehicle.

SECTION 3. This provision, which is new, will avoid the present duplication.

BILL

An Act to amend The Highway Traffic Act.

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

1. Clause *m* of subsection 1 of section 1 of *The Highway Traffic Act* is repealed and the following substituted therefor: Rev. Stat., c. 288, s. 1, subs. 1, cl. *m*, re-enacted.
 (*m*) "Public vehicle" shall have the same meaning as in *The Public Vehicle Act*. "Public vehicle".
Rev. Stat., c. 289.

2. Subsections 2 and 3 of section 23 of *The Highway Traffic Act* are repealed and the following substituted therefor: Rev. Stat., c. 288, s. 23, subs. 2, 3, re-enacted.

(2) Every person whose permit has been suspended or cancelled and who, while prohibited from having a motor vehicle registered in his name, applies for or procures the issue to him or has in his possession a permit issued to him, shall be guilty of an offence and liable to a penalty of not less than \$25 and not more than \$100 and to imprisonment for any term not exceeding thirty days, and in addition the motor vehicle for which the permit was issued shall be forfeited to His Majesty in right of Ontario. Unlawful possession of permit.

(3) Every person whose license has been suspended or cancelled and who while prohibited from driving a motor vehicle, applies for or procures the issue to him or has in his possession a license, shall be guilty of an offence and liable to a penalty of not less than \$25 and not more than \$100 and to imprisonment for any term not exceeding thirty days. Unlawful possession of license.

3. Section 84 of *The Highway Traffic Act* is amended by adding thereto the following subsection: Rev. Stat., c. 288, s. 84, amended.

(3a) An owner of a motor vehicle to whom this Part applies who holds a license in respect of such vehicle under *The Public Vehicle Act* or *The Commercial* Owners of public vehicles and public commercial vehicles.

Rev. Stat.,
cc. 289, 290.

Vehicle Act and who has on file in the Department a certificate of insurance in good standing shall not be required to give proof of financial responsibility under this Part in respect of such vehicle.

Rev. Stat.,
c. 288, s. 92,
subs. 1,
amended.

4. Subsection 1 of section 92 of *The Highway Traffic Act*, as amended by section 13 of *The Highway Traffic Amendment Act, 1939* and section 17 of *The Highway Traffic Amendment Act, 1941*, is further amended by striking out the words, symbol and figures "in excess of \$25" in the thirteenth line, so that the said subsection shall now read as follows:

Cancellation and
return of
security.

- (1) The Minister may waive the requirement of filing proof of financial responsibility or may cancel any bond or return any certificate of insurance, or the Treasurer may, at the request of the Minister, return any money or securities deposited pursuant to this Part as proof of financial responsibility at any time after two years from the date upon which such proof was required to be given, provided that the owner or driver on whose behalf such proof was given has not, during the said period, or any two-year period immediately preceding the request, been convicted of an offence mentioned in section 78, and provided that no action for damages is pending and no judgment is outstanding and unsatisfied in respect of personal injury or damage to property resulting from the operation of a motor vehicle, and a statutory declaration of the applicant under this section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Registrar.

Rev. Stat.,
c. 288, s. 93b,
subs. 1
(1947,
c. 45, s. 16,
subs. 1),
amended.

5.—(1) Subsection 1 of section 93b of *The Highway Traffic Act*, as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, is amended by adding at the commencement thereof the words "Subject to section 93bb," so that the said subsection shall now read as follows:

Order
directing
payment of
amount of
judgment.

- (1) Subject to section 93bb, where any person recovers in any court in Ontario a judgment for damages on account of injury to, or the death of any person or damage to property occasioned by a motor vehicle owned or operated by the judgment debtor within Ontario, upon the determination of all proceedings including appeals and upon notice to the Minister, such judgment creditor may apply by way of originating notice to a judge of the Supreme Court for an order directing payment of the amount of the judgment or the unsatisfied portion thereof out of the Fund.

SECTION 4. The deletion is made in order to conform with amendments made last year under which judgments of any amount must be satisfied.

SECTION 5—Subsection 1. This amendment is complementary to the new section 93bb enacted by section 6 of this Bill.

Subsection 2. Section 93b provides for the payment out of the Unsatisfied Judgment Fund of the amount of an unsatisfied judgment. Subsection 2 prescribes the requirements which shall be complied with upon an application to the court for payment out. Included in the requirements are the issue of a writ of execution against the judgment debtor and a return by the sheriff; an examination of the judgment debtor, and other searches and inquiries. Sometimes it is impossible to comply with one or more of the requirements owing to the judgment creditor's inability to locate the judgment debtor or the judgment debtor being beyond the jurisdiction. The proviso vests power in the court to carry out the principle of the section in these situations where it is satisfied that the creditor has taken all reasonable steps to recover the unpaid portion of his judgment.

(2) Subsection 2 of the said section 93*b* is amended by adding at the end thereof the following proviso:

Rev. Stat.,
c. 238, s. 93*b*,
subs. 2
(1947,
c. 45, s. 16,
subs. 1),
amended.

“provided that where the applicant satisfies the judge that it is not possible to comply with one or more of the requirements enumerated in clauses *b*, *c*, *d* and *e* and also satisfies the judge that he has taken all reasonable steps to recover the amount of the judgment or the unsatisfied part thereof and has been unable to make recovery, the judge may dispense with the necessity for complying with such requirements”,

so that the said subsection shall now read as follows:

(2) Upon the hearing of the application the applicant shall show,— Hearing of
application.

(*a*) that he has obtained a judgment as set out in subsection 1 stating the amount thereof and the amount owing thereon at the date of the application;

(*b*) that he has caused to be issued a writ of *feri facias* or execution, and that,

(i) the sheriff or bailiff has made a return showing that no goods of the judgment debtor liable to be seized in satisfaction of the judgment debt could be found, or

(ii) the amount realized on the sale of goods seized, or otherwise realized, was insufficient to satisfy the judgment stating the amount so realized and the balance remaining due on the judgment after application thereon of the amount realized;

(*c*) that he has caused the judgment debtor to be examined, pursuant to the law for that purpose provided, touching his estate and effects and his property and means, and in particular as to whether the judgment debtor is insured under a policy of insurance by the terms of which the insurer is liable to pay in whole or in part, the amount of the judgment;

(*d*) that he has made exhaustive searches and inquiries to ascertain whether the judgment

debtor is possessed of assets, real or personal, liable to be sold or applied in satisfaction of the judgment; and

(e) that, by such searches, inquiries and examination,

(i) he has learned of no assets, real or personal, possessed by the judgment debtor and liable to be sold or applied in satisfaction of the judgment debt, or

(ii) he learned of certain assets, describing them, owned by the judgment debtor and liable to be seized or applied in satisfaction of the judgment, and has taken all necessary actions and proceedings for the realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized,

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provided that where the applicant satisfies the judge that it is not possible to comply with one or more of the requirements enumerated in clauses *b*, *c*, *d* and *e* and also satisfies the judge that he has taken all reasonable steps to recover the amount of the judgment or the unsatisfied part thereof and has been unable to make recovery, the judge may dispense with the necessity for complying with such requirements.

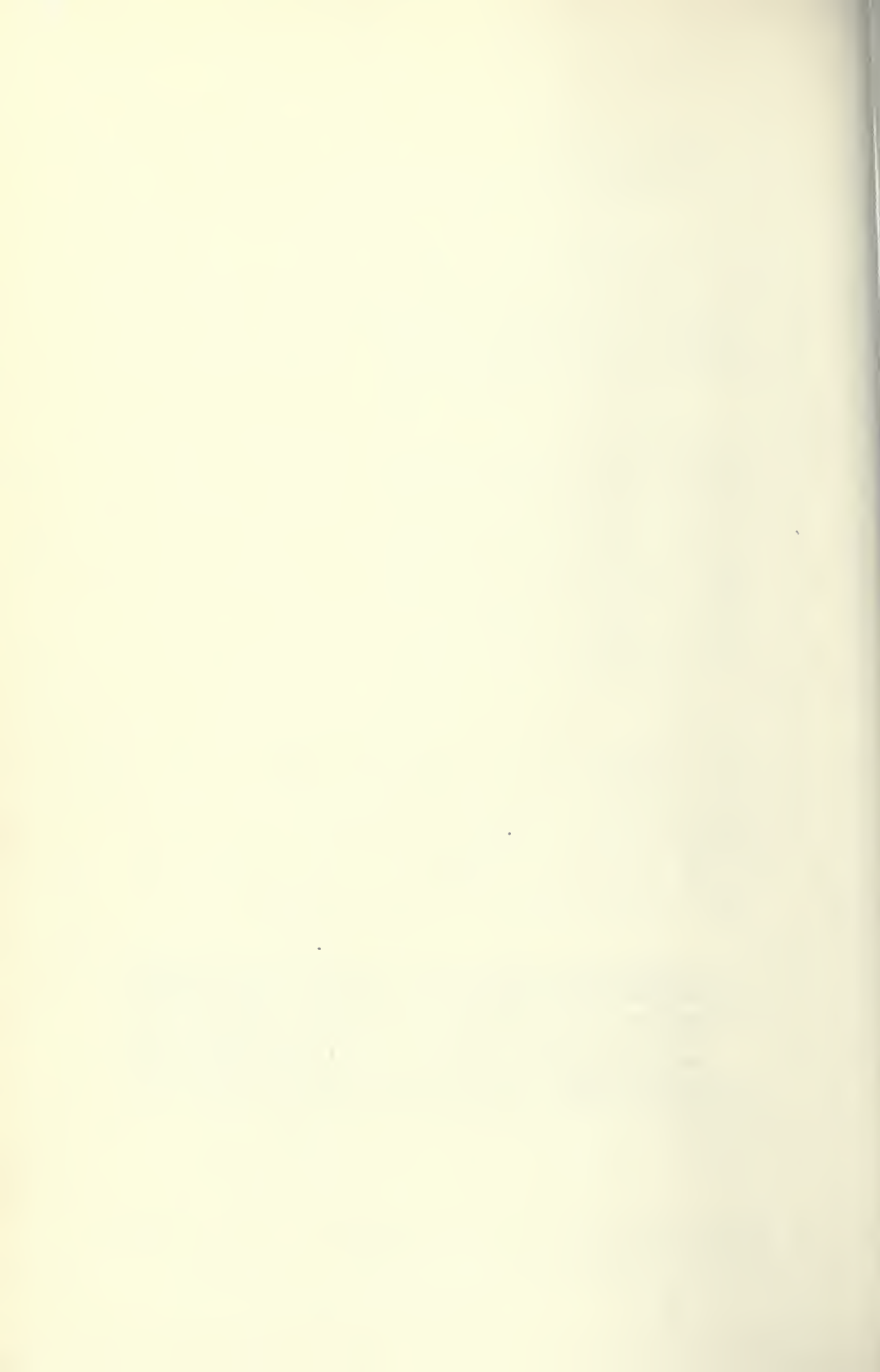
Rev. Stat.,
c. 288, s. 93b
subs. 4
(1947,
c. 45, s. 16,
subs. 1),
amended.

(3) Subsection 4 of the said section 93b is amended by striking out the word "and" at the end of clause *b*, by inserting the word "and" at the end of clause *c*, and by adding thereto the following clause:

(d) that the applicant has fully pursued and exhausted all remedies available to him for recovering compensation for the damages that are the subject of the action in respect of which the judgment is given by,

(i) commencing action against all persons against whom the applicant might reasonably be considered as having a cause of action in respect of such damages,

Subsection 3. Under the present legislation an applicant for payment of the amount of an unsatisfied judgment out of the Unsatisfied Judgment Fund is required to satisfy the court that he has obtained judgment but has been unable to recover all or a part of it. He need not show, however, that he has exhausted all remedies available to him to obtain compensation for his damages, as, for instance, that he sued both the owner and driver of the vehicle responsible for the damage. The amendment will require him to satisfy the court that he has taken all reasonable steps to exhaust other remedies available to him before being entitled to payment out of the Fund.



- (ii) prosecuting every such action in good faith to judgment or dismissal,
- (iii) taking all reasonable steps available to him to recover upon every judgment so obtained, and
- (iv) taking all other reasonable steps available to him to recover compensation for such damages,

so that the said subsection shall now read as follows:

(4) If the judge is satisfied,—

- (a) of the truth of the matters shown by the ap-
plicant as required by subsection 2;
- (b) that the applicant has taken all reasonable steps to learn what means of satisfying the judgment are possessed by the judgment debtor;
- (c) that there is good reason for believing that the judgment debtor,
 - (i) has no assets liable to be sold or applied in satisfaction of the judgment or of the balance owing thereon, and
 - (ii) is not insured under a policy of insurance by the terms of which the insurer is liable to pay, in whole or in part, the amount of the judgment; and
- (d) that the applicant has fully pursued and exhausted all remedies available to him for recovering compensation for the damages that are the subject of the action in respect of which the judgment is given by,
 - (i) commencing action against all persons against whom the applicant might reasonably be considered as having a cause of action in respect of such damages,
 - (ii) prosecuting every such action in good faith to judgment or dismissal,

Order of
judge
directing
payment
from Fund.

- (iii) taking all reasonable steps available to him to recover upon every judgment so obtained, and
- (iv) taking all other reasonable steps available to him to recover compensation for such damages,

the judge may make an order directed to the Minister requiring him, subject to subsection 5, to pay from the Fund the amount of the judgment or the balance owing thereon.

Rev. Stat.,
c. 288, s. 93b,
subs. 5
(1947,
c. 46, s. 16,
subs. 1),
amended.

(4) Subsection 5 of the said section 93b is amended by adding at the end thereof the following proviso:

“provided that where any amount is recovered from any other source in partial discharge of the judgment debt, the maximum amount prescribed in this section shall be reduced by the amount so paid and may be recovered by action brought by the Minister”;

so that the said subsection shall now read as follows:

Amount of
payments
from Fund.

(5) The Minister shall not pay out of the Fund under an order,—

(a) more than \$5,000, exclusive of costs, on account of injury to or the death of one person, and subject to such limit for any one person so injured or killed, not more than \$10,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident; and

(b) not more than \$1,000, exclusive of costs, for damage to property resulting from any one accident,

Proviso.

provided that where any amount is recovered from any other source in partial discharge of the judgment debt, the maximum amount prescribed in this section shall be reduced by the amount so paid and may be recovered by action brought by the Minister.

Rev. Stat.,
c. 288,
amended.

6. *The Highway Traffic Act* is amended by adding thereto the following section:

Application
of s. 93b.

93bb.—(1) Section 93b shall not apply in the case of a judgment that has been signed in an action in which,—

Subsection 4. The effect of the section without the proviso is that where one person is injured in an accident, regardless of the amount of the judgment, payment out of the Fund is limited to a maximum of \$5,000 in respect of personal injuries and \$1,000 in respect of property damage. Where more than one person is injured the limits are \$10,000 in respect of personal injuries and \$1,000 in respect of property damage. The effect of the proviso is that these limits will be reduced by any payments made from any other source in discharge of the judgment debt.

SECTION 6. Section 93bb—Where an action is brought which may result in an application for payment out of the Unsatisfied Judgment Fund of the amount of any judgment obtained, the Minister does not have an opportunity of making representations to the court until after judgment has been obtained and an application is made for payment out of the Fund. This means that where the defendant does not defend the action or consents to judgment, judgment is entered and the amount of damages determined without opposition and without representatives of the defendant before the court. The new section provides that in such cases no application shall be made for payment out of the Fund unless the Minister of Highways has been given an opportunity to defend the action on behalf of the defendant and authorizes the Minister to do so where he deems such action on his part advisable.

SECTION 7. See note to section 9 of this Bill.

SECTION 8. This new section permits an application to be made to have the Registrar of Motor Vehicles added as a defendant in a pending action. Its purpose is to permit all proper parties to be brought before the court in the one action.

- (a) the defendant did not enter an appearance; or
- (b) the defendant did not file a statement of defence; or
- (c) the defendant did not appear in person or by counsel at the trial; or
- (d) judgment was signed upon the consent or with the agreement of the defendant,

unless the Minister has been given notice of such failure, consent or agreement and has been afforded an opportunity to take such action as he may deem advisable under subsection 2.

- (2) Where the Minister receives notice under subsection 1, he may, if he deems it advisable, enter an appearance, file a defence, appear by counsel at the trial or take such other action as he may deem appropriate on behalf and in the name of the defendant, and may thereupon, on behalf and in the name of the defendant, conduct his defence, and all acts done in accordance therewith shall be deemed to be the acts of such defendant. Rights of Minister.

7. Section 93e of *The Highway Traffic Act*, as enacted by Rev. Stat.,
c. 288, s. 93e
(1947,
c. 45, s. 16,
subs. 1),
amended.
subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, is amended by adding thereto the following sub-
section:

- (3) Where the death or injury is occasioned at a time Where owner known.
when the motor vehicle is without the owner's consent in the possession of some person other than the owner or his chauffeur, the application shall be disposed of in the same manner as though the identity of the owner had not been established.

8. *The Highway Traffic Act* is amended by adding thereto Rev. Stat.,
c. 288,
amended.
the following section:

93ff.—(1) Where an action has been commenced in re- Application to add Registrar as defendant.
spect of the death of, or injury to any person occasioned in Ontario by a motor vehicle, an application may be made by the plaintiff to add the Registrar of Motor Vehicles as a defendant and the provisions of sections 93e and 93f shall apply *mutatis mutandis*.

Other rights
not affected.

- (2) This section shall be deemed not to derogate from the right of any party to an action to add or join any person as a party to the action in accordance with the practice of the court in which the action is pending.

Rev. Stat.,
c. 288, s. 93h
(1947,
c. 45, s. 16,
subs. 1),
amended.

9. Section 93h of *The Highway Traffic Act*, as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, is amended by adding thereto the following subsection:

Where owner
known.

- (3) Where the death or injury was occasioned at a time when the motor vehicle was without the owner's consent in the possession of some person other than the owner or his chauffeur, the application shall be disposed of in the same manner as though the identity of the owner had not been established.

Commence-
ment of Act.

10. This Act shall come into force on the 1st day of April, 1948.

Short title.

11. This Act may be cited as *The Highway Traffic Amendment Act, 1948*.

SECTION 9. The new subsection provides that the principles of *The Highway Traffic Act* governing the liability of the owner of a motor vehicle for damages caused by it while it was being operated by someone without his consent, shall apply in the case of proceedings taken or sought to be taken against the Registrar of Motor Vehicles in respect of hit and run accidents.

BILL

An Act to amend The Highway Traffic Act.

1st Reading

March 22nd, 1948

2nd Reading

3rd Reading

MR. DOUCETT

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Highway Traffic Act.

MR. DOUCETT

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTES

SECTION 1. The definition by reference will ensure that the definitions in the two Acts will coincide.

SECTION 2. In order to curb improper practices in connection with permits and licenses these provisions are strengthened.

In the case of an illegal permit the penalty is increased by providing for the confiscation of the motor vehicle.

SECTION 3.⁷ This provision, which is new, will avoid the present duplication.

BILL

An Act to amend The Highway Traffic Act.

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

1. Clause *m* of subsection 1 of section 1 of *The Highway Traffic Act* is repealed and the following substituted therefor: Rev. Stat., c. 288, s. 1, subs. 1, cl. *m*, re-enacted.
 - (*m*) "Public vehicle" shall have the same meaning as in *The Public Vehicle Act*. "Public vehicle".
Rev. Stat., c. 289.
2. Subsections 2 and 3 of section 23 of *The Highway Traffic Act* are repealed and the following substituted therefor: Rev. Stat., c. 288, s. 23, subss. 2, 3, re-enacted.
 - (2) Every person whose permit has been suspended or cancelled and who, while prohibited from having a motor vehicle registered in his name, applies for or procures the issue to him or has in his possession a permit issued to him, shall be guilty of an offence and liable to a penalty of not less than \$25 and not more than \$100 and to imprisonment for any term not exceeding thirty days, and in addition the motor vehicle for which the permit was issued shall be forfeited to His Majesty in right of Ontario. Unlawful possession of permit.
 - (3) Every person whose license has been suspended or cancelled and who while prohibited from driving a motor vehicle, applies for or procures the issue to him or has in his possession a license, shall be guilty of an offence and liable to a penalty of not less than \$25 and not more than \$100 and to imprisonment for any term not exceeding thirty days. Unlawful possession of license.
3. Section 84 of *The Highway Traffic Act* is amended by adding thereto the following subsection: Rev. Stat., c. 288, s. 84, amended.
 - (3a) An owner of a motor vehicle to whom this Part applies who holds a license in respect of such vehicle under *The Public Vehicle Act* or *The Commercial Vehicles Act* Owners of public vehicles and public commercial vehicles.

Rev. Stat.,
cc. 289, 290.

Vehicle Act and who has on file in the Department a certificate of insurance in good standing shall not be required to give proof of financial responsibility under this Part in respect of such vehicle.

Rev. Stat.,
c. 288, s. 92,
subs. 1,
amended.

4. Subsection 1 of section 92 of *The Highway Traffic Act*, as amended by section 13 of *The Highway Traffic Amendment Act, 1939* and section 17 of *The Highway Traffic Amendment Act, 1941*, is further amended by striking out the words, symbol and figures "in excess of \$25" in the thirteenth line, so that the said subsection shall now read as follows:

Cancellation and
return of
security.

- (1) The Minister may waive the requirement of filing proof of financial responsibility or may cancel any bond or return any certificate of insurance, or the Treasurer may, at the request of the Minister, return any money or securities deposited pursuant to this Part as proof of financial responsibility at any time after two years from the date upon which such proof was required to be given, provided that the owner or driver on whose behalf such proof was given has not, during the said period, or any two-year period immediately preceding the request, been convicted of an offence mentioned in section 78, and provided that no action for damages is pending and no judgment is outstanding and unsatisfied in respect of personal injury or damage to property resulting from the operation of a motor vehicle, and a statutory declaration of the applicant under this section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Registrar.

Rev. Stat.,
c. 288, s. 93b,
subs. 1
(1947,
c. 45, s. 16,
subs. 1),
amended.

5.—(1) Subsection 1 of section 93b of *The Highway Traffic Act*, as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, is amended by adding at the commencement thereof the words "Subject to section 93bb," so that the said subsection shall now read as follows:

Order
directing
payment of
amount of
judgment.

- (1) Subject to section 93bb, where any person recovers in any court in Ontario a judgment for damages on account of injury to, or the death of any person or damage to property occasioned by a motor vehicle owned or operated by the judgment debtor within Ontario, upon the determination of all proceedings including appeals and upon notice to the Minister, such judgment creditor may apply by way of originating notice to a judge of the Supreme Court for an order directing payment of the amount of the judgment or the unsatisfied portion thereof out of the Fund.

SECTION 4. The deletion is made in order to conform with amendments made last year under which judgments of any amount must be satisfied.

SECTION 5—Subsection 1. This amendment is complementary to the new section 93bb enacted by section 6 of this Bill.

Subsection 2. Section 93b provides for the payment out of the Unsatisfied Judgment Fund of the amount of an unsatisfied judgment. Subsection 2 prescribes the requirements which shall be complied with upon an application to the court for payment out. Included in the requirements are the issue of a writ of execution against the judgment debtor and a return by the sheriff; an examination of the judgment debtor, and other searches and inquiries. Sometimes it is impossible to comply with one or more of the requirements owing to the judgment creditor's inability to locate the judgment debtor or the judgment debtor being beyond the jurisdiction. The proviso vests power in the court to carry out the principle of the section in these situations where it is satisfied that the creditor has taken all reasonable steps to recover the unpaid portion of his judgment.

(2) Subsection 2 of the said section 93*b* is amended by adding at the end thereof the following proviso:

Rev. Stat.,
c. 288, s. 93*b*,
subs. 2
(1947,
c. 45, s. 16,
subs. 1),
amended.

“provided that where the applicant satisfies the judge that it is not possible to comply with one or more of the requirements enumerated in clauses *b*, *c*, *d* and *e* and also satisfies the judge that he has taken all reasonable steps to recover the amount of the judgment or the unsatisfied part thereof and has been unable to make recovery, the judge may dispense with the necessity for complying with such requirements”;

so that the said subsection shall now read as follows:

(2) Upon the hearing of the application the applicant shall show,— Hearing of application.

(*a*) that he has obtained a judgment as set out in subsection 1 stating the amount thereof and the amount owing thereon at the date of the application;

(*b*) that he has caused to be issued a writ of *fiery facias* or execution, and that,

(i) the sheriff or bailiff has made a return showing that no goods of the judgment debtor liable to be seized in satisfaction of the judgment debt could be found, or

(ii) the amount realized on the sale of goods seized, or otherwise realized, was insufficient to satisfy the judgment stating the amount so realized and the balance remaining due on the judgment after application thereon of the amount realized;

(*c*) that he has caused the judgment debtor to be examined, pursuant to the law for that purpose provided, touching his estate and effects and his property and means, and in particular as to whether the judgment debtor is insured under a policy of insurance by the terms of which the insurer is liable to pay in whole or in part, the amount of the judgment;

(*d*) that he has made exhaustive searches and inquiries to ascertain whether the judgment

debtor is possessed of assets, real or personal, liable to be sold or applied in satisfaction of the judgment; and

(*e*) that, by such searches, inquiries and examination,

(i) he has learned of no assets, real or personal, possessed by the judgment debtor and liable to be sold or applied in satisfaction of the judgment debt, or

(ii) he learned of certain assets, describing them, owned by the judgment debtor and liable to be seized or applied in satisfaction of the judgment, and has taken all necessary actions and proceedings for the realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized,

PROVISO.

provided that where the applicant satisfies the judge that it is not possible to comply with one or more of the requirements enumerated in clauses *b*, *c*, *d* and *e* and also satisfies the judge that he has taken all reasonable steps to recover the amount of the judgment or the unsatisfied part thereof and has been unable to make recovery, the judge may dispense with the necessity for complying with such requirements.

Rev. Stat.,
c. 288, s. 93b
subs. 4
(1947,
c. 45, s. 16,
subs. 1),
amended.

(3) Subsection 4 of the said section 93b is amended by striking out the word "and" at the end of clause *b*, by inserting the word "and" at the end of clause *c*, and by adding thereto the following clause:

(*d*) that the applicant has fully pursued and exhausted all remedies available to him for recovering compensation for the damages that are the subject of the action in respect of which the judgment is given by,

(i) commencing action against all persons against whom the applicant might reasonably be considered as having a cause of action in respect of such damages,

Subsection 3. Under the present legislation an applicant for payment of the amount of an unsatisfied judgment out of the Unsatisfied Judgment Fund is required to satisfy the court that he has obtained judgment but has been unable to recover all or a part of it. He need not show, however, that he has exhausted all remedies available to him to obtain compensation for his damages, as, for instance, that he sued both the owner and driver of the vehicle responsible for the damage. The amendment will require him to satisfy the court that he has taken all reasonable steps to exhaust other remedies available to him before being entitled to payment out of the Fund.

- (ii) prosecuting every such action in good faith to judgment or dismissal,
- (iii) taking all reasonable steps available to him to recover upon every judgment so obtained, and
- (iv) taking all other reasonable steps available to him to recover compensation for such damages,

so that the said subsection shall now read as follows:

(4) If the judge is satisfied,—

Order of
judge
directing
payment
from Fund.

- (a) of the truth of the matters shown by the applicant as required by subsection 2;
- (b) that the applicant has taken all reasonable steps to learn what means of satisfying the judgment are possessed by the judgment debtor;
- (c) that there is good reason for believing that the judgment debtor,
 - (i) has no assets liable to be sold or applied in satisfaction of the judgment or of the balance owing thereon, and
 - (ii) is not insured under a policy of insurance by the terms of which the insurer is liable to pay, in whole or in part, the amount of the judgment; and
- (d) that the applicant has fully pursued and exhausted all remedies available to him for recovering compensation for the damages that are the subject of the action in respect of which the judgment is given by,
 - (i) commencing action against all persons against whom the applicant might reasonably be considered as having a cause of action in respect of such damages,
 - (ii) prosecuting every such action in good faith to judgment or dismissal,

- (iii) taking all reasonable steps available to him to recover upon every judgment so obtained, and
- (iv) taking all other reasonable steps available to him to recover compensation for such damages,

the judge may make an order directed to the Minister requiring him, subject to subsection 5, to pay from the Fund the amount of the judgment or the balance owing thereon.

Rev. Stat.,
c. 288, s. 93b,
subs. 5
(1947,
c. 45, s. 16,
subs. 1),
amended.

(4) Subsection 5 of the said section 93b is amended by adding at the end thereof the following proviso:

"provided that where any amount is recovered from any other source in partial discharge of the judgment debt, the maximum amount prescribed in this section shall be reduced by the amount so paid and any amount paid out of the Fund in excess of the amount authorized by this section may be recovered by action brought by the Minister",

so that the said subsection shall now read as follows:

Amount of
payments
from Fund.

(5) The Minister shall not pay out of the Fund under an order,—

- (a) more than \$5,000, exclusive of costs, on account of injury to or the death of one person, and subject to such limit for any one person so injured or killed, not more than \$10,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident; and
- (b) not more than \$1,000, exclusive of costs, for damage to property resulting from any one accident,

Proviso.

provided that where any amount is recovered from any other source in partial discharge of the judgment debt, the maximum amount prescribed in this section shall be reduced by the amount so paid and any amount paid out of the Fund in excess of the amount authorized by this section may be recovered by action brought by the Minister.

Rev. Stat.,
c. 288,
amended

6. *The Highway Traffic Act* is amended by adding thereto the following section:

Application
of s. 93b.

93bb.—(1) Section 93b shall not apply in the case of a judgment that has been signed in an action in which,—

Subsection 4. The effect of the section without the proviso is that where one person is injured in an accident, regardless of the amount of the judgment, payment out of the Fund is limited to a maximum of \$5,000 in respect of personal injuries and \$1,000 in respect of property damage. Where more than one person is injured the limits are \$10,000 in respect of personal injuries and \$1,000 in respect of property damage. The effect of the proviso is that these limits will be reduced by any payments made from any other source in discharge of the judgment debt.

SECTION 6. Section 93bb—Where an action is brought which may result in an application for payment out of the Unsatisfied Judgment Fund of the amount of any judgment obtained, the Minister does not have an opportunity of making representations to the court until after judgment has been obtained and an application is made for payment out of the Fund. This means that where the defendant does not defend the action or consents to judgment, judgment is entered and the amount of damages determined without opposition and without representatives of the defendant before the court. The new section provides that in such cases no application shall be made for payment out of the Fund unless the Minister of Highways has been given an opportunity to defend the action on behalf of the defendant and authorizes the Minister to do so where he deems such action on his part advisable.

SECTION 7. See note to section 9 of this Bill.

SECTION 8. This new section permits an application to be made to have the Registrar of Motor Vehicles added as a defendant in a pending action. Its purpose is to permit all proper parties to be brought before the court in the one action.

- (a) the defendant did not enter an appearance; or
- (b) the defendant did not file a statement of defence; or
- (c) the defendant did not appear in person or by counsel at the trial; or
- (d) judgment was signed upon the consent or with the agreement of the defendant,

unless the Minister has been given notice of such failure, consent or agreement and has been afforded an opportunity to take such action as he may deem advisable under subsection 2:

- (2) Where the Minister receives notice under subsection 1, he may, if he deems it advisable, enter an appearance, file a defence, appear by counsel at the trial or take such other action as he may deem appropriate on behalf and in the name of the defendant, and may thereupon, on behalf and in the name of the defendant, conduct his defence, and all acts done in accordance therewith shall be deemed to be the acts of such defendant. Rights of Minister.

7. Section 93e of *The Highway Traffic Act*, as enacted by Rev. Stat.,
c. 288, s. 93e
(1947,
c. 45, s. 16,
subs. 1),
amended.
subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, is amended by adding thereto the following subsection:

- (3) Where the death or injury is occasioned at a time Where owner
known.
when the motor vehicle is without the owner's consent in the possession of some person other than the owner or his chauffeur, the application shall be disposed of in the same manner as though the identity of the owner had not been established.

8. *The Highway Traffic Act* is amended by adding thereto Rev. Stat.,
c. 288,
amended.
the following section:

93ff.—(1) Where an action has been commenced in respect of the death of, or injury to any person occasioned in Ontario by a motor vehicle, an application may be made by the plaintiff to add the Registrar of Motor Vehicles as a defendant and the provisions of sections 93e and 93f shall apply *mutatis mutandis*. Application
to add
Registrar as
defendant.

Other rights
not affected.

- (2) This section shall be deemed not to derogate from the right of any party to an action to add or join any person as a party to the action in accordance with the practice of the court in which the action is pending.

Rev. Stat.,
c. 288, s. 93A
(1947,
c. 45, s. 16,
subs. 1),
amended.

9. Section 93h of *The Highway Traffic Act*, as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, is amended by adding thereto the following subsection:

Where owner
known.

- (3) Where the death or injury was occasioned at a time when the motor vehicle was without the owner's consent in the possession of some person other than the owner or his chauffeur, the application shall be disposed of in the same manner as though the identity of the owner had not been established.

Commence-
ment of Act.

10.—(1) This Act shall come into force on the day upon which it receives the Royal Assent.

Amendments
to Part
XIIIA.

(2) Sections 5 to 9 shall apply to motor vehicle accidents occurring in Ontario after the 1st day of July, 1947, provided that subsection 3 of section 5 and section 6 shall apply only where the trial or assessment of damages, as the case may be, is not concluded before the 1st day of June, 1948.

Short title.

11. This Act may be cited as *The Highway Traffic Amendment Act, 1948*.

SECTION 9. The new subsection provides that the principles of *The Highway Traffic Act* governing the liability of the owner of a motor vehicle for damages caused by it while it was being operated by someone without his consent, shall apply in the case of proceedings taken or sought to be taken against the Registrar of Motor Vehicles in respect of hit and run accidents.

BILL.

An Act to amend The Highway Traffic Act.

1st Reading

March 22nd, 1948

2nd Reading

March 24th, 1948

3rd Reading

MR. DOUGETT

(Reprinted as amended in Committee of the
Whole House.)

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Highway Traffic Act.

MR. DOUCETT

BILL

An Act to amend The Highway Traffic Act.

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

1. Clause *m* of subsection 1 of section 1 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 288, s. 1,
subs. 1,
cl. *m*, re-
enacted.

 - (*m*) "Public vehicle" shall have the same meaning as in *The Public Vehicle Act*.

"Public
vehicle".
Rev. Stat.,
c. 289.
2. Subsections 2 and 3 of section 23 of *The Highway Traffic Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 288, s. 23,
subss. 2, 3,
re-enacted.

 - (2) Every person whose permit has been suspended or cancelled and who, while prohibited from having a motor vehicle registered in his name, applies for or procures the issue to him or has in his possession a permit issued to him, shall be guilty of an offence and liable to a penalty of not less than \$25 and not more than \$100 and to imprisonment for any term not exceeding thirty days, and in addition the motor vehicle for which the permit was issued shall be forfeited to His Majesty in right of Ontario.

Unlawful
possession
of permit.
 - (3) Every person whose license has been suspended or cancelled and who while prohibited from driving a motor vehicle, applies for or procures the issue to him or has in his possession a license, shall be guilty of an offence and liable to a penalty of not less than \$25 and not more than \$100 and to imprisonment for any term not exceeding thirty days.

Unlawful
possession
of license.
3. Section 84 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 288, s. 84,
amended.

 - (3a) An owner of a motor vehicle to whom this Part applies who holds a license in respect of such vehicle under *The Public Vehicle Act* or *The Commercial Vehicles Act* shall be deemed to be an owner of a public vehicle for the purposes of this Part.

Owners of
public
vehicles
and public
commercial
vehicles.

Rev. Stat.,
cc. 289, 290.

Vehicle Act and who has on file in the Department a certificate of insurance in good standing shall not be required to give proof of financial responsibility under this Part in respect of such vehicle.

Rev. Stat.,
c. 288, s. 92,
subs. 1,
amended.

4. Subsection 1 of section 92 of *The Highway Traffic Act*, as amended by section 13 of *The Highway Traffic Amendment Act, 1939* and section 17 of *The Highway Traffic Amendment Act, 1941*, is further amended by striking out the words, symbol and figures "in excess of \$25" in the thirteenth line, so that the said subsection shall now read as follows:

Cancellation and
return of
security.

- (1) The Minister may waive the requirement of filing proof of financial responsibility or may cancel any bond or return any certificate of insurance, or the Treasurer may, at the request of the Minister, return any money or securities deposited pursuant to this Part as proof of financial responsibility at any time after two years from the date upon which such proof was required to be given, provided that the owner or driver on whose behalf such proof was given has not, during the said period, or any two-year period immediately preceding the request, been convicted of an offence mentioned in section 78, and provided that no action for damages is pending and no judgment is outstanding and unsatisfied in respect of personal injury or damage to property resulting from the operation of a motor vehicle, and a statutory declaration of the applicant under this section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Registrar.

Rev. Stat.,
c. 288, s. 93b,
subs. 1
(1947,
c. 45, s. 16,
subs. 1),
amended.

5.—(1) Subsection 1 of section 93b of *The Highway Traffic Act*, as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, is amended by adding at the commencement thereof the words "Subject to section 93bb," so that the said subsection shall now read as follows:

Order
directing
payment of
amount of
judgment.

- (1) Subject to section 93bb, where any person recovers in any court in Ontario a judgment for damages on account of injury to, or the death of any person or damage to property occasioned by a motor vehicle owned or operated by the judgment debtor within Ontario, upon the determination of all proceedings including appeals and upon notice to the Minister, such judgment creditor may apply by way of originating notice to a judge of the Supreme Court for an order directing payment of the amount of the judgment or the unsatisfied portion thereof out of the Fund.

(2) Subsection 2 of the said section 93*b* is amended by adding at the end thereof the following proviso:

Rev. Stat.,
c. 288, s. 93*b*,
subs. 2
(1947,
c. 45, s. 16,
subs. 1),
amended.

"provided that where the applicant satisfies the judge that it is not possible to comply with one or more of the requirements enumerated in clauses *b*, *c*, *d* and *e* and also satisfies the judge that he has taken all reasonable steps to recover the amount of the judgment or the unsatisfied part thereof and has been unable to make recovery, the judge may dispense with the necessity for complying with such requirements",

so that the said subsection shall now read as follows:

(2) Upon the hearing of the application the applicant shall show,— Hearing of application.

- (a) that he has obtained a judgment as set out in subsection 1 stating the amount thereof and the amount owing thereon at the date of the application;
- (b) that he has caused to be issued a writ of *feri facias* or execution, and that,
 - (i) the sheriff or bailiff has made a return showing that no goods of the judgment debtor liable to be seized in satisfaction of the judgment debt could be found, or
 - (ii) the amount realized on the sale of goods seized, or otherwise realized, was insufficient to satisfy the judgment stating the amount so realized and the balance remaining due on the judgment after application thereon of the amount realized;
- (c) that he has caused the judgment debtor to be examined, pursuant to the law for that purpose provided, touching his estate and effects and his property and means, and in particular as to whether the judgment debtor is insured under a policy of insurance by the terms of which the insurer is liable to pay in whole or in part, the amount of the judgment;
- (d) that he has made exhaustive searches and inquiries to ascertain whether the judgment

debtor is possessed of assets, real or personal, liable to be sold or applied in satisfaction of the judgment; and

(e) that, by such searches, inquiries and examination,

(i) he has learned of no assets, real or personal, possessed by the judgment debtor and liable to be sold or applied in satisfaction of the judgment debt, or

(ii) he learned of certain assets, describing them, owned by the judgment debtor and liable to be seized or applied in satisfaction of the judgment, and has taken all necessary actions and proceedings for the realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized,

Proviso.

provided that where the applicant satisfies the judge that it is not possible to comply with one or more of the requirements enumerated in clauses *b*, *c*, *d* and *e* and also satisfies the judge that he has taken all reasonable steps to recover the amount of the judgment or the unsatisfied part thereof and has been unable to make recovery, the judge may dispense with the necessity for complying with such requirements.

Rev. Stat.,
c. 288, s. 93b
subs. 4
(1947,
c. 45, s. 16,
subs. 1),
amended.

(3) Subsection 4 of the said section 93b is amended by striking out the word "and" at the end of clause *b*, by inserting the word "and" at the end of clause *c*, and by adding thereto the following clause:

(d) that the applicant has fully pursued and exhausted all remedies available to him for recovering compensation for the damages that are the subject of the action in respect of which the judgment is given by,

(i) commencing action against all persons against whom the applicant might reasonably be considered as having a cause of action in respect of such damages,

- (ii) prosecuting every such action in good faith to judgment or dismissal,
- (iii) taking all reasonable steps available to him to recover upon every judgment so obtained, and
- (iv) taking all other reasonable steps available to him to recover compensation for such damages,

so that the said subsection shall now read as follows:

(4) If the judge is satisfied,—

- (a) of the truth of the matters shown by the ap-
plicant as required by subsection 2;
- (b) that the applicant has taken all reasonable steps to learn what means of satisfying the judgment are possessed by the judgment debtor;
- (c) that there is good reason for believing that the judgment debtor,
 - (i) has no assets liable to be sold or applied in satisfaction of the judgment or of the balance owing thereon, and
 - (ii) is not insured under a policy of insurance by the terms of which the insurer is liable to pay, in whole or in part, the amount of the judgment; and
- (d) that the applicant has fully pursued and exhausted all remedies available to him for recovering compensation for the damages that are the subject of the action in respect of which the judgment is given by,
 - (i) commencing action against all persons against whom the applicant might reasonably be considered as having a cause of action in respect of such damages,
 - (ii) prosecuting every such action in good faith to judgment or dismissal,

Order of
judge
directing
payment
from Fund.

- (iii) taking all reasonable steps available to him to recover upon every judgment so obtained, and
- (iv) taking all other reasonable steps available to him to recover compensation for such damages,

the judge may make an order directed to the Minister requiring him, subject to subsection 5, to pay from the Fund the amount of the judgment or the balance owing thereon.

Rev. Stat.,
c. 288, s. 93b,
subs. 5
(1947,
c. 45, s. 16,
subs. 1),
amended.

(4) Subsection 5 of the said section 93b is amended by adding at the end thereof the following proviso:

“provided that where any amount is recovered from any other source in partial discharge of the judgment debt, the maximum amount prescribed in this section shall be reduced by the amount so paid and any amount paid out of the Fund in excess of the amount authorized by this section may be recovered by action brought by the Minister”,

so that the said subsection shall now read as follows:

Amount of
payments
from Fund.

(5) The Minister shall not pay out of the Fund under an order,—

- (a) more than \$5,000, exclusive of costs, on account of injury to or the death of one person, and subject to such limit for any one person so injured or killed, not more than \$10,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident; and
- (b) not more than \$1,000, exclusive of costs, for damage to property resulting from any one accident,

Proviso.

provided that where any amount is recovered from any other source in partial discharge of the judgment debt, the maximum amount prescribed in this section shall be reduced by the amount so paid and any amount paid out of the Fund in excess of the amount authorized by this section may be recovered by action brought by the Minister.

Rev. Stat.,
c. 288,
amended.

6. *The Highway Traffic Act* is amended by adding thereto the following section:

Application
of s. 93b.

93bb.—(1) Section 93b shall not apply in the case of a judgment that has been signed in an action in which,—

- (a) the defendant did not enter an appearance; or
- (b) the defendant did not file a statement of defence; or
- (c) the defendant did not appear in person or by counsel at the trial; or
- (d) judgment was signed upon the consent or with the agreement of the defendant,

unless the Minister has been given notice of such failure, consent or agreement and has been afforded an opportunity to take such action as he may deem advisable under subsection 2.

- (2) Where the Minister receives notice under subsection 1, he may, if he deems it advisable, enter an appearance, file a defence, appear by counsel at the trial or take such other action as he may deem appropriate on behalf and in the name of the defendant, and may thereupon, on behalf and in the name of the defendant, conduct his defence, and all acts done in accordance therewith shall be deemed to be the acts of such defendant. Rights of Minister.

7. Section 93e of *The Highway Traffic Act*, as enacted by Rev. Stat.,
c. 288, s. 93e
(1947,
subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, is amended by adding thereto the following sub-c. 45, s. 16,
subs. 1),
amended.
section:

- (3) Where the death or injury is occasioned at a time Where owner
known.
when the motor vehicle is without the owner's consent in the possession of some person other than the owner or his chauffeur, the application shall be disposed of in the same manner as though the identity of the owner had not been established.

8. *The Highway Traffic Act* is amended by adding thereto Rev. Stat.,
c. 288,
amended.
the following section:

- 93ff.—(1) Where an action has been commenced in respect of the death of, or injury to any person occasioned in Ontario by a motor vehicle, an application may be made by the plaintiff to add the Registrar of Motor Vehicles as a defendant and the provisions of sections 93e and 93f shall apply *mutatis mutandis*. Application
to add
Registrar as
defendant.

Other rights
not affected.

- (2) This section shall be deemed not to derogate from the right of any party to an action to add or join any person as a party to the action in accordance with the practice of the court in which the action is pending.

Rev. Stat.,
c. 288, s. 93A
(1947,
c. 45, s. 16,
subs. 1),
amended.

9. Section 93h of *The Highway Traffic Act*, as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, is amended by adding thereto the following subsection:

Where owner
known.

- (3) Where the death or injury was occasioned at a time when the motor vehicle was without the owner's consent in the possession of some person other than the owner or his chauffeur, the application shall be disposed of in the same manner as though the identity of the owner had not been established.

Commence-
ment of Act.

10.—(1) This Act shall come into force on the day upon which it receives the Royal Assent.

Amendments
to Part
XIIIA.

(2) Sections 5 to 9 shall apply to motor vehicle accidents occurring in Ontario after the 1st day of July, 1947, provided that subsection 3 of section 5 and section 6 shall apply only where the trial or assessment of damages, as the case may be, is not concluded before the 1st day of June, 1948.

Short title.

11. This Act may be cited as *The Highway Traffic Amendment Act, 1948*.

BILL

An Act to amend The Highway Traffic Act.

1st Reading

March 22nd, 1948

2nd Reading

March 24th, 1948

3rd Reading

April 1st, 1948

MR. DOUGETT

No. 117

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Snow Roads and Fences Act.

MR. DOUCETT

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

EXPLANATORY NOTE.

Under subsection 1 of section 12 of *The Snow Roads and Fences Act* councils may, on or after the 15th day of November and before the 31st day of March following, enter on land and erect and maintain snow fences. Under subsection 2 these must be removed on or after the 1st day of April. This amendment gives power to extend these dates by by-law when weather conditions so require.

No. 117

1948

BILL

An Act to amend The Snow Roads and Fences Act.

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

1. Section 12 of *The Snow Roads and Fences Act*, as amended Rev. Stat., c. 291, s. 12, amended. by subsection 1 of section 32 of *The Statute Law Amendment Act, 1941*, is further amended by adding thereto the following subsection:

(2a) When weather conditions do not permit the removal Extension of time of time for maintenance and removal. of snow fences on or before the 1st day of April, the council may by by-law extend the time during which snow fences may be maintained and the date by which they shall be removed to a date fixed by the by-law.

2. This Act shall come into force on the day upon which it Commencement of Act. receives the Royal Assent.

3. This Act may be cited as *The Snow Roads and Fences Amendment Act, 1948*. Short title.

BILL

An Act to amend The Snow Roads and
Fences Act.

1st Reading

March 22nd, 1948

2nd Reading

3rd Reading

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(2a) When weather conditions do not permit the removal of snow fences on or before the 1st day of April, the council may by by-law extend the time during which snow fences may be maintained and the date by which they shall be removed to a date fixed by the by-law. Extension of time for maintenance and removal.

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Snow Roads and Fences Amendment Act, 1948*. Short title.

BILL

An Act to amend The Snow Roads and
Fences Act.

1st Reading

March 22nd, 1948

2nd Reading

March 24th, 1948

3rd Reading

March 31st, 1948

MR. DOUCETT

No. 118

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to impose a Tax on Amusements to Provide for Greater Aid
to Public Hospitals.

MR. FROST

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

EXPLANATORY NOTE

This Bill provides for a hospital tax of twenty per centum on the price of admission to places of amusement, to become effective by Proclamation as soon as the Dominion vacates this tax field.

The taxes so raised will be paid into a special fund and dispersed only in aid of public hospitals.

See also Bill No. 119, *An Act to provide for Greater Aid to Public Hospitals.*

BILL

An Act to impose a Tax on Amusements to Provide
for Greater Aid to Public Hospitals.

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

1. In this Act,—

Interpreta-
tion,—

- (a) "admission" includes entry to any place of amusement "admission";
where any charge is made or fee is collected after
entry;
- (b) "Controller" means the Controller of Revenue; "Control-
ler";
- (c) "owner" means a person who operates a place of "owner";
amusement in Ontario;
- (d) "place of amusement" means any theatre, moving- "place of
picture hall, dance hall, amusement hall, concert amuse-
ment";
hall, music hall, circus, side-show, carnival, amuse-
ment park, race-course, baseball park, athletic park,
skating rink, or place at or in which an exhibition
or entertainment is given or amusement is provided
or facilities are provided therefor or game is played,
where an entrance fee is charged or fee collected
through the sale of tickets or otherwise, or where
after admission a charge is made or fee collected,
and includes any place where dances are held or
facilities for dancing provided or a performance or
entertainment is given before, during or after the
service of meals or refreshments;
- (e) "price of admission" includes any charge made or fee "price of
collected after admission to a place of amusement, admission";
and any charge made in a place of amusement for
meals or refreshments that are served in conjunction
with any dance, performance or entertainment;

"purchaser". (f) "purchaser" means any person who purchases admission to any place of amusement;

"regulations". (g) "regulations" mean regulations made under the authority of this Act; and

"Treasurer". (h) "Treasurer" means the Treasurer of Ontario.

Licences. **2.—**(1) No owner shall sell admission to a place of amusement unless a licence therefor has been, upon his application, issued to him under this Act, and unless such licence is in force at the time of sale.

Expiry. (2) Such licence shall remain in force until the 31st day of March next following the date of issue.

Application. (3) The application for such licence shall be filed with the Controller.

Granting of licences. (4) Such licence shall be granted by the Treasurer or by such officer as he may appoint, upon payment by the owner of \$1 to the Treasurer for the use of His Majesty in right of Ontario.

Posting up of licences. (5) Such licence shall be placed in public view in the office of the owner at which admission is sold to the purchaser.

Cancellation of licences. (6) The Treasurer may cancel or suspend the licence of, or may refuse to issue a licence to, any owner who has been found guilty of an offence under this Act.

Information. (7) The application for a licence shall contain the name and address of the owner; and if such owner is a partnership, the names and addresses of each partner; and if the owner is a corporation, club, association or syndicate, the name and address of the president, if he resides in Ontario, and if not, the name and address of its resident manager or representative, and the address of its chief place of business in Ontario.

Tax. **3.** Every purchaser shall pay to the Treasurer for the use of His Majesty in right of Ontario a tax at the rate of twenty per centum calculated upon the price of admission charged by the owner, and, in the calculation, every fraction of one cent shall be counted as one cent.

Disposition of tax. **4.—**(1) The taxes paid under this Act, less the expenses of collection thereof shall be paid into the fund established under *The Hospitals Aid Act, 1948*.

1948, c. . .

Collection expenses. (2) The expenses of collecting the taxes imposed by this Act shall be paid out of the Consolidated Revenue Fund, and

at the end of each fiscal year the Consolidated Revenue Fund shall be reimbursed for the sums so paid out from the taxes imposed by this Act.

5.—(1) Every owner shall, as the agent of the Treasurer, Collection. collect the tax imposed by this Act.

(2) For the purpose of collecting the tax, the Treasurer may enter into such arrangement with each owner as he may deem expedient and may provide for the payment of such remuneration to each owner as he may deem proper. Arrangements for collection.

6. Every owner shall inform every purchaser of the price or prices of admission to his place of amusement and of the amount of the tax to be paid by the purchaser by placing in public view at the office of the owner where admission may be purchased a schedule showing such price or prices and the amount of such tax. Price of admission and tax.

7. Every owner shall, upon the request of the purchaser, deliver to him a writing showing his name, his address, the number of his licence issued under this Act, the price of admission charged to the purchaser, and separately stated, the amount of the tax payable or paid by the purchaser. Sale invoices.

8. No owner shall advertise or hold out or state to the public or to any purchaser, directly or indirectly, that the tax or any part thereof imposed by this Act will be assumed or absorbed by the owner or that it will not be considered as an element in the price to the purchaser or, if added, that it or any part thereof will be refunded. Absorption of tax prohibited.

9.—(1) Where special circumstances exist, whether of a religious, charitable or educational nature or otherwise, the Lieutenant-Governor in Council may, upon application of the owner made to the Treasurer at least ten days before the tax would otherwise be payable, exempt the purchaser from payment and the owner from collection of the tax imposed by this Act. Exemptions.

(2) Where it is shown to the satisfaction of the Treasurer that the tax calculated on the price of admission to a place of amusement at or in which an entertainment has been held for the purpose of raising funds for religious, charitable or educational purposes, was collected and paid to the Treasurer in accordance with this Act, and where the owner files with the Controller a statement, verified by his affidavit, giving in detail all receipts and expenses in connection with the entertainment and the receipt of the organization to which the proceeds were donated acknowledging receipt of such proceeds is attached thereto, and where the Treasurer is satisfied that Entertainments for religious, charitable or educational purposes.

such organization is one the operations of which are carried on exclusively for religious, charitable or educational purposes or for any combination of such purposes, the Treasurer may pay to such organization an amount equal to that proportion of the tax so collected and paid which the proceeds acknowledged as received by such organization bear to the gross amount received by the owner as the price of admission to such entertainment.

Monthly
returns.

10.—(1) Every owner shall, as the agent of the Treasurer, on or before the tenth day of each month, without notice or demand, deliver to the Controller such return as is required for the purposes of carrying out the provisions of this Act.

Verification
of returns.

(2) The return shall be verified by the affidavit of the owner, and, if the owner is not an individual, of his president or his resident manager or representative in Ontario, swearing that the financial statements for the preceding month, attached to the return, showing receipts and expenditures of the place of amusement, the amount of the tax collectable under this Act and such other information as is required, are in agreement with the books of the owner and exhibit truly and correctly all the business of the owner at his place of amusement during the preceding month.

Penalty for
sale of ad-
mission
unless
licensed.

11.—(1) Every owner who fails to comply with subsection 1 of section 2 shall be guilty of an offence and liable to a penalty for each sale, in addition to the costs, of not less than \$10 and not more than \$1,000 and, in default of payment of the costs and penalty, to imprisonment for three months.

Penalty for
failure to
pay tax.

(2) Every purchaser who fails to pay the tax imposed under this Act shall be guilty of an offence and shall be liable to a penalty of not less than \$10 and not more than \$200.

Penalty for
failure to
collect tax.

(3) Every owner who refuses or neglects to collect, account for or remit the amount of the tax in accordance with this Act or the regulations, shall be guilty of an offence and shall be liable, in addition to the remittance of the tax, to a penalty for each day during which such offence continues, of not less than \$10 and not more than \$1,000 and in default of payment, to imprisonment for three months.

Penalty for
default in
filing return.

(4) Every owner who fails to comply with subsection 1 of section 10 shall pay a penalty of five per centum of the tax collectable by such owner; provided that in no case shall such penalty be more than \$500.

Failure to
complete
return.

(5) When any owner fails to complete the information required on the monthly return to be delivered to the Controller under subsection 1 of section 10, such owner shall be

liable to a penalty of one per centum of the tax collectable by him; provided that in no case shall such penalty be less than \$1 or more than \$20.

(6) Every employee of an owner who permits or authorizes or is a party or privy to, the admission of any purchaser to a place of amusement without collecting from such purchaser the tax imposed under this Act, shall be guilty of an offence and shall incur a penalty of not less than \$20 and not more than \$500. Penalty for failure to collect tax.

(7) In addition to the penalties provided by this Act, the Treasurer may apply to a judge of the Supreme Court for an injunction against any owner who sells admission to his place of amusement without having been granted a licence under this Act, which is still in force, ordering him to cease selling such admission and to close his place of amusement until a licence is granted and all costs are paid. Injunction.

12. The Treasurer may, before or after the time for making it, enlarge the time for making any return. Time for making return.

13.—(1) Every owner shall remit with the monthly return required by subsection 1 of section 10, the amount of the tax collectable by him as shown therein. Payment of the tax collectable.

(2) When any owner remits less than the amount of the tax collectable as shown by the return, he shall pay interest at the rate of seven per centum per annum upon the deficiency calculated from the date of default until the date of remission to the Treasurer. Where payment is less than amount required.

14.—(1) If the Controller, in order to enable him to make an accounting of the tax collectable by the owner under this Act, or for any other purpose desires any information or additional information, or a return from any owner who has not made a return or a complete or sufficient return, he may, by registered letter, demand from such owner or from the president, manager, secretary, or any director, agent or representative thereof, such information, additional information or return, and the owner, president, manager, secretary, or any director, agent or representative upon whom such a demand is made shall deliver to the Controller such information, additional information or return within thirty days of the mailing of such registered letter. Demand for additional information.

(2) The Controller may, by registered letter, require the production under oath or otherwise, by any owner or the president, manager, secretary, or any director, agent or representative of such owner, or by any person, partnership, syndicate, trust or company holding or paying or liable to pay any Production of letters, accounts, etc.

portion of the income of such owner, or by any partner, agent or official of any such person, partnership, syndicate, trust or company, of any letters, accounts, invoices, statements or other documents.

Books of account to be kept.

(3) If any owner fails or refuses to keep adequate books or accounts for the purposes of ascertaining the amount of the tax collectable by him under this Act, the Controller may require such owner to keep such records and accounts as he may prescribe.

Penalty.

(4) For every default in complying with the provisions of subsections 1 to 3 the owner or the persons, or both, in default shall jointly and severally be liable to a penalty of \$25 for each day during which the default continues.

Compliance of Treasurer or Controller etc., to be proved by affidavit.

(5) For the purpose of any proceedings taken under this Act, the facts necessary to establish compliance on the part of the Treasurer or of the Controller with this section, as well as the failure of any owner or person to comply with the requirements of this section, shall be sufficiently proven in any court by affidavit of the Treasurer or of any officer of the Treasury Department of Ontario.

Inquiry as to amount of tax collectable.

(6) Any officer authorized by the Treasurer may make such inquiry as he may deem necessary to ascertain the amount of any tax collectable by any owner under this Act, and for the purposes of such inquiry, such officer shall have all the powers and authority that may be conferred upon a Commissioner appointed under *The Public Inquiries Act*.

Rev. Stat., c. 19.

Treasurer or Controller not bound by returns.

(7) No return or information supplied by or on behalf of any owner shall be binding upon the Treasurer or the Controller, and notwithstanding any such return or information, or in the absence of any return or information, the Controller may determine the amount of the tax collectable by any owner.

Notice of accounting.

(8) After examination of the return of the owner the Controller shall send a notice of accounting to such owner verifying or altering the amount of tax shown to be collectable by the owner in his return, and any additional tax found to be collectable over the amount shown in the return shall be remitted within one month from the date of mailing of the notice of accounting, and subject to section 13, such additional tax shall bear interest at the rate of four per centum per annum calculated from the last date prescribed for making such return to the date of remission to the Treasurer.

Penalty for non-payment of additional taxes.

(9) If any owner fails to remit such additional tax and interest within one month after the date of the mailing of the notice of accounting, the owner shall pay, in addition to the

interest provided by subsection 8, interest at the rate of three per centum per annum upon such additional tax from the expiry of the period of one month after the date of the mailing of the notice of accounting to the date of remission to the Treasurer.

15.—(1) The Treasurer may refund before or after the issue of the notice of accounting any amount which the owner has remitted in excess of the taxes collectable or of the interest or penalties payable by him, if application in writing is made therefor by the owner within six months of the date of remission of the tax or the date on which the notice of accounting was issued. Refunds.

(2) Any refund under this section may be paid with interest at the rate of three per centum per annum calculated upon the amount by which the tax remitted exceeds the amount of tax collectable as determined in the notice of accounting, provided that in no case shall interest be paid where the refund of tax is less than \$50. Idem.

16. Notwithstanding any prior accounting or where no accounting has been made, the owner shall continue to be liable for any tax which is collectable and which has not been remitted by him under this Act. Continuance of liability.

17. Upon default of remission by any owner of any tax collectable by him or any penalty payable by him under this Act,— Recovery of tax or penalty.

(a) the Treasurer may bring an action for recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Treasurer or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury;

(b) the Treasurer may issue a warrant and direct it to the sheriff of any county or district in which any property of the owner is located or situate, for the amount of the tax, interest and penalty, or any of them owing by the owner to the Treasurer, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant shall have the same force and effect as a writ of execution issued out of the Supreme Court; or

(c) the Treasurer or any officer authorized by him may enter upon the premises of the owner or any other

place in Ontario where the books or records of the owner or any part of them are kept and make such investigation and examination as he may deem necessary, and may seize all or any of such books and records and may, by notice in writing, require that any person who may be indebted to such owner shall pay such indebtedness to the Treasurer.

Information
or complaint
within three
years.

18. Any information or complaint with respect to any violation of this Act or the regulations may be laid or made within three years from the time when the matter of such information or complaint arose.

Penalties
payable to
Treasurer.

Rev. Stat.,
c. 136.

19. Except where otherwise specifically provided, the penalties imposed by this Act shall be recoverable under *The Summary Convictions Act* and shall be payable to the Treasurer.

Remedies
for recovery
of tax and
penalties.

20. The use of any remedy shall not bar or affect any other remedy and the remedies provided by this Act for the recovery and enforcement of payment or collection, or both, of any tax or penalty, or both, imposed by this Act shall be in addition to any other remedies existing by law, and no action or other proceeding shall in any way prejudice, limit or affect any lien, charge or priority existing under this Act or otherwise.

Manner of
serving
notice.

21.—(1) A notice under clause *c* of subsection 1 of section 17 may be served personally or by prepaid registered post addressed to such person at the address indicated in the books or records of the owner, and the receipt of payment of the amount of the indebtedness by the Treasurer shall constitute a good and sufficient discharge of the liability of such person to the owner to the extent of the amount indicated in the receipt.

Liability
of debtor.

(2) Any person discharging any liability to an owner owing taxes collectable by him or penalties payable by him, or both, under this Act after the service of the notice referred to in subsection 1 shall be personally liable to the Treasurer to the extent of the amount of the liability discharged between such person, and such owner or to the extent of the amount of taxes collectable by such owner, or interest and penalties payable by him, or both, owing under this Act, whichever is the lesser amount, and the Treasurer shall have the same remedies for the recovery of such amount from such person as he has for the recovery from the owner of a tax collectable or penalty payable by him under this Act.

Priority
of tax.

22. Every tax collectable and every penalty payable by any owner under this Act shall be a first lien and charge upon his property in Ontario.

23. Every person who violates any of the provisions of this Act or the regulations for which no other penalty is provided, shall be guilty of an offence and liable to a penalty of not less than \$50 and not more than \$500. ^{General penalty.}

24. The Lieutenant-Governor in Council may make regulations,— ^{Regulations.}

- (a) authorizing or requiring the Deputy Treasurer or any other officer of the Treasury Department to exercise any power or perform any duty conferred or imposed upon the Treasurer by this Act;
- (b) providing for the collection of the tax imposed under this Act by the issuance of tickets wherever it is deemed advisable;
- (c) providing for the exemption of the purchaser from the payment and the owner from the collection of the tax that would otherwise be payable and collectable under this Act where the Treasurer, in his absolute discretion, determines that the entertainment given, amusement provided or game played is for religious, charitable or educational purposes; and
- (d) respecting any other matter necessary or advisable to carry out effectively the purpose of this Act.

25. Declarations or affidavits in connection with returns under this Act may be taken before any person having authority to administer an oath, or before any person specially authorized for that purpose by the Lieutenant-Governor in Council, but any person so specially authorized shall not charge any fee therefor. ^{Declarations or affidavits.}

26.—(1) No person employed in the service of His Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under this Act, or allow any such person to inspect or have access to any written statement furnished under this Act. ^{Secrecy.}

(2) Any person violating the provisions of this section shall be guilty of an offence and liable to a penalty of not more than \$200. ^{Penalty.}

27. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. ^{Commencement of Act.}

28. This Act may be cited as *The Hospitals Tax Act, 1948*. ^{Short title.}

BILL

An Act to impose a Tax on Amusements to
Provide for Greater Aid to
Public Hospitals.

1st Reading

March 23rd, 1948

2nd Reading

3rd Reading

MR. FROST

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to impose a Tax on Amusements to Provide for Greater Aid
to Public Hospitals.

MR. FROST

BILL

An Act to impose a Tax on Amusements to Provide for Greater Aid to Public Hospitals.

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

1. In this Act,—

Interpreta-
tion,—

- (a) "admission" includes entry to any place of amusement "admission";
where any charge is made or fee is collected after
entry;
- (b) "Controller" means the Controller of Revenue; "Control-
ler";
- (c) "owner" means a person who operates a place of "owner";
amusement in Ontario;
- (d) "place of amusement" means any theatre, moving- "place of
picture hall, dance hall, amusement hall, concert amuse-
ment";
hall, music hall, circus, side-show, carnival, amuse-
ment park, race-course, baseball park, athletic park,
skating rink, or place at or in which an exhibition
or entertainment is given or amusement is provided
or facilities are provided therefor or game is played,
where an entrance fee is charged or fee collected
through the sale of tickets or otherwise, or where
after admission a charge is made or fee collected,
and includes any place where dances are held or
facilities for dancing provided or a performance or
entertainment is given before, during or after the
service of meals or refreshments;
- (e) "price of admission" includes any charge made or fee "price of
collected after admission to a place of amusement, admission";
and any charge made in a place of amusement for
meals or refreshments that are served in conjunction
with any dance, performance or entertainment;

- "purchaser"; (f) "purchaser" means any person who purchases admission to any place of amusement;
- "regulations"; (g) "regulations" mean regulations made under the authority of this Act; and
- "Treasurer". (h) "Treasurer" means the Treasurer of Ontario.

Licences. 2.—(1) No owner shall sell admission to a place of amusement unless a licence therefor has been, upon his application, issued to him under this Act, and unless such licence is in force at the time of sale.

Expiry. (2) Such licence shall remain in force until the 31st day of March next following the date of issue.

Application. (3) The application for such licence shall be filed with the Controller.

Granting of licences. (4) Such licence shall be granted by the Treasurer or by such officer as he may appoint, upon payment by the owner of \$1 to the Treasurer for the use of His Majesty in right of Ontario.

Posting up of licences. (5) Such licence shall be placed in public view in the office of the owner at which admission is sold to the purchaser.

Cancellation of licences. (6) The Treasurer may cancel or suspend the licence of, or may refuse to issue a licence to, any owner who has been found guilty of an offence under this Act.

Information. (7) The application for a licence shall contain the name and address of the owner; and if such owner is a partnership, the names and addresses of each partner; and if the owner is a corporation, club, association or syndicate, the name and address of the president, if he resides in Ontario, and if not, the name and address of its resident manager or representative, and the address of its chief place of business in Ontario.

Tax. 3. Every purchaser shall pay to the Treasurer for the use of His Majesty in right of Ontario a tax at the rate of twenty per centum calculated upon the price of admission charged by the owner, and, in the calculation, every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent.

Disposition of tax. 4.—(1) The taxes paid under this Act, less the expenses of collection thereof shall be paid into the fund established under 1948, c. . . *The Hospitals Aid Act, 1948.*

Collection expenses. (2) The expenses of collecting the taxes imposed by this Act shall be paid out of the Consolidated Revenue Fund, and

at the end of each fiscal year the Consolidated Revenue Fund shall be reimbursed for the sums so paid out from the taxes imposed by this Act.

5.—(1) Every owner shall, as the agent of the Treasurer, Collection. collect the tax imposed by this Act.

(2) For the purpose of collecting the tax, the Treasurer may enter into such arrangement with each owner as he may Arrange-
ments for
collection. deem expedient and may provide for the payment of such remuneration to each owner as he may deem proper.

6. Every owner shall inform every purchaser of the price or Price of
admission
and tax. prices of admission to his place of amusement and of the amount of the tax to be paid by the purchaser by placing in public view at the office of the owner where admission may be purchased a schedule showing such price or prices and the amount of such tax.

7. Every owner shall, upon the request of the purchaser, Sale
invoices. deliver to him a writing showing his name, his address, the number of his licence issued under this Act, the price of admission charged to the purchaser, and separately stated, the amount of the tax payable or paid by the purchaser.

8. No owner shall advertise or hold out or state to the public or to any purchaser, directly or indirectly, that the tax Absorption
of tax
prohibited. or any part thereof imposed by this Act will be assumed or absorbed by the owner or that it will not be considered as an element in the price to the purchaser or, if added, that it or any part thereof will be refunded.

9.—(1) Where special circumstances exist, whether of a Exemptions. religious, charitable or educational nature or otherwise, the Lieutenant-Governor in Council may, upon application of the owner made to the Treasurer at least ten days before the tax would otherwise be payable, exempt the purchaser from payment and the owner from collection of the tax imposed by this Act.

(2) Where it is shown to the satisfaction of the Treasurer that the tax calculated on the price of admission to a place of amusement at or in which an entertainment has been held for the purpose of raising funds for religious, charitable or educational purposes, was collected and paid to the Treasurer in accordance with this Act, and where the owner files with the Controller a statement, verified by his affidavit, giving in detail all receipts and expenses in connection with the entertainment and the receipt of the organization to which the proceeds were donated acknowledging receipt of such proceeds is attached thereto, and where the Treasurer is satisfied that Entertain-
ments for
religious,
charitable
or educa-
tional pur-
poses.

such organization is one the operations of which are carried on exclusively for religious, charitable or educational purposes or for any combination of such purposes, the Treasurer may pay to such organization an amount equal to that proportion of the tax so collected and paid which the proceeds acknowledged as received by such organization bear to the gross amount received by the owner as the price of admission to such entertainment.

Monthly
returns.

10.—(1) Every owner shall, as the agent of the Treasurer, on or before the tenth day of each month, without notice or demand, deliver to the Controller such return as is required for the purposes of carrying out the provisions of this Act.

Verification
of returns.

(2) The return shall be verified by the certificate of the owner, and, if the owner is not an individual, of his president or his resident manager or representative in Ontario, certifying that the financial statements for the preceding month, attached to the return, showing the receipts of the place of amusement, the amount of the tax collectable under this Act and such other information as is required, are in agreement with the books of the owner and exhibit truly and correctly all the business of the owner at his place of amusement during the preceding month.

Penalty for
sale of ad-
mission
unless
licensed.

11.—(1) Every owner who fails to comply with subsection 1 of section 2 shall be guilty of an offence and liable to a penalty for each sale, in addition to the costs, of not less than \$10 and not more than \$1,000 and, in default of payment of the costs and penalty, to imprisonment for three months.

Penalty for
failure to
pay tax.

(2) Every purchaser who fails to pay the tax imposed under this Act shall be guilty of an offence and shall be liable to a penalty of not less than \$10 and not more than \$200.

Penalty for
failure to
collect tax.

(3) Every owner who refuses or neglects to collect, account for or remit the amount of the tax in accordance with this Act or the regulations, shall be guilty of an offence and shall be liable, in addition to the remittance of the tax, to a penalty for each day during which such offence continues, of not less than \$10 and not more than \$1,000 and in default of payment, to imprisonment for three months.

Penalty for
default in
filing return.

(4) Every owner who fails to comply with subsection 1 of section 10 shall pay a penalty of five per centum of the tax collectable by such owner; provided that in no case shall such penalty be more than \$500.

Failure to
complete
return.

(5) When any owner fails to complete the information required on the monthly return to be delivered to the Controller under subsection 1 of section 10, such owner shall be

liable to a penalty of one per centum of the tax collectable by him; provided that in no case shall such penalty be less than \$1 or more than \$20.

(6) Every employee of an owner who permits or authorizes or is a party or privy to, the admission of any purchaser to a place of amusement without collecting from such purchaser the tax imposed under this Act, shall be guilty of an offence and shall incur a penalty of not less than \$20 and not more than \$500. Penalty for failure to collect tax.

(7) In addition to the penalties provided by this Act, the Treasurer may apply to a judge of the Supreme Court for an injunction against any owner who sells admission to his place of amusement without having been granted a licence under this Act, which is still in force, ordering him to cease selling such admission and to close his place of amusement until a licence is granted and all costs are paid. Injunction.

12. The Treasurer may, before or after the time for making it, enlarge the time for making any return. Time for making return.

13.—(1) Every owner shall remit with the monthly return required by subsection 1 of section 10, the amount of the tax collectable by him as shown therein. Payment of the tax collectable.

(2) When any owner remits less than the amount of the tax collectable as shown by the return, he shall pay interest at the rate of seven per centum per annum upon the deficiency calculated from the date of default until the date of remission to the Treasurer. Where payment is less than amount required.

14.—(1) If the Controller, in order to enable him to make an accounting of the tax collectable by the owner under this Act, or for any other purpose desires any information or additional information, or a return from any owner who has not made a return or a complete or sufficient return, he may, by registered letter, demand from such owner or from the president, manager, secretary, or any director, agent or representative thereof, such information, additional information or return, and the owner, president, manager, secretary, or any director, agent or representative upon whom such a demand is made shall deliver to the Controller such information, additional information or return within thirty days of the mailing of such registered letter. Demand for additional information.

(2) The Controller may, by registered letter, require the production under oath or otherwise, by any owner or the president, manager, secretary, or any director, agent or representative of such owner, or by any person, partnership, syndicate, trust or company holding or paying or liable to pay any Production of letters, accounts, etc.

portion of the income of such owner, or by any partner, agent or official of any such person, partnership, syndicate, trust or company, of any letters, accounts, invoices, statements or other documents.

Books of account to be kept.

(3) If any owner fails or refuses to keep adequate books or accounts for the purposes of ascertaining the amount of the tax collectable by him under this Act, the Controller may require such owner to keep such records and accounts as he may prescribe.

Penalty.

(4) For every default in complying with the provisions of subsections 1 to 3 the owner or the persons, or both, in default shall jointly and severally be liable to a penalty of \$25 for each day during which the default continues.

Compliance of Treasurer or Controller etc., to be proved by affidavit.

(5) For the purpose of any proceedings taken under this Act, the facts necessary to establish compliance on the part of the Treasurer or of the Controller with this section, as well as the failure of any owner or person to comply with the requirements of this section, shall be sufficiently proven in any court by affidavit of the Treasurer or of any officer of the Treasury Department of Ontario.

Inquiry as to amount of tax collectable.

(6) Any officer authorized by the Treasurer may make such inquiry as he may deem necessary to ascertain the amount of any tax collectable by any owner under this Act, and for the purposes of such inquiry, such officer shall have all the powers and authority that may be conferred upon a Commissioner appointed under *The Public Inquiries Act*.

Rev. Stat., c. 19.

Treasurer or Controller not bound by returns.

(7) No return or information supplied by or on behalf of any owner shall be binding upon the Treasurer or the Controller, and notwithstanding any such return or information, or in the absence of any return or information, the Controller may determine the amount of the tax collectable by any owner.

Notice of accounting.

(8) After examination of the return of the owner the Controller shall send a notice of accounting to such owner verifying or altering the amount of tax shown to be collectable by the owner in his return, and any additional tax found to be collectable over the amount shown in the return shall be remitted within one month from the date of mailing of the notice of accounting, and subject to section 13, such additional tax shall bear interest at the rate of four per centum per annum calculated from the last date prescribed for making such return to the date of remission to the Treasurer.

Penalty for non-payment of additional taxes.

(9) If any owner fails to remit such additional tax and interest within one month after the date of the mailing of the notice of accounting, the owner shall pay, in addition to the

interest provided by subsection 8, interest at the rate of three per centum per annum upon such additional tax from the expiry of the period of one month after the date of the mailing of the notice of accounting to the date of remission to the Treasurer.

15.—(1) The Treasurer may refund before or after the ^{Refunds.} issue of the notice of accounting any amount which the owner has remitted in excess of the taxes collectable or of the interest or penalties payable by him, if application in writing is made therefor by the owner within six months of the date of remission of the tax or the date on which the notice of accounting was issued.

(2) Any refund under this section may be paid with interest ^{Idem.} at the rate of three per centum per annum calculated upon the amount by which the tax remitted exceeds the amount of tax collectable as determined in the notice of accounting, provided that in no case shall interest be paid where the refund of tax is less than \$50.

16. Notwithstanding any prior accounting or where no ^{Continuance of liability.} accounting has been made, the owner shall continue to be liable for any tax which is collectable and which has not been remitted by him under this Act.

17. Upon default of remission by any owner of any tax ^{Recovery of tax or penalty.} collectable by him or any penalty payable by him under this Act,—

- (a) the Treasurer may bring an action for recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Treasurer or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury;
- (b) the Treasurer may issue a warrant and direct it to the sheriff of any county or district in which any property of the owner is located or situate, for the amount of the tax, interest and penalty, or any of them owing by the owner to the Treasurer, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant shall have the same force and effect as a writ of execution issued out of the Supreme Court; or
- (c) the Treasurer or any officer authorized by him may enter upon the premises of the owner or any other

place in Ontario where the books or records of the owner or any part of them are kept and make such investigation and examination as he may deem necessary, and may seize all or any of such books and records and may, by notice in writing, require that any person who may be indebted to such owner shall pay such indebtedness to the Treasurer.

Information
or complaint
within three
years.

18. Any information or complaint with respect to any violation of this Act or the regulations may be laid or made within three years from the time when the matter of such information or complaint arose.

Penalties
payable to
Treasurer.

Rev. Stat.,
c. 136.

19. Except where otherwise specifically provided, the penalties imposed by this Act shall be recoverable under *The Summary Convictions Act* and shall be payable to the Treasurer.

Remedies
for recovery
of tax and
penalties.

20. The use of any remedy shall not bar or affect any other remedy and the remedies provided by this Act for the recovery and enforcement of payment or collection, or both, of any tax or penalty, or both, imposed by this Act shall be in addition to any other remedies existing by law, and no action or other proceeding shall in any way prejudice, limit or affect any lien, charge or priority existing under this Act or otherwise.

Manner of
serving
notice.

21.—(1) A notice under clause *c* of subsection 1 of section 17 may be served personally or by prepaid registered post addressed to such person at the address indicated in the books or records of the owner, and the receipt of payment of the amount of the indebtedness by the Treasurer shall constitute a good and sufficient discharge of the liability of such person to the owner to the extent of the amount indicated in the receipt.

Liability
of debtor.

(2) Any person discharging any liability to an owner owing taxes collectable by him or penalties payable by him, or both, under this Act after the service of the notice referred to in subsection 1 shall be personally liable to the Treasurer to the extent of the amount of the liability discharged between such person, and such owner or to the extent of the amount of taxes collectable by such owner, or interest and penalties payable by him, or both, owing under this Act, whichever is the lesser amount, and the Treasurer shall have the same remedies for the recovery of such amount from such person as he has for the recovery from the owner of a tax collectable or penalty payable by him under this Act.

Priority
of tax.

22. Every tax collectable and every penalty payable by any owner under this Act shall be a first lien and charge upon his property in Ontario.

23. Every person who violates any of the provisions of this Act or the regulations for which no other penalty is provided, shall be guilty of an offence and liable to a penalty of not less than \$50 and not more than \$500. ^{General penalty.}

24. The Lieutenant-Governor in Council may make regulations,— ^{Regulations.}

- (a) authorizing or requiring the Deputy Treasurer or any other officer of the Treasury Department to exercise any power or perform any duty conferred or imposed upon the Treasurer by this Act;
- (b) providing for the collection of the tax imposed under this Act by the issuance of tickets wherever it is deemed advisable;
- (c) providing for the exemption of the purchaser from the payment and the owner from the collection of the tax that would otherwise be payable and collectable under this Act where the Treasurer, in his absolute discretion, determines that the entertainment given, amusement provided or game played is for religious, charitable or educational purposes; and
- (d) respecting any other matter necessary or advisable to carry out effectively the purpose of this Act.

25. Declarations or affidavits in connection with returns under this Act may be taken before any person having authority to administer an oath, or before any person specially authorized for that purpose by the Lieutenant-Governor in Council, but any person so specially authorized shall not charge any fee therefor. ^{Declarations or affidavits.}

26.—(1) No person employed in the service of His Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under this Act, or allow any such person to inspect or have access to any written statement furnished under this Act. ^{Secrecy.}

(2) Any person violating the provisions of this section shall be guilty of an offence and liable to a penalty of not more than \$200. ^{Penalty.}

27. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. ^{Commencement of Act.}

28. This Act may be cited as *The Hospitals Tax Act, 1948*. ^{Short title.}

BILL

An Act to impose a Tax on Amusements to
Provide for Greater Aid to
Public Hospitals.

1st Reading

March 23rd, 1948

2nd Reading

March 24th, 1948

3rd Reading

March 31st, 1948

MR. FROST

No. 119

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to provide for Greater Aid to Public Hospitals.

MR. KELLEY

EXPLANATORY NOTE

This Bill is designed for the purpose of providing for greater aid to public hospitals.

It will become effective by Proclamation as soon as the Dominion vacates the amusement tax field.

It is complementary to Bill No. 118, *An Act to impose a Tax on Amusements to Provide for Greater Aid to Public Hospitals.*

BILL

An Act to provide for Greater Aid to Public Hospitals.

HIS 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) “dependant” means a dependant within the meaning of *The Public Hospitals Act*; “dependant”;
Rev. Stat.,
c. 390.
- (b) “Fund” means Hospital Aid Fund; “Fund”;
- (c) “hospital” means a hospital to which *The Public Hospitals Act* applies; “hospital”;
- (d) “Minister” means the member of the Executive Council to whom the administration of *The Public Hospitals Act* is assigned; “Minister”;
- (e) “municipality” means a municipality within the meaning of *The Public Hospitals Act*; “municipality”;
- (f) “patient” means a patient within the meaning of *The Public Hospitals Act*; “patient”;
- (g) “resident” means a resident within the meaning of *The Public Hospitals Act*; “resident”;
- (h) “Treasurer” means Treasurer of Ontario; “Treasurer”;
- (i) “treatment” has the same meaning as in *The Public Hospitals Act*; “treatment”.

2.—(1) There shall be a fund known as the “Hospital Aid Fund” and there shall be kept on the books of the Treasurer an account to be known as the “Hospital Aid Fund Account”.
Hospital
Aid Fund.

(2) There shall be paid into the Fund,—

Payments
into Fund.

(a) all unexpended moneys appropriated by the Legislature for aid to hospitals; and

(b) all moneys collected under *The Hospitals Tax Act, 1948*, less the expenses of collection of such moneys,

1948, c. . . .

and if the amount at the credit of the Fund is insufficient to meet the sums required under this Act, the deficiency shall be made up out of the Consolidated Revenue Fund.

Regulations.

3.—(1) The Lieutenant-Governor in Council may make regulations,—

(a) prescribing classes of grants;

(b) prescribing methods of determining the amounts of grants;

(c) providing for the manner and times of payment of grants;

(d) providing for the suspension or withholding of grants and for the making of deductions from grants;

(e) respecting any other matter necessary or advisable to carry out effectively the purpose of this Act.

Idem.

(2) The classes, groups, grades, total bed capacity and public ward bed capacity of hospitals for the purpose of the regulations made under subsection 1 shall be as set out from time to time in the regulations under *The Public Hospitals Act*.

Surpluses.

(3) Any moneys remaining in the Fund at the end of a fiscal year shall be carried forward to the ensuing fiscal year.

Grants in aid.

(4) The moneys in the Fund shall be disbursed as grants to aid hospitals and to no other purpose.

Liability for indigent patients.

4. When any patient in a hospital is an indigent person or a dependant of an indigent person, the municipality in which such person was resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at the following rates:

Rev. Stat., c. 390.

(a) in the case of a hospital which in the regulations under *The Public Hospitals Act* is classed as a Group A hospital, at the rate of \$3 per day; and

(b) in the case of a hospital which in the regulations under *The Public Hospitals Act* is classed as a Group B hospital, at the rate of \$2.50 per day; and

(c) in the case of all other hospitals, at the rate of \$2.25 per day.

5. *The Public Hospitals Act* is amended as follows:

Repeal.

1. Clause *j* of section 1 is repealed.
2. Clause *gg* of section 4, as enacted by section 1 of *The Public Hospitals Amendment Act, 1945*, is repealed.
3. Clause *h* of section 4 is repealed.
4. Section 10 is amended by striking out the words "under this Act" in the third line.
5. Section 16, as re-enacted by section 4 of *The Public Hospitals Amendment Act 1945* and amended by section 1 of *The Public Hospitals Amendment Act, 1947*, is repealed.
6. Section 17 is amended by striking out the words "in lieu of under this Act" at the end thereof.
7. Section 21 is amended by striking out the words "as provided for in this Act" at the end thereof.
8. Subsection 1 of section 24 is amended by striking out the words "liable under this Act" in the fifth line.
9. Subsection 1*c* of section 24, as enacted by section 3 of *The Public Hospitals Amendment Act, 1940*, is amended by striking out the words "as provided for in this Act" at the end thereof.
10. Section 26 is amended by striking out the words "under this Act" in the third and tenth lines respectively.
11. Section 28 is amended by striking out the words "under this Act" in the first line.
12. Section 31 is repealed.
13. Section 32 is repealed.

6. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. <sup>Commence-
ment of Act.</sup>

7. This Act may be cited as *The Hospitals Aid Act, 1948*. Short title.

BILL

An Act to provide for Greater Aid
to Public Hospitals.

1st Reading

March 23rd, 1948

2nd Reading

3rd Reading

MR. KELLEY

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to provide for Greater Aid to Public Hospitals.

MR. KELLEY

No. 119

1948

BILL

An Act to provide for Greater Aid to Public Hospitals.

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- (a) “dependant” means a dependant within the meaning of *The Public Hospitals Act*; “dependant”; Rev. Stat., c. 390.
- (b) “Fund” means Hospital Aid Fund; “Fund”;
- (c) “hospital” means a hospital to which *The Public Hospitals Act* applies; “hospital”;
- (d) “Minister” means the member of the Executive Council to whom the administration of *The Public Hospitals Act* is assigned; “Minister”;
- (e) “municipality” means a municipality within the meaning of *The Public Hospitals Act*; “municipality”;
- (f) “patient” means a patient within the meaning of *The Public Hospitals Act*; “patient”;
- (g) “resident” means a resident within the meaning of *The Public Hospitals Act*; “resident”;
- (h) “Treasurer” means Treasurer of Ontario; “Treasurer”;
- (i) “treatment” has the same meaning as in *The Public Hospitals Act*; “treatment”.

2.—(1) There shall be a fund known as the “Hospital Aid Fund” and there shall be kept on the books of the Treasurer an account to be known as the “Hospital Aid Fund Account”. Hospital
Aid Fund.

(2) There shall be paid into the Fund,—

Payments
into Fund.

(a) all unexpended moneys appropriated by the Legislature for aid to hospitals; and

1948, c. . . . (b) all moneys collected under *The Hospitals Tax Act, 1948*, less the expenses of collection of such moneys,

and if the amount at the credit of the Fund is insufficient to meet the sums required under this Act, the deficiency shall be made up out of the Consolidated Revenue Fund.

Regulations.

3.—(1) The Lieutenant-Governor in Council may make regulations,—

(a) prescribing classes of grants;

(b) prescribing methods of determining the amounts of grants;

(c) providing for the manner and times of payment of grants;

(d) providing for the suspension or withholding of grants and for the making of deductions from grants;

(e) respecting any other matter necessary or advisable to carry out effectively the purpose of this Act.

Idem.

(2) The classes, groups, grades, total bed capacity and public ward bed capacity of hospitals for the purpose of the regulations made under subsection 1 shall be as set out from time to time in the regulations under *The Public Hospitals Act*.

Surpluses.

(3) Any moneys remaining in the Fund at the end of a fiscal year shall be carried forward to the ensuing fiscal year.

Grants in aid.

(4) The moneys in the Fund shall be disbursed as grants to aid hospitals and to no other purpose.

Liability for indigent patients.

4. When any patient in a hospital is an indigent person or a dependant of an indigent person, the municipality in which such person was resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at the following rates:

Rev. Stat., c. 390.

(a) in the case of a hospital which in the regulations under *The Public Hospitals Act* is classed as a Group A hospital, at the rate of \$3 per day; and

(b) in the case of a hospital which in the regulations under *The Public Hospitals Act* is classed as a Group B hospital, at the rate of \$2.50 per day; and

(c) in the case of all other hospitals, at the rate of \$2.25 per day.

5. *The Public Hospitals Act* is amended as follows:

Repeal.

1. Clause *j* of section 1 is repealed.
 2. Clause *gg* of section 4, as enacted by section 1 of *The Public Hospitals Amendment Act, 1945*, is repealed.
 3. Clause *h* of section 4 is repealed.
 4. Section 10 is amended by striking out the words "under this Act" in the third line.
 5. Section 16, as re-enacted by section 4 of *The Public Hospitals Amendment Act 1945* and amended by section 1 of *The Public Hospitals Amendment Act, 1947*, is repealed.
 6. Section 17 is amended by striking out the words "in lieu of under this Act" at the end thereof.
 7. Section 21 is amended by striking out the words "as provided for in this Act" at the end thereof.
 8. Subsection 1 of section 24 is amended by striking out the words "liable under this Act" in the fifth line.
 9. Subsection 1*c* of section 24, as enacted by section 3 of *The Public Hospitals Amendment Act, 1940*, is amended by striking out the words "as provided for in this Act" at the end thereof.
 10. Section 26 is amended by striking out the words "under this Act" in the third and tenth lines respectively.
 11. Section 28 is amended by striking out the words "under this Act" in the first line.
 12. Section 31 is repealed.
 13. Section 32 is repealed.
6. This Act shall come into force on a day to be named by ^{Commence-}the Lieutenant-Governor by his Proclamation. ^{ment of Act.}

7. This Act may be cited as *The Hospitals Aid Act, 1948*. Short title.

BILL

An Act to provide for Greater Aid
to Public Hospitals.

1st Reading

March 23rd, 1948

2nd Reading

March 24th, 1948

3rd Reading

March 31st, 1948

MR. KELLEY

No. 120

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Farm Products Grades and Sales Act.

MR. KENNEDY

TORONTO

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

EXPLANATORY NOTE

The provision is required in order to prevent persons transporting farm products from one area to another from evading the inspection requirement of the Act.

No. 120

1948

BILL

An Act to amend The Farm Products Grades and Sales Act.

HIS 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 Farm Products Grades and Sales Act*, Rev. Stat., c. 307, s. 3, as amended by section 2 of *The Farm Products Grades and Sales Amendment Act, 1939*, is further amended by adding thereto the following subsection:

- (3) The Minister may, by order, require persons in charge of farm products that are being transported from an area designated by him to proceed to a designated highway inspection point and to remain there until the farm products are inspected. Minister may order transporters to proceed to inspection point.

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1948*. Short title.

BILL

An Act to amend The Farm Products
Grades and Sales Act.

1st Reading

March 23rd, 1948

2nd Reading

3rd Reading

MR. KENNEDY

No. 120

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

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An Act to amend The Farm Products Grades and Sales Act.

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2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1948*. Short title.

BILL

An Act to amend The Farm Products
Grades and Sales Act.

1st Reading

March 23rd, 1948

2nd Reading

March 24th, 1948

3rd Reading

March 31st, 1948

MR. KENNEDY

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Highway Improvement Act.

MR. DOUCETT

EXPLANATORY NOTES

SECTION 1. Subsection 7 of section 12 now reads as follows:

- (7) Where a by-law has been heretofore passed for the purpose of establishing a county road system the council of the county, with the approval of the Lieutenant-Governor in Council, may amend such by-law in accordance with the foregoing provisions of this Part.

The amendment makes it clear that by-laws amending the county road by-law may add roads to or remove roads from the county road system.

SECTION 2. The estimated expenditure will now be based on the assessment roll on which taxation for the previous year has been levied.

BILL

An Act to amend The Highway Improvement Act.

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

1. Subsection 7 of section 12 of *The Highway Improvement Act* is repealed and the following substituted therefor: Rev. Stat., c. 56, s. 12, subs. 7, re-enacted.
 - (7) Where a by-law has been passed for the purpose of establishing a county road system, the council of the county with the approval of the Lieutenant-Governor in Council may amend the by-law by adding roads to or removing roads from the county road system, or in any other manner. Amendment of by-laws.
 - (8) Where a road is removed from a county road system pursuant to subsection 7, such road shall thereupon revert or be transferred to the corporation of the local municipality in which it is situate. Roads removed from system.
2. Section 52*h* of *The Highway Improvement Act*, as enacted by subsection 1 of section 9 of *The Highway Improvement Amendment Act, 1947*, is amended by striking out the words "that year have been or are to be levied" in the eighteenth and nineteenth lines and inserting in lieu thereof the words "the previous year have been levied", so that the said section shall now read as follows: Rev. Stat., c. 56, s. 52*h* (1947, c. 44, s. 9, subs. 1), amended.

52*h*. In the case of a town or village which forms part of a county for municipal purposes, the amount of the estimated expenditure for any calendar year provided for in a by-law passed under this Part shall not exceed a sum equal to twice the amount levied upon such town or village by the county in the previous year under the by-law mentioned in section 12 exclusive of any part thereof levied for the purpose of paying off the town's or village's share of any debenture or other debt of the county, and in all other cases the amount of the estimated expenditure for any calendar Estimated expenditure for calendar year.

year shall not exceed a sum equal to that which would be produced from the levy by the council of the city, town or village of a rate of two mills in the dollar upon all the rateable property in the municipality according to the last revised assessment roll thereof on which the rates of general municipal taxation for the previous year have been levied.

Commence-
ment of Act. 3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. 4. This Act may be cited as *The Highway Improvement Amendment Act, 1948*.

BILL

An Act to amend The Highway
Improvement Act.

1st Reading

March 25th, 1948

2nd Reading

3rd Reading

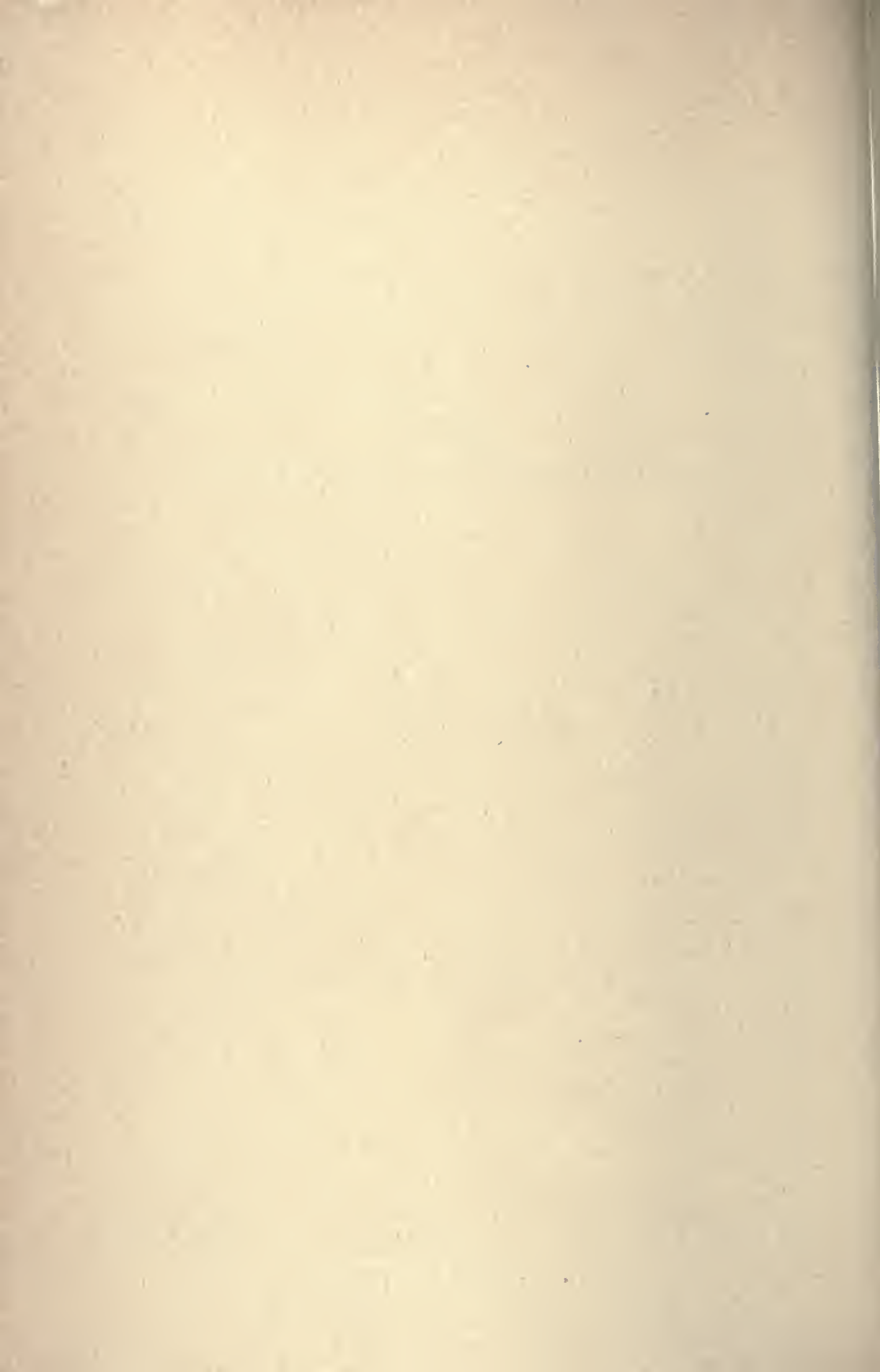
MR. DOUCETT

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Highway Improvement Act.

MR. DOUCETT



BILL

An Act to amend The Highway Improvement Act.

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

1. Subsection 7 of section 12 of *The Highway Improvement Act* is repealed and the following substituted therefor: Rev. Stat., c. 56, s. 12, subs. 7, re-enacted.
 - (7) Where a by-law has been passed for the purpose of establishing a county road system, the council of the county with the approval of the Lieutenant-Governor in Council may amend the by-law by adding roads to or removing roads from the county road system, or in any other manner. Amendment of by-laws.
 - (8) Where a road is removed from a county road system pursuant to subsection 7, such road shall thereupon revert or be transferred to the corporation of the local municipality in which it is situate. Roads removed from system.
2. Section 52*h* of *The Highway Improvement Act*, as enacted by subsection 1 of section 9 of *The Highway Improvement Amendment Act, 1947*, is amended by striking out the words "that year have been or are to be levied" in the eighteenth and nineteenth lines and inserting in lieu thereof the words "the previous year have been levied", so that the said section shall now read as follows: Rev. Stat., c. 56, s. 52*h* (1947, c. 44, s. 9, subs. 1), amended.
 - 52*h*. In the case of a town or village which forms part of a county for municipal purposes, the amount of the estimated expenditure for any calendar year provided for in a by-law passed under this Part shall not exceed a sum equal to twice the amount levied upon such town or village by the county in the previous year under the by-law mentioned in section 12 exclusive of any part thereof levied for the purpose of paying off the town's or village's share of any debenture or other debt of the county, and in all other cases the amount of the estimated expenditure for any calendar Estimated expenditure for calendar year.

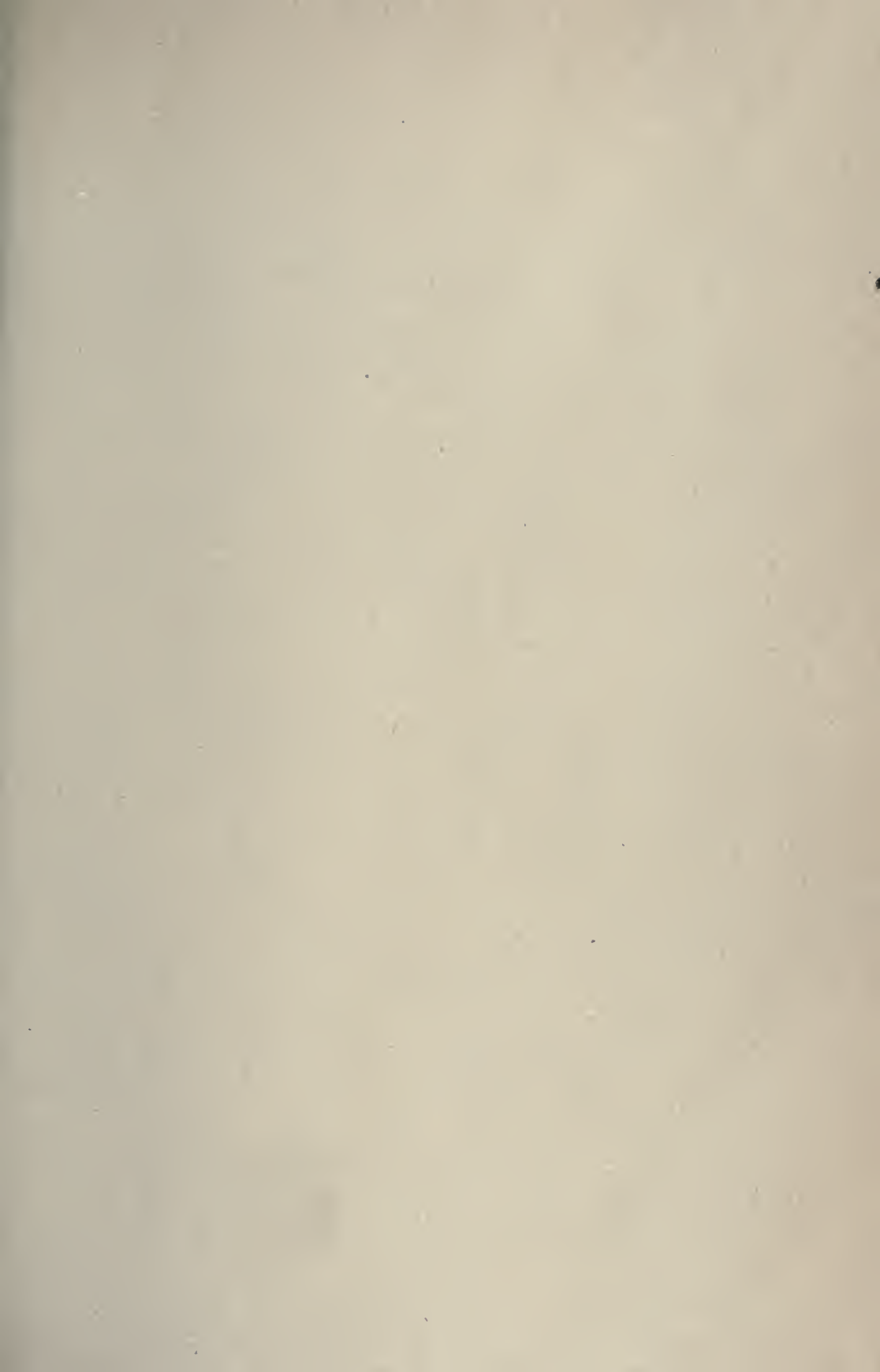
year shall not exceed a sum equal to that which would be produced from the levy by the council of the city, town or village of a rate of two mills in the dollar upon all the rateable property in the municipality according to the last revised assessment roll thereof on which the rates of general municipal taxation for the previous year have been levied.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Highway Improvement Amendment Act, 1948*.



BILL

An Act to amend The Highway
Improvement Act.

1st Reading

March 25th, 1948

2nd Reading

March 31st, 1948

3rd Reading

April 5th, 1948

MR. DOUGETT

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Statute Labour Act.

MR. DOUCETT

EXPLANATORY NOTES

SECTION 1. Subsection 1 of section 10 of *The Statute Labour Act* is re-enacted for clarification. The only new principle is the power given in clause *e* to create statute labour boards in a locality which has not been surveyed or laid out into townships.

SECTION 2. Self-explanatory.

BILL

An Act to amend The Statute Labour Act.

HIS 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 10 of *The Statute Labour Act*, as amended by subsection 1 of section 1 of *The Statute Labour Amendment Act, 1945*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 274, s. 10,
subs. 1, re-
enacted.

(1) Twenty resident landholders,—

Meeting for
election of
road com-
missioners.

(a) in any unincorporated township;

(b) in any designated part of any unincorporated township;

(c) in any two or more contiguous unincorporated townships;

(d) in any designated parts of two or more contiguous unincorporated townships; or

(e) in any locality which has not been surveyed or laid out into townships,

shall have the right to have a public meeting called for the purpose of electing road commissioners.

2. Subsection 1 of section 30 of *The Statute Labour Act*, as re-enacted by section 12 of *The Statute Labour Amendment Act, 1945*, is amended by striking out the symbol and figures "S25" in the tenth line and inserting in lieu thereof the symbol and figures "S50", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 274, s. 30,
subs. 1
(1945,
c. 23, s. 12),
amended.

(1) The commissioners, at the first meeting after their election, shall elect one of their number as chairman and appointment of secretary-treasurer.

petent person who may be one of themselves other than the chairman, as secretary-treasurer and the secretary-treasurer shall be exempt from the performance of statute labour and the commissioners may each year pay to the secretary-treasurer out of the commutation fund such amount, not exceeding \$50, as may be fixed by resolution of the commissioners.

Short title.

3. This Act may be cited as *The Statute Labour Amendment Act, 1948*.

BILL

An Act to amend The Statute Labour Act.

1st Reading

March 25th, 1948

2nd Reading

3rd Reading

Mr. DOUCETT

No. 122

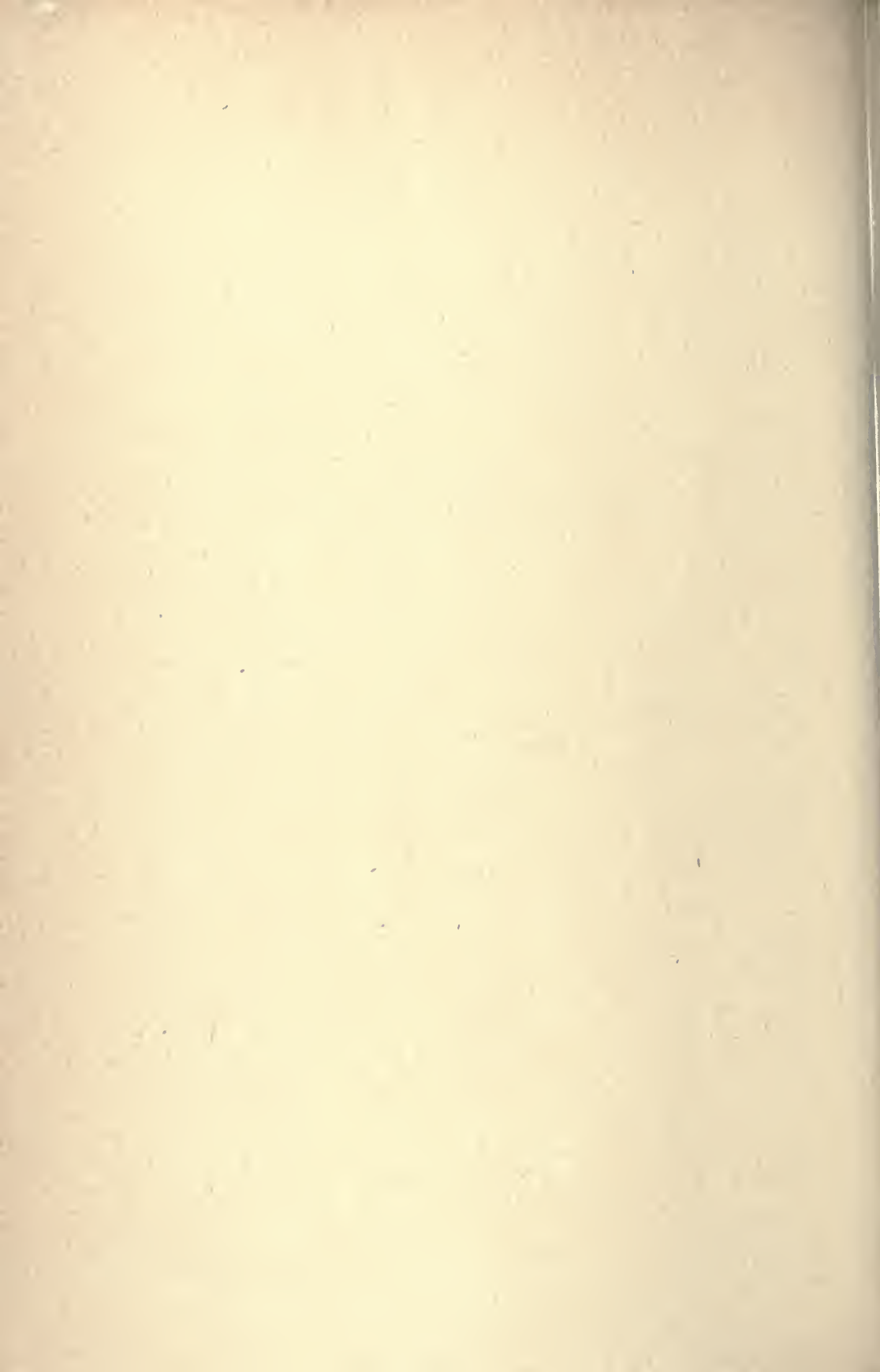
4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Statute Labour Act.

MR. DOUCETT

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



BILL

An Act to amend The Statute Labour Act.

HIS 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 10 of *The Statute Labour Act*,^{Rev. Stat., c. 274, s. 10, subs. 1, re-enacted.} as amended by subsection 1 of section 1 of *The Statute Labour Amendment Act, 1945*, is repealed and the following substituted therefor:

(1) Twenty resident landholders,—

Meeting for election of road commissioners.

- (a) in any unincorporated township;
- (b) in any designated part of any unincorporated township;
- (c) in any two or more contiguous unincorporated townships;
- (d) in any designated parts of two or more contiguous unincorporated townships; or
- (e) in any locality which has not been surveyed or laid out into townships,

shall have the right to have a public meeting called for the purpose of electing road commissioners.

2. Subsection 1 of section 30 of *The Statute Labour Act*,^{Rev. Stat., c. 274, s. 30, subs. 1 (1945, c. 23, s. 12), amended.} as re-enacted by section 12 of *The Statute Labour Amendment Act, 1945*, is amended by striking out the symbol and figures “\$25” in the tenth line and inserting in lieu thereof the symbol and figures “\$50”, so that the said subsection shall now read as follows:

- (1) The commissioners, at the first meeting after their^{Election of chairman and appointment of secretary-treasurer,} election, shall elect one of their number as chairman to preside at meetings and shall appoint some com-

petent person who may be one of themselves other than the chairman, as secretary-treasurer and the secretary-treasurer shall be exempt from the performance of statute labour and the commissioners may each year pay to the secretary-treasurer out of the commutation fund such amount, not exceeding \$50, as may be fixed by resolution of the commissioners.

Short title. **3.** This Act may be cited as *The Statute Labour Amendment Act, 1948*.

NO. 122

BILL

An Act to amend The Statute Labour Act.

1st Reading

March 25th, 1948

2nd Reading

March 31st, 1948

3rd Reading

April 5th, 1948

MR. DOUCETT

4th SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act respecting Ski-tows.

MR. WELSH

EXPLANATORY NOTE

This Act is new. Its provisions are self-explanatory.

No. 123

1948

BILL

An Act respecting Ski-tows.

HIS 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 Minister of Travel and Publicity "Minister"; or such other member of the Executive Council to whom the administration of this Act may be assigned by the Lieutenant-Governor in Council;
- (b) "regulations" mean regulations made under the "regulations"; authority of this Act; and
- (c) "ski-tow" means any mechanical ski-tow, mechanical "ski-tow". ski-lift or other similar device.

2. The Lieutenant-Governor in Council may make regu- Regulations.
lations,—

- (a) governing the operation of ski-tows;
- (b) requiring the operators of ski-tows to file proof of financial responsibility with the Minister; and
- (c) prescribing the form, terms, conditions, amount, nature and class of insurance or bond which shall be carried or provided by operators of ski-tows.

3. Every person who operates a ski-tow contrary to the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$50 and not more than \$500 or to imprisonment for a term not less than ten days and not more than six months, or to both fine and imprisonment. Offences and penalties.

4. This Act may be cited as *The Ski-tow Act, 1948*.

Short title.

BILL

An Act respecting Ski-tows.

1st Reading

March 25th, 1948

2nd Reading

3rd Reading

MR. WELSH

No. 123

4th SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act respecting Ski-tows.

MR. WELSH

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

BILL

An Act respecting Ski-tows.

HIS 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 Minister of Travel and Publicity "Minister"; or such other member of the Executive Council to whom the administration of this Act may be assigned by the Lieutenant-Governor in Council;
- (b) "regulations" mean regulations made under the "regulations"; authority of this Act; and
- (c) "ski-tow" means any mechanical ski-tow, mechanical "ski-tow". ski-lift or other similar device.

2. The Lieutenant-Governor in Council may make regu- Regulations.
lations,—

- (a) governing the operation of ski-tows;
- (b) requiring the operators of ski-tows to file proof of financial responsibility with the Minister; and
- (c) prescribing the form, terms, conditions, amount, nature and class of insurance or bond which shall be carried or provided by operators of ski-tows.

3. Every person who operates a ski-tow contrary to the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$50 and not more than \$500 or to imprisonment for a term not less than ten days and not more than six months, or to both fine and imprisonment. Offences and penalties.

4. This Act may be cited as *The Ski-tow Act, 1948*.

Short title.

BILL

An Act respecting Ski-tows.

1st Reading

March 25th, 1948

2nd Reading

March 31st, 1948

3rd Reading

April 5th, 1948

MR. WELSH

4th SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Labour Relations Act, 1948.

MR. DALEY

EXPLANATORY NOTES

This Bill, which would replace *The Labour Relations Board Act, 1944*, *The Labour Relations Board Amendment Act, 1946*, and *The Labour Relations Board Act, 1947*, has the effect of continuing the Ontario Labour Relations Board. The sections providing for the appointment and prescribing the composition and rules governing the operations of the Board are similar to the corresponding sections of the 1944 Act, but the Board will, under this Bill, consist of a chairman, an alternate chairman and four members. The Bill provides for the enactment of regulations in the same form and to the same effect as any legislation which may be introduced at the current session of the Parliament of Canada and which in the opinion of the Lieutenant-Governor in Council is calculated to cover the same field as Part I of Bill 338 of the 1947 session of the Parliament of Canada. The regulations made under the Act may depart in form and effect from the Dominion legislation only to the extent necessary to vest jurisdiction in the appropriate provincial authorities, to provide for a system of appeals from the Ontario Board to the Dominion Board and to effect a working arrangement between Dominion and provincial authorities. Provision is made for an agreement between the Minister of Labour (Ontario) and the Minister of Labour (Canada).

SECTION 2 provides for the appointment of the Board and prescribes its powers and duties in a general way. This is similar to section 4 of the 1944 Act.

SECTION 3 contains several provisions governing the manner in which the Board shall discharge its functions. Each of the provisions is self-explanatory. This is similar to section 5 of the 1944 Act, as amended in 1946.

BILL

The Labour Relations Act, 1948.

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

1. In this Act,—

Interpre-
tation,—

(a) "Board" means Ontario Labour Relations Board; "Board";

(b) "Minister" means Minister of Labour; and "Minister";

(c) "regulations" mean regulations made under this Act. "regulations".
1944, c. 29, s. 1, cls. (a-c), *amended*.

2.—(1) There shall be a board to be known as the Ontario Labour Relations Board which shall consist of a chairman and not more than four other members. Ontario Labour Relations Board.

(2) The Board shall exercise such powers and perform such duties as may be vested in or imposed upon it by this Act or the regulations. 1944, c. 29, s. 4, *amended*. Powers and duties of Board.

3.—(1) The chairman and the other members of the Board shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure. 1944, c. 29, s. 5 (1), *amended*. Tenure of office.

(2) The Lieutenant-Governor in Council may appoint an alternate chairman who shall act as the chairman thereof only,— Alternate chairman.

(a) at such times or in such matters as the chairman may direct; and

(b) at such times as the chairman is unable to act. 1946, c. 44, s. 3 (1), *amended*.

(3) Each member of the Board shall, before acting as such, take and subscribe before the Clerk of the Executive Council Oath of office.

and shall file in the office of such Clerk, an oath of office in the following form:

"I do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the office of member (or chairman or alternate chairman) of the Ontario Labour Relations Board and will not, except in the discharge of my duties, disclose to any person any of the evidence or any other matter brought before the said Board. So help me God."

1944, c. 29, s. 5 (8); 1946, c. 44, s. 3 (2).

Office.

(4) The office of the Board shall be in Toronto, but the Board may sit at such other places as it deems expedient.

Quorum.

(5) A majority of the members of the Board shall constitute a quorum.

Decision.

(6) A decision of the majority of the members of the Board present and constituting a quorum shall be the decision of the Board, and in the event of a tie the chairman or acting chairman shall have a casting vote. 1944, c. 29, s. 5 (2-4).

Powers re witnesses.

(7) The Board and each member thereof shall have the power of summoning any person and requiring him to give evidence on oath before the Board and to produce such documents and things as may be deemed requisite for the full investigation of any matter coming before the Board and shall have the like power to enforce the attendance of witnesses and to compel them to give evidence and to produce documents and things as is vested in any court in civil cases. 1944, c. 29, s. 5 (5), *amended*.

Evidence.

(8) The Board and each member thereof may receive and accept such evidence and information on oath, affidavit or otherwise as in its or his discretion it or he may deem fit and proper whether admissible as evidence in a court of law or not. 1944, c. 29, s. 5 (6).

Procedure.

(9) Subject to the approval of the Lieutenant-Governor in Council, the Board may make rules governing its procedure which are not inconsistent with the regulations and may by such rules provide for the taking of votes on the premises of employers during working hours. 1944, c. 29, s. 5 (7), *amended*.

Powers of Board.

4. If in any proceeding before the Board a question arises as to whether,—

- (a) a person is an employer or employee;
- (b) an organization or association is an employers' organization or a trade union;
- (c) in any case a collective agreement has been entered

SECTION 4 prescribes certain specific powers of the Board which are set out in the various clauses. It is similar to subsection 1 of section 61 of Bill 338.

SECTION 5 is self-explanatory. This section is similar to section 11 of the 1944 Act.

SECTION 6 is self-explanatory.

SECTION 7, subsection 1 authorizes the making of regulations in the same form and to the same effect as Dominion legislation therein indicated, with only such variations as may in the opinion of the Lieutenant-Governor in Council be necessary for the purposes indicated in clauses *a*, *b* and *c*. Subsection 2 is a further but much more restricted authority for the making of regulations. It is similar to subsection 1 of section 67 of Bill 338.

into and the terms thereof and the persons who are parties to or are bound by the collective agreement or on whose behalf the collective agreement was entered into;

- (d) a collective agreement is by its terms in full force and effect;
- (e) any party to collective bargaining has failed to meet and commence to bargain collectively with the other party and made every reasonable effort to conclude a collective agreement or a renewal or revision of an agreement or a new collective agreement, as the case may be;
- (f) a group of employees is a unit appropriate for collective bargaining;
- (g) an employee belongs to a craft or group exercising technical skills; or
- (h) a person is a member in good standing of a trade union,

the Board shall decide the question and, subject to such right of appeal as may be provided by the regulations, its decision shall be final and conclusive. *New.*

5. Subject to such right of appeal as may be provided by ^{Orders, etc.} the regulations, the orders, decisions and rulings of the Board ^{of Board} ^{final.} shall be final and shall not be questioned or reviewed nor shall any proceeding before the Board be removed, nor shall the Board be restrained, by injunction, prohibition, mandamus, quo warranto, certiorari or otherwise by any court, but the Board may, if it considers it advisable to do so, reconsider any decision or order made by it and may vary or revoke any such decision or order. 1944, c. 29, s. 11, *amended*.

6. The Lieutenant-Governor in Council may appoint a ^{Officials and} Registrar and such other officials and employees ^{employees.} as may be required for the purposes of the Board. 1944, c. 29, s. 6 (1), *amended*.

7.—(1) Subject to section 9, the Lieutenant-Governor in ^{Regulations.} Council may make regulations that shall be applicable to all employees whose relations with their employers are ordinarily within the exclusive legislative jurisdiction of this Legislature to regulate in the manner provided by such regulations, and to the employers thereof, provided that such regulations shall be in the same form and to the same effect as that part of any Act that may be passed by the Parliament of Canada at the

session currently in progress, which is designated by the Lieutenant-Governor in Council as being in his opinion legislation calculated to cover the same legislative field as Part I of a Bill entitled *An Act to provide for the Investigation, Conciliation and Settlement of Industrial Disputes* introduced in the House of Commons of Canada by the Minister of Labour for Canada on the 17th day of June, 1947, and thereupon designated as Bill number 338, with only such variations as may, in the opinion of the Lieutenant-Governor in Council, be necessary,—

- (a) to vest jurisdiction for the administration thereof in the appropriate authorities of the Province of Ontario;
- (b) pursuant to any agreement made under section 8,
 - (i) to authorize the appropriate Dominion authorities to exercise such powers and discharge such duties as may be conferred or imposed by the regulations with respect to such classes of employees as may be therein designated, and the employers thereof,
 - (ii) to authorize the appropriate authorities of the Province of Ontario to exercise such powers and discharge such duties as may be conferred or imposed by or under the legislation of the Parliament of Canada above referred to with respect to such classes of employees as may be therein designated and the employers thereof, and
 - (iii) to provide for appeals from the decisions of the Board to any board which may be created by the legislation of the Parliament of Canada above referred to; and
- (c) to provide for the utilization by the appropriate authorities of the Province of Ontario of any class of employees of the Government of Canada engaged in the administration of the legislation of the Parliament of Canada above referred to, and for the utilization by the appropriate Dominion authorities of any class of employees of the Government of Ontario engaged in the administration of this Act.

Idem.

(2) In addition to the regulations made under subsection 1, the Lieutenant-Governor in Council may make regulations,—

- (a) prescribing the time within which anything authorized by or under this Act shall be done;

SECTION 8 is self-explanatory.

SECTION 9 is self-explanatory. With the exception of clause *d*, which is new, the section is similar to section 10 of the 1944 Act.

SECTION 10 is self-explanatory.

SECTION 11 provides for the repeal of the Acts of 1944, 1946 and 1947, making all necessary provisions for continuing in force outstanding certifications. Subsection 2 makes necessary provisions for the continuation of pending proceedings.

- (b) excluding an employer or employee or any class of employers or employees from the regulations or any of the provisions thereof; and
- (c) generally for carrying any of the purposes or provisions of this Act into effect. *New.*

8. Subject to the approval of the Lieutenant-Governor in Council, the Minister may enter into such agreement with the Minister of Labour for Canada as he may deem necessary for the purposes of this Act. 1944, c. 29, s. 3, *amended*. Agreement with Dominion.

9. This Act and the regulations shall not apply to,—

Where Act not to apply.

- (a) the industry of farming;
- (b) domestic servants employed in private homes;
- (c) members of a police force within the meaning of *The Police Act, 1946*,
- (k) members of a fire department within the meaning of *The Fire Departments Act, 1947*;
- (e) any municipal corporation, board of public school trustees, board of separate school trustees, high school board, board of education or any board or commission created or established by a municipal corporation pursuant to statutory authority unless such municipal corporation, board or commission has by by-law, if it has power to pass by-laws, or by resolution or minute, declared this Act applicable thereto and to its employees or any section thereof and any such by-law, resolution or minute may be revoked by a subsequent by-law, resolution or minute, as the case may be. 1944, c. 29, s. 10, *amended*.

10. The salaries and expenses of the chairman, alternate chairman and members of the Board and of the Registrar, officials and employees of the Board and all other expenses incurred in the administration of this Act shall be paid out of such moneys as may be appropriated therefor by this Legislature. 1944, c. 29, s. 6 (2), *amended*. Expenses of administration.

11.—(1) *The Labour Relations Board Act, 1944, The Labour Relations Board Amendment Act, 1946, and The Labour Relations Board Act, 1947*, are repealed, but for the purposes of this Act where collective bargaining representatives are certified under *The Labour Relations Board Act, 1944*, either before or after the coming into force of this Act, the trade union or employees' organization which petitioned for the 1944, c. 29;
1946, c. 44;
1947, c. 54,
repealed.

Outstanding
certifica-
tions.

certification of such bargaining representatives shall be deemed to have been certified as the bargaining agency for the unit or group of employees specified in the certificate issued by the Board as of the date of such certification, and such certification shall be deemed to have the same effect as if this Act had been in force prior thereto.

1944, c. 29;
1946, c. 44;
1947, c. 54,
continued
in force for
pending
proceedings.

(2) Notwithstanding subsection 1, *The Labour Relations Board Act, 1944*, *The Labour Relations Board Amendment Act, 1946*, and *The Labour Relations Board Act, 1947*, shall continue in full force and effect so far as may be necessary for the purpose of continuing any proceedings pending thereunder on the day when this Act is proclaimed in force.

Rev. Stat.,
c. 209,
repealed.

12. *The Industrial Disputes Investigation Act* is repealed.

Commence-
ment of Act.

13. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

14. This Act may be cited as *The Labour Relations Act, 1948*.

BILL

The Labour Relations Act, 1948.

1st Reading

March 25th, 1948

2nd Reading

3rd Reading

MR. DALEY

4th SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Labour Relations Act, 1948.

MR. DALEY

BILL

The Labour Relations Act, 1948.

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

1. In this Act,—

Interpre-
tation,—

(a) "Board" means Ontario Labour Relations Board; "Board";

(b) "Minister" means Minister of Labour; and "Minister";

(c) "regulations" mean regulations made under this Act. "regulations".
1944, c. 29, s. 1, cls. (a-c), *amended*.

2.—(1) There shall be a board to be known as the Ontario Labour Relations Board which shall consist of a chairman and not more than four other members. Ontario
Labour
Relations
Board.

(2) The Board shall exercise such powers and perform such duties as may be vested in or imposed upon it by this Act or the regulations. 1944, c. 29, s. 4, *amended*. Powers and
duties of
Board.

3.—(1) The chairman and the other members of the Board shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure. 1944, c. 29, s. 5 (1), *amended*. Tenure of
office.

(2) The Lieutenant-Governor in Council may appoint an alternate chairman who shall act as the chairman thereof only,— Alternate
chairman.

(a) at such times or in such matters as the chairman may direct; and

(b) at such times as the chairman is unable to act. 1946, c. 44, s. 3 (1), *amended*.

(3) Each member of the Board shall, before acting as such, take and subscribe before the Clerk of the Executive Council Oath of
office.

and shall file in the office of such Clerk, an oath of office in the following form:

"I do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the office of member (*or chairman or alternate chairman*) of the Ontario Labour Relations Board and will not, except in the discharge of my duties, disclose to any person any of the evidence or any other matter brought before the said Board. So help me God."

1944, c. 29, s. 5 (8); 1946, c. 44, s. 3 (2).

Office.

(4) The office of the Board shall be in Toronto, but the Board may sit at such other places as it deems expedient.

Quorum.

(5) A majority of the members of the Board shall constitute a quorum.

Decision.

(6) A decision of the majority of the members of the Board present and constituting a quorum shall be the decision of the Board, and in the event of a tie the chairman or acting chairman shall have a casting vote. 1944, c. 29, s. 5 (2-4).

Powers re witnesses.

(7) The Board and each member thereof shall have the power of summoning any person and requiring him to give evidence on oath before the Board and to produce such documents and things as may be deemed requisite for the full investigation of any matter coming before the Board and shall have the like power to enforce the attendance of witnesses and to compel them to give evidence and to produce documents and things as is vested in any court in civil cases. 1944, c. 29, s. 5 (5), *amended*.

Evidence.

(8) The Board and each member thereof may receive and accept such evidence and information on oath, affidavit or otherwise as in its or his discretion it or he may deem fit and proper whether admissible as evidence in a court of law or not. 1944, c. 29, s. 5 (6).

Procedure.

(9) Subject to the approval of the Lieutenant-Governor in Council, the Board may make rules governing its procedure which are not inconsistent with the regulations and may by such rules provide for the taking of votes on the premises of employers during working hours. 1944, c. 29, s. 5 (7), *amended*.

Powers of Board.

4. If in any proceeding before the Board a question arises as to whether,—

- (a) a person is an employer or employee;
- (b) an organization or association is an employers' organization or a trade union;
- (c) in any case a collective agreement has been entered

into and the terms thereof and the persons who are parties to or are bound by the collective agreement or on whose behalf the collective agreement was entered into;

- (d) a collective agreement is by its terms in full force and effect;
- (e) any party to collective bargaining has failed to meet and commence to bargain collectively with the other party and made every reasonable effort to conclude a collective agreement or a renewal or revision of an agreement or a new collective agreement, as the case may be;
- (f) a group of employees is a unit appropriate for collective bargaining;
- (g) an employee belongs to a craft or group exercising technical skills; or
- (h) a person is a member in good standing of a trade union,

the Board shall decide the question and, subject to such right of appeal as may be provided by the regulations, its decision shall be final and conclusive. *New.*

5. Subject to such right of appeal as may be provided by the regulations, the orders, decisions and rulings of the Board shall be final and shall not be questioned or reviewed nor shall any proceeding before the Board be removed, nor shall the Board be restrained, by injunction, prohibition, mandamus, quo warranto, certiorari or otherwise by any court, but the Board may, if it considers it advisable to do so, reconsider any decision or order made by it and may vary or revoke any such decision or order. 1944, c. 29, s. 11, *amended.* Orders, etc.
of Board
final.

6. The Lieutenant-Governor in Council may appoint a Registrar and such other officials and employees as may be required for the purposes of the Board. 1944, c. 29, s. 6 (1), *amended.* Officials and
employees.

7.—(1) Subject to section 9, the Lieutenant-Governor in Council may make regulations that shall be applicable to all employees whose relations with their employers are ordinarily within the exclusive legislative jurisdiction of this Legislature to regulate in the manner provided by such regulations, and to the employers thereof, provided that such regulations shall be in the same form and to the same effect as that part of any Act that may be passed by the Parliament of Canada at the Regulations.

session currently in progress, which is designated by the Lieutenant-Governor in Council as being in his opinion legislation calculated to cover the same legislative field as Part I of a Bill entitled *An Act to provide for the Investigation, Conciliation and Settlement of Industrial Disputes* introduced in the House of Commons of Canada by the Minister of Labour for Canada on the 17th day of June, 1947, and thereupon designated as Bill number 338, with only such variations as may, in the opinion of the Lieutenant-Governor in Council, be necessary,—

(a) to vest jurisdiction for the administration thereof in the appropriate authorities of the Province of Ontario;

(b) pursuant to any agreement made under section 8,

(i) to authorize the appropriate Dominion authorities to exercise such powers and discharge such duties as may be conferred or imposed by the regulations with respect to such classes of employees as may be therein designated, and the employers thereof,

(ii) to authorize the appropriate authorities of the Province of Ontario to exercise such powers and discharge such duties as may be conferred or imposed by or under the legislation of the Parliament of Canada above referred to with respect to such classes of employees as may be therein designated and the employers thereof, and

(iii) to provide for appeals from the decisions of the Board to any board which may be created by the legislation of the Parliament of Canada above referred to; and

(c) to provide for the utilization by the appropriate authorities of the Province of Ontario of any class of employees of the Government of Canada engaged in the administration of the legislation of the Parliament of Canada above referred to, and for the utilization by the appropriate Dominion authorities of any class of employees of the Government of Ontario engaged in the administration of this Act.

Idem.

(2) In addition to the regulations made under subsection 1, the Lieutenant-Governor in Council may make regulations,—

(a) prescribing the time within which anything authorized by or under this Act shall be done;

- (b) excluding an employer or employee or any class of employers or employees from the regulations or any of the provisions thereof; and
- (c) generally for carrying any of the purposes or provisions of this Act into effect. *New.*

8. Subject to the approval of the Lieutenant-Governor in Council, the Minister may enter into such agreement with the Minister of Labour for Canada as he may deem necessary for the purposes of this Act. 1944, c. 29, s. 3, *amended*. Agreement with Dominion.

9. This Act and the regulations shall not apply to,—

Where Act not to apply.

- (a) the industry of farming;
- (b) domestic servants employed in private homes;
- (c) members of a police force within the meaning of *The Police Act, 1946*,
- (k) members of a fire department within the meaning of *The Fire Departments Act, 1947*;
- (e) any municipal corporation, board of public school trustees, board of separate school trustees, high school board, board of education or any board or commission created or established by a municipal corporation pursuant to statutory authority unless such municipal corporation, board or commission has by by-law, if it has power to pass by-laws, or by resolution or minute, declared this Act applicable thereto and to its employees or any section thereof and any such by-law, resolution or minute may be revoked by a subsequent by-law, resolution or minute, as the case may be. 1944, c. 29, s. 10, *amended*.

10. The salaries and expenses of the chairman, alternate chairman and members of the Board and of the Registrar, officials and employees of the Board and all other expenses incurred in the administration of this Act shall be paid out of such moneys as may be appropriated therefor by this Legislature. 1944, c. 29, s. 6 (2), *amended*. Expenses of administration.

11.—(1) *The Labour Relations Board Act, 1944*, *The Labour Relations Board Amendment Act, 1946*, and *The Labour Relations Board Act, 1947*, are repealed, but for the purposes of this Act where collective bargaining representatives are certified under *The Labour Relations Board Act, 1944*, either before or after the coming into force of this Act, the trade union or employees' organization which petitioned for the 1944, c. 29;
1946, c. 44;
1947, c. 54,
repealed.

Outstanding
certifica-
tions.

certification of such bargaining representatives shall be deemed to have been certified as the bargaining agency for the unit or group of employees specified in the certificate issued by the Board as of the date of such certification, and such certification shall be deemed to have the same effect as if this Act had been in force prior thereto.

1944, c. 29;
1946, c. 44;
1947, c. 54,
continued
in force for
pending
proceedings.

(2) Notwithstanding subsection 1, *The Labour Relations Board Act, 1944, The Labour Relations Board Amendment Act, 1946, and The Labour Relations Board Act, 1947*, shall continue in full force and effect so far as may be necessary for the purpose of continuing any proceedings pending thereunder on the day when this Act is proclaimed in force.

Rev. Stat.,
c. 203,
repealed.

12. *The Industrial Disputes Investigation Act* is repealed.

Commence-
ment of Act.

13. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

14. This Act may be cited as *The Labour Relations Act, 1948*.

BILL

The Labour Relations Act, 1948.

1st Reading

March 25th, 1948

2nd Reading

April 7th, 1948

3rd Reading

April 16th, 1948

MR. DALEY

No. 125

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to assist the Development of Housing Accommodation.

MR. PORTER

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

EXPLANATORY NOTE

This Bill is designed to stimulate the construction of low-cost housing accommodation by easing the financial aspects thereof.

BILL

An Act to assist the Development of Housing Accommodation.

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

1. In this Act,—

**Interpreta-
tion,—**

- (a) "building development" means a project designed to furnish housing accommodation with or without public buildings, recreational facilities, industrial and commercial buildings or space appropriate therefor, and includes a plan for the re-development of land devoted to urban uses designed to increase and improve the housing accommodation thereon; and
- (b) "building development corporation" means a corporation authorized to undertake a building development that is approved by the Lieutenant-Governor in Council, and includes any authority established by a municipality to undertake a building development.

2. The Lieutenant-Governor in Council may guarantee money loaned to persons by corporations authorized to loan money where the money so loaned is to be used in the construction of housing accommodation.

Government may guarantee housing loans.

3. The Lieutenant-Governor in Council may make grants in aid of any building development.

Government may make grants.

4. The Lieutenant-Governor in Council may advance moneys or guarantee moneys to be advanced to any building development corporation undertaking a building development.

Government may assist in financing.

5. Notwithstanding any other Act heretofore passed, any municipality, with the approval of the Lieutenant-Governor in Council, may advance moneys or guarantee moneys to be advanced to any building development corporation undertaking a building development, and may issue debentures therefor.

Municipalities may assist in financing.

Government moneys to be paid out of Con. Rev. Fund. **6.** The moneys required by the Lieutenant-Governor in Council for the purposes of this Act shall be paid out of the Consolidated Revenue Fund.

Cost of administration. **7.** The cost of administration of this Act shall be paid out of the Consolidated Revenue Fund.

Administration of Act. **8.** This Act shall be administered by the Minister of Planning and Development or such other member of the Executive Council to whom it may be assigned by the Lieutenant-Governor in Council.

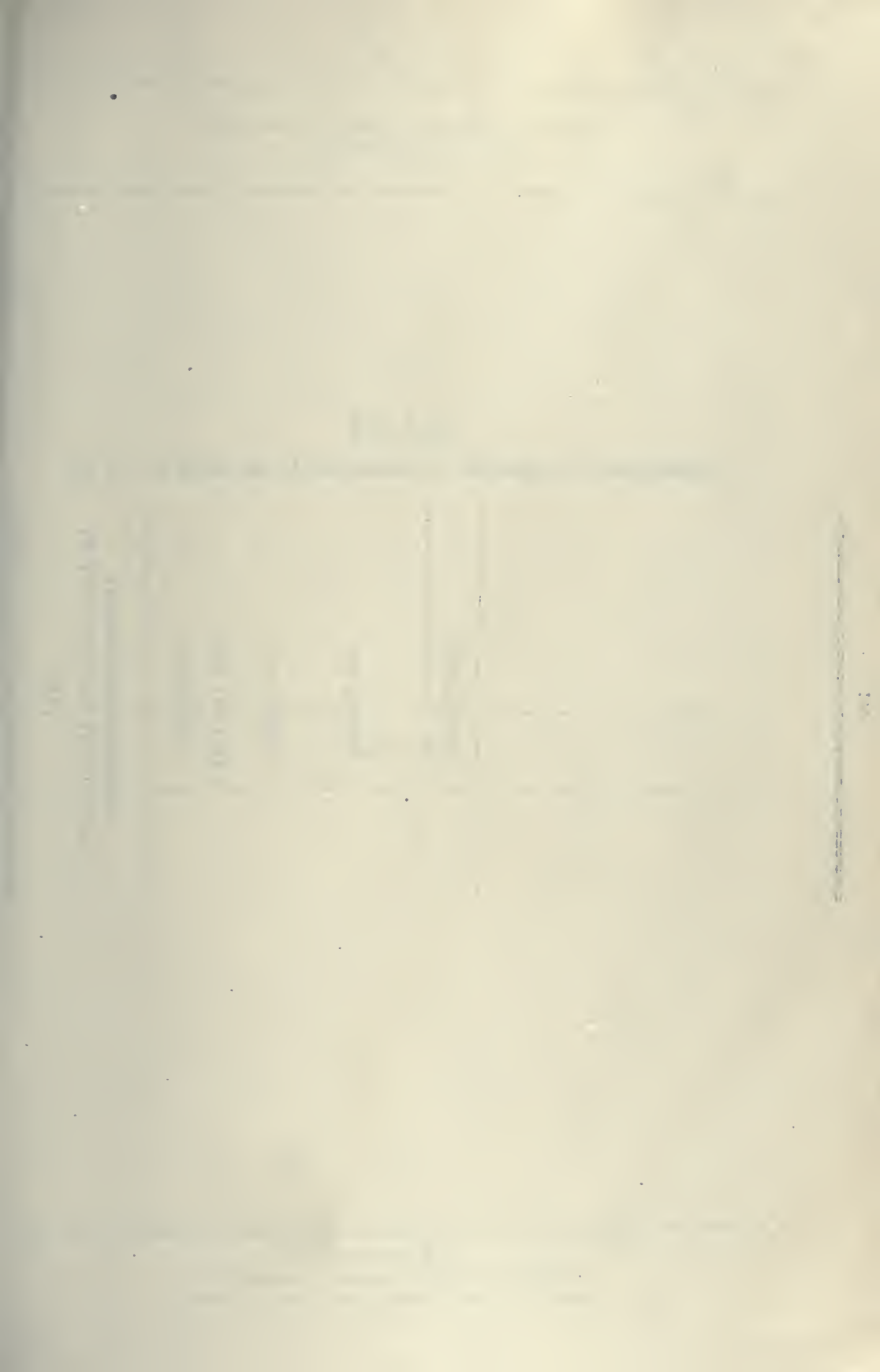
Regulations. **9.** The Lieutenant-Governor in Council may make regulations,—

(a) prescribing the terms and conditions upon which money may be granted, advanced or guaranteed under this Act; and

(b) providing for the incorporation, constitution and management of building development authorities.

Commencement of Act. **10.** This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. **11.** This Act may be cited as *The Housing Development Act, 1948*.



BILL

An Act to assist the Development of
Housing Accommodation.

1st Reading

April 1st, 1948

2nd Reading

3rd Reading

MR. PORTER

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to assist the Development of Housing Accommodation.

MR. PORTER

BILL

An Act to assist the Development of Housing Accommodation.

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

1. In this Act,—

**Interpreta-
tion,—**

- (a) "building development" means a project designed to furnish housing accommodation with or without public buildings, recreational facilities, industrial and commercial buildings or space appropriate therefor, and includes a plan for the re-development of land devoted to urban uses designed to increase and improve the housing accommodation thereon; and
- (b) "building development corporation" means a corporation authorized to undertake a building development that is approved by the Lieutenant-Governor in Council, and includes any authority established by a municipality to undertake a building development.

2. The Lieutenant-Governor in Council may guarantee money loaned to persons by corporations authorized to loan money where the money so loaned is to be used in the construction of housing accommodation.

3. The Lieutenant-Governor in Council may make grants in aid of any building development.

4. The Lieutenant-Governor in Council may advance moneys or guarantee moneys to be advanced to any building development corporation undertaking a building development.

5. Notwithstanding any other Act heretofore passed, any municipality, with the approval of the Lieutenant-Governor in Council, may advance moneys or guarantee moneys to be advanced to any building development corporation undertaking a building development, and may issue debentures therefor.

Government
moneys to
be paid out
of Con. Rev.
Fund.

6. The moneys required by the Lieutenant-Governor in Council for the purposes of this Act shall be paid out of the Consolidated Revenue Fund.

Cost of
administra-
tion.

7. The cost of administration of this Act shall be paid out of the Consolidated Revenue Fund.

Administra-
tion of Act.

8. This Act shall be administered by the Minister of Planning and Development or such other member of the Executive Council to whom it may be assigned by the Lieutenant-Governor in Council.

Regulations.

9. The Lieutenant-Governor in Council may make regulations,—

(a) prescribing the terms and conditions upon which money may be granted, advanced or guaranteed under this Act; and

(b) providing for the incorporation, constitution and management of building development authorities.

Commence-
ment of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

11. This Act may be cited as *The Housing Development Act, 1948*.

BILL

An Act to assist the Development of
Housing Accommodation.

1st Reading

April 1st, 1948

2nd Reading

April 7th, 1948

3rd Reading

April 16th, 1948

MR. PORTER

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Milk Control Act, 1948.

MR. KENNEDY

EXPLANATORY NOTE

This Bill consolidates *The Milk Control Act* and the various amendments that have been made from time to time.

In order to separate the administrative functions of The Milk Control Board of Ontario from its quasi-judicial functions, provision is made for the appointment of an administrative officer.

Provision is made for the establishment of marketing agencies to represent the milk producers in a market.

Existing collective bargaining agreements and awards of boards of arbitration are continued in force.

References indicating the provisions that are new and the source of the provisions carried forward from the present Act are to be found at the end of each provision.

No. 126

1948

BILL

The Milk Control Act, 1948.

HIS 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) "agreement" means an agreement made by collective bargaining representatives under this Act; "agree-
ment";
- (b) "award" means an award made by a board of arbitration under this Act; "award";
- (c) "Board" means The Milk Control Board of Ontario; "Board";
- (d) "distributor" means a person engaged in the business of distributing milk either directly or indirectly to consumers; "distrib-
butor";
- (e) "field-men" means field-men appointed by the Lieutenant-Governor in Council under this Act; "fieldmen";
- (f) "inspector" means an inspector appointed by a marketing agency; "inspector";
- (g) "licence" means a licence provided for in the regulations; "licence";
- (h) "market" means the market named in an agreement or award or the market supplied with milk by the producers represented by a marketing agency or by an association; "market";
- (i) "marketing" includes advertising, buying, selling, offering for sale, transporting, shipping and distributing milk; "market-
ing";
- (j) "marketing agency" means a marketing agency established under this Act; "marketing
agency";

- "milk"; (k) "milk" includes cream and such products of milk or cream as are manufactured or processed in any form, other than butter and cheese;
- "Minister"; (l) "Minister" means the Minister of Agriculture;
- "processor"; (m) "processor" means a person engaged in the business of processing milk or manufacturing milk products, other than butter and cheese;
- "regulations"; (n) "regulations" mean regulations made under this Act; and
- "transporter"; (o) "transporter" means a person engaged in the business of transporting milk from a producer to a processor or distributor. R.S.O. 1937, c. 76, s. 1, *amended*.

Milk Control Board of Ontario continued.

2.—(1) The body corporate heretofore established and known as "The Milk Control Board of Ontario" is continued. R.S.O. 1937, c. 76, s. 2 (1), *amended*.

Constitution of Board.

(2) The Board shall consist of one or more members who shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure. R.S.O. 1937, c. 76, s. 2 (2), *part*.

Chairman.

(3) Where more than one member is appointed the Lieutenant-Governor in Council shall designate one of the members as chairman. R.S.O. 1937, c. 76, s. 2 (2), *part*.

Quorum.

(4) Where the Board consists of four or more members three members shall constitute a quorum. 1944, c. 36, s. 1, *amended*.

Staff.

3.—(1) The staff of the Board shall consist of an administrative officer and such other officers, field-men, clerks, stenographers and employees as the Lieutenant-Governor in Council may appoint. R.S.O. 1937, c. 76, s. 2 (4), *amended*.

Direction and control of staff.

(2) The administrative officer shall be under the direction and control of the Board and the officers, field-men, clerks, stenographers and employees shall be under the direction and control of the administrative officer. *New*.

Salaries.

4. The members, the administrative officer and the officers, field-men, clerks, stenographers and employees shall be paid such salaries or other remuneration and expenses as the Lieutenant-Governor in Council may determine. R.S.O. 1937, c. 76, s. 2 (3, 4), *amended*.

Powers of Board.

5.—(1) The Board may,—

- (a) upon its own initiative or upon complaint, inquire into any matter relating to the production, transportation, processing, distribution or sale of milk;
- (b) arbitrate, adjust and settle disputes arising between or among producers, transporters, processors and distributors of milk;
- (c) investigate the cost of producing, transporting, processing and distributing milk, prices, price spreads, trade practices, methods of financing, management, testing, weighing and any other matter relating to the marketing of milk;
- (d) prohibit distributors compelling or inducing producers to invest money either directly or indirectly in a dairy plant or equipment in order that such producers may obtain or retain a sale for their milk;
- (e) prohibit a processor or a distributor from terminating the purchase of milk from a producer or a producer from terminating the sale of milk to a processor or distributor without just cause;
- (f) enter upon and inspect any land, place, building, works or property of any transporter, processor or distributor;
- (g) refuse to grant a licence where the applicant is not qualified by experience, financial responsibility and equipment to properly conduct the proposed business or for any other reason that the Board may deem sufficient;
- (h) suspend, revoke or refuse to renew any licence for failure to observe, perform or carry out any of the provisions of this Act, the regulations, or any order of the Board, or any agreement or award, provided that in every such case the applicant shall be afforded an opportunity of appearing before the Board to show cause why such licence should not be suspended or revoked or why such renewal should not be refused, as the case may be;
- (i) do such acts and make such orders as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations and any agreement or award. R.S.O. 1937, c. 76, s. 4 (1), *amended*.

(2) Upon any inquiry or investigation under this section Powers of investigation.

Rev. Stat.,
c. 19.

the Board shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act. New.*

Application
for market-
ing agency.

6.—(1) Where the producers supplying milk to a market have a representative organization, the organization, and where there is no such organization, a representative group of such producers, may apply to the Lieutenant-Governor in Council to establish a marketing agency.

Reference
to Board.

(2) The application may be referred to the Board and thereupon it shall be the duty of the Board to examine the application and if it is of opinion that at least seventy-five per centum of the producers supplying the market support the application, it may recommend to the Lieutenant-Governor in Council that it be granted.

Power to
constitute
marketing
agencies.

(3) Upon receipt of the recommendation, the Lieutenant-Governor in Council may constitute the applicants or any of them as a marketing agency under the name designated.

Objects,
powers, etc.

(4) Every marketing agency shall be a body corporate with the following objects, powers and duties,—

- (a) to stimulate, increase and improve the production and marketing of milk;
- (b) to act as the collective bargaining agency for the producers it represents;
- (c) to act as the marketing agency for the producers it represents;
- (d) to appoint inspectors;
- (e) to receive licence fees and expend the same for its purposes; and
- (f) to do such other acts and things as are necessary or conducive to the attainment of its objects, powers and duties.

Furnishing
of informa-
tion.

(5) The Board may require a marketing agency to furnish information relating to any act or thing undertaken or done by the marketing agency. *New.*

Collective
bargain-
ing,—
producers,
processors,
distributors;

7.—(1) The producers, any class of processors or the distributors of milk in any market may require,—

- (a) in the case of producers, the processors or distributors to whom they sell milk; or

- (b) in the case of processors or distributors, the producers from whom they purchase milk,

to bargain collectively in order to determine the prices that shall be paid to the producers supplying milk to the distributors or processors and to prescribe the terms and conditions relating to the sale and purchase of the milk and to fix quotas or establish quota committees.

(2) The producers or transporters of milk in any market Producers, transporters. may require,—

- (a) in the case of producers, the transporters who transport their milk to processors or distributors; or
- (b) in the case of transporters, the producers from whom they receive milk,

to bargain collectively in order to determine the prices that shall be paid to the transporters for transporting the milk of the producers to processors or distributors and to prescribe the terms and conditions relating to the transportation of the milk.

(3) Notice to bargain collectively setting out,— Notice.

- (a) the names of the persons joining in the notice;
- (b) the names and addresses of their collective bargaining representatives; and
- (c) the market in respect of which collective bargaining is sought,

shall be given to the persons who are required to bargain collectively and a copy of the notice shall be sent to the Board.

(4) Where the Board is of opinion that the persons requiring collective bargaining are not representative of the producers, Sufficiency of representation. transporters, processors or distributors, as the case may be, it may, within one week of the receipt of the notice, so advise the persons joining in the notice and the persons to whom the notice was given and thereupon the notice shall cease to have effect.

(5) Where the persons required to bargain collectively do not advise the representatives of the persons requiring collective bargaining and the Board of the names of their representatives within two weeks of the receipt of the notice under subsection 3, the Board may designate persons to represent them. Failure to observe notice.

Sufficiency
of repre-
sentation.

(6) Where the Board is of opinion that the representatives named by the persons that are required to bargain collectively are not representative of such persons, it may designate persons to represent them.

Good faith.

(7) The representatives shall bargain collectively in good faith. 1947, c. 64, s. 3, *part, amended*.

Interpre-
tation of
"persons".

(8) In this section the expression "persons" includes an association or a marketing agency. *New*.

Failure to
agree,—
arbitration.

8.—(1) Where the representatives of either party are satisfied that an agreement cannot be reached under section 8, they may, by notice to the representatives of the other party, require all matters in dispute to be referred to a board of arbitration of three members to which the representatives of each of the parties shall appoint a member, and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

Failure to
appoint.

(2) Where either party fails to appoint a member of the board of arbitration within a reasonable time in the opinion of the Board, or having appointed a person who is unable or unwilling to act, fails to appoint another member within a reasonable time in the opinion of the Board, the Board may, upon the request of the other party, appoint a member in lieu thereof.

Third
member.

(3) Where the two members of the board of arbitration fail, within five days of the appointment of the last one appointed, to agree upon the third member, the Board may appoint the third member. 1947, c. 64, s. 3, *part, amended*.

Decision of
chairman.

(4) Where a majority of the members of a board of arbitration fail to agree upon any matter referred to it, the decision of the chairman shall be deemed to be the decision of the board. *New*.

Costs.

(5) Each of the parties to the arbitration shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally. 1946, c. 64, s. 3, *part, amended*.

Filing
of agree-
ments and
awards.

9.—(1) Every agreement and every award shall be filed forthwith after the making thereof with the Board and on the seventh day after the filing, or on such later day as may be named in the agreement or award, as the case may be, shall be and remain in full force and effect until it expires in accordance with its terms or until it is altered by an agreement or award subsequently made under this Act. 1947, c. 64, s. 3, *part, amended*.

(2) Every agreement and award heretofore filed with the Board shall be deemed to have been made under this Act and shall be and remain in full force and affect until it expires in accordance with its terms or until it is altered by an agreement or award made under this Act. Existing agreements and awards continued in force.

(3) Every agreement and award shall be binding upon the parties thereto and upon all persons represented by them under this Act. *New.* Binding effect of agreements and awards.

10.—(1) Only the producers that supplied milk to the market at the time the agreement or award was made shall be entitled to supply milk to the market while the agreement or award is in effect, provided that any other producer,— Persons entitled to supply milk.

- (a) who has arranged with a processor or distributor in the market to purchase his milk; and
- (b) who complies with the laws relating to the production, sanitation, handling and care of milk,

shall be entitled to supply milk to the market and shall be bound by the agreement or award and every other matter relating to the marketing of milk in the same manner as other producers supplying milk to the market.

(2) Only the processors or distributors in the market at the time the agreement or award was made shall be entitled to process or distribute milk in the market, provided that any other processor or distributor,— Persons entitled to process or distribute milk.

- (a) who complies with the laws relating to the sanitation, weighing, handling and care of milk;
- (b) who has arranged for a supply of milk; and
- (c) who has obtained a licence as a processor or distributor from the Board and a municipal licence where the same is required,

shall be entitled to process or distribute milk in the market or the part thereof designated in his licence and shall be bound by the agreement or award and every other matter relating to the marketing of milk in the same manner as other processors or producers in the market. *New.*

11.—(1) If the processors or distributors in any market require additional milk to that provided for in the agreement or award, the producers supplying the market shall, unless it is otherwise provided in the agreement or award, have the right of supplying the additional milk required at the prices Where additional milk required.

determined by the agreement or award, failing which the processors or distributors may obtain the additional milk required as they see fit.

Where additional milk produced.

(2) If the producers supplying milk to a market have additional milk to that required to be supplied under the agreement or award, the processors or distributors shall, unless it is otherwise provided in the agreement or award, have the right of purchasing the additional milk at the prices determined by the agreement or award, failing which the producers may dispose of the additional milk as they see fit. *New.*

Establishment of fund for producers' associations.

12.—(1) When the Minister receives from an association of milk producers who are engaged in supplying milk to processors or distributors in a market a petition asking that for the purpose of defraying the expenses of such association every producer engaged in supplying milk to processors or distributors in such market be required to pay licence fees, the Minister, subject to the approval of the Lieutenant-Governor in Council, may, if he is of the opinion that such association represents at least seventy-five per centum of the producers so engaged, make an order,—

- (a) requiring every producer so engaged to pay to the association licence fees in different amounts and fixing the amounts of such fees payable in instalments;
- (b) requiring every processor and distributor who receives milk from any such producer to deduct the amount of the licence fees of such producer from moneys payable to the producer and to pay such amount to the association; and
- (c) requiring the association to furnish to the Board such information and financial statements as the Board may determine.

Existing orders.

1944, c. 52.

(2) Every such order heretofore filed under *The Regulations Act, 1944*, shall be deemed to have been made under this Act and shall be and remain in full force and effect until revoked or until a marketing agency in the market has been established. *New.*

Transportation of milk by producers' co-operatives.

Rev. Stat., co. 251; 290.

13. Where one of the objects of a co-operative corporation under Part XII of *The Companies Act* is to engage in the transportation of milk and the Board issues a certificate to the Minister of Highways that more than three-quarters of the shareholders or members of the corporation are producers supplying milk to a market, no licence under *The Commercial Vehicle Act* shall be required by the corporation for the purpose of transporting such milk to the market. *New.*

14.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,—

- (a) designating classes of processors and distributors;
- (b) providing for the issuing of licences by the Board to transporters and to the designated classes of processors and distributors and fixing the licence fees payable therefor;
- (c) providing for the issuing of temporary licences by the administrative officer;
- (d) prescribing the form of licences and the terms and conditions upon which licences shall be issued, renewed, suspended or revoked;
- (e) prohibiting the persons that are required to be licensed in respect of transporting, processing or distributing milk from engaging in any such business except under the authority of a licence;
- (f) providing for the furnishing of security or proof of financial responsibility by processors and distributors;
- (g) prescribing the terms of payment for milk purchased from producers;
- (h) providing for the payment to marketing agencies of licence fees in different amounts and in instalments by producers represented by marketing agencies and for the collection thereof by processors and distributors;
- (i) prescribing the form of the by-laws of marketing agencies;
- (j) prescribing the conditions under which milk shall be received, handled, transported, stored, delivered or supplied;
- (k) prohibiting the sale of milk by retailers and others at less than or more than the cost thereof and a reasonable margin for handling and profit;
- (l) providing for the purchase of milk from producers on a quota basis;
- (m) prescribing fair business practices relating to the marketing of milk;

- (n) providing for the regulation and control of the delivery routes of distributors, including the number of deliveries that shall be made in each week and the days upon which deliveries shall be made;
- (o) prescribing the types of containers that shall be used by distributors;
- (p) requiring producers, transporters, processors, distributors and persons who keep for sale or sell milk to furnish to the Board such information or returns as the Board may determine;
- (q) prescribing the records that shall be kept by transporters, processors and distributors;
- (r) prescribing the powers and duties of field-men and inspectors;
- (s) exempting any person or class of persons from this Act or the regulations or any part thereof; and
- (t) respecting any other matter necessary or advisable to carry out effectively the purposes of this Act.

Regulations
may be
limited.

(2) Any regulation made under this section may be limited as to time and place. R.S.O. 1937, c. 76, s. 15, *amended*.

Penalties.

15. Every person who violates any of the provisions of this Act or the regulations, or any order, agreement or award made under this Act shall be guilty of an offence and liable, for a first offence, to a penalty of \$50, and for a second or subsequent offence, to a penalty of not less than \$100 and not more than \$500, recoverable under *The Summary Convictions Act*. R.S.O. 1937, c. 76, s. 19, *amended*.

Rev. Stat.,
c. 136.

Injunction
proceedings.

16.—(1) Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or any order, agreement or award made under this Act has been or is being committed, the Supreme Court or a judge thereof may, upon the application of the Board, enjoin any transporter, processor or distributor from carrying on business as a transporter, processor or distributor, absolutely, or for such period as seems just, and any injunction shall *ipso facto* cancel the licence of the transporter, processor or distributor named in the order during the same period.

Applica-
tion may be
ex parte.

(2) The application under subsection 1 may be made without any action being instituted either,—

- (a) by an *ex parte* motion for an interim injunction

which shall, if granted, remain in full force for ten days from the date thereof unless the time is extended or the originating motion mentioned in clause *b* is sooner heard and determined; or

- (*b*) by an originating notice of motion which, if an interim injunction has been granted, shall be served within five days and be returnable within ten days from the date of such interim injunction. R.S.O. 1937, c. 76, s. 18.

17. The moneys required for the purposes of this Act shall be paid out of such moneys as may be appropriated therefor by the Legislature. R.S.O. 1937, c. 76, s. 2 (5). Provision
for moneys
required.

18. *The Milk Control Act*, being chapter 76 of the Revised Statutes of Ontario, 1937, section 20 of *The Statute Law Amendment Act, 1940*, *The Milk Control Amendment Act, 1941*, *The Milk Control Amendment Act, 1944*, and *The Milk Control Amendment Act, 1947*, are repealed. Rev. Stat.,
c. 76;
1940, c. 28,
s. 20; 1941,
c. 31; 1944,
c. 36; 1947,
c. 64, re-
pealed.

19. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of Act.

20. This Act may be cited as *The Milk Control Act, 1948*. Short title.

BILL

The Milk Control Act, 1948.

1st Reading

April 5th, 1948

2nd Reading

3rd Reading

MR. KENNEDY

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Milk Control Act, 1948.

MR. KENNEDY

BILL

The Milk Control Act, 1948.

HIS 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) "agreement" means an agreement made by collective bargaining representatives under this Act; "agreement";
- (b) "award" means an award made by a board of arbitration under this Act; "award";
- (c) "Board" means The Milk Control Board of Ontario; "Board";
- (d) "distributor" means a person engaged in the business of distributing milk either directly or indirectly to consumers; "distributor";
- (e) "field-men" means field-men appointed by the Lieutenant-Governor in Council under this Act; "fieldmen";
- (f) "inspector" means an inspector appointed by a marketing agency; "inspector";
- (g) "licence" means a licence provided for in the regulations; "licence";
- (h) "market" means the market named in an agreement or award or the market supplied with milk by the producers represented by a marketing agency or by an association; "market";
- (i) "marketing" includes advertising, buying, selling, offering for sale, transporting, shipping and distributing milk; "marketing";
- (j) "marketing agency" means a marketing agency established under this Act; "marketing agency";

- "milk"; (k) "milk" includes cream and such products of milk or cream as are manufactured or processed in any form, other than butter and cheese;
- "Minister"; (l) "Minister" means the Minister of Agriculture;
- "processor"; (m) "processor" means a person engaged in the business of processing milk or manufacturing milk products, other than butter and cheese;
- "regulations"; (n) "regulations" mean regulations made under this Act; and
- "transporter"; (o) "transporter" means a person engaged in the business of transporting milk from a producer to a processor or distributor. R.S.O. 1937, c. 76, s. 1, *amended*.

Milk Control Board of Ontario continued. **2.**—(1) The body corporate heretofore established and known as "The Milk Control Board of Ontario" is continued. R.S.O. 1937, c. 76, s. 2 (1), *amended*.

Constitution of Board. (2) The Board shall consist of one or more members who shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure. R.S.O. 1937, c. 76, s. 2 (2), *part*.

Chairman. (3) Where more than one member is appointed the Lieutenant-Governor in Council shall designate one of the members as chairman. R.S.O. 1937, c. 76, s. 2 (2), *part*.

Quorum. (4) Where the Board consists of four or more members three members shall constitute a quorum. 1944, c. 36, s. 1, *amended*.

Staff. **3.**—(1) The staff of the Board shall consist of an administrative officer and such other officers, field-men, clerks, stenographers and employees as the Lieutenant-Governor in Council may appoint. R.S.O. 1937, c. 76, s. 2 (4), *amended*.

Direction and control of staff. (2) The administrative officer shall be under the direction and control of the Board and the officers, field-men, clerks, stenographers and employees shall be under the direction and control of the administrative officer. *New*.

Salaries. **4.** The members, the administrative officer and the officers, field-men, clerks, stenographers and employees shall be paid such salaries or other remuneration and expenses as the Lieutenant-Governor in Council may determine. R.S.O. 1937, c. 76, s. 2 (3, 4), *amended*.

Powers of Board. **5.**—(1) The Board may,—

- (a) upon its own initiative or upon complaint, inquire into any matter relating to the production, transportation, processing, distribution or sale of milk;
- (b) arbitrate, adjust and settle disputes arising between or among producers, transporters, processors and distributors of milk;
- (c) investigate the cost of producing, transporting, processing and distributing milk, prices, price spreads, trade practices, methods of financing, management, testing, weighing and any other matter relating to the marketing of milk;
- (d) prohibit distributors compelling or inducing producers to invest money either directly or indirectly in a dairy plant or equipment in order that such producers may obtain or retain a sale for their milk;
- (e) prohibit a processor or a distributor from terminating the purchase of milk from a producer or a producer from terminating the sale of milk to a processor or distributor without just cause;
- (f) enter upon and inspect any land, place, building, works or property of any transporter, processor or distributor;
- (g) refuse to grant a licence where the applicant is not qualified by experience, financial responsibility and equipment to properly conduct the proposed business or for any other reason that the Board may deem sufficient;
- (h) suspend, revoke or refuse to renew any licence for failure to observe, perform or carry out any of the provisions of this Act, the regulations, or any order of the Board, or any agreement or award, provided that in every such case the applicant shall be afforded an opportunity of appearing before the Board to show cause why such licence should not be suspended or revoked or why such renewal should not be refused, as the case may be;
- (i) do such acts and make such orders as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations and any agreement or award. R.S.O. 1937, c. 76, s. 4 (1), *amended*.

(2) Upon any inquiry or investigation under this section Powers of investigation.

the Board shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act. New.*

Rev. Stat.,
c. 19.

Application
for market-
ing agency.

6.—(1) Where the producers supplying milk to a market have a representative organization, the organization, and where there is no such organization, a representative group of such producers, may apply to the Lieutenant-Governor in Council to establish a marketing agency.

Reference
to Board.

(2) The application may be referred to the Board and thereupon it shall be the duty of the Board to examine the application and if it is of opinion that at least seventy-five per centum of the producers supplying the market support the application, it may recommend to the Lieutenant-Governor in Council that it be granted.

Power to
constitute
marketing
agencies.

(3) Upon receipt of the recommendation, the Lieutenant-Governor in Council may constitute the applicants or any of them as a marketing agency under the name designated.

Objects,
powers, etc.

(4) Every marketing agency shall be a body corporate with the following objects, powers and duties,—

- (a) to stimulate, increase and improve the production and marketing of milk;
- (b) to act as the collective bargaining agency for the producers it represents;
- (c) to act as the marketing agency for the producers it represents;
- (d) to appoint inspectors;
- (e) to receive licence fees and expend the same for its purposes; and
- (f) to do such other acts and things as are necessary or conducive to the attainment of its objects, powers and duties.

Furnishing
of informa-
tion.

(5) The Board may require a marketing agency to furnish information relating to any act or thing undertaken or done by the marketing agency. *New.*

Collective
bargain-
ing,—
producers,
processors,
distributors;

7.—(1) The producers, any class of processors or the distributors of milk in any market may require,—

- (a) in the case of producers, the processors or distributors to whom they sell milk; or

- (b) in the case of processors or distributors, the producers from whom they purchase milk,

to bargain collectively in order to determine the prices that shall be paid to the producers supplying milk to the distributors or processors and to prescribe the terms and conditions relating to the sale and purchase of the milk and to fix quotas or establish quota committees.

(2) The producers or transporters of milk in any market Producers, transporters. may require,—

- (a) in the case of producers, the transporters who transport their milk to processors or distributors; or
- (b) in the case of transporters, the producers from whom they receive milk,

to bargain collectively in order to determine the prices that shall be paid to the transporters for transporting the milk of the producers to processors or distributors and to prescribe the terms and conditions relating to the transportation of the milk.

(3) Notice to bargain collectively setting out,— Notice.

- (a) the names of the persons joining in the notice;
- (b) the names and addresses of their collective bargaining representatives; and
- (c) the market in respect of which collective bargaining is sought,

shall be given to the persons who are required to bargain collectively and a copy of the notice shall be sent to the Board.

(4) Where the Board is of opinion that the persons requiring Sufficiency of representation. collective bargaining are not representative of the producers, transporters, processors or distributors, as the case may be, it may, within one week of the receipt of the notice, so advise the persons joining in the notice and the persons to whom the notice was given and thereupon the notice shall cease to have effect.

(5) Where the persons required to bargain collectively do not advise the representatives of the persons requiring collective bargaining and the Board of the names of their representatives within two weeks of the receipt of the notice under subsection 3, the Board may designate persons to represent them. Failure to observe notice.

Sufficiency
of repre-
sentation.

(6) Where the Board is of opinion that the representatives named by the persons that are required to bargain collectively are not representative of such persons, it may designate persons to represent them.

Good faith.

(7) The representatives shall bargain collectively in good faith. 1947, c. 64, s. 3, *part, amended*.

Interpre-
tation of
"persons".

(8) In this section the expression "persons" includes an association or a marketing agency. *New*.

Failure to
agree,—
arbitration.

8.—(1) Where the representatives of either party are satisfied that an agreement cannot be reached under section 7, they may, by notice to the representatives of the other party, require all matters in dispute to be referred to a board of arbitration of three members to which the representatives of each of the parties shall appoint a member, and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

Failure to
appoint.

(2) Where either party fails to appoint a member of the board of arbitration within a reasonable time in the opinion of the Board, or having appointed a person who is unable or unwilling to act, fails to appoint another member within a reasonable time in the opinion of the Board, the Board may, upon the request of the other party, appoint a member in lieu thereof.

Third
member.

(3) Where the two members of the board of arbitration fail, within five days of the appointment of the last one appointed, to agree upon the third member, the Board may appoint the third member. 1947, c. 64, s. 3, *part, amended*.

Decision of
chairman.

(4) Where a majority of the members of a board of arbitration fail to agree upon any matter referred to it, the decision of the chairman shall be deemed to be the decision of the board. *New*.

Costs.

(5) Each of the parties to the arbitration shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally. 1946, c. 64, s. 3, *part, amended*.

Filing
of agree-
ments and
awards.

9.—(1) Every agreement and every award shall be filed forthwith after the making thereof with the Board and on the seventh day after the filing, or on such later day as may be named in the agreement or award, as the case may be, shall be and remain in full force and effect until it expires in accordance with its terms or until it is altered by an agreement or award subsequently made under this Act. 1947, c. 64, s. 3, *part, amended*.

(2) Every agreement and award heretofore filed with the Board shall be deemed to have been made under this Act and shall be and remain in full force and effect until it expires in accordance with its terms or until it is altered by an agreement or award made under this Act. Existing agreements and awards continued in force.

(3) Every agreement and award shall be binding upon the parties thereto and upon all persons represented by them under this Act. *New.* Binding effect of agreements and awards.

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- (a) who has arranged with a processor or distributor in the market to purchase his milk; and
- (b) who complies with the laws relating to the production, sanitation, handling and care of milk,

shall be entitled to supply milk to the market and shall be bound by the agreement or award and every other matter relating to the marketing of milk in the same manner as other producers supplying milk to the market.

(2) Only the processors or distributors in the market at the time the agreement or award was made shall be entitled to process or distribute milk in the market, provided that any other processor or distributor,— Persons entitled to process or distribute milk.

- (a) who complies with the laws relating to the sanitation, weighing, handling and care of milk;
- (b) who has arranged for a supply of milk; and
- (c) who has obtained a licence as a processor or distributor from the Board and a municipal licence where the same is required,

shall be entitled to process or distribute milk in the market or the part thereof designated in his licence and shall be bound by the agreement or award and every other matter relating to the marketing of milk in the same manner as other processors or producers in the market. *New.*

11.—(1) If the processors or distributors in any market require additional milk to that provided for in the agreement or award, the producers supplying the market shall, unless it is otherwise provided in the agreement or award, have the right of supplying the additional milk required at the prices Where additional milk required.

determined by the agreement or award, failing which the processors or distributors may obtain the additional milk required as they see fit.

Where additional milk produced.

(2) If the producers supplying milk to a market have additional milk to that required to be supplied under the agreement or award, the processors or distributors shall, unless it is otherwise provided in the agreement or award, have the right of purchasing the additional milk at the prices determined by the agreement or award, failing which the producers may dispose of the additional milk as they see fit. *New.*

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12.—(1) When the Minister receives from an association of milk producers who are engaged in supplying milk to processors or distributors in a market a petition asking that for the purpose of defraying the expenses of such association every producer engaged in supplying milk to processors or distributors in such market be required to pay licence fees, the Minister, subject to the approval of the Lieutenant-Governor in Council, may, if he is of the opinion that such association represents at least seventy-five per centum of the producers so engaged, make an order,—

- (a) requiring every producer so engaged to pay to the association licence fees in different amounts and fixing the amounts of such fees payable in instalments;
- (b) requiring every processor and distributor who receives milk from any such producer to deduct the amount of the licence fees of such producer from moneys payable to the producer and to pay such amount to the association; and
- (c) requiring the association to furnish to the Board such information and financial statements as the Board may determine.

Existing orders.

1944, c. 52.

(2) Every such order heretofore filed under *The Regulations Act, 1944*, shall be deemed to have been made under this Act and shall be and remain in full force and effect until revoked or until a marketing agency in the market has been established. *New.*

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- (a) designating classes of processors and distributors;
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- (c) providing for the issuing of temporary licences by the administrative officer;
- (d) prescribing the form of licences and the terms and conditions upon which licences shall be issued, renewed, suspended or revoked;
- (e) prohibiting the persons that are required to be licensed in respect of transporting, processing or distributing milk from engaging in any such business except under the authority of a licence;
- (f) providing for the furnishing of security or proof of financial responsibility by processors and distributors;
- (g) prescribing the terms of payment for milk purchased from producers;
- (h) providing for the payment to marketing agencies of licence fees in different amounts and in instalments by producers represented by marketing agencies and for the collection thereof by processors and distributors;
- (i) prescribing the form of the by-laws of marketing agencies;
- (j) prescribing the conditions under which milk shall be received, handled, transported, stored, delivered or supplied;
- (k) prohibiting the sale of milk by retailers and others at less than or more than the cost thereof and a reasonable margin for handling and profit;
- (l) providing for the purchase of milk from producers on a quota basis;
- (m) prescribing fair business practices relating to the marketing of milk;

- (n) providing for the regulation and control of the delivery routes of distributors, including the number of deliveries that shall be made in each week and the days upon which deliveries shall be made;
- (o) prescribing the types of containers that shall be used by distributors;
- (p) requiring producers, transporters, processors, distributors and persons who keep for sale or sell milk to furnish to the Board such information or returns as the Board may determine;
- (q) prescribing the records that shall be kept by transporters, processors and distributors;
- (r) prescribing the powers and duties of field-men and inspectors;
- (s) exempting any person or class of persons from this Act or the regulations or any part thereof; and
- (t) respecting any other matter necessary or advisable to carry out effectively the purposes of this Act.

Regulations
may be
limited.

(2) Any regulation made under this section may be limited as to time and place. R.S.O. 1937, c. 76, s. 15, *amended*.

Penalties.

15. Every person who violates any of the provisions of this Act or the regulations, or any order, agreement or award made under this Act shall be guilty of an offence and liable, for a first offence, to a penalty of \$50, and for a second or subsequent offence, to a penalty of not less than \$100 and not more than \$500, recoverable under *The Summary Convictions Act*. R.S.O. 1937, c. 76, s. 19, *amended*.

Rev. Stat.,
c. 136.

Injunction
proceedings.

16.—(1) Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or any order, agreement or award made under this Act has been or is being committed, the Supreme Court or a judge thereof may, upon the application of the Board, enjoin any transporter, processor or distributor from carrying on business as a transporter, processor or distributor, absolutely, or for such period as seems just, and any injunction shall *ipso facto* cancel the licence of the transporter, processor or distributor named in the order during the same period.

Applica-
tion may be
ex parte.

(2) The application under subsection 1 may be made without any action being instituted either,—

(a) by an *ex parte* motion for an interim injunction

which shall, if granted, remain in full force for ten days from the date thereof unless the time is extended or the originating motion mentioned in clause *b* is sooner heard and determined; or

- (*b*) by an originating notice of motion which, if an interim injunction has been granted, shall be served within five days and be returnable within ten days from the date of such interim injunction. R.S.O. 1937, c. 76, s. 18.

17. The moneys required for the purposes of this Act shall be paid out of such moneys as may be appropriated therefor by the Legislature. R.S.O. 1937, c. 76, s. 2 (5). Provision for moneys required.

18. *The Milk Control Act*, being chapter 76 of the Revised Statutes of Ontario, 1937, section 20 of *The Statute Law Amendment Act, 1940*, *The Milk Control Amendment Act, 1941*, *The Milk Control Amendment Act, 1944*, and *The Milk Control Amendment Act, 1947*, are repealed. Rev. Stat., c. 76; 1940, c. 28, s. 20; 1941, c. 31; 1944, c. 36; 1947, c. 64, repealed.

19. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

20. This Act may be cited as *The Milk Control Act, 1948*. Short title.



BILL

The Milk Control Act, 1948.

1st Reading

April 5th, 1948

2nd Reading

April 9th, 1948

3rd Reading

April 16th, 1948

MR. KENNEDY

No. 127

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Fuel Supply Act.

MR. FROST

TORONTO

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

EXPLANATORY NOTE

The powers given the Fuel Controller in Part II of the Act are new and are designed for use in emergencies and in periods when natural gas is in short supply.

In order that the Controller may act quickly and effectively, his orders under section 10 of the Act are not required to be filed and published under *The Regulations Act, 1944*.

Part III of the Act contains what was previously covered in section 9 of the Act, omitting the matters now dealt with in Part II.

BILL

An Act to amend The Fuel Supply Act.

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

1. Section 9 of *The Fuel Supply Act*, as re-enacted by Rev. Stat., c. 53, s. 9 (1947, c. 39, s. 1), re-enacted. section 1 of *The Fuel Supply Amendment Act, 1947*, is repealed and the following substituted therefor:

PART II.

GAS FUELS.

9. In this Part "gas fuel" means natural gas and includes "Gas fuel" defined. artificial gas, propane or butane used to supplement natural gas.

10.—(1) Notwithstanding any other Act the Controller Powers of Controller. may,—

(a) regulate and control the quantity of gas fuel that may be held or distributed by any person or in any designated area;

(b) prohibit or regulate and control the use of gas fuel by any person or in any designated area;

(c) fix the price at which gas fuel may be sold or disposed of, except where the natural gas referee has such jurisdiction under *The* Rev. Stat., c. 49. *Natural Gas Conservation Act*;

(d) require the construction, installation, erection or acquisition of any works, pipe lines, plant, machinery, equipment or appliances necessary for the production, transmission and distribution of gas fuel, and apportion and allocate the cost thereof;

(e) regulate and control the installation and removal of appliances using gas fuel and provide for the issue of permits authorizing the installation thereof; and

(f) impose penalties on persons who fail to comply with any order, requirement or direction made or issued under this section.

Orders to
be deemed
administra-
tive.

(2) Every order, requirement or direction made or issued under this section shall be deemed to be administrative and not of a legislative nature.

PART III.

GENERAL.

Non-applica-
tion of Act.

12. This Act shall not apply to electricity or to petroleum or petroleum products except as provided in Part II.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Fuel Supply Amendment Act, 1948*.

BILL

An Act to amend The Fuel Supply Act.

1st Reading

April 5th, 1948

2nd Reading

3rd Reading

MR. FROST

No. 127

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Fuel Supply Act.

MR. FROST

(Reprinted as amended in Committee of the Whole House.)

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

EXPLANATORY NOTE

The powers given the Fuel Controller in Part II of the Act are new and are designed for use in emergencies and in periods when natural gas is in short supply.

In order that the Controller may act quickly and effectively, his orders under section 10 of the Act are not required to be filed and published under *The Regulations Act, 1944*.

Part III of the Act contains what was previously covered in section 9 of the Act, omitting the matters now dealt with in Part II.

BILL

An Act to amend The Fuel Supply Act.

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1. Section 9 of *The Fuel Supply Act*, as re-enacted by Rev. Stat., c. 53, s. 9 (1947, c. 39, s. 1), re-enacted. section 1 of *The Fuel Supply Amendment Act, 1947*, is repealed and the following substituted therefor:

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GAS FUELS.

9. In this Part "gas fuel" means natural gas and includes "Gas fuel" defined. artificial gas, propane or butane used to supplement natural gas.

10.—(1) Notwithstanding any other Act the Controller Powers of Controller. may,—

- (a) regulate and control the quantity of gas fuel that may be held or distributed by any person;
- (b) prohibit or regulate and control the use of gas fuel by any person;
- (c) fix the price at which gas fuel may be sold or disposed of, except where the natural gas referee has such jurisdiction under *The* Rev. Stat., c. 49. *Natural Gas Conservation Act*;
- (d) require the construction, installation, erection or acquisition of any works, pipe lines, plant, machinery, equipment or appliances necessary for the production, transmission and distribution of gas fuel, and apportion and allocate the cost thereof;

(e) regulate and control the installation and removal of appliances using gas fuel and provide for the issue of permits authorizing the installation thereof; and

(f) impose penalties on persons who fail to comply with any order, requirement or direction made or issued under this section.

Orders to
be deemed
administra-
tive.

(2) Every order, requirement or direction made or issued under this section shall be deemed to be administrative and not of a legislative nature.

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GENERAL.

Non-applica-
tion of Act.

12. This Act shall not apply to electricity or to petroleum or petroleum products except as provided in Part II.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Fuel Supply Amendment Act, 1948*.

BILL

An Act to amend The Fuel Supply Act.

1st Reading

April 5th, 1948

2nd Reading

April 9th, 1948

3rd Reading

MR. FROST

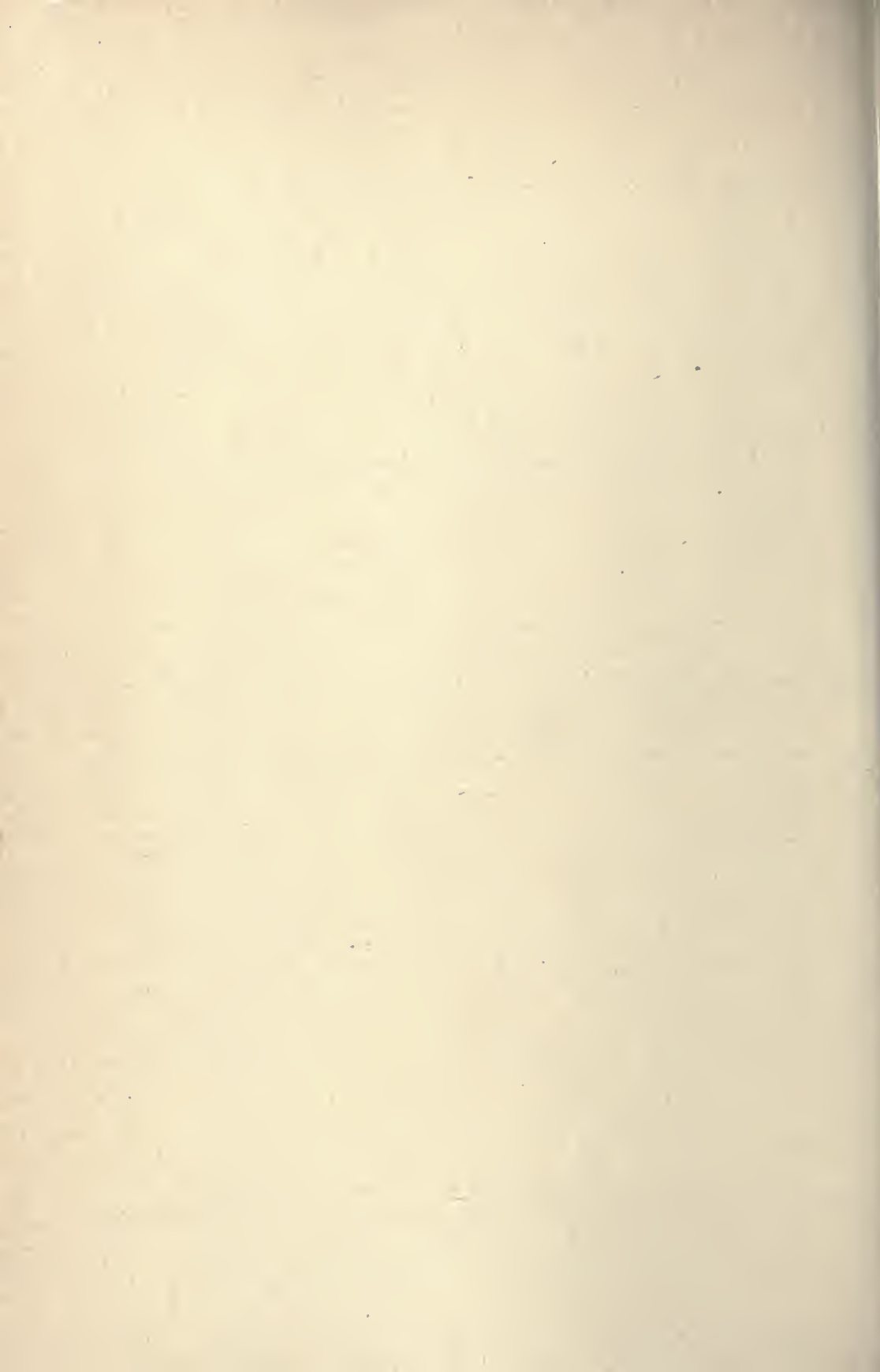
*(Reprinted as amended in Committee
of the Whole House.)*

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Fuel Supply Act.

MR. FROST



BILL

An Act to amend The Fuel Supply Act.

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

1. Section 9 of *The Fuel Supply Act*, as re-enacted by section 1 of *The Fuel Supply Amendment Act, 1947*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 53, s. 9
(1947,
c. 39, s. 1).
re-enacted.

PART II.

GAS FUELS.

9. In this Part "gas fuel" means natural gas and includes artificial gas, propane or butane used to supplement natural gas. ^{"Gas fuel", defined.}

10.—(1) Notwithstanding any other Act the Controller ^{Powers of Controller.} may,—

- (a) regulate and control the quantity of gas fuel that may be held or distributed by any person;
- (b) prohibit or regulate and control the use of gas fuel by any person;
- (c) fix the price at which gas fuel may be sold or disposed of, except where the natural gas referee has such jurisdiction under *The Natural Gas Conservation Act*; ^{Rev. Stat., c. 49.}
- (d) require the construction, installation, erection or acquisition of any works, pipe lines, plant, machinery, equipment or appliances necessary for the production, transmission and distribution of gas fuel, and apportion and allocate the cost thereof;

- (e) regulate and control the installation and removal of appliances using gas fuel and provide for the issue of permits authorizing the installation thereof; and
- (f) impose penalties on persons who fail to comply with any order, requirement or direction made or issued under this section.

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- (2) Every order, requirement or direction made or issued under this section shall be deemed to be administrative and not of a legislative nature.

PART III.

GENERAL.

Non-applica-
tion of Act.

- 12. This Act shall not apply to electricity or to petroleum or petroleum products except as provided in Part II.

Commence-
ment of Act.

- 2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

- 3. This Act may be cited as *The Fuel Supply Amendment Act, 1948*.

BILL

An Act to amend The Fuel Supply Act.

1st Reading

April 5th, 1948

2nd Reading

April 9th, 1948

3rd Reading

April 16th, 1948

Mr. FROST

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Mining Tax Act.

MR. FROST

EXPLANATORY NOTES

SECTION 1. All mining claims and mining locations are subject to tax. Formerly many large parcels of land were taken up under *The Mining Act* which to-day are not valuable for mining purposes although they may be of value for timber or summer resort purposes. If these lands are being held and used for other than mining purposes, they are subject to tax under *The Provincial Land Tax Act*. In other words, at the present time they are subject to taxation under *The Mining Tax Act* and *The Provincial Land Tax Act*.

The amendment relieves the owner from taxation under *The Mining Tax Act* where he voluntarily surrenders the mineral rights to the Crown. Where the surface rights are taxable under *The Provincial Land Tax Act*, the taxation of the property under *The Mining Tax Act* is restricted to the mining rights.

SECTION 2. Upon forfeiture lands are reverted in the Crown and the original patent or lease cancelled and annulled (section 20, subsection 3). This clears the way for registering a patent of a restaking as a new parcel. The amendment provides for this practice in land titles offices as well as in registry offices.

SECTION 3. Under the section as re-enacted the tax on natural gas used in Canada may be remitted to the extent of \$250 in order to encourage the development of new sources of natural gas.

BILL

An Act to amend The Mining Tax Act.

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

1. Section 14 of *The Mining Tax Act*, as re-enacted by section 3 of *The Mining Tax Amendment Act, 1946*, is amended by adding thereto the following subsections:
 - (6) No such tax shall be payable in respect of a mining claim or mining location where the owner has executed and filed with the Deputy Minister of Mines a conveyance to the Crown of the mining rights in, upon and under the same. Where tax not payable.
 - (7) Where the mine assessor is satisfied that the surface rights in respect of a mining claim or mining location are being used for purposes other than that of mining or the mineral industry, this Act shall apply only to the mining rights. Where Act applicable to mining rights only.
2. Subsection 7 of section 20 of *The Mining Tax Act* is repealed and the following substituted therefor:
 - (7) Any such certificate may be registered in the proper registry or land titles office, and thereupon *The Registry Act* or *The Land Titles Act*, as the case may be, shall cease to apply to the land affected thereby, and the registrar or local master of titles shall note the fact in his register in red ink. Registration of certificate. Rev. Stat., c. 28, s. 20, subs. 7, re-enacted.
3. Section 26 of *The Mining Tax Act* is repealed and the following substituted therefor:
 - 26.—(1) Every person producing natural gas shall be liable for and pay an annual tax as follows:
 - (a) Where exported from Canada—two cents a thousand cubic feet. Tax on natural gas.

(b) Where consumed in Canada—one-half cent a thousand cubic feet.

Remission
of tax.

(2) The Minister may remit the annual tax to the extent of \$250 on natural gas consumed in Canada.

Rev. Stat.,
c. 28, s. 46,
re-enacted.

4. Section 46 of *The Mining Tax Act* is repealed and the following substituted therefor:

Remission
of tax on
iron ore
profits.

46. The Minister may remit the tax upon the profits arising out of the mining of iron ore where he is satisfied that such iron ore has been smelted in Canada or delivered to a blast furnace therein for the purpose of being smelted.

Short title.

5. This Act may be cited as *The Mining Tax Amendment Act, 1948*.

SECTION 4. Self-explanatory.

BILL

An Act to amend The Mining Tax Act.

1st Reading

April 5th, 1948

2nd Reading

3rd Reading

MR. FROST

No. 128

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Mining Tax Act.

MR. FROST

TORONTO

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



BILL

An Act to amend The Mining Tax Act.

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

1. Section 14 of *The Mining Tax Act*, as re-enacted by section 3 of *The Mining Tax Amendment Act, 1946*, is amended by adding thereto the following subsections: Rev. Stat., c. 28, s. 14 (1946, c. 56, s. 3), amended.

(6) No such tax shall be payable in respect of a mining claim or mining location where the owner has executed and filed with the Deputy Minister of Mines a conveyance to the Crown of the mining rights in, upon and under the same. Where tax not payable.

(7) Where the mine assessor is satisfied that the surface rights in respect of a mining claim or mining location are being used for purposes other than that of mining or the mineral industry, this Act shall apply only to the mining rights. Where Act applicable to mining rights only.

2. Subsection 7 of section 20 of *The Mining Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 28, s. 20, subs. 7, re-enacted.

(7) Any such certificate may be registered in the proper registry or land titles office, and thereupon *The Registry Act* or *The Land Titles Act*, as the case may be, shall cease to apply to the land affected thereby, and the registrar or local master of titles shall note the fact in his register in red ink. Registration of certificate. Rev. Stat., cc. 170, 174.

3. Section 26 of *The Mining Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 28, s. 26, re-enacted.

26.—(1) Every person producing natural gas shall be liable for and pay an annual tax as follows: Tax on natural gas.

(a) Where exported from Canada—two cents a thousand cubic feet.

- (b) Where consumed in Canada—one-half cent a thousand cubic feet.

Remission
of tax.

- (2) The Minister may remit the annual tax to the extent of \$250 on natural gas consumed in Canada.

Rev. Stat.,
c. 28, s. 46,
re-enacted.

4. Section 46 of *The Mining Tax Act* is repealed and the following substituted therefor:

Remission
of tax on
iron ore
profits.

46. The Minister may remit the tax upon the profits arising out of the mining of iron ore where he is satisfied that such iron ore has been smelted in Canada or delivered to a blast furnace therein for the purpose of being smelted.

Short title.

5. This Act may be cited as *The Mining Tax Amendment Act, 1948*.

BILL

An Act to amend The Mining Tax Act.

1st Reading

April 5th, 1948

2nd Reading

April 9th, 1948

3rd Reading

April 16th, 1948

MR. FROST

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Assessment Act.

MR. DUNBAR

EXPLANATORY NOTE

This Bill authorizes agreements between public utilities which are operated by or on behalf of a municipal corporation and which are exempt or partially exempt from taxation to provide for payment to the corporation for any of the municipal services rendered. No such agreement may be made hereafter without the approval of the Department of Municipal Affairs.

"Public utility" is defined in *The Department of Municipal Affairs Act* as:

any waterworks, gasworks, including works for the transmission, distribution and supply of natural gas, electrical power or energy works, or system for the generation, transmission or distribution of electric light, heat or power, any telephone system, any street or other railway system, any bus or other public transportation system and any other works or system for supplying the inhabitants generally with necessities or conveniences which are vested in or owned, controlled or operated by a municipality or municipalities or by a local board.

No. 129

1948

BILL

An Act to amend The Assessment Act.

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

1. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat.,
c. 272,
amended.

47a.—(1) Where the council of a municipal corporation, or a commission or trustees or other body acting for Payment by
public utility
for services. and on behalf of the corporation, operates a public utility (as defined in *The Department of Municipal Affairs Act*) which is exempt or partially exempt Rev. Stat.,
c. 59. from municipal taxation, the council, commission, trustees or other body may agree to pay for any of the following municipal services rendered by the corporation:

- (a) fire protection;
- (b) police protection;
- (c) law enforcement;
- (d) street lighting;
- (e) snow and ice removal, including sanding streets, sidewalks and other thoroughfares;
- (f) drainage;
- (g) sanitation and waste removal;
- (h) conservation of health.

(2) Notwithstanding any general or special Act, no agreement between a public utility and a municipal corporation to pay for municipal services shall be made hereafter without the approval of the Department. Approval of
Department
required.

2. This Act shall come into force on the 1st day of June, 1948. Commence-
ment of Act.

BILL

An Act to amend The Assessment Act.

1st Reading

April 5th, 1948

2nd Reading

3rd Reading

MR. DUNBAR

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Assessment Act.

MR. DUNBAR



BILL

An Act to amend The Assessment Act.

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

1. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat.,
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47a.—(1) Where the council of a municipal corporation, or a commission or trustees or other body acting for and on behalf of the corporation, operates a public utility (as defined in *The Department of Municipal Affairs Act*) which is exempt or partially exempt from municipal taxation, the council, commission, trustees or other body may agree to pay for any of the following municipal services rendered by the corporation: Payment by
public utility
for services.

Rev. Stat.,
c. 59.

- (a) fire protection;
- (b) police protection;
- (c) law enforcement;
- (d) street lighting;
- (e) snow and ice removal, including sanding streets, sidewalks and other thoroughfares;
- (f) drainage;
- (g) sanitation and waste removal;
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(2) Notwithstanding any general or special Act, no agreement between a public utility and a municipal corporation to pay for municipal services shall be made hereafter without the approval of the Department. Approval of
Department
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2. This Act shall come into force on the 1st day of June, 1948. Commence-
ment of Act.

BILL

An Act to amend The Assessment Act.

1st Reading

April 5th, 1948

2nd Reading

April 9th, 1948

3rd Reading

April 16th, 1948

Mr. DUNBAR

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Public Lands Act.

MR. SCOTT

TORONTO

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

EXPLANATORY NOTE

This Bill is self-explanatory.

BILL

An Act to amend The Public Lands Act.

HIS 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 Public Lands Act*, as amended by sub-<sup>Rev. Stat.,
c. 33, s. 3,</sup> sections 1 and 2 of section 30 of *The Statute Law Amendment*^{re-enacted.} *Act, 1942*, is repealed and the following substituted therefor:

3. There shall be,—

- (a) a Deputy Minister of Lands and Forests who shall be appointed by the Lieutenant-Governor in Council, who shall have charge of the administration of the Department and such other duties as may be assigned to him by the Lieutenant-Governor in Council or the Minister; and
- (b) a Deputy Minister of Forestry who shall be appointed by the Lieutenant-Governor in Council, who shall have charge of matters respecting reforestation, forest protection, forest research and investigation and such other duties as may be assigned to him by the Lieutenant-Governor in Council or the Minister.

2. This Act may be cited as *The Public Lands Amendment* Short title.
Act, 1948.

BILL

An Act to amend The Public Lands Act.

1st Reading

April 5th, 1948

2nd Reading

3rd Reading

MR. SCOTT

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Public Lands Act.

MR. SCOTT

BILL

An Act to amend The Public Lands Act.

HIS 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 Public Lands Act*, as amended by sub-<sup>Rev. Stat.,
c. 33, s. 3,</sup> sections 1 and 2 of section 30 of *The Statute Law Amendment*^{re-enacted.} *Act, 1942*, is repealed and the following substituted therefor:

3. There shall be,—

- (a) a Deputy Minister of Lands and Forests who shall be appointed by the Lieutenant-Governor in Council, who shall have charge of the administration of the Department and such other duties as may be assigned to him by the Lieutenant-Governor in Council or the Minister; and
- (b) a Deputy Minister of Forestry who shall be appointed by the Lieutenant-Governor in Council, who shall have charge of matters respecting reforestation, forest protection, forest research and investigation and such other duties as may be assigned to him by the Lieutenant-Governor in Council or the Minister.

2. This Act may be cited as *The Public Lands Amendment* Short title. *Act, 1948*.

BILL

An Act to amend The Public Lands Act.

1st Reading

April 5th, 1948

2nd Reading

April 9th, 1948

3rd Reading

April 16th, 1948

MR. SCOTT

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Forestry Act.

MR. SCOTT

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

EXPLANATORY NOTE

The provisions of this Bill are self-explanatory. They implement the recommendations in this regard of the Royal Commission on Forestry.

BILL

An Act to amend The Forestry Act.

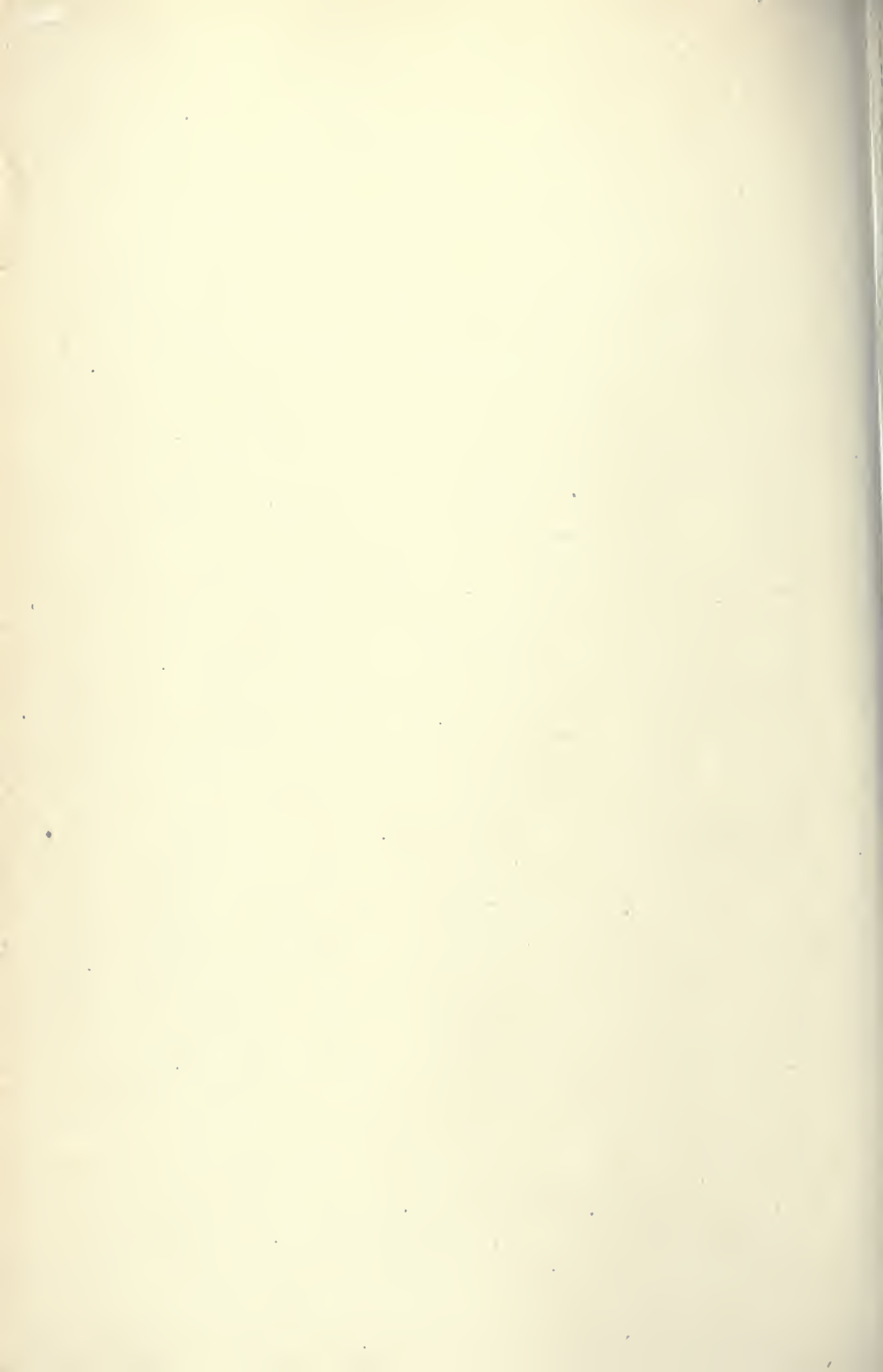
HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 16 of *The Forestry Act*, as re-enacted by section 4 of *The Statute Law Amendment Act, 1944* and amended by subsection 6 of section 20 of *The Statute Law Amendment Act, 1946*, is repealed and the following substituted therefor:
 - 16.—(1) There shall be a committee to be known as the ^{Advisory Committee.} "Advisory Committee to the Minister of Lands and Forests" consisting of a chairman and eight other members, each of whom shall be appointed by the Lieutenant-Governor in Council for such term as may be specified in the Order-in-Council.
 - (2) Each of the following interests shall be represented ^{Interests to be represented.} on the Committee: the building industry, education, finance, the forest engineers, labour, the lumber industry, the mining industry, the pulp and paper industry and the railways.
 - (3) The remuneration and expenses of the members of the Committee shall be paid out of the Consolidated Revenue Fund. ^{Remuneration and expenses.}
 - (4) The Committee shall have a secretary who shall be a ^{Secretary.} civil servant and who shall perform such other duties as may be assigned to him.
 - (5) The Committee shall meet monthly or otherwise as ^{Meetings.} may be agreed upon by the Minister and the Committee.
 - (6) It shall be the duty of the Committee to advise the ^{Duties.} Minister upon forest policy, either generally or in any particular that may be initiated by the Minister or by the Committee, regard being had to the con-

servation, development and utilization of the forest resources of Ontario.

Short title.

2. This Act may be cited as *The Forestry Amendment Act, 1948.*



BILL

An Act to amend The Forestry Act.

1st Reading

April 5th, 1948

2nd Reading

3rd Reading

MR. SCOTT

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Forestry Act.

MR. SCOTT



BILL

An Act to amend The Forestry Act.

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

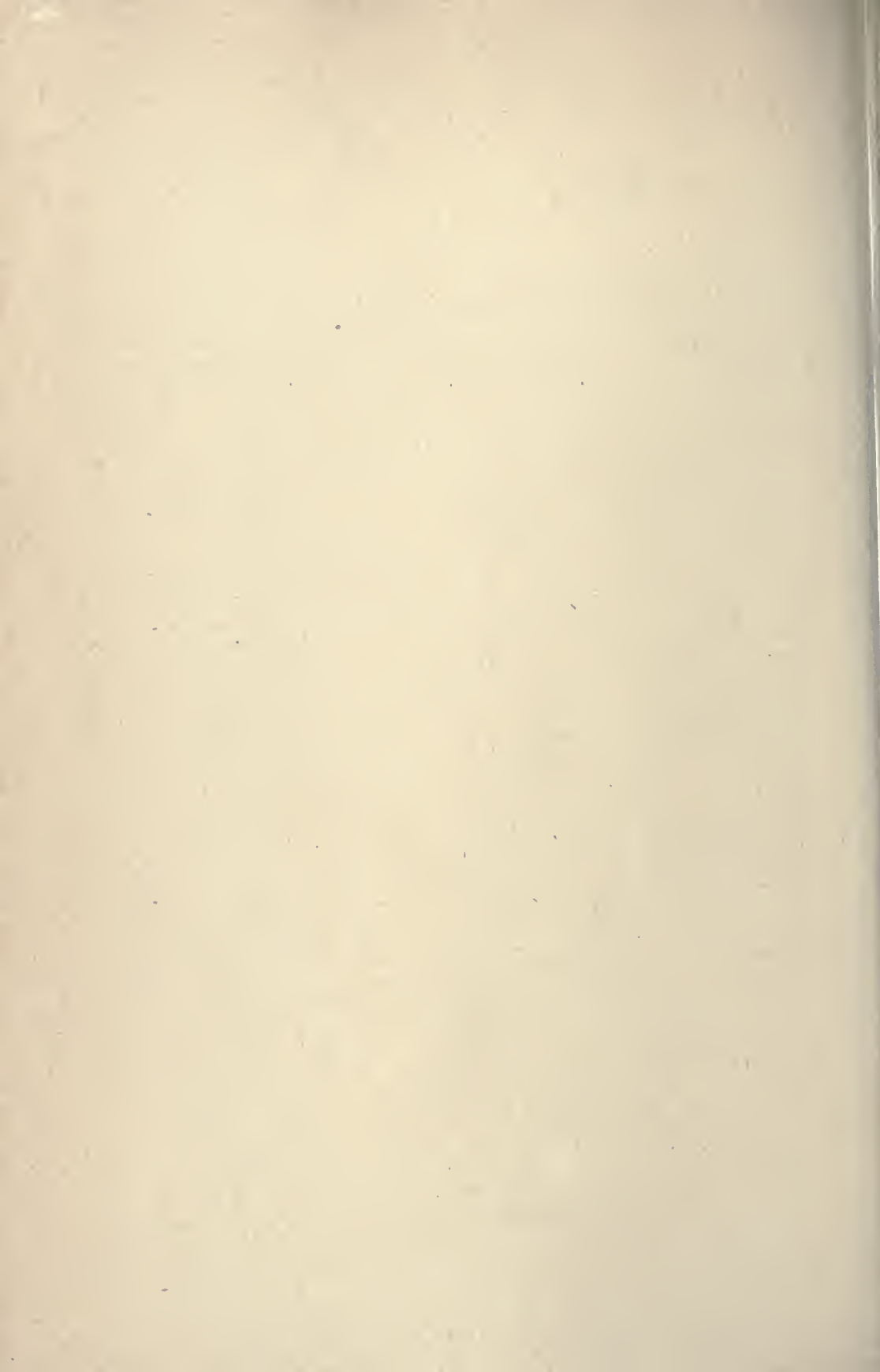
1. Section 16 of *The Forestry Act*, as re-enacted by section 4 ^{Rev. Stat., c. 39, s. 16 (1944, c. 58, s. 4), re-enacted.} of *The Statute Law Amendment Act, 1944* and amended by subsection 6 of section 20 of *The Statute Law Amendment Act, 1946*, is repealed and the following substituted therefor:

- 16.—(1) There shall be a committee to be known as the ^{Advisory Committee.} "Advisory Committee to the Minister of Lands and Forests" consisting of a chairman and eight other members, each of whom shall be appointed by the Lieutenant-Governor in Council for such term as may be specified in the Order-in-Council.
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- (3) The remuneration and expenses of the members of ^{Remuneration and expenses.} the Committee shall be paid out of the Consolidated Revenue Fund.
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servation, development and utilization of the forest resources of Ontario.

Short title.

2. This Act may be cited as *The Forestry Amendment Act, 1948*.



1948

BILL

An Act to amend The Forestry Act.

1st Reading

April 5th, 1948

2nd Reading

April 9th, 1948

3rd Reading

April 16th, 1948

MR. SCOTT

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Insurance Act.

MR. BLACKWELL

EXPLANATORY NOTES

SECTION 1. The proposed section 82a eliminates the doctrine of public policy in respect to contracts of indemnity except in those cases where the loss or damage is deliberately brought about by the insured or by another person with his consent, unless the contract otherwise provides. The enactment of the section is recommended in view of the conflict between the decisions in the English and Canadian courts on the question of public policy. Under Canadian law, an insured driving while intoxicated so as to be guilty of a crime under section 285 of the *Criminal Code* is precluded from obtaining indemnity for damages which may ensue. Such, however, does not appear to be the decision of the English Courts.

SECTION 2—Subsection 1. The majority of group life insurance policies are issued to employers covering their employees. However, some other types exist, e.g., group insurance taken out by a union to cover its members. The amendments must adapt Part V of the Act to clarify the rights of the parties in all types of groups. Accordingly the definition of "group life insurance" is necessarily broad in its scope. The only exclusions are (i) joint life insurance where the death of one person affects the insurance of the other life or lives (this exclusion is accomplished by the use of the word "severally") and (ii) creditor's group life insurance where a creditor insures the lives of his debtors and thus payment of the benefit is made to him and not to beneficiaries named by the persons insured. The general provisions of Part V appear adequate to determine the rights of the parties in these two types of insurance.

BILL

An Act to amend The Insurance Act.

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

1. *The Insurance Act* is amended by adding thereto the following section: Rev. Stat., c. 256, amended.

82a. Unless the contract otherwise provides, a violation of any criminal or other law in force in the province or elsewhere shall not, *ipso facto*, render unenforceable a claim for indemnity under a contract of insurance except where the violation is committed by the insured, or by another person with the consent of the insured, with intent to bring about loss or damage, provided that in the case of a contract of life insurance this section shall apply only to disability insurance undertaken as part of the contract. Violation of law, effect of, on claim for indemnity.

2.—(1) Section 128 of *The Insurance Act*, as amended by section 5 of *The Insurance Amendment Act, 1946*, is further amended by adding thereto the following paragraphs: Rev. Stat., c. 256, s. 128, amended.

6a. "Creditor's group life insurance" means life insurance effected by a creditor on the lives of his debtors whereby the lives of the debtors are insured severally under a single contract; "Creditor's group life insurance".

.

9a. "Group life insurance" means life insurance, other than creditor's group life insurance, whereby the lives of a number of persons are insured severally under a single contract between an insurer and an employer or other person contracting with the insurer; "Group life insurance".

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Rev. Stat., c. 256, s. 128, par. 13, re-enacted. (2) Paragraph 13 of the said section 128 is repealed and the following substituted therefor:

"Insured". 13. "Insured" means the person who makes a contract with an insurer;

.

Rev. Stat., c. 256, s. 129, amended. 3. Section 129 of *The Insurance Act* is amended by adding thereto the following subsection:

Exception as to application of section. (5) This section does not apply to a contract of group life insurance.

Rev. Stat., c. 256, amended. 4. *The Insurance Act* is amended by adding thereto the following section:

Law applicable in case of group life insurance. 129a. In the case of a contract of group life insurance, whether made before or after the coming into force of this section,—

(a) the law of the place where the contract was made shall apply between the insurer and the insured;

(b) the law of the place where the person whose life is insured was resident at the time his life became insured shall apply in determining the rights and status of beneficiaries and the rights and obligations of the person whose life is insured.

Rev. Stat., c. 256, s. 130, amended. 5. Section 130 of *The Insurance Act* is amended by adding thereto the following subsection:

Exception as to application of section. (2) This section does not apply to a contract of group life insurance.

Rev. Stat., c. 256, s. 132, subs. 1, re-enacted. 6.—(1) Subsection 1 of section 132 of *The Insurance Act* is repealed and the following substituted therefor:

Contents of policy. (1) Every policy issued after the 1st day of January, 1925, other than a group life insurance policy, shall state the name or sufficient designation of the insured, of the person whose life is insured, and of the beneficiary, the insurance money payable, the manner of payment, the premium, and the facts that determine the maturity of the contract.

Contents of group life insurance policy. (1a) Every group life insurance policy shall state the name or sufficient designation of the insured, the method

Subsection 2. The paragraph as re-enacted defines the "insured" as the contracting party. The wording of the present paragraph is confusing particularly where the contracting party is someone other than the person whose life is insured.

SECTIONS 3, 4 and 5. Section 129, dealing with the application of Part V, and section 130, describing when the contract is deemed to be made in the Province, are, in their present form, inappropriate in relation to group life insurance. The purpose of the proposed section 129a is to make it clear that the law relating to the rights of certificate holders and beneficiaries shall be governed by the law of the Province in which the life insured was resident at the time he became insured, even though the law of the place where the contract was made applies to the relations between the insurer and the employer.

SECTION 6—Subsection 1. Subsection 1 of section 132 of the Act prescribes what must be included in the policy. In view of the differences between ordinary insurance and group insurance it is necessary to make special provision for the latter (proposed subsection 1a). Subsection 1 is amended by the insertion of the words "other than a group life insurance policy" after the figures "1925".

Subsection 2. The words "of the insured" which appear after the word "disablement" in the present subsection 4 of section 132 of the Act have been deleted because the disablement might refer to either the insured or the person whose life is insured. The amendment is necessary in view of the change in the definition of "insured". The proposed subsection 4a relates to group life insurance. It requires certificates to be issued setting forth the information of interest to each life insured.

SECTION 7. The proposed section 132a makes it clear that, although the term "insured" in Part V generally refers to the employer or other person making the contract with the insurer, nevertheless in the provisions of the Part relating to the designation and appointment of beneficiaries and the rights and status of beneficiaries the life insured may exercise the rights given the "insured".

SECTION 8. The words "person whose life is" have been inserted before the word "insured" where it appears in the section. See note to subsection 2 of section 2 of this Bill.

of determining the amount of insurance on each life and the persons or classes of persons whose lives are insured, and the facts that determine the manner and time of payment of the insurance money and the amount of the premium.

(2) Subsection 4 of the said section 132 is repealed and the following substituted therefor:

Rev. Stat.,
c. 256, s. 132,
subs. 4, re-
enacted.

(4) Every policy which includes disability insurance shall further state what notice of disablement shall be given to the insurer.

Contents
of policy.

(4a) In the case of a contract of group life insurance made after the date of the coming into force of this subsection, the insurer shall issue, for delivery by the insured to each person whose life is insured under the policy, a certificate identifying the policy and stating the name or sufficient designation of the person whose life is insured, of his beneficiary, of the insurer, and of the insured, and stating the amount or the method of determining the amount of insurance and indicating any right of the person whose life is insured upon termination of insurance on his life under the policy.

Contents of
group life
insurance
policy.

7. *The Insurance Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 256,
amended.

132a.—(1) Except as provided in subsection 2, in the case of group life insurance the employer or other person making the contract with the insurer is the insured for the purposes of this Part.

“Insured”,—
meaning of.

(2) In the case of group life insurance the term “insured” shall, in the provisions of this Part relating to the designation or appointment of beneficiaries and the rights and status of beneficiaries, mean the person whose life is insured.

Idem.

8. Section 133 of *The Insurance Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 256, s. 133,
re-enacted.

133. Where the amount of insurance money, exclusive of dividends and bonus, does not exceed \$2,000, the policy, notwithstanding that it is expressed to be payable to a named or designated beneficiary, may provide that the insurance money may be paid to any relative by blood or connection by marriage of the person whose life is insured or any other person appearing to the insurer to be equitably entitled to

Payment of
policy not
exceeding
\$2,000.

the same by reason of having incurred expense for the maintenance, medical attendance or burial of the person whose life is insured or to have a claim against the estate of the person whose life is insured in relation thereto.

Rev. Stat.,
c. 256, s. 135,
subs. 2, re-
enacted.

9. Subsection 2 of section 135 of *The Insurance Act* is repealed and the following substituted therefor:

Incontesta-
bility of
statements.

- (2) The statements made by the insured, or the person whose life is insured, in the application, on the medical examination (if any), or in any statements or answers furnished in lieu of a medical examination other than fraudulent statements or statements erroneous as to age, shall be deemed to be true and incontestable after the insurance of the person whose life is insured has been in force for two years during his lifetime, but this provision shall not apply with respect to disability insurance or double indemnity insurance.

Rev. Stat.,
c. 256, s. 138,
amended.

10. Section 138 of *The Insurance Act* is amended by adding thereto the following subsection:

Exception
as to
application
of section.

- (6) This section does not apply to a contract of group life insurance.

Rev. Stat.,
c. 256,
amended.

11. *The Insurance Act* is amended by adding thereto the following section:

Age.

- 138a. If a contract of group life insurance provides that the age of a person whose life is insured affects the commencement or the termination of the insurance or the amount thereof or any other right or benefit under the contract, the true age shall govern.

Rev. Stat.,
c. 256, s. 139,
subs. 2, re-
enacted.

12. Subsection 2 of section 139 of *The Insurance Act* is repealed and the following substituted therefor:

Effect of
default in
payment of
premium.

- (2) Subject to the provisions of section 140, where a cheque, bill of exchange or promissory note payable to the insurer, or other written promise to pay the insurer, is given, whether originally or by way of renewal, for the whole or part of any premium, and such cheque, bill of exchange, or promissory note, or other written promise to pay, is not paid according to its tenor, the contract shall, unless otherwise provided in the policy, be void.

Rev. Stat.,
c. 256, s. 141,
subs. 4, re-
enacted.

13. Subsection 4 of section 141 of *The Insurance Act* is repealed and the following substituted therefor:

SECTION 9. The words "insurance on the person whose life is insured has been in force for two years during his lifetime" have been substituted for "contract has been in force for two years during the lifetime of the person whose life is insured". In group insurance persons insured frequently join the group after the contract has been in force a number of years, consequently the two-year incontestability period should date from the time the insurance becomes effective on each life insured rather than from the date the contract is made. The subsection as re-enacted will apply to both group and individual contracts.

SECTION 10. See note to section 11 of this Bill.

SECTION 11. Section 138, respecting misstatement of age, is not applicable to group insurance. Group insurance contracts provide that if a misstatement of age has been made the premium will be equitably adjusted provided the misstatement does not affect, for instance, the termination of the insurance or of a benefit such as a total disability benefit.

SECTION 12. The words "such cheque, bill of exchange or promissory note, or other written promise to pay, is not paid according to its tenor" are substituted for "the instrument, if payable on demand, is not paid upon presentment made on or after its date, or if payable at a future time, is not paid upon presentment made at or after its maturity". In *Walsh v. Excelsior Life* (1935, O.R. 445; affirmed on appeal 1936 O.W.N. 84) it was said that subsection 2 of section 139 of the Act requires a note given in payment of a premium to be presented personally for payment. In the Walsh case reference was made to subsection 3 of section 93 of the Act relating to contracts of insurance other than contracts of life insurance. The Court indicated that under that provision presentment was not necessary. There appears to be no sound reason to require presentment for life contracts and not for non-life contracts. The expression "according to its tenor" is in line with the general law relating to bills of exchange, etc.

SECTION 13. The words "or to a contract of group life insurance" have been added at the end of subsection 4 of section 141 of the Act. In the case of group life insurance the contract is between the employer and the insurer and reinstatement requirements applicable to ordinary insurance are not necessary.

SECTION 14. Where a policy is taken out by a parent on the life of his minor child some provision should be made for transfer of the ownership of the policy on the parent's death, otherwise the ownership of the policy passes to the parent's estate. In many cases no other asset exists and it seems unreasonable to put the parties to the expense of obtaining letters of administration or probate simply to permit effective dealing with the policy by, usually, the surviving parent. The proposal, therefore, is to establish a simple means of transferring ownership at death while at the same time permitting the original owner to maintain control of the policy during his lifetime.

SECTION 15. Frequently the owner of a policy on the life of someone else wishes to transfer the policy to the life insured, e.g., where a parent has taken out a policy on his minor child and wishes the child to have control of the policy when he reaches majority. The proposed section 152a gives the child in such circumstances the right to appoint a beneficiary to take on death.

SECTION 16. The proposed subsection 2a is designed to enable the life insured under a contract of group life insurance to enforce any right the policy gives to him, e.g., the right of conversion.

- (4) This section does not apply to a contract of insurance made by a fraternal society or to a contract of group life insurance. Exception as to application of section.

14. *The Insurance Act* is amended by adding thereto the following heading and section: Rev. Stat., c. 256, amended.

Third Party Policies on Lives of Minors.

150a.—(1) Where a contract effected on the life of a minor by someone other than the minor, or an agreement in writing between the insurer and the insured respecting such a contract, provides that a person named in the contract or the agreement shall upon the death of the insured have all the rights and interests of the insured in the contract,— Third party policies on lives of minors.

(a) the contract shall not, upon the death of the insured, form part of his estate; and

(b) the person named pursuant to this section shall, upon the death of the insured, have all rights and interests of the insured in the contract and shall be deemed to be the insured.

(2) Notwithstanding any nomination made pursuant to this section the insured may, prior to his death, deal with the contract as if such nomination had not been made, and may alter or revoke such nomination by agreement in writing with the insurer. Saving.

15. *The Insurance Act* is amended by adding thereto the following section: Rev. Stat., c. 256, amended.

152a. Where a contract is assigned, otherwise than as security for a loan or debt, to the person whose life is insured, that person shall thereupon be deemed to be the insured. Appointment of beneficiary.

16. Section 153 of *The Insurance Act*, as amended by section 6 of *The Insurance Amendment Act, 1946*, is further amended by renumbering subsections 2a and 2b as subsections 2b and 2c respectively, and by adding thereto the following subsection: Rev. Stat., c. 256, s. 153, amended.

(2a) A person whose life is insured under a contract of group life insurance may in his own name enforce any right stated in the policy to be given to him, subject to any defence available to the insurer against him or the insured. Group life insurance.

Rev. Stat.,
c. 256, s. 164,
subs. 1, re-
enacted.

17. Subsection 1 of section 164 of *The Insurance Act* is repealed and the following substituted therefor:

Surplus
and profits.

- (1) Notwithstanding the designation of a preferred beneficiary, any person who effects a participating contract, other than a contract of group life insurance, may, during his lifetime, receive for his own benefit the surplus or profits declared on the contract or may direct the insurer to apply them in payment or reduction of premiums, or in the purchase of paid-up additions to the sum insured, or to hold them to his credit for accumulation, or to deal otherwise with such surplus or profits as the contract may provide, and upon the maturity of the contract, all surplus or profits so held to the credit of the insured, or being due and unpaid, shall, subject to the contract and to any direction by the insured to the contrary, be added to the insurance money and the share of any beneficiary shall be increased accordingly.

Idem.

- (1a) In the case of group life insurance, surplus, profits, dividends or bonuses shall be applied in accordance with the terms of the contract.

Rev. Stat.,
c. 256, s. 172,
subs. 2, re-
enacted.

18. Subsection 2 of section 172 of *The Insurance Act* is repealed and the following substituted therefor:

Place of
payment.

- (2) Except in the case of a contract of group life insurance, insurance money shall be payable in the province in which the insured is domiciled at the time of death, or in which he is domiciled when it becomes payable otherwise than by reason of death, or, if he was not or is not then domiciled in Canada and the contract does not otherwise provide, shall be payable at the head or principal office of the insurer in Canada.

Idem.

- (2a) In the case of a contract of group life insurance, insurance money shall be payable in the province in which the person whose life is insured is domiciled at the time of death, or in which he is domiciled when it becomes payable otherwise than by reason of death, or, if he was not or is not then domiciled in Canada and the contract does not otherwise provide, shall be payable at the head or principal office of the insurer in Canada.

Rev. Stat.,
c. 256,
s. 175a
(1940,
c. 11, s. 5),
re-enacted.

19. Section 175a of *The Insurance Act*, as enacted by section 5 of *The Insurance Amendment Act, 1940*, is repealed and the following substituted therefor:

Contract not
invalidated
by suicide.

175a. An agreement, express or implied, contained in a

SECTION 17. The words "other than a contract of group life insurance" have been added after the words "participating contract" in subsection 1 of section 164.

In group life insurance the contract continues after the death of a life insured and therefore dividends or rate changes are adjusted between the contracting parties. (See proposed subsection 1*a*.)

SECTION 18. The words "except in the case of a contract of group life insurance" have been added at the commencement of subsection 2 of section 172.

In view of the amendment made in subsection 2 of section 2 of this Bill whereby "insured" is defined as the person making the contract with the insurer, a subsection 2*a* is added to section 172 to indicate clearly that in group life insurance money is payable in the Province in which the life insured is domiciled.

SECTION 19. The words "person whose life is" have been inserted before the word "insured" in section 175*a* of the Act. See note to subsection 2 of section 2 of this Bill.

SECTION 20. The words "incurred upon payment into court in accordance with subsection 2" have been inserted after the word "costs" in subsection 3 of section 179 of the Act. It has been said that the limits on costs in this subsection apply to payments into court under subsection 1 as well as under subsection 2. Applications under subsection 1 frequently involve substantially more time and effort on the part of solicitors than the fees prescribed contemplate. Accordingly, the amendment is designed to make clear what was, no doubt, always intended, i.e., that subsection 3 applies only to applications under subsection 2 and that the more general provisions of section 181 apply to applications under subsection 1:

SECTION 21. The words "fix and ascertain without taxation" in the first line are substituted for the word "order", and the words "subsection 1 of section 179 or under section 180 and may order such costs" are substituted for "section 179 or 180". In addition to clarifying the reference to section 179, as explained in the note to section 20 of this Bill, the re-enactment of section 181 is designed to clarify ambiguities in the present provision.

SECTION 22. The section repealed reads as follows:

187a. Indemnity under a contract of automobile insurance shall not be deemed contrary to public policy whether or not loss or damage in respect of which the indemnity is claimed has been caused through negligence or through violation of the *Criminal Code* or any law or statute of any province, state or country by the owner or driver of the automobile.

The form of this section, even in its application to automobile insurance, is not thought satisfactory in that it simply provides that "indemnity under a contract of automobile insurance shall not be deemed contrary to public policy", whereas it is considered advisable to provide, as does the proposed section 82a (section 1 of this Bill) that a violation of any law, etc., "shall not, *ipso facto*, render unenforceable a claim for indemnity" and it will be noted that the proposed section 82a is not limited to automobile insurance.

SECTION 23—Subsections 1 and 2. At the present time clause *b* of paragraph 1 and clause *b* of paragraph 2 of statutory condition 2 in section 188 of the Act prohibit the insured from using or driving the automobile while he is not for the time being "qualified *and* authorized by law to drive or operate the automobile" and in the case of a claim being made under the policy, if the insurer could prove that at the time of the accident the insured did not have a license *or* was not qualified to drive, the insurer could successfully resist payment of the claim. Under the amendments as proposed, the insured would not be in default in making his claim if he could prove that at the time of the accident he either had a license *or* was qualified to drive the automobile. In this connection it was the feeling of the Superintendents of Insurance that the Automobile Part of *The Insurance Act* should not be made a medium for enforcing the licensing provisions of *The Highway Traffic Act* and that the only concern of the insurer in such a case was whether the insured motorist was qualified to drive the automobile at the time of the accident *or* held a license to drive.

contract of life insurance for the payment of insurance money in the event that the person whose life is insured commits suicide shall be lawful and enforceable.

20. Subsection 3 of section 179 of *The Insurance Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 256, s. 179,
subs. 3, re-
enacted.

- (3) The insurer may retain out of the insurance money for costs incurred upon payment into court in accordance with subsection 2, \$10 if the amount does not exceed \$1,000, and \$15 in other cases, and payment of the remainder into court shall discharge the insurer.

Costs.

21. Section 181 of *The Insurance Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 256, s. 181,
re-enacted.

181. The court may fix and ascertain without taxation the costs incurred upon or in connection with any application or order made under subsection 1 of section 179 or under section 180 and may order such costs to be paid out of the insurance money or by the insurer or the applicant or otherwise as may seem just.

Costs of
proceedings
under
ss. 179, 180.

22. Section 187a of *The Insurance Act*, as enacted by subsection 1 of section 5 of *The Insurance Amendment Act, 1942*, is repealed.

Rev. Stat.,
c. 256,
s. 187a
(1942,
c. 22, s. 5,
subs. 1),
repealed.

23.—(1) Paragraph 1 of statutory condition 2 in section 188 of *The Insurance Act* is amended by striking out the first two lines and clause *b* and inserting in lieu thereof the following:

Rev. Stat.,
c. 256, s. 188,
sta. con. 2,
par. 1,
amended.

- (1) The insured shall not drive or operate the automobile:

.

- (b) unless he is for the time being either authorized by law or qualified to drive or operate the automobile, or while he is under the age of sixteen years or under such other age as is prescribed by the law of the province where he resides at the time the policy is issued; or

.

(2) Clause *b* of paragraph 2 of statutory condition 2 in the said section 188 is repealed and the following substituted therefor:

Rev. Stat.,
c. 256, s. 188,
sta. con. 2,
par. 2, cl. b,
re-enacted.

- (b) by any person, unless such person is for the time being either authorized by law or qualified to drive or operate the automobile, or while such person is under the age of sixteen years or under such other age as is prescribed by law; or

.

Rev. Stat.,
c. 256, s. 188,
sta. con. 3,
cl. a, re-
enacted.

(3) Clause *a* of statutory condition 3 in the said section 188 is repealed and the following substituted therefor:

(a) with trailer attached where:

(i) the automobile is of other than the private passenger type;
or

(ii) the automobile is of the private passenger type and the trailer is a cabin trailer, trailer home, or other trailer while such other trailer is being used for business, passenger-carrying or commercial purposes; or

Rev. Stat.,
c. 256, s. 213,
subs. 4, re-
enacted.

24. Subsection 4 of section 213 of *The Insurance Act* is repealed and the following substituted therefor:

Special
cases.

(4) If, in the opinion of the Superintendent, any condition or any part of a condition is not suitable having regard to the nature of the contract, the insurer may, with the approval of the Superintendent, omit the condition or part of a condition from the policy.

Rev. Stat.,
c. 256, s. 214
(1939,
c. 22, s. 3),
re-enacted.

25. Section 214 of *The Insurance Act*, as re-enacted by section 3 of *The Insurance Amendment Act, 1939*, is repealed and the following substituted therefor:

Statutory
conditions,—
notice as to.

214. Where a policy of accident insurance is issued through the agency of a transportation corporation that holds a license issued under section 281, the statutory conditions set out in section 212 need not be printed on the policy if the policy contains the following notice printed in conspicuous type: "Notwithstanding any other provision herein contained this policy is subject to the statutory conditions respecting contracts of accident insurance".

Commence-
ment of Act.

26. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

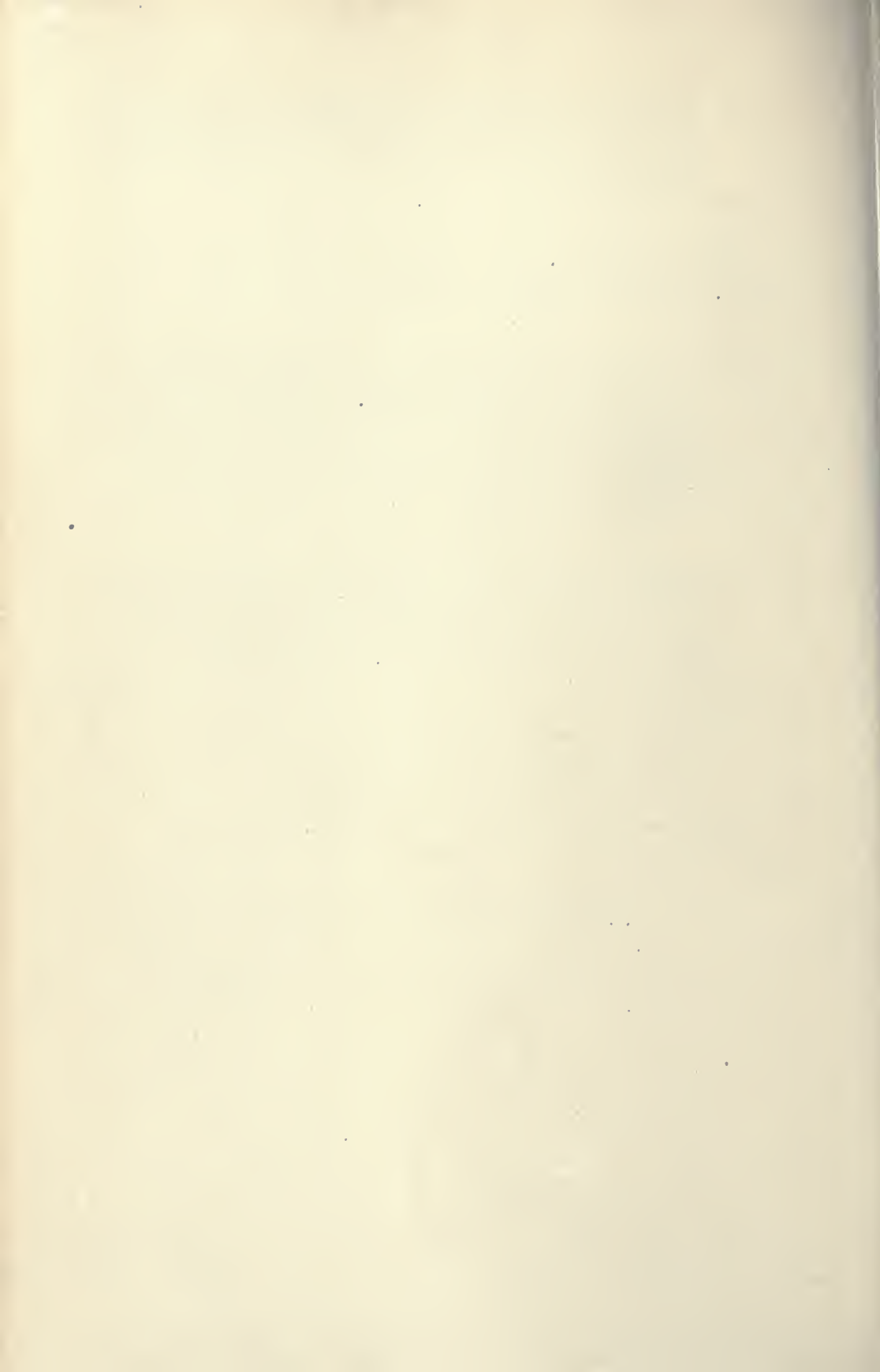
Short title.

27. This Act may be cited as *The Insurance Amendment Act, 1948*.

Subsection 3. The effect of this amendment will be to relieve an insured motorist from securing the express permission from the company by way of an endorsement on the policy if he uses an automobile of the private passenger type for other than business, passenger-carrying or commercial purposes, such as using a trailer to transport household goods to a summer home.

SECTION 24. There are many instances where certain of the prescribed statutory conditions have no application to the contract and are therefore not suitable but under the present subsection 4 of section 213 of the Act the Superintendent may approve of the omission of such conditions only "if the perils insured against are so limited that any condition other than those enumerated in this section, or any part of such a condition has no application to the contract". The proposed subsection is more flexible and clearly permits the omission of statutory conditions which have no relevancy to the contract.

SECTION 25. The present section 214 of the Act provides for the omission of statutory conditions only in cases where a policy of accident insurance is issued "in the form of a ticket through the agency of a transportation corporation". Formerly, the practice of a transportation company in such cases was to issue such policies as part of the ticket. This system has been changed in recent years, however, and the policy is now issued in the form of a separate document apart from the ticket.



BILL

An Act to amend The Insurance Act.

1st Reading

April 5th, 1948

2nd Reading

3rd Reading

MR. BLACKWELL

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Insurance Act.

MR. BLACKWELL



BILL

An Act to amend The Insurance Act.

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

1. *The Insurance Act* is amended by adding thereto the following section: Rev. Stat.,
c. 256,
amended.

82a. Unless the contract otherwise provides, a violation of any criminal or other law in force in the province or elsewhere shall not, *ipso facto*, render unenforceable a claim for indemnity under a contract of insurance except where the violation is committed by the insured, or by another person with the consent of the insured, with intent to bring about loss or damage, provided that in the case of a contract of life insurance this section shall apply only to disability insurance undertaken as part of the contract. Violation
of law,—
effect of,
on claim for
indemnity.

2.—(1) Section 128 of *The Insurance Act*, as amended by section 5 of *The Insurance Amendment Act, 1946*, is further amended by adding thereto the following paragraphs: Rev. Stat.,
c. 256, s. 128,
amended.

6a. "Creditor's group life insurance" means life insurance effected by a creditor on the lives of his debtors whereby the lives of the debtors are insured severally under a single contract; "Creditor's
group life
insurance".

.

9a. "Group life insurance" means life insurance, other than creditor's group life insurance, whereby the lives of a number of persons are insured severally under a single contract between an insurer and an employer or other person contracting with the insurer; "Group life
insurance".

.

Rev. Stat.,
c. 256, s. 128,
par. 13,
re-enacted. (2) Paragraph 13 of the said section 128 is repealed and the following substituted therefor:

"Insured". 13. "Insured" means the person who makes a contract with an insurer;

.

Rev. Stat.,
c. 256, s. 129,
amended. 3. Section 129 of *The Insurance Act* is amended by adding thereto the following subsection:

Exception as
to applica-
tion of
section. (5) This section does not apply to a contract of group life insurance.

Rev. Stat.,
c. 256,
amended. 4. *The Insurance Act* is amended by adding thereto the following section:

Law
applicable
in case of
group life
insurance. 129a. In the case of a contract of group life insurance, whether made before or after the coming into force of this section,—

(a) the law of the place where the contract was made shall apply between the insurer and the insured;

(b) the law of the place where the person whose life is insured was resident at the time his life became insured shall apply in determining the rights and status of beneficiaries and the rights and obligations of the person whose life is insured.

Rev. Stat.,
c. 256, s. 130,
amended. 5. Section 130 of *The Insurance Act* is amended by adding thereto the following subsection:

Exception
as to appli-
cation of
section. (2) This section does not apply to a contract of group life insurance.

Rev. Stat.,
c. 256, s. 132,
subs. 1, re-
enacted. 6.—(1) Subsection 1 of section 132 of *The Insurance Act* is repealed and the following substituted therefor:

Contents
of policy. (1) Every policy issued after the 1st day of January, 1925, other than a group life insurance policy, shall state the name or sufficient designation of the insured, of the person whose life is insured, and of the beneficiary, the insurance money payable, the manner of payment, the premium, and the facts that determine the maturity of the contract.

Contents
of group life
insurance
policy. (1a) Every group life insurance policy shall state the name or sufficient designation of the insured, the method

of determining the amount of insurance on each life and the persons or classes of persons whose lives are insured; and the facts that determine the manner and time of payment of the insurance money and the amount of the premium.

(2) Subsection 4 of the said section 132 is repealed and the following substituted therefor: Rev. Stat., c. 256, s. 132, subs. 4, re-enacted.

(4) Every policy which includes disability insurance shall further state what notice of disablement shall be given to the insurer. Contents of policy.

(4a) In the case of a contract of group life insurance made after the date of the coming into force of this subsection, the insurer shall issue, for delivery by the insured to each person whose life is insured under the policy, a certificate identifying the policy and stating the name or sufficient designation of the person whose life is insured, of his beneficiary, of the insurer, and of the insured, and stating the amount or the method of determining the amount of insurance and indicating any right of the person whose life is insured upon termination of insurance on his life under the policy. Contents of group life insurance policy.

7. *The Insurance Act* is amended by adding thereto the following section: Rev. Stat., c. 256, amended.

132a.—(1) Except as provided in subsection 2, in the case of group life insurance the employer or other person making the contract with the insurer is the insured for the purposes of this Part. "Insured".—meaning of.

(2) In the case of group life insurance the term "insured" shall, in the provisions of this Part relating to the designation or appointment of beneficiaries and the rights and status of beneficiaries, mean the person whose life is insured. Idem.

8. Section 133 of *The Insurance Act* is repealed and the following substituted therefor: Rev. Stat., c. 256, s. 133, re-enacted.

133. Where the amount of insurance money, exclusive of dividends and bonus, does not exceed \$2,000, the policy, notwithstanding that it is expressed to be payable to a named or designated beneficiary, may provide that the insurance money may be paid to any relative by blood or connection by marriage of the person whose life is insured or any other person appearing to the insurer to be equitably entitled to Payment of policy not exceeding \$2,000.

the same by reason of having incurred expense for the maintenance, medical attendance or burial of the person whose life is insured or to have a claim against the estate of the person whose life is insured in relation thereto.

Rev. Stat.,
c. 256, s. 135,
subs. 2, re-
enacted.

9. Subsection 2 of section 135 of *The Insurance Act* is repealed and the following substituted therefor:

Incontestability of statements.

- (2) The statements made by the insured, or the person whose life is insured, in the application, on the medical examination (if any), or in any statements or answers furnished in lieu of a medical examination other than fraudulent statements or statements erroneous as to age, shall be deemed to be true and incontestable after the insurance on the person whose life is insured has been in force for two years during his lifetime, but this provision shall not apply with respect to disability insurance or double indemnity insurance.

Rev. Stat.,
c. 256, s. 138,
amended.

10. Section 138 of *The Insurance Act* is amended by adding thereto the following subsection:

Exception as to application of section.

- (6) This section does not apply to a contract of group life insurance.

Rev. Stat.,
c. 256,
amended.

11. *The Insurance Act* is amended by adding thereto the following section:

Age.

- 138a. If a contract of group life insurance provides that the age of a person whose life is insured affects the commencement or the termination of the insurance or the amount thereof or any other right or benefit under the contract, the true age shall govern.

Rev. Stat.,
c. 256, s. 139,
subs. 2, re-
enacted.

12. Subsection 2 of section 139 of *The Insurance Act* is repealed and the following substituted therefor:

Effect of default in payment of premium.

- (2) Subject to the provisions of section 140, where a cheque, bill of exchange or promissory note payable to the insurer, or other written promise to pay the insurer, is given, whether originally or by way of renewal, for the whole or part of any premium, and such cheque, bill of exchange, or promissory note, or other written promise to pay, is not paid according to its tenor, the contract shall, unless otherwise provided in the policy, be void.

Rev. Stat.,
c. 256, s. 141,
subs. 4, re-
enacted.

13. Subsection 4 of section 141 of *The Insurance Act* is repealed and the following substituted therefor:

- (4) This section does not apply to a contract of insurance made by a fraternal society or to a contract of group life insurance. Exception as to application of section.

14. *The Insurance Act* is amended by adding thereto the following heading and section: Rev. Stat., c. 256, amended.

Third Party Policies on Lives of Minors.

150a.—(1) Where a contract effected on the life of a minor by someone other than the minor, or an agreement in writing between the insurer and the insured respecting such a contract, provides that a person named in the contract or the agreement shall upon the death of the insured have all the rights and interests of the insured in the contract,— Third party policies on lives of minors.

(a) the contract shall not, upon the death of the insured, form part of his estate; and

(b) the person named pursuant to this section shall, upon the death of the insured, have all the rights and interests of the insured in the contract and shall be deemed to be the insured.

(2) Notwithstanding any nomination made pursuant to this section the insured may, prior to his death, deal with the contract as if such nomination had not been made, and may alter or revoke such nomination by agreement in writing with the insurer. Saving.

15. *The Insurance Act* is amended by adding thereto the following section: Rev. Stat., c. 256, amended.

152a. Where a contract is assigned, otherwise than as security for a loan or debt, to the person whose life is insured, that person shall thereupon be deemed to be the insured. Appointment of beneficiary.

16. Section 153 of *The Insurance Act*, as amended by section 6 of *The Insurance Amendment Act, 1946*, is further amended by renumbering subsections 2a and 2b as subsections 2b and 2c respectively, and by adding thereto the following subsection: Rev. Stat., c. 256, s. 153, amended.

(2a) A person whose life is insured under a contract of group life insurance may in his own name enforce any right stated in the policy to be given to him, subject to any defence available to the insurer against him or the insured. Group life insurance.

Rev. Stat.,
c. 256, s. 164,
subs. 1, re-
enacted.

17. Subsection 1 of section 164 of *The Insurance Act* is repealed and the following substituted therefor:

Surplus
and profits.

- (1) Notwithstanding the designation of a preferred beneficiary, any person who effects a participating contract, other than a contract of group life insurance, may, during his lifetime, receive for his own benefit the surplus or profits declared on the contract or may direct the insurer to apply them in payment, or reduction of premiums, or in the purchase of paid-up additions to the sum insured, or to hold them to his credit for accumulation, or to deal otherwise with such surplus or profits as the contract may provide, and upon the maturity of the contract, all surplus or profits so held to the credit of the insured, or being due and unpaid, shall, subject to the contract and to any direction by the insured to the contrary, be added to the insurance money and the share of any beneficiary shall be increased accordingly.

Idem.

- (1a) In the case of group life insurance, surplus, profits, dividends or bonuses shall be applied in accordance with the terms of the contract.

Rev. Stat.,
c. 256, s. 172,
subs. 2, re-
enacted.

18. Subsection 2 of section 172 of *The Insurance Act* is repealed and the following substituted therefor:

Place of
payment.

- (2) Except in the case of a contract of group life insurance, insurance money shall be payable in the province in which the insured is domiciled at the time of death, or in which he is domiciled when it becomes payable otherwise than by reason of death, or, if he was not or is not then domiciled in Canada and the contract does not otherwise provide, shall be payable at the head or principal office of the insurer in Canada.

Idem.

- (2a) In the case of a contract of group life insurance, insurance money shall be payable in the province in which the person whose life is insured is domiciled at the time of death, or in which he is domiciled when it becomes payable otherwise than by reason of death, or, if he was not or is not then domiciled in Canada and the contract does not otherwise provide, shall be payable at the head or principal office of the insurer in Canada.

Rev. Stat.,
c. 256,
s. 175a
(1940,
c. 11, s. 5),
re-enacted.

19. Section 175a of *The Insurance Act*, as enacted by section 5 of *The Insurance Amendment Act, 1940*, is repealed and the following substituted therefor:

Contract not
invalidated
by suicide.

- 175a. An agreement, express or implied, contained in a

contract of life insurance for the payment of insurance money in the event that the person whose life is insured commits suicide shall be lawful and enforceable.

20. Subsection 3 of section 179 of *The Insurance Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 256, s. 179,
subs. 3, re-
enacted.

- (3) The insurer may retain out of the insurance money for costs incurred upon payment into court in accordance with subsection 2, \$10 if the amount does not exceed \$1,000, and \$15 in other cases, and payment of the remainder into court shall discharge the insurer.

Costs.

21. Section 181 of *The Insurance Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 256, s. 181,
re-enacted.

181. The court may fix and ascertain without taxation the costs incurred upon or in connection with any application or order made under subsection 1 of section 179 or under section 180 and may order such costs to be paid out of the insurance money or by the insurer or the applicant or otherwise as may seem just.

Costs of
proceedings
under
ss. 179, 180.

22. Section 187a of *The Insurance Act*, as enacted by subsection 1 of section 5 of *The Insurance Amendment Act*, 1942, is repealed.

Rev. Stat.,
c. 256,
s. 187a
(1942,
c. 22, s. 5,
subs. 1),
repealed.

23.—(1) Paragraph 1 of statutory condition 2 in section 188 of *The Insurance Act* is amended by striking out the first two lines and clause *b* and inserting in lieu thereof the following:

Rev. Stat.,
c. 256, s. 188,
sta. con. 2,
par. 1,
amended.

- (1) The insured shall not drive or operate the automobile:

- (b) unless he is for the time being either authorized by law or qualified to drive or operate the automobile, or while he is under the age of sixteen years or under such other age as is prescribed by the law of the province where he resides at the time the policy is issued; or

(2) Clause *b* of paragraph 2 of statutory condition 2 in the said section 188 is repealed and the following substituted therefor:

Rev. Stat.,
c. 256, s. 188,
sta. con. 2,
par. 2, cl. b,
re-enacted.

- (b) by any person, unless such person is for the time being either authorized by law or qualified to drive or operate the automobile, or while such person is under the age of sixteen years or under such other age as is prescribed by law; or

Rev. Stat.,
c. 256, s. 188,
sta. con. 3.
cl. a, re-
enacted.

(3) Clause *a* of statutory condition 3 in the said section 188 is repealed and the following substituted therefor:

(a) with trailer attached where:

- (i) the automobile is of other than the private passenger type; or
- (ii) the automobile is of the private passenger type and the trailer is a cabin trailer, trailer home, or other trailer while such other trailer is being used for business, passenger-carrying or commercial purposes; or

.

Rev. Stat.,
c. 256, s. 213,
subs. 4, re-
enacted.

24. Subsection 4 of section 213 of *The Insurance Act* is repealed and the following substituted therefor:

Special
cases.

- (4) If, in the opinion of the Superintendent, any condition or any part of a condition is not suitable having regard to the nature of the contract, the insurer may, with the approval of the Superintendent, omit the condition or part of a condition from the policy.

Rev. Stat.,
c. 256, s. 214
(1939,
c. 22, s. 3),
re-enacted.

25. Section 214 of *The Insurance Act*, as re-enacted by section 3 of *The Insurance Amendment Act, 1939*, is repealed and the following substituted therefor:

Statutory
conditions.—
notice as to.

214. Where a policy of accident insurance is issued through the agency of a transportation corporation that holds a license issued under section 281, the statutory conditions set out in section 212 need not be printed on the policy if the policy contains the following notice printed in conspicuous type: "Notwithstanding any other provision herein contained this policy is subject to the statutory conditions respecting contracts of accident insurance".

Commence-
ment of Act.

26. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

27. This Act may be cited as *The Insurance Amendment Act, 1948*.

BILL

An Act to amend The Insurance Act.

1st Reading

April 5th, 1948

2nd Reading

April 9th, 1948

3rd Reading

April 16th, 1948

MR. BLACKWELL

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to suspend The Income Tax Act (Ontario).

MR. FROST

EXPLANATORY NOTE

The Bill suspends the operation of *The Income Tax Act* with respect to incomes for the calendar year 1948.

BILL

An Act to suspend The Income Tax Act (Ontario).

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

1.—(1) Notwithstanding any of the provisions of *The Personal Income Tax Act* (Ontario) and amendments, no tax shall be ^{Personal income tax suspended.} levied under the said Act on income of the calendar year ^{Rev. Stat., c. 25.} nineteen hundred and forty-eight and no person shall be required, without a notice or demand in writing from the Comptroller of Revenue or the Commissioner of Income Tax of Canada, or an officer of the Government of Canada on behalf of the Government of Ontario or an officer of the Government of Ontario authorized to make such demand, to file returns under the said Act of income earned during the calendar year nineteen hundred and forty-eight, but nothing herein contained shall affect any of the provisions of the said Act with respect to the income of any person earned prior to the calendar year nineteen hundred and forty-one.

(2) The provisions of section 33 of *The Income Tax Act* ^{Returns under Rev. Stat., c. 25.} (Ontario) requiring any person to deliver a return upon notice or demand in writing, and the provisions of sections 41, 42, 43, 44 and 45 of the said Act shall remain in full force and effect notwithstanding this Act.

2. This Act shall come into force on the day upon which it ^{Commence-ment of Act.} receives the Royal Assent.

3. This Act may be cited as *The Income Tax Suspension Act, 1948*. ^{Short title.}

BILL

An Act to suspend The Income Tax
Act (Ontario).

1st Reading

April 5th, 1948

2nd Reading

3rd Reading

MR. FROST

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to suspend The Income Tax Act (Ontario).

MR. FROST



BILL

An Act to suspend The Income Tax Act (Ontario).

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

1.—(1) Notwithstanding any of the provisions of *The Income Tax Act* (Ontario) and amendments, no tax shall be levied under the said Act on income of the calendar year nineteen hundred and forty-eight and no person shall be required, without a notice or demand in writing from the Comptroller of Revenue or the Commissioner of Income Tax of Canada, or an officer of the Government of Canada on behalf of the Government of Ontario or an officer of the Government of Ontario authorized to make such demand, to file returns under the said Act of income earned during the calendar year nineteen hundred and forty-eight, but nothing herein contained shall affect any of the provisions of the said Act with respect to the income of any person earned prior to the calendar year nineteen hundred and forty-one.

Personal
income tax
suspended.
Rev. Stat.,
c. 25.

(2) The provisions of section 33 of *The Income Tax Act* (Ontario) requiring any person to deliver a return upon notice or demand in writing, and the provisions of sections 41, 42, 43, 44 and 45 of the said Act shall remain in full force and effect notwithstanding this Act.

Returns
under
Rev. Stat.,
c. 25.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of Act.

3. This Act may be cited as *The Income Tax Suspension Act, 1948*.

Short title.

BILL

An Act to suspend The Income Tax
Act (Ontario).

1st Reading

April 5th, 1948

2nd Reading

April 9th, 1948

3rd Reading

April 16th, 1948

MR. FROST

No. 134

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Corporations Tax Act, 1939.

MR. FROST

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

EXPLANATORY NOTES

SECTIONS 1 and 2. These amendments have the effect of reducing the tax payable by all insurance companies on insurance premiums to two per cent.

BILL

An Act to amend The Corporations Tax Act, 1939.

HIS 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 4 of *The Corporations Tax Act, 1939*, is amended by striking out the words “one and three-quarters” in the second line and inserting in lieu thereof the word “two”, so that the said subsection, exclusive of the clauses, shall now read as follows: 1939, c. 10, s. 4, subs. 1, amended.

(1) Every insurance company shall pay a tax in respect of life insurance premiums of two per centum calculated upon the gross premiums received during the fiscal year from policy holders resident in Ontario at the time such premiums were paid excluding,— Life insurance companies.

.

(2) Subsection 2 of the said section 4 is repealed and the following substituted therefor: 1939, c. 10, s. 4, subs. 2, re-enacted.

(2) Every insurance company shall pay a tax in respect of premiums other than life insurance premiums of two per centum calculated upon the gross premiums received during the fiscal year by the company or its agent or agents in respect of business transacted in Ontario excluding,— Fire and casualty insurance companies.

(a) premiums returned;

(b) premiums paid in respect of reinsurance ceded to insurance companies licensed to transact business in Ontario;

(c) premiums received in respect of business written on the premium note plan; and

(d) cash value of dividends paid or credited to policy holders by mutual insurance companies.

1939,
c. 10, s. 9a
(1940,
c. 6, s. 1),
re-enacted.

2. Section 9a of *The Corporations Tax Act, 1939*, as enacted by section 1 of *The Corporations Tax Amendment Act, 1940*, the provisions of which were enacted to apply to companies in respect of all fiscal years ending in 1947 and subsequent fiscal years by section 8 of *The Corporations Tax Amendment Act, 1947*, is repealed and the following substituted therefor:

Further tax
payable by
companies.

9a. Every company upon which taxes are imposed by sections 3, 5, 6, 8 and 9 shall, for every fiscal year of such company, pay an additional tax equal to twenty-five per centum of the taxes imposed by such sections upon such company.

1939, c. 10,
s. 14, subs. 4,
amended.

3. Subsection 4 of section 14 of *The Corporations Tax Act, 1939*, as amended by section 1 of *The Corporations Tax Amendment Act, 1939* and section 3 of *The Corporations Tax Amendment Act, 1947*, is further amended by adding thereto the following clauses:

Exploration
for oil.

(j) An amount equal to the aggregate of the exploration and drilling expenses, including all geological and geophysical expenses, incurred during its fiscal year, with respect to oil wells in Ontario by an incorporated company the principal business of which is the exploration and drilling for oil or the production, refining or marketing of petroleum or petroleum products.

Exploration
for natural
gas.

(k) An amount equal to the aggregate of the exploration and drilling expenses, incurred during its fiscal year, with respect to natural gas wells in Ontario by an incorporated company the principal business of which is the exploration and drilling for or the production and marketing of natural gas.

Exploration
for minerals.

(l) An amount equal to the aggregate of the prospecting, exploration and development expenses, incurred during its fiscal year, in searching for minerals in Ontario by an incorporated company the principal business of which is the mining of minerals or the searching for minerals, and in this clause the word "minerals" shall not include diatomaceous earth, limestone, marl, peat or building stone, or stone for ornamental or decorative purposes or non-auriferous sand or gravel.

1939,
c. 10, s. 17,
subs. 1,
amended.

4.—(1) Subsection 1 of section 17 of *The Corporations Tax Act, 1939*, as amended by section 5 of *The Corporations Tax Amendment Act, 1947*, is further amended by striking out the word "as the Lieutenant-Governor in Council may prescribe" in the ninth and tenth lines and inserting in lieu thereof the

SECTION 3. These clauses are new. They allow the deduction from income of the expenses mentioned.

SECTION 4—Subsection 1. The amendment is made in order to provide more flexibility in administration.

Subsection 2. The provision repealed is now obsolete as dividends received by companies are exempt income.

SECTION 5. A proviso is added the effect of which is self-explanatory.

SECTION 6. This amendment is complementary to that made in subsection 1 of section 4 of this Bill. The clause repealed empowers the Lieutenant-Governor in Council to make regulations prescribing the form of return required to be made under the Act.

words "as is required", so that the said subsection shall now read as follows:

- (1) Every company on which a tax is imposed by this Act shall on or before the last day of the month which ends six months following the close of the fiscal year of such company, without notice or demand, and every company on which a tax is or is not imposed by this Act shall upon receipt of a notice or demand in writing from the Treasurer or from any officer of the Treasury Department of Ontario authorized by the Treasurer to make such demand, deliver to the Treasurer such return as is required for the purposes of carrying out the provisions of this Act. Companies to file annual return.

- (2) Subsection 3 of the said section 17 is repealed.

1939, c. 10, s. 17, subs. 3, repealed.

5. Subsection 1 of section 36 of *The Corporations Tax Act, 1939*, is amended by adding at the end thereof the words "provided that such lien and charge shall not apply to any mine as defined in *The Mining Tax Act* until the company owning such mine has been assessed for a tax on mining profits under *The Mining Tax Act*", so that the said subsection shall now read as follows: 1939, c. 10, s. 36, subs. 1, amended.

- (1) Every tax and penalty imposed by this Act shall be a first lien and charge upon the property in Ontario of the company liable to pay such tax or penalty or both; provided that such lien and charge shall not apply to any mine as defined in *The Mining Tax Act* until the company owning such mine has been assessed for a tax on mining profits under *The Mining Tax Act*. Priority of tax. Proviso. Rev. Stat., c. 28.

6. Clause *b* of section 40 of *The Corporations Tax Act, 1939*, is repealed. 1939, c. 10, s. 40, cl. b, repealed.

7. This Act shall come into force on the day upon which it receives the Royal Assent and shall be effective for fiscal years of companies ending in the calendar year 1948 and subsequent fiscal years. Commencement of Act.

8. This Act may be cited as *The Corporations Tax Amendment Act, 1948*. Short title.

BILL

An Act to amend The Corporations
Tax Act, 1939.

1st Reading

April 6th, 1948

2nd Reading

3rd Reading

MR. FROST

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Corporations Tax Act, 1939.

MR. FROST

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTES

SECTIONS 1 and 2. These amendments have the effect of reducing the tax payable by all insurance companies on insurance premiums to two per cent.

BILL

An Act to amend The Corporations Tax Act, 1939.

HIS 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 4 of *The Corporations Tax Act, 1939*, is amended by striking out the words “one and three-quarters” in the second line and inserting in lieu thereof the word “two”, so that the said subsection, exclusive of the clauses, shall now read as follows: 1939, c. 10, s. 4, subs. 1, amended.

- (1) Every insurance company shall pay a tax in respect of life insurance premiums of two per centum calculated upon the gross premiums received during the fiscal year from policy holders resident in Ontario at the time such premiums were paid excluding,— Life insurance companies.

(2) Subsection 2 of the said section 4 is repealed and the following substituted therefor: 1939, c. 10, s. 4, subs. 2, re-enacted.

- (2) Every insurance company shall pay a tax in respect of premiums other than life insurance premiums of two per centum calculated upon the gross premiums received during the fiscal year by the company or its agent or agents in respect of business transacted in Ontario excluding,— Fire and casualty insurance companies.

- (a) premiums returned;
- (b) premiums paid in respect of reinsurance ceded to insurance companies licensed to transact business in Ontario;
- (c) premiums received in respect of business written on the premium note plan; and
- (d) cash value of dividends paid or credited to policy holders by mutual insurance companies.

1939,
c. 10, s. 9a
(1940,
c. 6, s. 1),
re-enacted.

2. Section 9a of *The Corporations Tax Act, 1939*, as enacted by section 1 of *The Corporations Tax Amendment Act, 1940*, the provisions of which were enacted to apply to companies in respect of all fiscal years ending in 1947 and subsequent fiscal years by section 8 of *The Corporations Tax Amendment Act, 1947*, is repealed and the following substituted therefor:

Further tax
payable by
companies.

9a. Every company upon which taxes are imposed by sections 3, 5, 6, 8 and 9 shall, for every fiscal year of such company, pay an additional tax equal to twenty-five per centum of the taxes imposed by such sections upon such company.

1939,
c. 10, s. 14,
subs. 4,
amended.

3.—(1) Subsection 4 of section 14 of *The Corporations Tax Act, 1939*, as amended by section 1 of *The Corporations Tax Amendment Act, 1939* and section 3 of *The Corporations Tax Amendment Act, 1947*, is further amended by adding thereto the following clauses:

Exploration
for oil and
gas.

(j) An amount equal to the aggregate of the exploration expenses, including all geological and geophysical expenses, or such lesser amount as the Treasurer in his absolute discretion may allow, incurred during its fiscal year with respect to oil wells and natural gas wells in Canada by an incorporated company incorporated for the purpose of exploring for oil wells and natural gas wells in Canada;

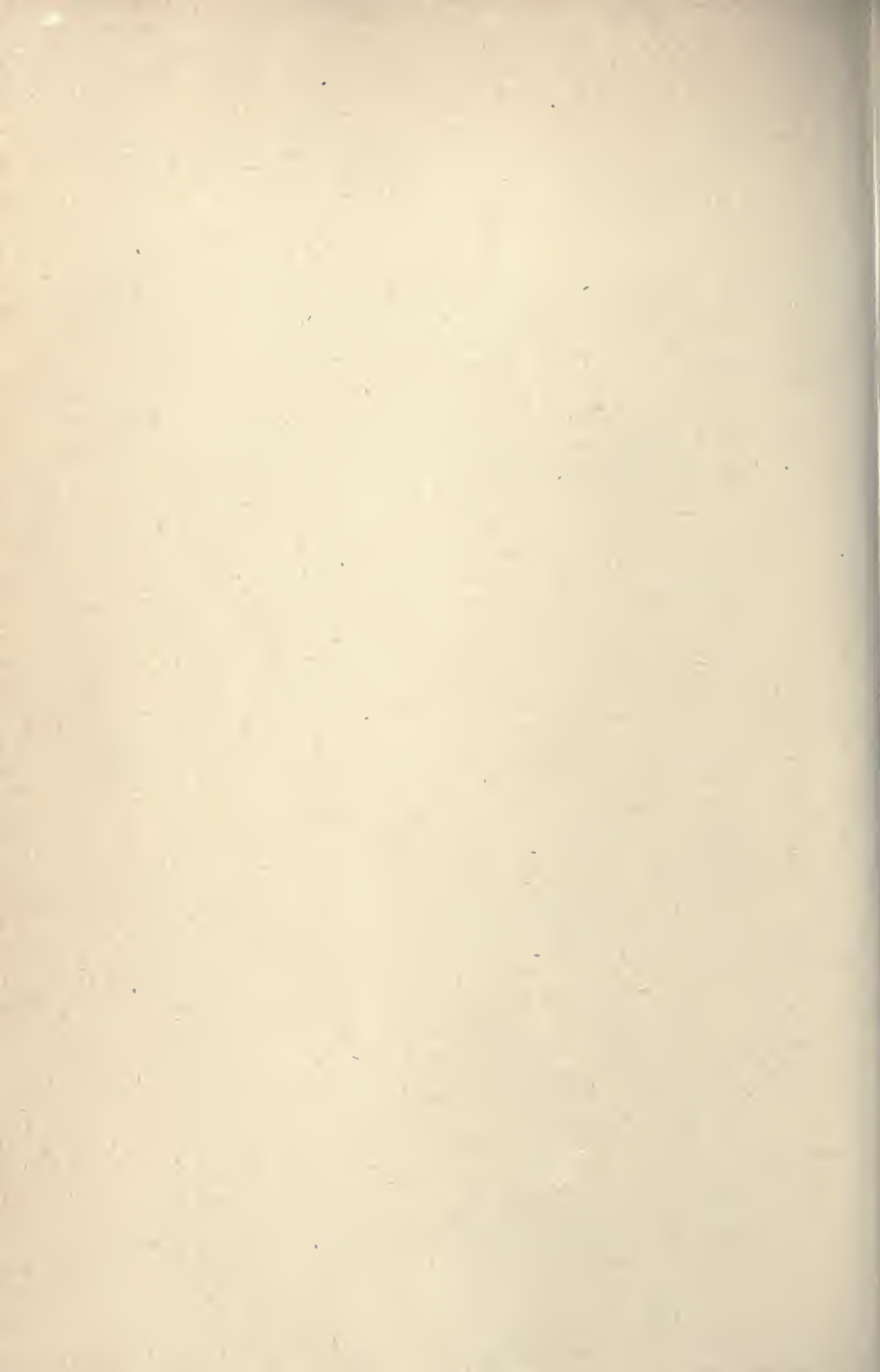
Drilling
for oil and
gas.

(k) An amount equal to the aggregate of the drilling expenses, or such lesser amount as the Treasurer in his absolute discretion may allow, incurred with respect to the spudding in or deepening of an oil well or a natural gas well in Canada, by an incorporated company incorporated for the purpose of drilling for oil or natural gas, or the production, refining or marketing of petroleum or petroleum products or of natural gas, provided that no such deduction shall be allowed until such well is abandoned or becomes productive, and

(i) where the well is abandoned the amount so expended, or such lesser amount as the Treasurer in his absolute discretion may allow, shall be deducted during the fiscal year of the company during which such well is abandoned, and

(ii) where the well becomes productive the amount so expended, or such lesser amount as the Treasurer in his absolute discretion may allow, shall be deducted during the fiscal year of the

SECTION 3. These clauses are new. They allow the deduction from income of the expenses mentioned.



company during which the well becomes productive and subsequent fiscal years only as and to the extent that the company charges portions of such amount in its accounts as amortization of such well;

- (l) An amount equal to the aggregate of the prospecting ^{Exploration for minerals.} and exploration expenses, or such lesser amount as the Treasurer in his absolute discretion may allow, incurred during its fiscal year in searching for minerals in Canada by an incorporated company the principal business of which is the mining of or searching for minerals, and in this clause the word "minerals" shall not include diatomaceous earth, limestone, marl, peat or building stone, or stone for ornamental or decorative purposes or non-auriferous sand or gravel;

- (m) An amount equal to the aggregate of the develop- ^{Develop- ment of mines.} ment expenses, or such lesser amount as the Treasurer in his absolute discretion may allow, incurred with respect to the development in Canada of a mine as defined in *The Mining Tax Act* by an incor- ^{Rev. Stat., c. 28.} porated company, the principal business of which is the mining of or searching for minerals, provided that no such deduction shall be allowed until such mine is abandoned or becomes productive, and

(i) where the mine is abandoned the amount so expended, or such lesser amount as the Treasurer in his absolute discretion may allow, shall be deducted during the fiscal year of the company during which such mine is abandoned, and

(ii) where the mine becomes productive the amount so expended, or such lesser amount as the Treasurer in his absolute discretion may allow, shall be deducted during the fiscal year of the company during which the mine becomes productive and subsequent fiscal years only as and to the extent that the company charges portions of such amount in its accounts as amortization of such mine.

(2) Clauses *k* and *m* of subsection 4 of section 14 of *The Effect of* ^{cls. *k* and *m*.} *Corporations Tax Act, 1939*, as enacted by subsection 1, shall be effective only with respect to an oil well or natural gas well which is spudded in or the deepening of which commences, and to a mine the development of which commences, during fiscal years of companies ending in the calendar year 1948 and subsequent fiscal years.

1939,
c. 10, s. 17,
subs. 1,
amended.

4.—(1) Subsection 1 of section 17 of *The Corporations Tax Act, 1939*, as amended by section 5 of *The Corporations Tax Amendment Act, 1947*, is further amended by striking out the word "as the Lieutenant-Governor in Council may prescribe" in the ninth and tenth lines and inserting in lieu thereof the words "as is required", so that the said subsection shall now read as follows:

Companies
to file
annual
return.

- (1) Every company on which a tax is imposed by this Act shall on or before the last day of the month which ends six months following the close of the fiscal year of such company, without notice or demand, and every company on which a tax is or is not imposed by this Act shall upon receipt of a notice or demand in writing from the Treasurer or from any officer of the Treasury Department of Ontario authorized by the Treasurer to make such demand, deliver to the Treasurer such return as is required for the purposes of carrying out the provisions of this Act:

1939, c. 10,
s. 17, subs. 3,
repealed.

- (2) Subsection 3 of the said section 17 is repealed.

1939, c. 10,
s. 36, subs. 1,
amended.

5. Subsection 1 of section 36 of *The Corporations Tax Act, 1939*, is amended by adding at the end thereof the words "provided that such lien and charge shall not apply to any mine as defined in *The Mining Tax Act* until the company owning such mine has been assessed for a tax on mining profits under *The Mining Tax Act*", so that the said subsection shall now read as follows:

Priority
of tax.

- (1) Every tax and penalty imposed by this Act shall be a first lien and charge upon the property in Ontario of the company liable to pay such tax or penalty or both; provided that such lien and charge shall not apply to any mine as defined in *The Mining Tax Act* until the company owning such mine has been assessed for a tax on mining profits under *The Mining Tax Act*.

Proviso.

Rev. Stat.,
c. 28.

1939, c. 10,
s. 40, cl. b,
repealed.

6. Clause *b* of section 40 of *The Corporations Tax Act, 1939*, is repealed.

Commence-
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent and shall be effective for fiscal years of companies ending in the calendar year 1948 and subsequent fiscal years.

Short title.

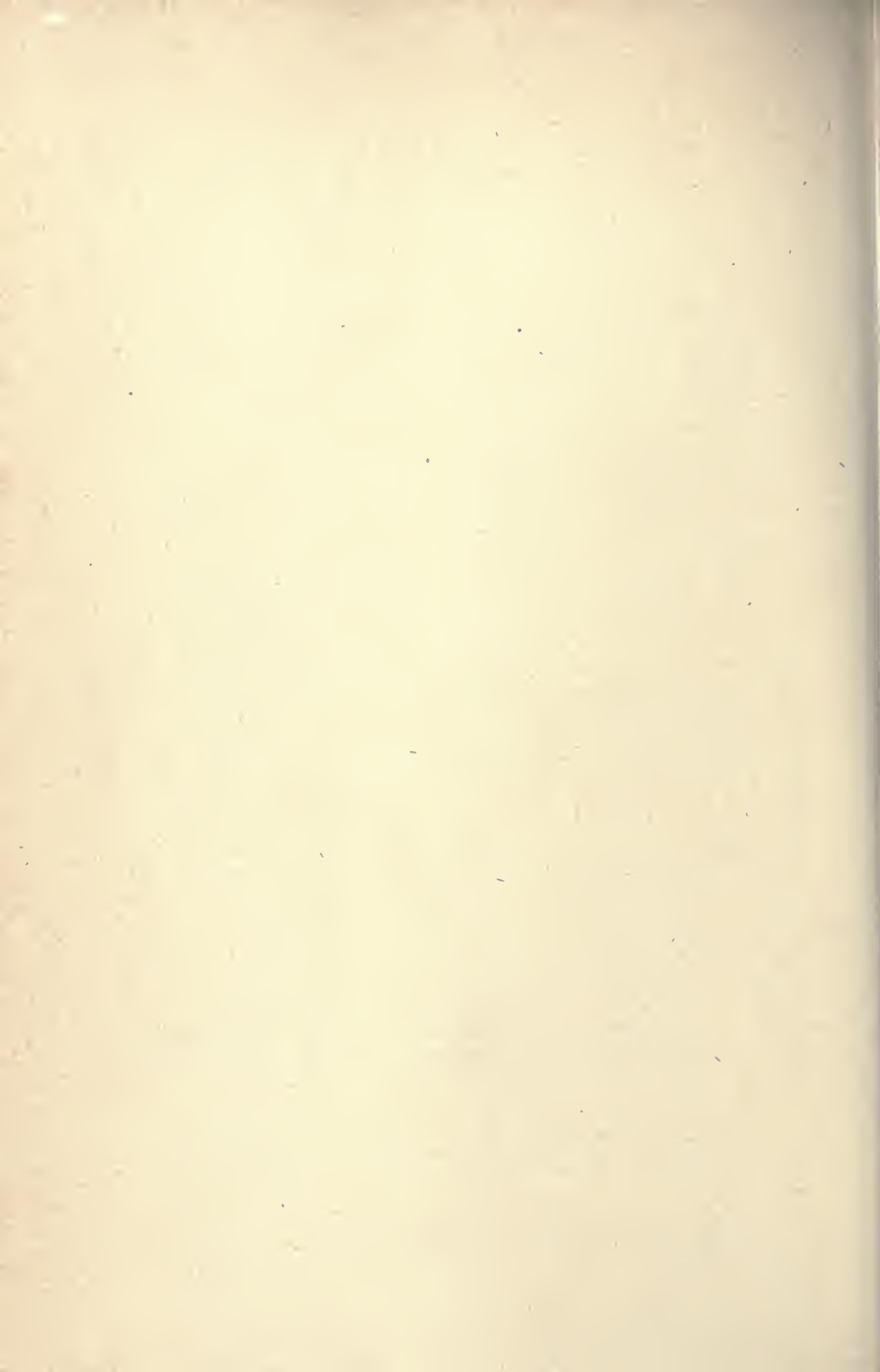
8. This Act may be cited as *The Corporations Tax Amendment Act, 1948*.

SECTION 4—Subsection 1. The amendment is made in order to provide more flexibility in administration.

Subsection 2. The provision repealed is now obsolete as dividends received by companies are exempt income.

SECTION 5. A proviso is added the effect of which is self-explanatory.

SECTION 6. This amendment is complementary to that made in subsection 1 of section 4 of this Bill. The clause repealed empowers the Lieutenant-Governor in Council to make regulations prescribing the form of return required to be made under the Act.



BILL

An Act to amend The Corporations
Tax Act, 1939.

1st Reading

April 6th, 1948

2nd Reading

April 9th, 1948

3rd Reading

MR. FROST

*(Reprinted as amended in Committee of the
Whole House.)*

No. 134

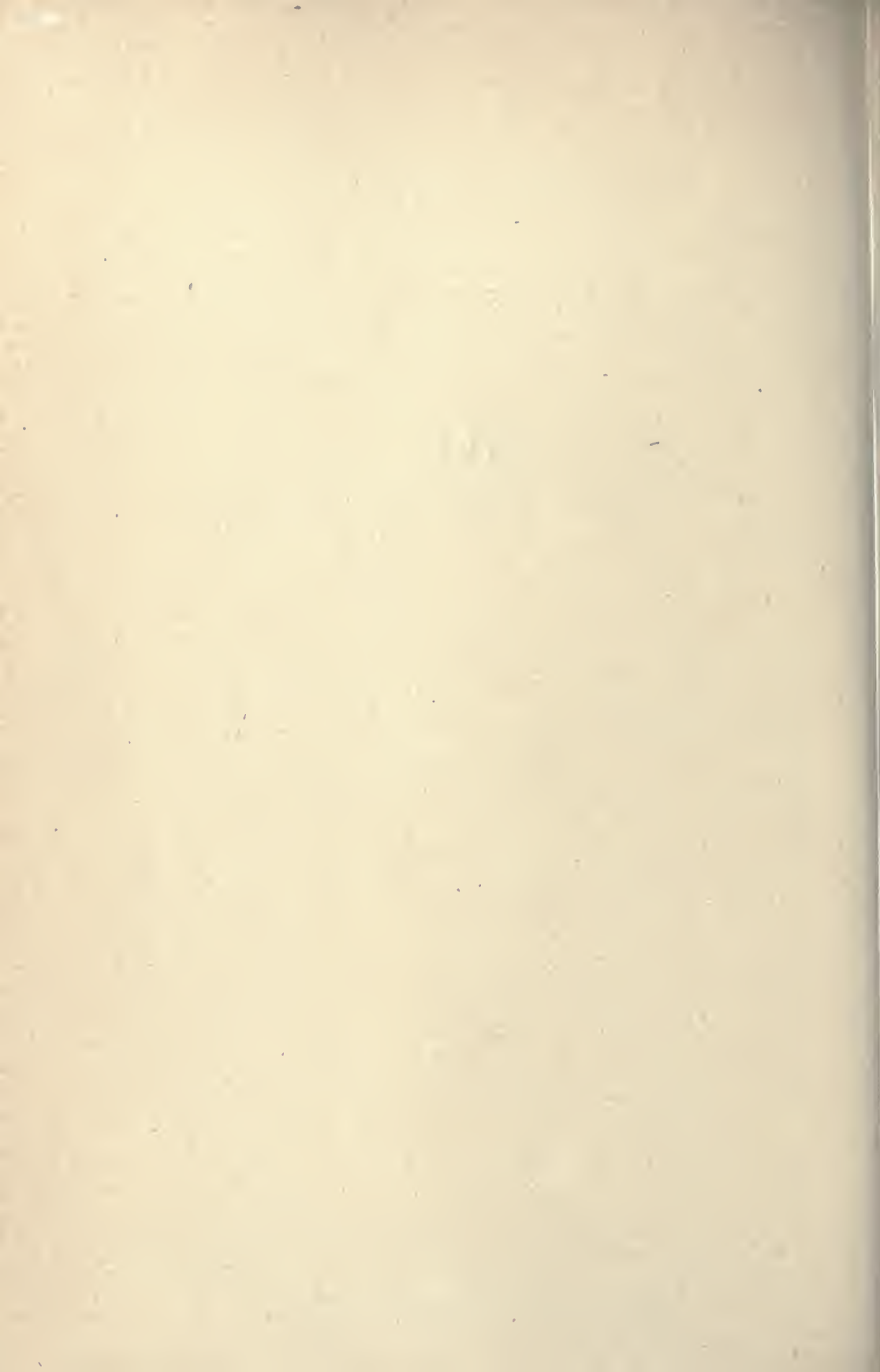
4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Corporations Tax Act, 1939.

MR. FROST

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



BILL

An Act to amend The Corporations Tax Act, 1939.

HIS 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 4 of *The Corporations Tax Act, 1939*, is amended by striking out the words “one and three-quarters” in the second line and inserting in lieu thereof the word “two”, so that the said subsection, exclusive of the clauses, shall now read as follows:

- (1) Every insurance company shall pay a tax in respect of life insurance premiums of two per centum calculated upon the gross premiums received during the fiscal year from policy holders resident in Ontario at the time such premiums were paid excluding,—

.

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

- (2) Every insurance company shall pay a tax in respect of premiums other than life insurance premiums of two per centum calculated upon the gross premiums received during the fiscal year by the company or its agent or agents in respect of business transacted in Ontario excluding,—

- (a) premiums returned;
- (b) premiums paid in respect of reinsurance ceded to insurance companies licensed to transact business in Ontario;
- (c) premiums received in respect of business written on the premium note plan; and
- (d) cash value of dividends paid or credited to policy holders by mutual insurance companies,

1939,
c. 10, s. 9a
(1940,
c. 6, s. 1),
re-enacted.

2. Section 9a of *The Corporations Tax Act, 1939*, as enacted by section 1 of *The Corporations Tax Amendment Act, 1940*, the provisions of which were enacted to apply to companies in respect of all fiscal years ending in 1947 and subsequent fiscal years by section 8 of *The Corporations Tax Amendment Act, 1947*, is repealed and the following substituted therefor:

Further tax
payable by
companies.

9a. Every company upon which taxes are imposed by sections 3, 5, 6, 8 and 9 shall, for every fiscal year of such company, pay an additional tax equal to twenty-five per centum of the taxes imposed by such sections upon such company.

1939,
c. 10, s. 14,
subs. 4,
amended.

3.—(1) Subsection 4 of section 14 of *The Corporations Tax Act, 1939*, as amended by section 1 of *The Corporations Tax Amendment Act, 1939* and section 3 of *The Corporations Tax Amendment Act, 1947*, is further amended by adding thereto the following clauses:

Exploration
for oil and
gas.

(j) An amount equal to the aggregate of the exploration expenses, including all geological and geophysical expenses, or such lesser amount as the Treasurer in his absolute discretion may allow, incurred during its fiscal year with respect to oil wells and natural gas wells in Canada by an incorporated company incorporated for the purpose of exploring for oil wells and natural gas wells in Canada;

Drilling
for oil and
gas.

(k) An amount equal to the aggregate of the drilling expenses, or such lesser amount as the Treasurer in his absolute discretion may allow, incurred with respect to the spudding in or deepening of an oil well or a natural gas well in Canada, by an incorporated company incorporated for the purpose of drilling for oil or natural gas, or the production, refining or marketing of petroleum or petroleum products or of natural gas, provided that no such deduction shall be allowed until such well is abandoned or becomes productive, and

(i) where the well is abandoned the amount so expended, or such lesser amount as the Treasurer in his absolute discretion may allow, shall be deducted during the fiscal year of the company during which such well is abandoned, and

(ii) where the well becomes productive the amount so expended, or such lesser amount as the Treasurer in his absolute discretion may allow, shall be deducted during the fiscal year of the

company during which the well becomes productive and subsequent fiscal years only as and to the extent that the company charges portions of such amount in its accounts as amortization of such well;

- (l) An amount equal to the aggregate of the prospecting ^{Exploration for minerals.} and exploration expenses, or such lesser amount as the Treasurer in his absolute discretion may allow, incurred during its fiscal year in searching for minerals in Canada by an incorporated company the principal business of which is the mining of or searching for minerals, and in this clause the word "minerals" shall not include diatomaceous earth, limestone, marl, peat or building stone, or stone for ornamental or decorative purposes or non-auriferous sand or gravel;

- (m) An amount equal to the aggregate of the develop- ^{Develop- ment of mines.} ment expenses, or such lesser amount as the Treasurer in his absolute discretion may allow, incurred with respect to the development in Canada of a mine as defined in *The Mining Tax Act* by an incor- ^{Rev. Stat., c. 28.} porated company, the principal business of which is the mining of or searching for minerals, provided that no such deduction shall be allowed until such mine is abandoned or becomes productive, and

(i) where the mine is abandoned the amount so expended, or such lesser amount as the Treasurer in his absolute discretion may allow, shall be deducted during the fiscal year of the company during which such mine is abandoned, and

(ii) where the mine becomes productive the amount so expended, or such lesser amount as the Treasurer in his absolute discretion may allow, shall be deducted during the fiscal year of the company during which the mine becomes productive and subsequent fiscal years only as and to the extent that the company charges portions of such amount in its accounts as amortization of such mine.

(2) Clauses *k* and *m* of subsection 4 of section 14 of *The Corporations Tax Act, 1939*, as enacted by subsection 1, shall ^{Effect of cls. k and m.} be effective only with respect to an oil well or natural gas well which is spudded in or the deepening of which commences, and to a mine the development of which commences, during fiscal years of companies ending in the calendar year 1948 and subsequent fiscal years.

1939,
c. 10, s. 17,
subs. 1,
amended.

4.—(1) Subsection 1 of section 17 of *The Corporations Tax Act, 1939*, as amended by section 5 of *The Corporations Tax Amendment Act, 1947*, is further amended by striking out the word "as the Lieutenant-Governor in Council may prescribe" in the ninth and tenth lines and inserting in lieu thereof the words "as is required", so that the said subsection shall now read as follows:

Companies
to file
annual
return.

- (1) Every company on which a tax is imposed by this Act shall on or before the last day of the month which ends six months following the close of the fiscal year of such company, without notice or demand, and every company on which a tax is or is not imposed by this Act shall upon receipt of a notice or demand in writing from the Treasurer or from any officer of the Treasury Department of Ontario authorized by the Treasurer to make such demand, deliver to the Treasurer such return as is required for the purposes of carrying out the provisions of this Act.

1939, c. 10,
s. 17, subs. 3,
repealed.

- (2) Subsection 3 of the said section 17 is repealed.

1939, c. 10,
s. 36, subs. 1,
amended.

5. Subsection 1 of section 36 of *The Corporations Tax Act, 1939*, is amended by adding at the end thereof the words "provided that such lien and charge shall not apply to any mine as defined in *The Mining Tax Act* until the company owning such mine has been assessed for a tax on mining profits under *The Mining Tax Act*", so that the said subsection shall now read as follows:

Priority
of tax.

- (1) Every tax and penalty imposed by this Act shall be a first lien and charge upon the property in Ontario of the company liable to pay such tax or penalty or both; provided that such lien and charge shall not apply to any mine as defined in *The Mining Tax Act* until the company owning such mine has been assessed for a tax on mining profits under *The Mining Tax Act*.

Proviso.

Rev. Stat.,
c. 28.

1939, c. 10,
s. 40, cl. b,
repealed.

6. Clause *b* of section 40 of *The Corporations Tax Act, 1939*, is repealed.

Commence-
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent and shall be effective for fiscal years of companies ending in the calendar year 1948 and subsequent fiscal years.

Short title.

8. This Act may be cited as *The Corporations Tax Amendment Act, 1948*.

BILL

An Act to amend The Corporations
Tax Act, 1939.

1st Reading

April 6th, 1948

2nd Reading

April 9th, 1948

3rd Reading

April 16th, 1948

MR. FROST

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Security Transfer Tax Act, 1939.

MR. FROST

EXPLANATORY NOTES

SECTION 1. This amendment enlarges the time for filing the returns from four to six months following the close of the fiscal year of the company.

SECTION 2. The clause repealed empowers the Lieutenant-Governor in Council to make regulations prescribing the form of returns to be made under the Act. It is repealed in order to give greater flexibility of administration.

BILL

An Act to amend The Security Transfer Tax Act, 1939.

HIS 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 9 of *The Security Transfer Tax Act, 1939*, is amended by striking out the word "four" in the fourth line and inserting in lieu thereof the word "six", so that the said subsection shall now read as follows: 1939, c. 45, s. 9, subs. 1, amended.

(1) Every company or corporation, including every extra-Annual provincial company or corporation which has a return. branch, or an agency, or an office of any kind in Ontario, shall on or before the last day of the month ending six months following the close of its fiscal year make an annual return to the Treasurer showing every sale, transfer or assignment of any registered security issued by such company or corporation made or carried into effect in Ontario, together with the amount of tax collected under this Act.

2. Clause *b* of section 19 of *The Security Transfer Tax Act, 1939*, is repealed. 1939, c. 45, s. 19, cl. b, repealed.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1948, and shall apply with respect to the fiscal years of companies ending in the calendar year 1948 and subsequent fiscal years. Commencement of Act.

4. This Act may be cited as *The Security Transfer Tax Amendment Act, 1948*. Short title.

BILL

An Act to amend The Security Transfer
Tax Act, 1939.

1st Reading

April 6th, 1948

2nd Reading

3rd Reading

MR. FROST

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Security Transfer Tax Act, 1939.

MR. FROST



BILL

An Act to amend The Security Transfer Tax Act, 1939.

HIS 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 9 of *The Security Transfer Tax Act, 1939*, is amended by striking out the word "four" in the fourth line and inserting in lieu thereof the word "six", so that the said subsection shall now read as follows:

- (1) Every company or corporation, including every extra-provincial company or corporation which has a branch, or an agency, or an office of any kind in Ontario, shall on or before the last day of the month ending six months following the close of its fiscal year make an annual return to the Treasurer showing every sale, transfer or assignment of any registered security issued by such company or corporation made or carried into effect in Ontario, together with the amount of tax collected under this Act.

2. Clause *b* of section 19 of *The Security Transfer Tax Act, 1939*, is repealed.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1948, and shall apply with respect to the fiscal years of companies ending in the calendar year 1948 and subsequent fiscal years.

4. This Act may be cited as *The Security Transfer Tax Amendment Act, 1948*.

BILL

An Act to amend The Security Transfer
Tax Act, 1939.

1st Reading

April 6th, 1948

2nd Reading

April 9th, 1948

3rd Reading

April 16th, 1948

Mr. Frost

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

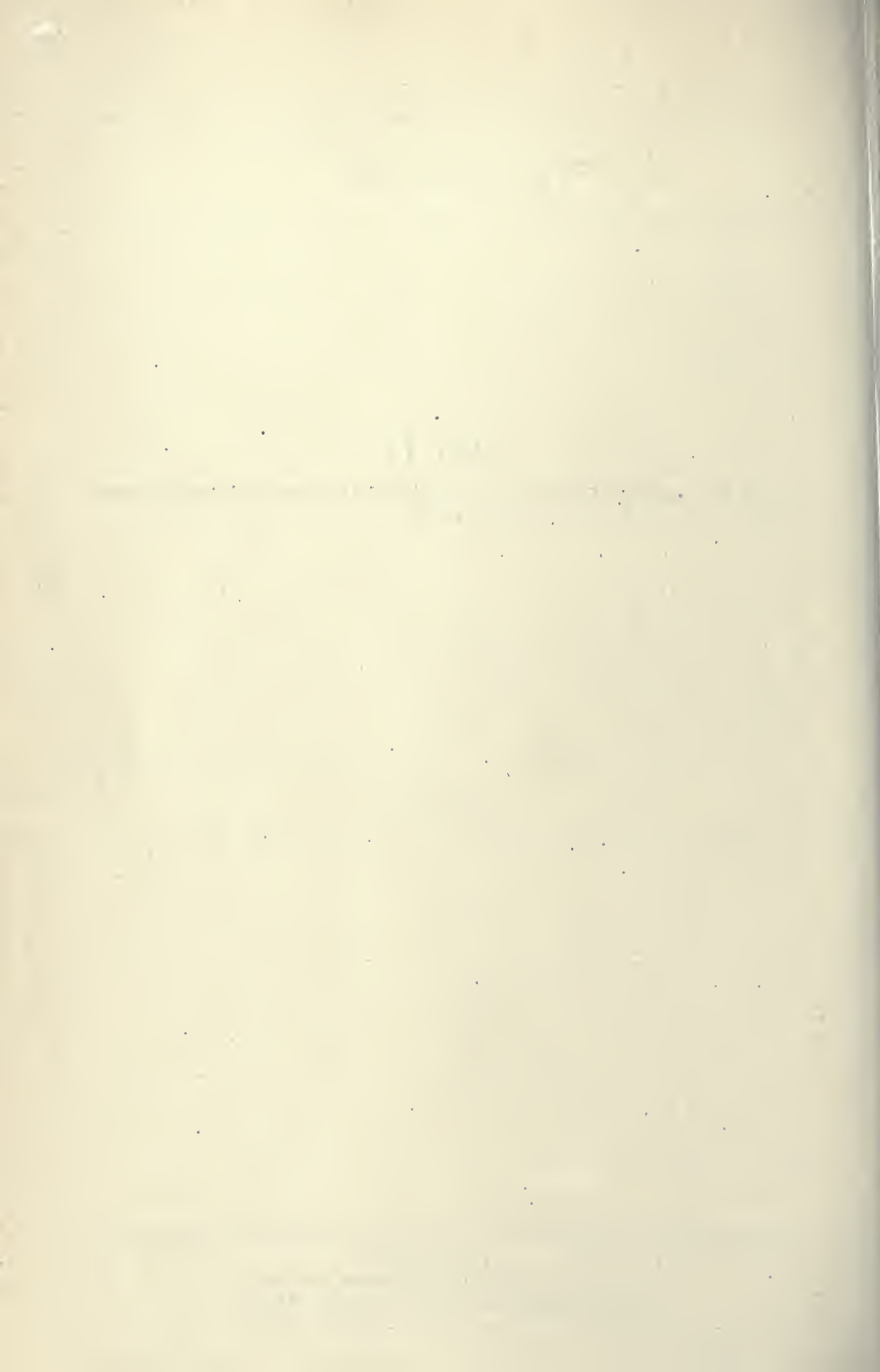
BILL

An Act for Raising Money on the Credit of the Consolidated Revenue
Fund.

MR. FROST

TORONTO

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



BILL

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

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

1. The Lieutenant-Governor in Council is hereby authorized ^{Loan of \$100,000,000 authorized.} to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for re-imbursing the Consolidated Revenue Fund for any moneys expended in discharging any such indebtedness or obligation, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole One Hundred Million Dollars (\$100,000,000).
2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may ^{Terms to be fixed by Lieutenant-Governor in Council.} be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.
3. The Lieutenant-Governor in Council may provide for a ^{Sinking fund.} special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 ^{Rev. Stat., c. 22.} of section 3 of *The Provincial Loans Act*.
4. This Act shall come into force on the day upon which ^{Commence-ment of Act.} it receives the Royal Assent.
5. This Act may be cited as *The Ontario Loan Act, 1948*. ^{Short title.}

BILL

An Act for Raising Money on the Credit of
the Consolidated Revenue Fund.

1st Reading

April 6th, 1948

2nd Reading

3rd Reading

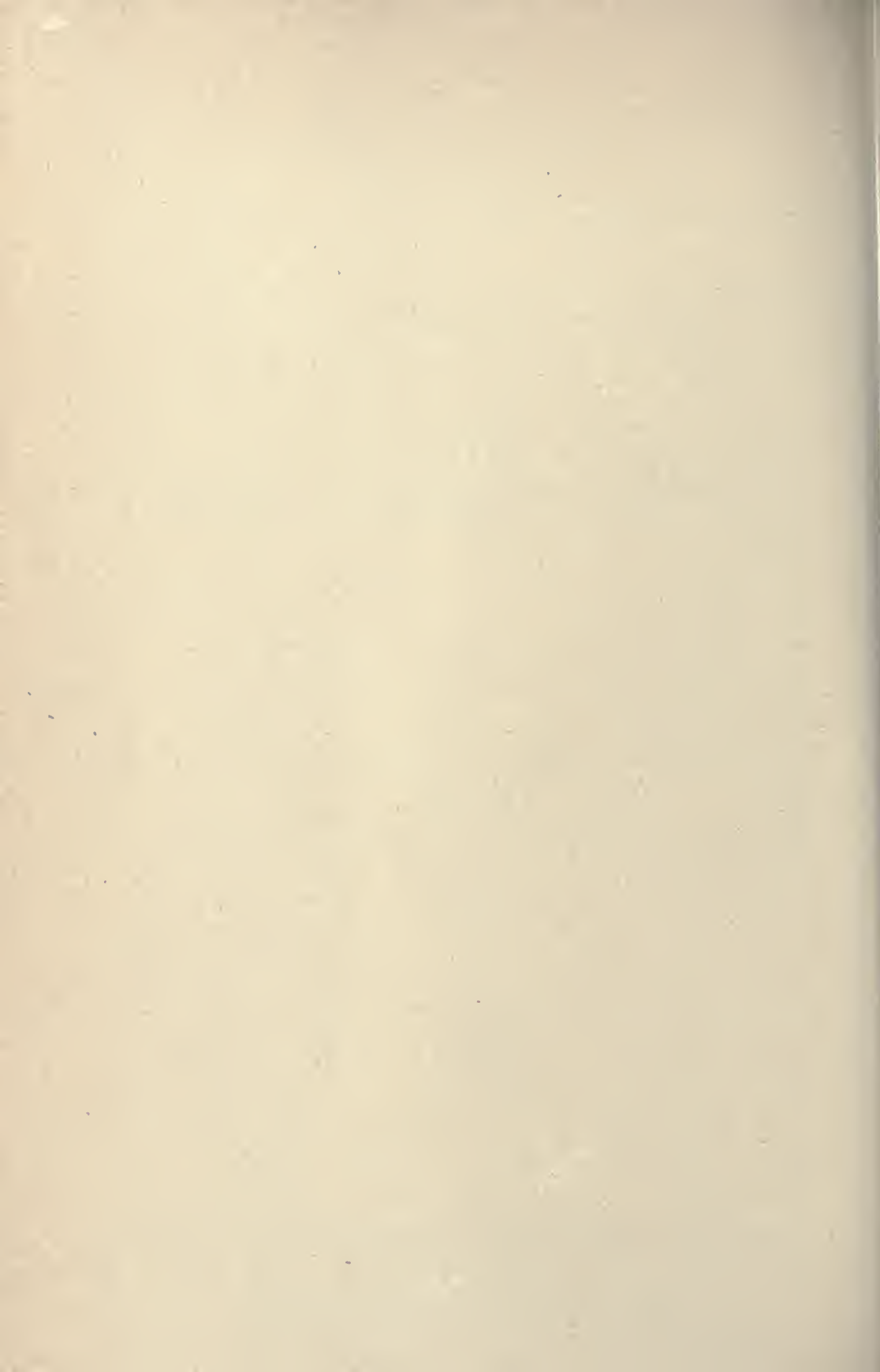
MR. FROST

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act for Raising Money on the Credit of the Consolidated Revenue
Fund.

MR. FROST



BILL

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

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

1. The Lieutenant-Governor in Council is hereby authorized ^{Loan of \$100,000,000 authorized.} to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for re-imbursing the Consolidated Revenue Fund for any moneys expended in discharging any such indebtedness or obligation, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole One Hundred Million Dollars (\$100,000,000).

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may ^{Terms to be fixed by Lieutenant-Governor in Council.} be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

3. The Lieutenant-Governor in Council may provide for a ^{Sinking fund.} special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 ^{Rev. Stat., c. 22.} of section 3 of *The Provincial Loans Act*.

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BILL

An Act for Raising Money on the Credit of
the Consolidated Revenue Fund.

1st Reading

April 6th, 1948

2nd Reading

April 9th, 1948

3rd Reading

April 16th, 1948

Mr. FROST

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Game and Fisheries Act, 1946.

MR. SCOTT

EXPLANATORY NOTES

SECTION 1—Subsection 1. The definitions contained in the proposed clauses are new.

Subsection 2. This amendment will enable red squirrel fur to be controlled should such be required and will permit other species of squirrels to be dealt with as game.

BILL

An Act to amend The Game and Fisheries Act, 1946.

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

1.—(1) Section 1 of *The Game and Fisheries Act, 1946*, is ^{1946, c. 33,} amended by adding thereto the following clauses: ^{s. 1, amended.}

(ee) “domestic animals and birds” shall include non-native species kept in captivity but shall not include ^{“domestic animals and birds”;} native species kept in captivity or non-native species present in the wild state;

.

(ff) “ferret” shall mean any of the domesticated forms of ^{“ferret”;} the old world polecat (*putorius putorius*) used for hunting;

.

(vv) “snare” shall mean any device for the taking of ^{“snare”;} animals whereby they are caught in a noose, and “snaring” shall have a corresponding meaning;

.

(ww) “trap” shall mean any spring trap, gin, deadfall, ^{“trap”.} box or net used to capture game, and “trapping” shall have a corresponding meaning.

(2) Clause *h* of the said section 1 is amended by striking ^{1946, c. 33,} out the word “squirrel” in the third line and inserting in lieu ^{s. 1, cl. *h*, amended.} thereof the words “red squirrel”, so that the said clause shall now read as follows:

(*h*) “fur-bearing animal” shall mean a beaver, fisher, fox, ^{“fur-bearing animal”.} lynx, marten, mink, musk-rat, otter, raccoon, rabbit, skunk, red squirrel, weasel and wolverine or any

other animal which the Lieutenant-Governor in Council may declare to be a fur-bearing animal.

1946, c. 33,
s. 1, cl. i,
amended.

(3) Clause *i* of the said section 1 is amended by adding at the end thereof the words "and the *Migratory Birds Convention Act* (Canada) and shall include any portion of any such animal or bird", so that the said clause shall now read as follows:

"game".

(i) "game" shall mean all fur-bearing animals and all animals and birds protected by this Act and the *Migratory Birds Convention Act* (Canada) and shall include any portion of any such animal or bird.

1946, c. 33,
s. 7, subs. 1,
amended.

2. Subsection 1 of section 7 of *The Game and Fisheries Act, 1946*, is amended by adding at the end of clause *b* the words "or any baggage or express office or any licensed premises where pelts are bought or sold", so that the said subsection shall now read as follows:

Search of
vehicles,
premises.

(1) An officer shall have the authority of a constable for the purpose of this Act, and may without a search warrant,—

(a) stop and search any vehicle, motor vehicle, aeroplane or any other flying machine, boat or launch or any railway car, including a caboose, baggage or express car; and

(b) enter and search any hunting, mining, lumber or construction camp or any baggage or express office or any licensed premises where pelts are bought or sold,

where he has reasonable grounds to believe that any of them contains any game or fish taken in violation of this Act.

1946, c. 33,
s. 9,
amended.

3. Section 9 of *The Game and Fisheries Act, 1946*, is amended by inserting after the word "wound" where it occurs in the second and third lines respectively the word "trap", so that the said section shall now read as follows:

Non-
residents.

9. Except under a licence no non-resident shall hunt, take, molest, wound, trap, kill or destroy or attempt to hunt, take, molest, wound, trap, kill or destroy any animal or bird.

1946, c. 33,
s. 16,
amended.

4. Section 16 of *The Game and Fisheries Act, 1946*, is amended by adding thereto the following subsection:

Subsection 3. } Self-explanatory.

SECTION 2. Baggage office, express office and licensed premises where pelts are bought or sold are added. They may be entered and searched by an officer without a search warrant.

SECTION 3. The word "trap" is added. Otherwise the section is unchanged.

SECTION 4—Subsection 5 is new. It is designed to clarify the status of scientists collecting animals or birds under special licences.

SECTION 5. The words added are necessary in order to allow a net dealer to sell a fish-net to another net dealer.

SECTION 6. These changes are complementary to the new metal seal provisions contained in this Bill. Provision is also made for the making of regulations as to the transfer of licences.

SECTION 7. The new subclause prescribes the fee for a licence to carry or use fire-arms or air-guns when hunting unprotected birds or animals. See 1947, c. 40, s. 6 (1).

SECTION 8—Subsection 1. The words are deleted because it is not intended to continue the royalty on bear skins.

Subsection 2. As to bear skins, see note to subsection 1. As amended, subsection 2 provides that proof may be furnished in any form satisfactory to the Department.

- (5) Notwithstanding anything in this Act any person licensed under this Act or the *Migratory Birds Convention Act* (Canada) to kill or capture protected animals or birds may use traps or fire-arms for that purpose at any time or place where the licence is valid. Killing or capturing for scientific purposes. R.S.C., c. 130.
5. Subsection 2 of section 17 of *The Game and Fisheries Act, 1946*, is amended by adding at the end thereof the words "or a licence under subsection 1", so that the said subsection shall now read as follows: 1946, c. 33, s. 17, subs. 2, amended.
- (2) No person shall sell a gill, hoop, pound or seine net to any other person not a holder of a commercial fishing licence or a licence under subsection 1. Restricted sale.
6. Subsection 1 of section 21 of *The Game and Fisheries Act, 1946*, is repealed and the following substituted therefor: 1946, c. 33, s. 21, subs. 1, re-enacted.
- (1) Except upon such terms and conditions as the Lieutenant-Governor in Council may prescribe, no licence shall be transferred and no person shall buy, sell, exchange or in any way become a party to the transfer of any licence, shipping coupon or seal, or in any way use or attempt to use a licence, shipping coupon or seal issued to any other person. Transfer of licence, coupon or seal.
7. Clause *a* of section 23 of *The Game and Fisheries Act, 1946*, is amended by adding thereto the following subclause: 1946, c. 33, s. 23, cl. *a*, amended.
- (vi) for a person to carry or use fire-arms or air-guns for hunting purposes pursuant to subsection 1*a* of section 10. 85 Unprotected birds and animals.
- and an issuing fee of 15
- 8.—(1) Subsection 1 of section 25 of *The Game and Fisheries Act, 1946*, is amended by striking out the words "or any bear or its skin" in the third line, so that the said subsection shall now read as follows: 1946, c. 33, s. 25, subs. 1, amended.
- (1) No person shall take or ship or attempt to take or ship to any point outside of Ontario any fur-bearing animal or its pelt or send or have sent any of them to a tanner or taxidermist to be tanned or plucked or treated in any way without a licence and without paying a royalty. Royalties payable.
- (2) Subsection 2 of the said section 25 is amended by striking out the words "or bear skins" in the first line and the words "by affidavit or statutory declaration" in the fourth line, so that the said subsection shall now read as follows: 1946, c. 33, s. 25, subs. 2, amended.

Exceptions.

- (2) The royalties shall apply to any pelts that are damaged or destroyed by any means, but they shall not apply, where the holder furnishes the Department with satisfactory proof of their origin,—

(a) to silver, black, cross and blue fox and mink, bred on fur-farms operating within Ontario under a licence; or

(b) to pelts imported from any place outside of Ontario.

1946, c. 33,
s. 27, subs. 1,
amended.

9.—(1) Subsection 1 of section 27 of *The Game and Fisheries Act, 1946*, is amended by inserting after the word "kill" in the first line the words "or attempt to hunt, take or kill", so that the said subsection shall now read as follows:

Beaver.

- (1) No person shall at any time hunt, take or kill, or attempt to hunt, take or kill, any beaver, or possess the carcass, pelt or any part of any beaver, except during such period and on such terms and conditions as the Lieutenant-Governor in Council may prescribe, but the Minister may at any time by order in writing authorize the taking or killing of beaver by an overseer or other officer named in the order in any designated locality in which, in the opinion of the Minister, beaver are causing damage to a highway or to property of His Majesty or private property, and the beaver taken or killed shall be accounted for and delivered to the Department.

1946, c. 33,
s. 27, subs. 2,
cl. a,
amended.

(2) Clause *a* of subsection 2 of the said section 27 is amended by striking out the words "or black" in the first line and inserting in lieu thereof the words "black or fox", so that the said clause shall now read as follows:

Squirrel.

- (a) any gray, black or fox squirrel except during such periods and on such terms and conditions as the Lieutenant-Governor in Council may prescribe.

1946, c. 33,
s. 27, subs. 3,
cl. d,
amended.

(3) Clause *d* of subsection 3 of the said section 27 is amended by inserting after the word "deer" in the first line the words "or moose", so that the said clause shall now read as follows:

Swimming deer or moose.

- (d) hunt, take, kill or molest any deer or moose while it is swimming in any waters.

1946, c. 33,
s. 31, subs. 1,
amended.

10. Subsection 1 of section 31 of *The Game and Fisheries Act, 1946*, is amended by striking out the words "or otter" in the third line and inserting in lieu thereof the words "otter or musk-rat", so that the said subsection shall now read as follows:

SECTION 9—Subsection 1. Self-explanatory.

Subsection 2. This will provide needed protection for fox squirrels.

Subsection 3. This amendment will protect moose while swimming in the same way as deer are now protected.

SECTION 10. The use of dogs in the taking of musk-rat is prohibited.

SECTION 11. Clause *a* is an extension of the principle of the present section. It is strengthened in the interest of proper law enforcement. Clause *b* expresses the present law on the subject. It is unchanged in principle.

SECTION 12. This provision is new. It is designed to prevent detrimental species or diseased stock from being released in Ontario.

SECTION 13. The present section provides for the setting aside of waters for the propagation of fish.

As re-enacted, waters may also be set aside for the conservation of fish.

SECTION 14. See note to section 13. This is complementary.

SECTION 15. The prohibitions of the present clause are extended to owners and operators of camps. The prohibition as to a trap, snare or poison is also new.

- (1) No owner of a dog shall use it or allow it to be used in any manner for the hunting, taking or killing of any mink, beaver, otter or musk-rat. Dogs not to be used for hunting small game.

11. Section 43 of *The Game and Fisheries Act, 1946*, is repealed and the following substituted therefor: 1946, c. 33, s. 43, re-enacted.

43. In any locality which game usually inhabits or in which game is usually found, no person shall,— Prohibitions as to guns.

(a) have any air-gun, gun, rifle or fire-arm in his possession in a place from which game may be shot, unless it is unloaded and encased or it is dismantled, between one-half hour after sunset and one-half hour before sunrise of any day, except as may be provided by the regulations; or

(b) discharge any air-gun, gun, rifle or other fire-arm between one-half hour after sunset on Saturday and one-half hour before sunrise on Monday next following.

12. Section 45 of *The Game and Fisheries Act, 1946*, is amended by adding thereto the following subsection: 1946, c. 33, s. 45, amended.

- (2) No person shall release into natural cover any animal or bird imported into Ontario or propagated from stock imported into Ontario without the written authority of the Minister. Release of imported stock.

13. Section 48 of *The Game and Fisheries Act, 1946*, is repealed and the following substituted therefor: 1946, c. 33, s. 48, re-enacted.

48. The Lieutenant-Governor in Council may set apart any waters for the conservation or propagation of fish. Waters set apart.

14. Subsection 1 of section 49 of *The Game and Fisheries Act, 1946*, is amended by inserting after the article "the" in the second line the words "conservation or", so that the said subsection shall now read as follows: 1946, c. 33, s. 49, subs. 1, amended.

- (1) No person shall angle for or take fish by any means from waters set apart for the conservation or propagation of fish, under section 48, but the Department may take fish for the stocking and rearing of fish for public waters or may permit fish to be taken for scientific purposes. Fishing in protected waters prohibited.

15. Clause *c* of subsection 1 of section 57 of *The Game and Fisheries Act, 1946*, is amended by inserting after the article "the" in the second line the words "conservation or", so that the said clause shall now read as follows: 1946, c. 33, s. 57, subs. 1, cl. c, re-enacted.

Fisheries Act, 1946, is repealed and the following substituted therefor:

Certain persons not to carry fire-arms.

- (c) being an owner or operator of or an employee in any timber or mining camp or an employee engaged in the construction or maintenance of any railway or public work, possess in the vicinity of any of them any gun or other fire-arm, trap, snare or poison except under a licence, but this clause shall not apply to a resident employed by a railway company who does not carry or possess a fire-arm on a railway velocipede or hand-car; or

.

1946, c. 33, s. 61, subs. 1, re-enacted.

16.—(1) Subsection 1 of section 61 of *The Game and Fisheries Act, 1946*, is repealed and the following substituted therefor:

Coupons or seals on hunting licences.

- (1) There shall be provided with every hunting licence one or more shipping coupons or metal seals plainly marked with the description of the game for which the licence is issued and there shall be printed or stamped on the coupon or seal the date of the expiry of the licence which shall not be later than four days after the last day of the open season for which the licence is issued.

1946, c. 33, s. 61, subs. 2, amended.

(2) Subsection 2 of the said section 61 is amended by inserting after the word "them" in the first line the words "taken under a licence for which a shipping coupon is provided", so that the said subsection shall now read as follows:

Detachment and cancellation of coupon upon shipment of deer or moose.

- (2) Where any deer or moose, or any part of them, taken under a licence for which a shipping coupon is provided is presented for shipment to a common carrier, a coupon shall be detached from the licence and signed by the holder of the licence in the presence of the shipping agent or clerk in charge of the office at the point of shipment and attached to each animal or part thereof or to the receptacle containing it, and then the shipping agent or clerk shall write "cancelled" across the face of the coupon, but where the animal or any part of it is transported by other than a common carrier the coupon shall be attached to the animal or part of it and similarly cancelled by the holder of the licence before transporting it.

1946, c. 33, s. 61, amended.

(3) The said section 61 is further amended by adding thereto the following subsections:

SECTION 16—Subsection 1. The use of metal seals to be attached to deer and moose is authorized.

Subsection 2. The procedure provided in subsection 2 is now only applicable where a shipping coupon is used. It is not applicable where metal tags are used. The subsection is amended to make this clear.

Subsection 3. The subsections are new. They are self-explanatory.

Subsection 4. Subsection 3 is re-enacted so that it will conform with the amendments respecting metal seals for moose and deer.

SECTION 17. The clause is re-enacted so that it will conform with the amendments respecting metal seals for moose and deer.

SECTION 18. The words added extend the principle of the section to prosecutions for unlawful trapping.

SECTION 19. This section is extended to cover traps, etc., and snares.

- (2a) Where a moose is killed under a licence for which a metal seal is provided, the seal shall be attached to the moose immediately after it is killed. When seal to be attached to moose.
- (2b) Where a deer is killed under a licence for which a metal seal is provided, the seal shall be attached to the deer before it is transported or shipped. When seal to be attached to deer.
- (4) Subsection 3 of the said section 61 is repealed and the following substituted therefor: 1946, c. 33, s. 61, subs. 3, re-enacted.
- (3) No person shall violate any of the provisions of subsection 1, 2, 2a, or 2b, or use an expired coupon or seal, or transport or ship, or assist in transporting or shipping any moose or deer without a coupon or seal attached thereto. Offences related to shipping.
- 17.** Clause *a* of subsection 1 of section 63 of *The Game and Fisheries Act, 1946*, is repealed and the following substituted therefor: 1946, c. 33, s. 63, subs. 1, cl. a, re-enacted.
- (a) any deer or moose, or the head or any other part thereof, unless there is attached thereto or to the receptacle containing the same a shipping coupon or seal provided under this Act or the regulations. Transport of deer or moose.
- 18.** Clause *c* of section 69 of *The Game and Fisheries Act, 1946*, is amended by inserting after the word "hunting" where it occurs in the first and third lines respectively the words "or trapping" and by adding at the end thereof the words "or trapping, as the case may be", so that the said clause shall now read as follows: 1946, c. 33, s. 69, cl. c, amended.
- (c) hunting or trapping, the possession in or near any place which game inhabits or where game is likely to be found, of a gun, decoy or other implement for hunting or trapping, shall be *prima facie* evidence that the person in possession of any of them was hunting or trapping, as the case may be. Fire-arms.
- 19.** Subsection 1 of section 71 of *The Game and Fisheries Act, 1946*, is amended by inserting after the word "ammunition" in the second line the words "traps, trapping accessories, snares", so that the said subsection shall now read as follows: 1946, c. 33, s. 71, subs. 1, amended.
- (1) All motor vehicles, or vehicles of any description, aeroplanes, guns, ammunition, traps, trapping accessories, snares, boats, rafts, skiffs, canoes, punts and vessels of every description, decoys, nets, rods, lines, tackle, and all fishing gear, materials, implements or appliances of every kind used for hunting Seizure and confiscation of game and other property.

and fishing, and all game and fish, together with packages, crates or containers of every description used in violation of this Act and found in the possession of any person suspected of having committed an offence against this Act shall be seized, and upon conviction, be forfeited to and become the property of the Crown in right of Ontario and sold by the Department, but where the seizure is made from a person unknown, perishable game or fish shall be forfeited to and become the property of the Crown in right of Ontario and sold forthwith by the Department, and any other property seized shall be forfeited to, and become the property of the Crown in right of Ontario and sold by the Department after the expiration of thirty days.

1946, c. 33,
s. 72, cl. *bb*
(1947, c. 40,
s. 15),
re-enacted.

20.—(1) Clause *bb* of section 72 of *The Game and Fisheries Act, 1946*, as enacted by section 15 of *The Game and Fisheries Amendment Act, 1947*, is repealed and the following substituted therefor:

(*bb*) prescribing the manner in which game shall be sealed or marked.

1946, c. 33,
s. 72, cl. *dd*,
(1947, c. 40,
s. 15),
amended.

(2) Clause *dd* of the said section 72, as enacted by section 15 of *The Game and Fisheries Amendment Act, 1947*, is amended by striking out the word "April" in the fourth line and inserting in lieu thereof the word "March", so that the said clause shall now read as follows:

(*dd*) authorizing the council of any county designated by the Minister to declare open seasons for the hunting of foxes at any time from the 1st day of March to the 31st day of October in any year.

1946, c. 33,
s. 72, cl. *i*,
re-enacted.

(3) Clause *i* of the said section 72 is repealed and the following substituted therefor:

(*i*) varying the open season for any game in any part of Ontario and varying the part of Ontario in which any such open season shall apply.

Commence-
ment of Act.

21. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

22. This Act may be cited as *The Game and Fisheries Amendment Act, 1948*.

SECTION 20—Subsection 1. Clause *bb* is enlarged to cover all game. At the present time it applies to beaver only.

Subsection 2. The open season for foxes is extended one month.

Subsection 3. Under the present Act the power to vary is restricted to one season. This limitation is removed and the power clarified.

BILL

An Act to amend The Game and Fisheries
Act, 1946.

1st Reading

April 6th, 1948

2nd Reading

3rd Reading

Mr. SCOTT

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Game and Fisheries Act, 1946.

MR. SCOTT

No. 137

1948

BILL

An Act to amend The Game and Fisheries Act, 1946.

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

1.—(1) Section 1 of *The Game and Fisheries Act, 1946*, is ^{1946, c. 33,} amended by adding thereto the following clauses: ^{s. 1,} amended.

(ee) “domestic animals and birds” shall include non-^{“domestic} native species kept in captivity but shall not include ^{animals} native species kept in captivity or non-native species ^{and birds”;} present in the wild state;

.

(ff) “ferret” shall mean any of the domesticated forms of ^{“ferret”;} the old world polecat (*putorius putorius*) used for hunting;

.

(vv) “snare” shall mean any device for the taking of ^{“snare”;} animals whereby they are caught in a noose, and “snaring” shall have a corresponding meaning;

.

(ww) “trap” shall mean any spring trap, gin, deadfall, ^{“trap”.} box or net used to capture game, and “trapping” shall have a corresponding meaning.

(2) Clause *h* of the said section 1 is amended by striking ^{1946, c. 33,} out the word “squirrel” in the third line and inserting in lieu ^{s. 1, cl. *h*,} thereof the words “red squirrel”, so that the said clause shall now read as follows:

(*h*) “fur-bearing animal” shall mean a beaver, fisher, fox, ^{“fur-bearing} lynx, marten, mink, musk-rat, otter, raccoon, rabbit, ^{animal”.} skunk, red squirrel, weasel and wolverine or any

other animal which the Lieutenant-Governor in Council may declare to be a fur-bearing animal.

1946, c. 33,
s. 1, cl. i,
amended.

(3) Clause *i* of the said section 1 is amended by adding at the end thereof the words "and the *Migratory Birds Convention Act* (Canada) and shall include any portion of any such animal or bird", so that the said clause shall now read as follows:

"game".

(i) "game" shall mean all fur-bearing animals and all animals and birds protected by this Act and the *Migratory Birds Convention Act* (Canada) and shall include any portion of any such animal or bird.

1946, c. 33,
s. 7, subs. 1,
amended.

2. Subsection 1 of section 7 of *The Game and Fisheries Act, 1946*, is amended by adding at the end of clause *b* the words "or any baggage or express office or any licensed premises where pelts are bought or sold", so that the said subsection shall now read as follows:

Search of
vehicles,
premises.

(1) An officer shall have the authority of a constable for the purpose of this Act, and may without a search warrant,—

(a) stop and search any vehicle, motor vehicle, aeroplane or any other flying machine, boat or launch or any railway car, including a caboose, baggage or express car; and

(b) enter and search any hunting, mining, lumber or construction camp or any baggage or express office or any licensed premises where pelts are bought or sold,

where he has reasonable grounds to believe that any of them contains any game or fish taken in violation of this Act.

1946, c. 33,
s. 9,
amended.

3. Section 9 of *The Game and Fisheries Act, 1946*, is amended by inserting after the word "wound" where it occurs in the second and third lines respectively the word "trap", so that the said section shall now read as follows:

Non-
residents.

9. Except under a licence no non-resident shall hunt, take, molest, wound, trap, kill or destroy or attempt to hunt, take, molest, wound, trap, kill or destroy any animal or bird.

1946, c. 33,
s. 16,
amended.

4. Section 16 of *The Game and Fisheries Act, 1946*, is amended by adding thereto the following subsection:

- (5) Notwithstanding anything in this Act any person licensed under this Act or the *Migratory Birds Convention Act* (Canada) to kill or capture protected animals or birds may use traps or fire-arms for that purpose at any time or place where the licence is valid.
- Killing or capturing for scientific purposes.
R.S.C., c. 130.

5. Subsection 2 of section 17 of *The Game and Fisheries Act, 1946*, is amended by adding at the end thereof the words "or a licence under subsection 1", so that the said subsection shall now read as follows:

1946, c. 33, s. 17, subs. 2, amended.

- (2) No person shall sell a gill, hoop, pound or seine net to any other person not a holder of a commercial fishing licence or a licence under subsection 1.
- Restricted sale.

6. Subsection 1 of section 21 of *The Game and Fisheries Act, 1946*, is repealed and the following substituted therefor:

1946, c. 33, s. 21, subs. 1, re-enacted.

- (1) Except upon such terms and conditions as the Lieutenant-Governor in Council may prescribe, no licence shall be transferred and no person shall buy, sell, exchange or in any way become a party to the transfer of any licence, shipping coupon or seal, or in any way use or attempt to use a licence, shipping coupon or seal issued to any other person.
- Transfer of licence, coupon or seal.

7. Clause *a* of section 23 of *The Game and Fisheries Act, 1946*, is amended by adding thereto the following subclause:

1946, c. 33, s. 23, cl. *a*, amended.

- (vi) for a person to carry or use fire-arms or air-guns for hunting purposes pursuant to subsection 1*a* of section 10.....
- Unprotected birds and animals.

and an issuing fee of.....

8.—(1) Subsection 1 of section 25 of *The Game and Fisheries Act, 1946*, is amended by striking out the words "or any bear or its skin" in the third line, so that the said subsection shall now read as follows:

1946, c. 33, s. 25, subs. 1, amended.

- (1) No person shall take or ship or attempt to take or ship to any point outside of Ontario any fur-bearing animal or its pelt or send or have sent any of them to a tanner or taxidermist to be tanned or plucked or treated in any way without a licence and without paying a royalty.
- Royalties payable.

(2) Subsection 2 of the said section 25 is amended by striking out the words "or bear skins" in the first line and the words "by affidavit or statutory declaration" in the fourth line, so that the said subsection shall now read as follows:

1946, c. 33, s. 25, subs. 2, amended.

Exceptions.

- (2) The royalties shall apply to any pelts that are damaged or destroyed by any means, but they shall not apply, where the holder furnishes the Department with satisfactory proof of their origin,—

(a) to silver, black, cross and blue fox and mink, bred on fur-farms operating within Ontario under a licence; or

(b) to pelts imported from any place outside of Ontario.

1946, c. 33,
s. 27, subs. 1,
amended.

- 9.—(1) Subsection 1 of section 27 of *The Game and Fisheries Act, 1946*, is amended by inserting after the word “kill” in the first line the words “or attempt to hunt, take or kill”, so that the said subsection shall now read as follows:

Beaver.

- (1) No person shall at any time hunt, take or kill, or attempt to hunt, take or kill, any beaver, or possess the carcass, pelt or any part of any beaver, except during such period and on such terms and conditions as the Lieutenant-Governor in Council may prescribe, but the Minister may at any time by order in writing authorize the taking or killing of beaver by an overseer or other officer named in the order in any designated locality in which, in the opinion of the Minister, beaver are causing damage to a highway or to property of His Majesty or private property, and the beaver taken or killed shall be accounted for and delivered to the Department.

1946, c. 33,
s. 27, subs. 2,
cl. a,
amended.

- (2) Clause *a* of subsection 2 of the said section 27 is amended by striking out the words “or black” in the first line and inserting in lieu thereof the words “black or fox”, so that the said clause shall now read as follows:

Squirrel.

- (a) any gray, black or fox squirrel except during such periods and on such terms and conditions as the Lieutenant-Governor in Council may prescribe.

1946, c. 33,
s. 27, subs. 3,
cl. d,
amended.

- (3) Clause *d* of subsection 3 of the said section 27 is amended by inserting after the word “deer” in the first line the words “or moose”, so that the said clause shall now read as follows:

Swimming
deer or
moose.

- (d) hunt, take, kill or molest any deer or moose while it is swimming in any waters.

1946, c. 33,
s. 31, subs. 1,
amended.

10. Subsection 1 of section 31 of *The Game and Fisheries Act, 1946*, is amended by striking out the words “or otter” in the third line and inserting in lieu thereof the words “otter or musk-rat”, so that the said subsection shall now read as follows:

- (1) No owner of a dog shall use it or allow it to be used in any manner for the hunting, taking or killing of any mink, beaver, otter or musk-rat. Dogs not to be used for hunting small game.

11. Section 43 of *The Game and Fisheries Act, 1946*, is repealed and the following substituted therefor: 1946, c. 33, s. 43, re-enacted.

43. In any locality which game usually inhabits or in which game is usually found, no person shall,— Prohibitions as to guns.

(a) have any air-gun, gun, rifle or fire-arm in his possession in a place from which game may be shot, unless it is unloaded and encased or it is dismantled, between one-half hour after sunset and one-half hour before sunrise of any day, except as may be provided by the regulations; or

(b) discharge any air-gun, gun, rifle or other fire-arm between one-half hour after sunset on Saturday and one-half hour before sunrise on Monday next following.

12. Section 45 of *The Game and Fisheries Act, 1946*, is amended by adding thereto the following subsection: 1946, c. 33, s. 45, amended.

- (2) No person shall release into natural cover any animal or bird imported into Ontario or propagated from stock imported into Ontario without the written authority of the Minister. Release of imported stock.

13. Section 48 of *The Game and Fisheries Act, 1946*, is repealed and the following substituted therefor: 1946, c. 33, s. 48, re-enacted.

48. The Lieutenant-Governor in Council may set apart any waters for the conservation or propagation of fish. Waters set apart.

14. Subsection 1 of section 49 of *The Game and Fisheries Act, 1946*, is amended by inserting after the article "the" in the second line the words "conservation or", so that the said subsection shall now read as follows: 1946, c. 33, s. 49, subs. 1, amended.

- (1) No person shall angle for or take fish by any means from waters set apart for the conservation or propagation of fish, under section 48, but the Department may take fish for the stocking and rearing of fish for public waters or may permit fish to be taken for scientific purposes. Fishing in protected waters prohibited.

15. Clause c of subsection 1 of section 57 of *The Game and Fisheries Act, 1946*, is amended by inserting after the article "the" in the second line the words "conservation or", so that the said subsection shall now read as follows: 1946, c. 33, s. 57, subs. 1, cl. c, re-enacted.

Fisheries Act, 1946, is repealed and the following substituted therefor:

Certain persons not to carry fire-arms.

- (c) being an owner or operator of or an employee in any timber or mining camp or an employee engaged in the construction or maintenance of any railway or public work, possess in the vicinity of any of them any gun or other fire-arm, trap, snare or poison except under a licence, but this clause shall not apply to a resident employed by a railway company who does not carry or possess a fire-arm on a railway velocipede or hand-car; or

.

1946, c. 33, s. 61, subs. 1, re-enacted.

16.—(1) Subsection 1 of section 61 of *The Game and Fisheries Act, 1946*, is repealed and the following substituted therefor:

Coupons or seals on hunting licences.

- (1) There shall be provided with every hunting licence one or more shipping coupons or metal seals plainly marked with the description of the game for which the licence is issued and there shall be printed or stamped on the coupon or seal the date of the expiry of the licence which shall not be later than four days after the last day of the open season for which the licence is issued.

1946, c. 33, s. 61, subs. 2, amended.

(2) Subsection 2 of the said section 61 is amended by inserting after the word "them" in the first line the words "taken under a licence for which a shipping coupon is provided", so that the said subsection shall now read as follows:

Detachment and cancellation of coupon upon shipment of deer or moose.

- (2) Where any deer or moose, or any part of them, taken under a licence for which a shipping coupon is provided is presented for shipment to a common carrier, a coupon shall be detached from the licence and signed by the holder of the licence in the presence of the shipping agent or clerk in charge of the office at the point of shipment and attached to each animal or part thereof or to the receptacle containing it, and then the shipping agent or clerk shall write "cancelled" across the face of the coupon, but where the animal or any part of it is transported by other than a common carrier the coupon shall be attached to the animal or part of it and similarly cancelled by the holder of the licence before transporting it.

1946, c. 33, s. 61, amended.

(3) The said section 61 is further amended by adding thereto the following subsections:

(2a) Where a moose is killed under a licence for which a metal seal is provided, the seal shall be attached to the moose immediately after it is killed. When seal to be attached to moose.

(2b) Where a deer is killed under a licence for which a metal seal is provided, the seal shall be attached to the deer before it is transported or shipped. When seal to be attached to deer.

(4) Subsection 3 of the said section 61 is repealed and the following substituted therefor: 1946, c. 33, s. 61, subs. 3, re-enacted.

(3) No person shall violate any of the provisions of subsection 1, 2, 2a, or 2b, or use an expired coupon or seal, or transport or ship, or assist in transporting or shipping any moose or deer without a coupon or seal attached thereto. Offences related to shipping.

17. Clause *a* of subsection 1 of section 63 of *The Game and Fisheries Act, 1946*, is repealed and the following substituted therefor: 1946, c. 33, s. 63, subs. 1, cl. a, re-enacted.

(a) any deer or moose, or the head or any other part thereof, unless there is attached thereto or to the receptacle containing the same a shipping coupon or seal provided under this Act or the regulations. Transport of deer or moose.

18. Clause *c* of section 69 of *The Game and Fisheries Act, 1946*, is amended by inserting after the word "hunting" where it occurs in the first and third lines respectively the words "or trapping" and by adding at the end thereof the words "or trapping, as the case may be", so that the said clause shall now read as follows: 1946, c. 33, s. 69, cl. c, amended.

(c) hunting or trapping, the possession in or near any place which game inhabits or where game is likely to be found, of a gun, decoy or other implement for hunting or trapping, shall be *prima facie* evidence that the person in possession of any of them was hunting or trapping, as the case may be. Fire-arms.

19. Subsection 1 of section 71 of *The Game and Fisheries Act, 1946*, is amended by inserting after the word "ammunition" in the second line the words "traps, trapping accessories, snares", so that the said subsection shall now read as follows: 1946, c. 33, s. 71, subs. 1, amended.

(1) All motor vehicles, or vehicles of any description, aeroplanes, guns, ammunition, traps, trapping accessories, snares, boats, rafts, skiffs, canoes, punts and vessels of every description, decoys, nets, rods, lines, tackle, and all fishing gear, materials, implements or appliances of every kind used for hunting Seizure and confiscation of game and other property.

and fishing, and all game and fish, together with packages, crates or containers of every description used in violation of this Act and found in the possession of any person suspected of having committed an offence against this Act shall be seized, and upon conviction, be forfeited to and become the property of the Crown in right of Ontario and sold by the Department, but where the seizure is made from a person unknown, perishable game or fish shall be forfeited to and become the property of the Crown in right of Ontario and sold forthwith by the Department, and any other property seized shall be forfeited to, and become the property of the Crown in right of Ontario and sold by the Department after the expiration of thirty days.

1946, c. 33,
s. 72, cl. *bb*
(1947, c. 40,
s. 15),
re-enacted.

20.—(1) Clause *bb* of section 72 of *The Game and Fisheries Act*, 1946, as enacted by section 15 of *The Game and Fisheries Amendment Act*, 1947, is repealed and the following substituted therefor:

(*bb*) prescribing the manner in which game shall be sealed or marked.

1946, c. 33,
s. 72, cl. *dd*,
(1947, c. 40,
s. 15),
amended.

(2) Clause *dd* of the said section 72, as enacted by section 15 of *The Game and Fisheries Amendment Act*, 1947, is amended by striking out the word "April" in the fourth line and inserting in lieu thereof the word "March", so that the said clause shall now read as follows:

(*dd*) authorizing the council of any county designated by the Minister to declare open seasons for the hunting of foxes at any time from the 1st day of March to the 31st day of October in any year.

1946, c. 33,
s. 72, cl. *i*,
re-enacted.

(3) Clause *i* of the said section 72 is repealed and the following substituted therefor:

(*i*) varying the open season for any game in any part of Ontario and varying the part of Ontario in which any such open season shall apply.

Commence-
ment of Act.

21. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

22. This Act may be cited as *The Game and Fisheries Amendment Act*, 1948.

BILL

An Act to amend The Game and Fisheries Act, 1946.

1st Reading

April 6th, 1948

2nd Reading

April 9th, 1948

3rd Reading

April 16th, 1948

MR. SCOTT

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Forest Fires Prevention Act, 1948.

MR. SCOTT

EXPLANATORY NOTES

This Bill is a consolidation of the former Act and amendments with very little change in principle. The Bill is divided into headings for clarity, and the provisions respecting the creation of fire districts, travel permit areas and closed areas are clarified. Provision is continued for the issue of fire permits (section 7), travel permits (section 9) and work permits (section 12), and the requirements therefor, and the privileges given by such permits are better defined.

The final day of the close season for setting out fire in a fire district is extended to October 31st, but power remains to extend or restrict the close season by regulations (section 6).

By a change in the section respecting closed areas (section 11), it is provided that in a prosecution for an offence alleged to have been committed between the date of filing of the Minister's order closing an area and the date of publication under *The Regulations Act, 1944*, the burden of proof that he did not have actual notice of the order is placed on the accused.

By a change in subsection 4 of section 12 of the Bill from the provisions of subsection 4 of section 23 of the present Act, the subsection is made applicable to all persons carrying on operations of the class referred to in subsection 1. The present subsection applies only to persons holding a work permit. In addition the subsection is amended so that the question as to proof that the fire did not result from the operations is no longer one to be determined by the Minister.

The provisions of section 14, which formerly applied only to cities, towns and townships, and sections 17 and 18, which formerly applied only to townships, are enlarged to apply to every municipality as defined in section 1.

BILL

The Forest Fires Prevention Act, 1948.

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

INTERPRETATION.

1. In this Act,—

Interpre-
tation,—

- (a) "closed area" means an area closed by the Minister by order under subsection 1 of section 11; "closed area";
- (b) "Department" means Department of Lands and Forests; "Department";
- (c) "fire district" means a part of Ontario declared to be a fire district under section 2; "fire district";
- (d) "Minister" means Minister of Lands and Forests; "Minister";
- (e) "officer" means a person employed or appointed by or with the approval of the Minister to assist in enforcing the provisions of this Act; "officer";
- (f) "owner" includes locatee, purchaser from the Crown, assignee, lessee, occupant, purchaser, timber licensee, holder of mining claim or location, and any person having the right to cut timber and wood upon any land; "owner";
- (g) "municipality" means a city, town, village, township or improvement district; "municipality";
- (h) "regulations" mean regulations made under this Act; "regulations";
and
- (i) "travel permit area" means a forest area within a fire district declared to be a travel permit area under section 9. R.S.O. 1937, c. 325, s. 1; 1946, c. 32, s. 1, *amended*. "travel permit area."

ADMINISTRATION.

- Application of Act.** **2.—**(1) This Act applies only to fire districts. *New.*
- Creation of fire districts.** (2) The Lieutenant-Governor in Council may declare any part of Ontario a fire district. R.S.O. 1937, c. 325, s. 2 (1); 1946, c. 32, s. 2 (1).
- Right of action for damages not affected.** (3) Nothing in this Act shall affect or be held to limit or interfere with the right of any person to bring and maintain a civil action for damages occasioned by fire. R.S.O. 1937, c. 325, s. 30.
- Appointment of officers.** **3.** The Minister may employ, for the purpose of enforcing the provisions of this Act, such officers as he may deem necessary, who shall be subject to his instructions. R.S.O. 1937, c. 325, s. 5, *amended.*
- Honorary fire wardens.** **4.** The Minister may appoint honorary fire wardens who shall,—
- (a) be appointed without salary or other remuneration;
 - (b) have authority to enforce such of the provisions of this Act as the Minister may deem necessary; and
 - (c) wear a special badge to be issued by the Department. R.S.O. 1937, c. 325, s. 6; 1946, c. 32, s. 4, *amended.*
- Arrangement with owner for additional protection.** **5.—**(1) Where the owner of any land in a fire district desires to provide protection from fire upon such land in addition to that authorized by the foregoing provisions of this Act, the Minister may arrange with such owner for the appointment of special officers upon such land for the enforcement of this Act and the regulations.
- Appointments.** (2) Every such appointment shall be made or approved by the Minister.
- Payment of special officers.** (3) Every person appointed under subsection 1 shall be paid by the owner of the land such salary or other remuneration as the Minister may direct or approve. R.S.O. 1937, c. 325, s. 7; 1946, c. 32, s. 5, *amended.*

CLOSE SEASON.

- Close season.** **6.** Subject to the regulations, the period from the 1st day of April to the 31st day of October in each year shall be known as the close season in respect to the setting out of fire in a fire district. R.S.O. 1937, c. 325, s. 8 (1), *amended.*

FIRE PERMITS.

7.—(1) Upon application an officer may issue a permit, ^{Issue of fire permit.} called a "fire permit", to set out fire during the close season.

(2) A fire permit shall be an authority to the permittee to ^{Authority conferred by permit.} set out fire only in accordance with,—

(a) the terms and conditions under which the permit is issued; and

(b) the regulations. *New.*

(3) No person shall set out fire during the close season for ^{Prohibition against fire except under permit.} any purpose, other than cooking or obtaining warmth, except under a fire permit. R.S.O. 1937, c. 325, s. 8 (2), *amended.*

8.—(1) A fire permit may be limited as to duration and ^{Limitations in permit.} area, but in any event shall expire on the 31st day of March next following the date of its issue, and may contain such other terms and conditions as the issuing officer may deem necessary.

(2) A fire permit may be cancelled or suspended at any ^{Cancellation or suspension of permit.} time by an officer, and immediately upon receiving notice of such cancellation or suspension the permittee shall extinguish any fire set out under the permit. *New.*

TRAVEL PERMITS.

9.—(1) When the Lieutenant-Governor in Council deems ^{Creation of travel permit areas.} it necessary to regulate travel in a forest area within a fire district for the protection of that area, he may declare such forest area a travel permit area. R.S.O. 1937, c. 325, s. 25 (1), *amended.*

(2) Upon application an officer may issue without charge ^{Issue of travel permit.} a permit, called a "travel permit". R.S.O. 1937, c. 325, s. 25 (2), *amended.*

(3) A travel permit shall be an authority to the permittee ^{Authority conferred by permit.} to enter and travel about, and to set out fire only for the purpose of cooking or obtaining warmth, in the travel permit area in accordance with,—

(a) the terms and conditions under which the permit is issued; and

(b) the regulations. *New.*

(4) No person shall enter and travel about, or set out fire ^{Prohibition.}

in a travel permit area during the close season except under a travel permit. R.S.O. 1937, c. 325, s. 25 (3), *amended*.

Limitations
in permit.

10.—(1) A travel permit may be limited as to duration and area but in any event shall expire on the 31st day of March next following the date of its issue, and may contain such other terms and conditions as the issuing officer may deem necessary.

Cancellation
or suspension
of permit.

(2) A travel permit may be cancelled or suspended at any time by an officer, and immediately upon receiving notice of such cancellation or suspension, the permittee shall extinguish any fire set by him and shall leave the travel permit area. *New.*

CLOSED AREAS.

Designation
of closed
area.

11.—(1) When the Minister deems it necessary or expedient, owing to extreme fire hazard conditions, to close any area and shut out therefrom all persons except such as are specially authorized by the Minister, he may make an order in writing describing the area to be closed and the period during which such closure shall be in force, and prescribing any other terms and conditions he deems necessary. R.S.O. 1937, c. 325, s. 27 (1), *amended*.

Notice of
order.

(2) The Minister shall provide for such notice as he deems necessary under the circumstances, and shall publish a notice of the order setting out the area closed and the period of closure in such newspapers as in his opinion will give the greatest publicity. R.S.O. 1937, c. 325, s. 27 (2), *amended*.

Prohibition.

(3) No person, unless specially authorized by the Minister, shall enter a closed area during the period of closure. *New.*

Burden of
proof.

1944, c. 52.

(4) In any prosecution under subsection 3 in respect of an offence alleged to have been committed prior to publication of the order under *The Regulations Act, 1944*, the burden of proving he did not have actual notice of the order at the time the offence is alleged to have been committed shall be upon the accused. *New.*

WORK PERMITS.

Work permit
required for
woods and
milling
operations.

12.—(1) Except where land is being cleared for agricultural purposes by a locatee, purchaser or patentee, every person, firm or corporation shall, in addition to any other requirement, obtain from an officer a work permit before,—

(a) carrying on any logging, mining or industrial operation or before clearing a right-of-way for any road,

trail, telephone, telegraph, power or pipe line, tote-road, ditch or flume or before constructing any dam, bridge, or camp or before carrying on any other woods operation of any kind liable to cause the accumulation of any slash or debris on any land within a fire district;

- (b) operating in a fire district any mill for the purpose of manufacturing timber. R.S.O. 1937, c. 325, s. 23 (1); 1946, c. 32, s. 18 (1), *amended*.

(2) The application for such permit shall be in the pre-Description
scribed form, and in addition to any other information re- in permit.
quired in such form shall state the location of the proposed operation or mill, the character thereof, the number of men to be employed, the location of camps and the probable duration of the operation. R.S.O. 1937, c. 325, s. 23 (2), *amended*.

(3) An officer may in the interest of forest protection,— Powers of
officer.

- (a) refuse the granting of permission for any operation or limit the period during which the operation may be carried on;

- (b) require that any permittee carrying on any operation under this section maintain such fire-fighting equipment in good repair and at specified locations as the officer may deem necessary for the control of fires which might be caused either directly or indirectly by the operation;

- (c) cancel at any time any permit issued under this section. R.S.O. 1937, c. 325, s. 23 (3); 1946, c. 32, s. 18 (1), *amended*.

(4) Where fire originates in any particular area in which any person either by himself or his employees or someone on his behalf, is carrying on any of the operations referred to in clause *a* or *b* of subsection 1, or in any area used in connection with such operations, the onus shall be upon that person to prove that the fire did not result from such operations, and in the absence of such proof that person shall bear the full cost of controlling and extinguishing the fire. 1946, c. 32, s. 18 (2), *amended*. Cost of
extinguish-
ing fire.

(5) A work permit may be limited as to duration and area but in any event shall expire on the 31st day of March next following the date of its issue, and may contain such other terms and conditions as the issuing officer may deem necessary. R.S.O. 1937, c. 325, s. 23 (5); 1946, c. 32, s. 18 (3), *amended*. Expiration
of permit.

Per diem
penalty.

(6) Where an officer finds any operation mentioned in subsection 1 being conducted without a permit he may, in addition to any penalty imposed, give notice that such operation must cease until the necessary permit has been secured, and any person, firm or corporation carrying on an operation after such notice has been given shall be subject to a fine of \$25 for each and every day such operation is continued without a permit. R.S.O. 1937, c. 325, s. 23 (7); 1946, c. 32, s. 18 (1), *amended*.

Right to
refuse
permit.

(7) An officer may refuse to issue a permit under this section to any person, firm or corporation convicted of an offence under this section until such time as the said person, firm or corporation has furnished the Department with a bond in such amount and subject to such conditions as may be satisfactory to the officer. R.S.O. 1937, c. 325, s. 23 (8); 1946, c. 32, s. 18 (4), *amended*.

PREVENTION MEASURES.

Power of
officer as
to clearing
of land.

13.—(1) Wherever an officer finds upon the land of any person in a fire district conditions existing which, in his opinion, may cause danger to life or property from fire, he may order the owner or person in control of the land to do what in the opinion of the officer is necessary to remove such danger, and in default may enter upon such land with such assistants as he may deem necessary for the purpose of removing the conditions.

Cost of
work.

(2) The cost of any work done by him or his assistants under subsection 1 shall be borne and paid by the owner or person in control of such lands and shall be recoverable by the Minister by action in any court of competent jurisdiction.

Penalty.

(3) Any person who neglects or refuses to carry out any order or direction given under the authority of subsection 1 shall be guilty of an offence against this Act. 1946, c. 32, s. 8, *amended*.

"Owner",
meaning of.

14.—(1) In this section "owner" means locatee, purchaser from the Crown, assignee, purchaser or occupant.

Action by
municipality
in district.

(2) Where it appears to the council of a municipality in a provisional judicial district that the condition of any land in the municipality or adjacent thereto is by reason of unfinished clearing a source of danger from fire to property in the municipality, the council may cause a statement of the facts to be made to the Minister.

Inquiry into
complaint.

(3) The Minister shall make inquiry as to the conditions described by the council and shall report the result of his

inquiry to the council with his recommendation as to what action, if any, should be taken thereon.

(4) Where the Minister finds that cause for complaint exists owing to the unfinished clearing of land the council may give notice to the owner of the land directing him, within a time to be named in the notice, to properly clear the land or such part thereof or to such extent as the Minister may direct and designate in his report and to remove, as far as possible, all source of danger by fire.

Notice to owner to clean up land.

(5) If within the time so fixed the necessary work has not been done, the corporation of the municipality may cause the work to be done and the expenses of the corporation in doing such work shall be a charge upon the land and shall be payable by the owner forthwith.

Default of owner.

(6) If the land is patented and lies in an organized municipality the treasurer of the municipal corporation doing the work shall notify the clerk of the municipality in which the land lies of the amount so due and if after thirty days after the date of the receipt of such notice the amount remains unpaid the corporation of the municipality in which the land lies shall pay the amount to the treasurer of the municipality doing the work and the corporation making such payment may thereupon register or lodge in the proper registry or land titles office, a declaration under the hand of the reeve or other head of the municipality and the treasurer thereof and having the corporate seal affixed thereto, declaring that the municipal corporation claims a lien upon the land for the amount so paid and interest thereon at the rate of six per centum per annum from the date of the declaration.

Recovery of expenses where land is patented in organized territory.

(7) If the land is patented and lies in territory without municipal organization the municipal corporation doing the work may register or lodge in the proper registry or land titles office, a declaration to the same effect as the declaration mentioned in subsection 6 under the hand of the reeve or other head of the municipality and the treasurer thereof and having the corporate seal affixed thereto, stating that the corporation claims a lien upon the land for the amount of such expenses with interest at the rate of six per centum per annum from the date of the declaration.

Where land is patented in un-organized territory.

(8) Upon the registration or filing of the declaration mentioned in subsections 6 and 7, the municipal corporation making the declaration shall have a lien upon the land for the amount claimed and such lien shall have priority according to the general law of Ontario and if the claim remains unpaid for a period of three months after registration and filing the same may be enforced by the sale of the land in the manner

Effect of registration

provided for in the regulations. R.S.O. 1937, c. 325, s. 14; 1946, c. 32, s. 11, *amended*.

Agreements
with muni-
cipalities.

15. The Minister may enter into such agreement with any municipality as he may deem advisable for the prevention and control of forest fires, and any expenses incurred by the Department in carrying out any such agreement shall be paid out of such moneys as may be appropriated therefor by the Legislature. 1946, c. 32, s. 12.

Destruction
of refuse
on clearing
land for
highway.

16.—(1) Every person clearing a right-of-way for any road, trail, telephone, telegraph, power or pipe line, railway tote-road, ditch or flume shall, as rapidly as the clearing or cutting progresses and the weather conditions permit, or at such other time as an officer may direct, pile and burn on such right-of-way all refuse, timber, brush or other inflammable material cut or accumulated thereon, all such right-of-way burning to be subject to the requirements of this Act in respect to fire permits. R.S.O. 1937, c. 325, s. 22 (1); 1946, c. 32, s. 17 (1), *amended*.

Inflammable
matter near
right-of-way.

(2) Any person who within three hundred feet of the right-of-way of any railway causes any accumulation of inflammable debris shall at the request of any officer immediately pile and, subject to the requirements of this Act concerning fire permits, burn the debris. R.S.O. 1937, c. 325, s. 22 (2); 1946, c. 32, s. 17 (2), *amended*.

Timber out
to fall on
owner's
land.

(3) No person shall fell or permit to be felled trees or brush in such manner that such trees or brush shall fall and remain on land not owned by the person felling or permitting the felling of such trees or brush. R.S.O. 1937, c. 325, s. 17 (3).

Clearing in
neighbour-
hood of
mills, etc.

(4) Every person having charge of a camp, mine, sawmill, portable or stationary engine using fuel other than oil and located within one-half mile of any forest or woodland shall have the area surrounding said camp, mine, sawmill or engine cleared of inflammable material for a distance of at least three hundred feet and such further distance as may in the opinion of an officer be required. R.S.O. 1937, c. 325, s. 22 (4); 1946, c. 32, s. 17 (3), *amended*.

Accumula-
tion of in-
flammable
refuse.

(5) No person shall within one-half mile of any village, town or city accumulate inflammable debris or permit any such accumulation to remain on any property owned by him or under his control. R.S.O. 1937, c. 325, s. 22 (5).

EXTINGUISHMENT OF FIRES.

Duty of
municipal
corporation.

17. The corporation of any municipality within a fire dis-

trict shall do all necessary things to extinguish grass, brush or forest fires in the municipality, and the costs and expenses thereof shall be borne by the municipal corporation, provided that if the action taken by the municipal corporation in fighting any such fires is in the opinion of an officer not adequate, the officer may do what in his opinion is necessary to control and extinguish such fires, and any costs and expenses incurred by the Department in controlling or extinguishing such fires shall be a debt due by the municipal corporation to the Department and upon presentation of an account of such costs and expenses certified by the Minister, the treasurer of the municipality shall pay the same. R.S.O. 1937, c. 325, s. 15, *amended*.

18.—(1) Upon satisfactory proof being furnished by the municipality that any fire has started on Crown land within the municipality, half of the total cost of extinguishing such fire shall be borne by the Department. R.S.O. 1937, c. 325, s. 16 (1), *amended*. Contribution by Department.

(2) Where any such fire is confined entirely to Crown lands other than the lands of an owner as defined by subsection 1 of section 14, the total cost of extinguishing such fire shall be borne by the Department. 1946, c. 32, s. 13. Fires on Crown lands.

19.—(1) For the purpose of controlling and extinguishing any fire, an officer may employ or summon the assistance of any male person between the ages of eighteen and sixty years, excepting only trainmen, boat crews, local telephone operators, telegraphers and despatchers on duty, doctors and persons physically unfit. R.S.O. 1937, c. 325, s. 17 (4); 1946, c. 32, s. 14, *amended*. Right to summon assistance.

(2) Every person who refuses or neglects to render assistance when required under this section shall be guilty of an offence against this Act. R.S.O. 1937, c. 325, s. 17 (5), *amended*. Penalty for refusing to assist.

20.—(1) Every owner, within the meaning of subsection 1 of section 14, of land upon which there is a fire other than,— Extinguishment of fires.

(a) a fire set out for cooking or obtaining warmth and kept under control; or

(b) a fire set out under the authority of this Act and kept under control,

shall use all reasonable efforts to extinguish it and in any prosecution or action the onus shall be upon him to prove that he used all such reasonable efforts.

Expenses
incurred in
extinguish-
ing fires.

(2) In addition to the other penalties provided by this Act, every owner who violates the provisions of subsection 1 shall be liable for all expenses incurred by the Department in attempting to extinguish such fire upon the land of which he is the owner or upon any land to which it spreads, and the amount thereof shall be recoverable with costs as a debt due by action in any court of competent jurisdiction at the suit of the Minister. 1946, c. 32, s. 16.

OFFENCES.

Offences.

21.—(1) During the close season in any year no person, company or corporation in a fire district shall,—

Using
engines
without
prescribed
safeguards.

(a) use or operate within a quarter of a mile of any forest, slashing or bushland any engine which is not provided with a practical and efficient device for arresting sparks, together with an adequate device for preventing the escape of fire or live coals from all ash pans and fire boxes, and which does not comply in every respect with the regulations;

Destroying
waste, etc.,
without
spark
arresters.

(b) destroy any wood or waste material by fire within any burner or destructor operated at or near any mill or manufactory, or operate any power-producing plant using in connection therewith any smoke-stack, chimney or other spark-emitting outlet, without installing and maintaining on such burner or destructor or on such smoke-stack, chimney or spark-emitting outlet a safe and suitable device for arresting sparks complying in all respects with the regulations. R.S.O. 1937, c. 325, s. 12 (1); 1946, c. 32, s. 9 (1), *amended*.

Dropping
fire or
live coal.

(2) No railway company operating within the fire district shall permit fire, live coals or ashes to be deposited on its tracks or right-of-way unless they are extinguished immediately thereafter, except in pits provided for the purpose. R.S.O. 1937, c. 325, s. 12 (2).

Injunction.

(3) Notwithstanding the penal provisions of this Act, any court of competent jurisdiction may upon the application of the Minister grant an injunction against the use of any locomotive, engine, burner or destructor until it has been equipped with safety appliances to the satisfaction of the Minister. R.S.O. 1937, c. 325, s. 12 (3); 1946, c. 32, s. 9 (2), *amended*.

Duty of
engineer.

22. Every engineer in charge of any engine which is not subject to the jurisdiction of the Board of Transport Commissioners for Canada shall see that all safety appliances required by this Act or by the regulations are properly used and ap-

plied, and in default he shall be guilty of an offence against this Act. R.S.O. 1937, c. 325, s. 13; 1946, c. 32, s. 10, *amended*.

23. No person shall,—

Particular
offences.

- (a) throw or drop any burning match, ashes from a pipe, lighted cigarette, cigar or other burning substance in a fire district without extinguishing it;
- (b) discharge a firearm in a fire district without ensuring that the wadding from the firearm is extinguished;
- (c) without lawful authority, destroy, deface or remove any notice posted under this Act or the regulations; or
- (d) without lawful authority, destroy, damage or remove any equipment placed in the forest for the purpose of protecting the forests from fire. R.S.O. 1937, c. 325, ss. 18, 20, *amended*.

24. Every officer shall have the right while in the performance of his duties to enter into and upon any lands and premises other than a private dwelling, store, storehouse, office or farm building, and every person who hinders, obstructs and impedes any such officer in the performance of his duty shall be guilty of an offence against this Act. R.S.O. 1937, c. 325, s. 19; 1946, c. 32, s. 15, *amended*.

Right of
officer to
enter on
premises.

25. Every person using or travelling in the forest shall, upon request, give an officer or other authorized officer of the Crown, information as to his name, address, routes to be followed, location of camps and any other information pertaining to the protection of the forest from fire, and any person who refuses to give such information shall be guilty of an offence against this Act. R.S.O. 1937, c. 325, s. 26; 1946, c. 32, s. 21, *amended*.

Information
to be given
to officer by
tourists, etc.

PENALTIES.

26.—(1) Every person who disobeys or refuses or neglects to carry out any of the provisions of this Act or any regulation or order made thereunder shall be guilty of an offence and shall be liable to a fine of not less than \$25 and not more than \$300, and in default of payment may be imprisoned for a period not exceeding ninety days, or to imprisonment for a period not exceeding ninety days, or to both fine and imprisonment, and such person shall be liable to the Department for any expenses incurred by it in endeavouring to control or extinguish any fire caused by or resulting from such

Penalties.

disobedience, refusal or neglect. R.S.O. 1937, c. 325, s. 29; 1946, c. 32, s. 22, *part, amended*.

Expenses,—
recovery of.

(2) The amount of any expenses for which any person is liable to the Department under subsection 1 shall be recoverable with costs as a debt due by action in any court of competent jurisdiction at the suit of the Minister, provided that where the amount claimed does not exceed \$300 and proceedings are taken under *The Summary Convictions Act* in respect of the disobedience, refusal or neglect, the magistrate, upon making a conviction, may order payment of such amount to the Minister and every such order may be enforced in the same manner as a division court judgment, 1946, c. 32, s. 22, *part*.

Rev. Stat.,
c. 136.

Recovery of
penalties.

Rev. Stat.,
c. 136.

27. The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*. R.S.O. 1937, c. 325, s. 31, *amended*.

REGULATIONS.

Regulations,—

28. The Lieutenant-Governor in Council may make regulations,—

- (a) extending or restricting the close season for any fire district or any part of a fire district in any year to such date as may be deemed necessary;
- (b) prescribing forms for use under the Act and the regulations;
- (c) respecting the granting of permits and prescribing the terms and conditions thereof;
- (d) prescribing the precautions to be taken in the use of fire under a permit, and the appliances, implements and apparatus to be kept at hand by the holders of permits;
- (e) prescribing the circumstances and conditions under which fire may be set out or used without a permit, and under which fire may be used out of doors for cooking or obtaining warmth;
- (f) providing for the making of fire guards and the taking of other precautionary measures when the Minister deems danger from fire to any town or settlement specially imminent;

- (g) regulating or preventing the piling or accumulation

of brushwood, debris and other inflammable material;

- (h) prescribing the use of fire protective appliances on engines, and the precautions to be taken for preventing forest fires being caused by the use and operation of engines;
- (i) prescribing the manner in which land may be sold under subsection 8 of section 14;
- (j) providing for the collection of the cost of any work done by an officer or by a municipal corporation under the authority of this Act in cases not provided for under this Act;
- (k) generally for the better carrying out of forest fire prevention and the provisions of this Act. R.S.O. 1937, c. 325, s. 10; 1946, c. 32, s. 7, *amended*.

GENERAL.

29. *The Forest Fires Prevention Act, The Forest Fires Prevention Amendment Act, 1946*, and section 9 of *The Statute Law Amendment Act, 1947*, are repealed. Rev. Stat.,
c. 325; 1946,
c. 32; 1947,
c. 101, s. 9,
repealed.

30. This Act may be cited as *The Forest Fires Prevention Act, 1948*. Short title.

BILL

The Forest Fires Prevention Act, 1948.

1st Reading

April 6th, 1948

2nd Reading

3rd Reading

MR. SCOTT

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Forest Fires Prevention Act, 1948.

MR. SCOTT

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTES

This Bill is a consolidation of the former Act and amendments with very little change in principle. The Bill is divided into headings for clarity, and the provisions respecting the creation of fire districts, travel permit areas and closed areas are clarified. Provision is continued for the issue of fire permits (section 7), travel permits (section 9) and work permits (section 12), and the requirements therefor, and the privileges given by such permits are better defined.

The final day of the close season for setting out fire in a fire district is extended to October 31st, but power remains to extend or restrict the close season by regulations (section 6).

By a change in the section respecting closed areas (section 11), it is provided that in a prosecution for an offence alleged to have been committed between the date of filing of the Minister's order closing an area and the date of publication under *The Regulations Act, 1944*, the burden of proof that he did not have actual notice of the order is placed on the accused.

By a change in subsection 4 of section 12 of the Bill from the provisions of subsection 4 of section 23 of the present Act, the subsection is made applicable to all persons carrying on operations of the class referred to in subsection 1. The present subsection applies only to persons holding a work permit. In addition the subsection is amended so that the question as to proof that the fire did not result from the operations is no longer one to be determined by the Minister.

The provisions of section 14, which formerly applied only to cities, towns and townships, and sections 17 and 18, which formerly applied only to townships, are enlarged to apply to every municipality as defined in section 1.

BILL

The Forest Fires Prevention Act, 1948.

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

INTERPRETATION.

1. In this Act,—

Interpre-
tation,—

- (a) "closed area" means an area closed by the Minister by order under subsection 1 of section 11; "closed area";
- (b) "Department" means Department of Lands and Forests; "Department";
- (c) "fire district" means a part of Ontario declared to be a fire district under section 2; "fire district";
- (d) "Minister" means Minister of Lands and Forests; "Minister";
- (e) "officer" means a person employed or appointed by or with the approval of the Minister to assist in enforcing the provisions of this Act; "officer";
- (f) "owner" includes locatee, purchaser from the Crown, assignee, lessee, occupant, purchaser, timber licensee, holder of mining claim or location, and any person having the right to cut timber and wood upon any land; "owner";
- (g) "municipality" means a city, town, village, township or improvement district; "municipality";
- (h) "regulations" mean regulations made under this Act; "regulations";
and
- (i) "travel permit area" means a forest area within a fire district declared to be a travel permit area under section 9. R.S.O. 1937, c. 325, s. 1; 1946, c. 32, s. 1, *amended*. "travel permit area."

ADMINISTRATION.

Application
of Act.

2.—(1) This Act applies only to fire districts. *New.*

Creation
of fire
districts.

(2) The Lieutenant-Governor in Council may declare any part of Ontario a fire district. R.S.O. 1937, c. 325, s. 2 (1); 1946, c. 32, s. 2 (1).

Right of
action for
damages not
affected.

(3) Nothing in this Act shall affect or be held to limit or interfere with the right of any person to bring and maintain a civil action for damages occasioned by fire. R.S.O. 1937, c. 325, s. 30.

Appoint-
ment of
officers.

3. The Minister may employ, for the purpose of enforcing the provisions of this Act, such officers as he may deem necessary, who shall be subject to his instructions. R.S.O. 1937, c. 325, s. 5, *amended.*

Honorary
fire
wardens.

4. The Minister may appoint honorary fire wardens who shall,—

(a) be appointed without salary or other remuneration;

(b) have authority to enforce such of the provisions of this Act as the Minister may deem necessary; and

(c) wear a special badge to be issued by the Department. R.S.O. 1937, c. 325, s. 6; 1946, c. 32, s. 4, *amended.*

Arrange-
ment with
owner for
additional
protection.

5.—(1) Where the owner of any land in a fire district desires to provide protection from fire upon such land in addition to that authorized by the foregoing provisions of this Act, the Minister may arrange with such owner for the appointment of special officers upon such land for the enforcement of this Act and the regulations.

Appoint-
ments.

(2) Every such appointment shall be made or approved by the Minister.

Payment of
special
officers.

(3) Every person appointed under subsection 1 shall be paid by the owner of the land such salary or other remuneration as the Minister may direct or approve. R.S.O. 1937, c. 325, s. 7; 1946, c. 32, s. 5, *amended.*

CLOSE SEASON.

Close
season.

6. Subject to the regulations, the period from the 1st day of April to the 31st day of October in each year shall be known as the close season in respect to the setting out of fire in a fire district. R.S.O. 1937, c. 325, s. 8 (1), *amended.*

FIRE PERMITS.

7.—(1) Upon application an officer may issue a permit, ^{Issue of fire permit.} called a "fire permit", to set out fire during the close season.

(2) A fire permit shall be an authority to the permittee to ^{Authority conferred by permit.} set out fire only in accordance with,—

(a) the terms and conditions under which the permit is issued; and

(b) the regulations. *New.*

(3) No person shall set out fire during the close season for ^{Prohibition against fire except under permit.} any purpose, other than cooking or obtaining warmth, except under a fire permit. R.S.O. 1937, c. 325, s. 8 (2), *amended.*

8.—(1) A fire permit may be limited as to duration and ^{Limitations in permit.} area, but in any event shall expire on the 31st day of March next following the date of its issue, and may contain such other terms and conditions as the issuing officer may deem necessary.

(2) A fire permit may be cancelled or suspended at any ^{Cancellation or suspension of permit.} time by an officer, and immediately upon receiving notice of such cancellation or suspension the permittee shall extinguish any fire set out under the permit. *New.*

TRAVEL PERMITS.

9.—(1) When the Lieutenant-Governor in Council deems ^{Creation of travel permit areas.} it necessary to regulate travel in a forest area within a fire district for the protection of that area, he may declare such forest area a travel permit area. R.S.O. 1937, c. 325, s. 25 (1), *amended.*

(2) Upon application an officer may issue without charge ^{Issue of travel permit.} a permit, called a "travel permit". R.S.O. 1937, c. 325, s. 25 (2), *amended.*

(3) A travel permit shall be an authority to the permittee ^{Authority conferred by permit.} to enter and travel about, and to set out fire only for the purpose of cooking or obtaining warmth, in the travel permit area in accordance with,—

(a) the terms and conditions under which the permit is issued; and

(b) the regulations. *New.*

(4) No person shall enter and travel about, or set out fire ^{Prohibition.}

in a travel permit area during the close season except under a travel permit. R.S.O. 1937, c. 325, s. 25 (3), *amended*.

Limitations
in permit.

10.—(1) A travel permit may be limited as to duration and area but in any event shall expire on the 31st day of March next following the date of its issue, and may contain such other terms and conditions as the issuing officer may deem necessary.

Cancellation
or suspension
of permit.

(2) A travel permit may be cancelled or suspended at any time by an officer, and immediately upon receiving notice of such cancellation or suspension, the permittee shall extinguish any fire set by him and shall leave the travel permit area. *New.*

CLOSED AREAS.

Designation
of closed
area.

11.—(1) When the Minister deems it necessary or expedient, owing to extreme fire hazard conditions, to close any area and shut out therefrom all persons except such as are specially authorized by the Minister, he may make an order in writing describing the area to be closed and the period during which such closure shall be in force, and prescribing any other terms and conditions he deems necessary. R.S.O. 1937, c. 325, s. 27 (1), *amended*.

Notice of
order.

(2) The Minister shall provide for such notice as he deems necessary under the circumstances, and shall publish a notice of the order setting out the area closed and the period of closure in such newspapers as in his opinion will give the greatest publicity. R.S.O. 1937, c. 325, s. 27 (2), *amended*.

Prohibition.

(3) No person, unless specially authorized by the Minister, shall enter a closed area during the period of closure. *New.*

Burden of
proof.

1944, c. 52.

(4) In any prosecution under subsection 3 in respect of an offence alleged to have been committed prior to publication of the order under *The Regulations Act, 1944*, the burden of proving he did not have actual notice of the order at the time the offence is alleged to have been committed shall be upon the accused. *New.*

WORK PERMITS.

Work permit
required for
woods and
milling
operations.

12.—(1) Except where land is being cleared for agricultural purposes by a locatee, purchaser or patentee, every person, firm or corporation shall, in addition to any other requirement, obtain from an officer a work permit before,—

(a) carrying on any logging, mining or industrial operation or before clearing a right-of-way for any road,

trail, telephone, telegraph, power or pipe line, tote-road, ditch or flume or before constructing any dam, bridge, or camp or before carrying on any other woods operation of any kind liable to cause the accumulation of any slash or debris on any land within a fire district;

- (b) operating in a fire district any mill for the purpose of manufacturing timber. R.S.O. 1937, c. 325, s. 23 (1); 1946, c. 32, s. 18 (1), *amended*.

(2) The application for such permit shall be in the pre-described form, and in addition to any other information required in such form shall state the location of the proposed operation or mill, the character thereof, the number of men to be employed, the location of camps and the probable duration of the operation. R.S.O. 1937, c. 325, s. 23 (2), *amended*. Description
in permit.

(3) An officer may in the interest of forest protection,— Powers of
officer.

- (a) refuse the granting of permission for any operation or limit the period during which the operation may be carried on;

- (b) require that any permittee carrying on any operation under this section maintain such fire-fighting equipment in good repair and at specified locations as the officer may deem necessary for the control of fires which might be caused either directly or indirectly by the operation;

- (c) cancel at any time any permit issued under this section. R.S.O. 1937, c. 325, s. 23 (3); 1946, c. 32, s. 18 (1), *amended*.

(4) Where fire originates in any particular area in which any person either by himself or his employees or someone on his behalf, is carrying on any of the operations referred to in clause *a* or *b* of subsection 1, in the absence of reasonable evidence that the fire may have occurred from causes other than such operations the onus shall be upon that person to prove that the fire did not result from such operations, and in the absence of such proof that person shall bear the full cost of controlling and extinguishing the fire. 1946, c. 32, s. 18 (2), *amended*. Cost of
extinguish-
ing fire.

(5) A work permit may be limited as to duration and area but in any event shall expire on the 31st day of March next following the date of its issue, and may contain such other terms and conditions as the issuing officer may deem necessary. R.S.O. 1937, c. 325, s. 23 (5); 1946, c. 32, s. 18 (3), *amended*. Expiration
of permit.

Per diem
penalty.

(6) Where an officer finds any operation mentioned in subsection 1 being conducted without a permit he may, in addition to any penalty imposed, give notice that such operation must cease until the necessary permit has been secured, and any person, firm or corporation carrying on an operation after such notice has been given shall be subject to a fine of \$25 for each and every day such operation is continued without a permit. R.S.O. 1937, c. 325, s. 23 (7); 1946, c. 32, s. 18 (1), *amended*.

Right to
refuse
permit.

(7) An officer may refuse to issue a permit under this section to any person, firm or corporation convicted of an offence under this section until such time as the said person, firm or corporation has furnished the Department with a bond in such amount and subject to such conditions as may be satisfactory to the officer. R.S.O. 1937, c. 325, s. 23 (8); 1946, c. 32, s. 18 (4), *amended*.

PREVENTION MEASURES.

Power of
officer as
to clearing
of land.

13.—(1) Wherever an officer finds upon the land of any person in a fire district conditions existing which, in his opinion, may cause danger to life or property from fire, he may order the owner or person in control of the land to do what in the opinion of the officer is necessary to remove such danger, and in default may enter upon such land with such assistants as he may deem necessary for the purpose of removing the conditions.

Cost of
work.

(2) The cost of any work done by him or his assistants under subsection 1 shall be borne and paid by the owner or person in control of such lands and shall be recoverable by the Minister by action in any court of competent jurisdiction.

Penalty.

(3) Any person who neglects or refuses to carry out any order or direction given under the authority of subsection 1 shall be guilty of an offence against this Act. 1946, c. 32, s. 8, *amended*.

"Owner",
meaning of.

14.—(1) In this section "owner" means locatee, purchaser from the Crown, assignee, purchaser or occupant.

Action by
municipality
in district.

(2) Where it appears to the council of a municipality in a provisional judicial district that the condition of any land in the municipality or adjacent thereto is by reason of unfinished clearing a source of danger from fire to property in the municipality, the council may cause a statement of the facts to be made to the Minister.

Inquiry into
complaint.

(3) The Minister shall make inquiry as to the conditions described by the council and shall report the result of his

inquiry to the council with his recommendation as to what action, if any, should be taken thereon.

(4) Where the Minister finds that cause for complaint exists owing to the unfinished clearing of land the council may give notice to the owner of the land directing him, within a time to be named in the notice, to properly clear the land or such part thereof or to such extent as the Minister may direct and designate in his report and to remove, as far as possible, all source of danger by fire.

Notice to owner to clean up land.

(5) If within the time so fixed the necessary work has not been done, the corporation of the municipality may cause the work to be done and the expenses of the corporation in doing such work shall be a charge upon the land and shall be payable by the owner forthwith.

Default of owner.

(6) If the land is patented and lies in an organized municipality the treasurer of the municipal corporation doing the work shall notify the clerk of the municipality in which the land lies of the amount so due and if after thirty days after the date of the receipt of such notice the amount remains unpaid the corporation of the municipality in which the land lies shall pay the amount to the treasurer of the municipality doing the work and the corporation making such payment may thereupon register or lodge in the proper registry or land titles office, a declaration under the hand of the reeve or other head of the municipality and the treasurer thereof and having the corporate seal affixed thereto, declaring that the municipal corporation claims a lien upon the land for the amount so paid and interest thereon at the rate of six per centum per annum from the date of the declaration.

Recovery of expenses where land is patented in organized territory.

(7) If the land is patented and lies in territory without municipal organization the municipal corporation doing the work may register or lodge in the proper registry or land titles office, a declaration to the same effect as the declaration mentioned in subsection 6 under the hand of the reeve or other head of the municipality and the treasurer thereof and having the corporate seal affixed thereto, stating that the corporation claims a lien upon the land for the amount of such expenses with interest at the rate of six per centum per annum from the date of the declaration.

Where land is patented in un-organized territory.

(8) Upon the registration or filing of the declaration mentioned in subsections 6 and 7, the municipal corporation making the declaration shall have a lien upon the land for the amount claimed and such lien shall have priority according to the general law of Ontario and if the claim remains unpaid for a period of three months after registration and filing the same may be enforced by the sale of the land in the manner

Effect of registration

provided for in the regulations. R.S.O. 1937, c. 325, s. 14; 1946, c. 32, s. 11, *amended*.

Agreements
with muni-
cipalities.

15. The Minister may enter into such agreement with any municipality as he may deem advisable for the prevention and control of forest fires, and any expenses incurred by the Department in carrying out any such agreement shall be paid out of such moneys as may be appropriated therefor by the Legislature. 1946, c. 32, s. 12.

Destruction
of refuse
on clearing
land for
highway.

16.—(1) Every person clearing a right-of-way for any road, trail, telephone, telegraph, power or pipe line, railway tote-road, ditch or flume shall, as rapidly as the clearing or cutting progresses and the weather conditions permit, or at such other time as an officer may direct, pile and burn on such right-of-way all refuse, timber, brush or other inflammable material cut or accumulated thereon, all such right-of-way burning to be subject to the requirements of this Act in respect to fire permits. R.S.O. 1937, c. 325, s. 22 (1); 1946, c. 32, s. 17 (1), *amended*.

Inflammable
matter near
right-of-way.

(2) Any person who within three hundred feet of the right-of-way of any railway causes any accumulation of inflammable debris shall at the request of any officer immediately pile and, subject to the requirements of this Act concerning fire permits, burn the debris. R.S.O. 1937, c. 325, s. 22 (2); 1946, c. 32, s. 17 (2), *amended*.

Timber cut
to fall on
owner's
land.

(3) No person shall fell or permit to be felled trees or brush in such manner that such trees or brush shall fall and remain on land not owned by the person felling or permitting the felling of such trees or brush. R.S.O. 1937, c. 325, s. 17 (3).

Clearing in
neighbour-
hood of
mills, etc.

(4) Every person having charge of a camp, mine, sawmill, portable or stationary engine using fuel other than oil and located within one-half mile of any forest or woodland shall have the area surrounding said camp, mine, sawmill or engine cleared of inflammable material for a distance of at least three hundred feet and such further distance as may in the opinion of an officer be required. R.S.O. 1937, c. 325, s. 22 (4); 1946, c. 32, s. 17 (3), *amended*.

Accumula-
tion of in-
flammable
refuse.

(5) No person shall within one-half mile of any village, town or city accumulate inflammable debris or permit any such accumulation to remain on any property owned by him or under his control. R.S.O. 1937, c. 325, s. 22 (5).

EXTINGUISHMENT OF FIRES.

Duty of
municipal
corporation.

17. The corporation of any municipality within a fire dis-

trict shall do all necessary things to extinguish grass, brush or forest fires in the municipality, and the costs and expenses thereof shall be borne by the municipal corporation, provided that if the action taken by the municipal corporation in fighting any such fires is in the opinion of an officer not adequate, the officer may do what in his opinion is necessary to control and extinguish such fires, and any costs and expenses incurred by the Department in controlling or extinguishing such fires shall be a debt due by the municipal corporation to the Department and upon presentation of an account of such costs and expenses certified by the Minister, the treasurer of the municipality shall pay the same. R.S.O. 1937, c. 325, s. 15, *amended*.

18.—(1) Upon satisfactory proof being furnished by the municipality that any fire has started on Crown land within the municipality, half of the total cost of extinguishing such fire shall be borne by the Department. ^{Contribution by Department.} R.S.O. 1937, c. 325, s. 16 (1), *amended*.

(2) Where any such fire is confined entirely to Crown lands other than the lands of an owner as defined by subsection 1 ^{Fires on Crown lands.} of section 14, the total cost of extinguishing such fire shall be borne by the Department. 1946, c. 32, s. 13.

19.—(1) For the purpose of controlling and extinguishing any fire, an officer may employ or summon the assistance of ^{Right to summon assistance.} any male person between the ages of eighteen and sixty years, excepting only trainmen, boat crews, local telephone operators, telegraphers and despatchers on duty, doctors and persons physically unfit. R.S.O. 1937, c. 325, s. 17 (4); 1946, c. 32, s. 14, *amended*.

(2) Every person who refuses or neglects to render assistance when required under this section shall be guilty of a ^{Penalty for refusing to assist.} offence against this Act. R.S.O. 1937, c. 325, s. 17 (5), *amended*.

20.—(1) Every owner, within the meaning of subsection 1 ^{Extinguishment of fires.} of section 14, of land upon which there is a fire other than,—

(a) a fire set out for cooking or obtaining warmth and kept under control; or

(b) a fire set out under the authority of this Act and kept under control,

shall use all reasonable efforts to extinguish it and in any prosecution or action the onus shall be upon him to prove that he used all such reasonable efforts.

Expenses
incurred in
extinguish-
ing fires.

(2) In addition to the other penalties provided by this Act, every owner who violates the provisions of subsection 1 shall be liable for all expenses incurred by the Department in attempting to extinguish such fire upon the land of which he is the owner or upon any land to which it spreads, and the amount thereof shall be recoverable with costs as a debt due by action in any court of competent jurisdiction at the suit of the Minister. 1946, c. 32, s. 16.

OFFENCES.

Offences.

21.—(1) During the close season in any year no person, company or corporation in a fire district shall,—

Using
engines
without
prescribed
safeguards.

(a) use or operate within a quarter of a mile of any forest, slashing or bushland any engine which is not provided with a practical and efficient device for arresting sparks, together with an adequate device for preventing the escape of fire or live coals from all ash pans and fire boxes, and which does not comply in every respect with the regulations;

Destroying
waste, etc.,
without
spark
arresters.

(b) destroy any wood or waste material by fire within any burner or destructor operated at or near any mill or manufactory, or operate any power-producing plant using in connection therewith any smoke-stack, chimney or other spark-emitting outlet, without installing and maintaining on such burner or destructor or on such smoke-stack, chimney or spark-emitting outlet a safe and suitable device for arresting sparks complying in all respects with the regulations. R.S.O. 1937, c. 325, s. 12 (1); 1946, c. 32, s. 9 (1), *amended*.

Dropping
fire or
live coal.

(2) No railway company operating within the fire district shall permit fire, live coals or ashes to be deposited on its tracks or right-of-way unless they are extinguished immediately thereafter, except in pits provided for the purpose. R.S.O. 1937, c. 325, s. 12 (2).

Injunction.

(3) Notwithstanding the penal provisions of this Act, any court of competent jurisdiction may upon the application of the Minister grant an injunction against the use of any locomotive, engine, burner or destructor until it has been equipped with safety appliances to the satisfaction of the Minister. R.S.O. 1937, c. 325, s. 12 (3); 1946, c. 32, s. 9 (2), *amended*.

Duty of
engineer.

22. Every engineer in charge of any engine which is not subject to the jurisdiction of the Board of Transport Commissioners for Canada shall see that all safety appliances required by this Act or by the regulations are properly used and ap-

plied, and in default he shall be guilty of an offence against this Act. R.S.O. 1937, c. 325, s. 13; 1946, c. 32, s. 10, *amended*.

23. No person shall,—

Particular
offences.

- (a) throw or drop any burning match, ashes from a pipe, lighted cigarette, cigar or other burning substance in a fire district without extinguishing it;
- (b) discharge a firearm in a fire district without ensuring that the wadding from the firearm is extinguished;
- (c) without lawful authority, destroy, deface or remove any notice posted under this Act or the regulations; or
- (d) without lawful authority, destroy, damage or remove any equipment placed in the forest for the purpose of protecting the forests from fire. R.S.O. 1937, c. 325, ss. 18, 20, *amended*.

24. Every officer shall have the right while in the performance of his duties to enter into and upon any lands and premises other than a private dwelling, store, storehouse, office or farm building, and every person who hinders, obstructs and impedes any such officer in the performance of his duty shall be guilty of an offence against this Act. R.S.O. 1937, c. 325, s. 19; 1946, c. 32, s. 15, *amended*.

Right of
officer to
enter on
premises.

25. Every person using or travelling in the forest shall, upon request, give an officer or other authorized officer of the Crown, information as to his name, address, routes to be followed, location of camps and any other information pertaining to the protection of the forest from fire, and any person who refuses to give such information shall be guilty of an offence against this Act. R.S.O. 1937, c. 325, s. 26; 1946, c. 32, s. 21, *amended*.

Information
to be given
to officer by
tourists, etc.

PENALTIES.

26.—(1) Every person who disobeys or refuses or neglects to carry out any of the provisions of this Act or any regulation or order made thereunder shall be guilty of an offence and shall be liable to a fine of not less than \$25 and not more than \$300, and in default of payment may be imprisoned for a period not exceeding ninety days, or to imprisonment for a period not exceeding ninety days, or to both fine and imprisonment, and such person shall be liable to the Department for any expenses incurred by it in endeavouring to control or extinguish any fire caused by or resulting from such

Penalties.

disobedience, refusal or neglect. R.S.O. 1937, c. 325, s. 29; 1946, c. 32, s. 22, *part, amended*.

Expenses,—
recovery of.

(2) The amount of any expenses for which any person is liable to the Department under subsection 1 shall be recoverable with costs as a debt due by action in any court of competent jurisdiction at the suit of the Minister, provided that where the amount claimed does not exceed \$300 and proceedings are taken under *The Summary Convictions Act* in respect of the disobedience, refusal or neglect, the magistrate, upon making a conviction, may order payment of such amount to the Minister and every such order may be enforced in the same manner as a division court judgment, 1946, c. 32, s. 22, *part*.

Rev. Stat.,
c. 136.

Recovery of
penalties.

Rev. Stat.,
c. 136.

27. The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*. R.S.O. 1937, c. 325, s. 31, *amended*.

REGULATIONS.

Regulations. **28.** The Lieutenant-Governor in Council may make regulations,—

- (a) extending or restricting the close season for any fire district or any part of a fire district in any year to such date as may be deemed necessary;
- (b) prescribing forms for use under the Act and the regulations;
- (c) respecting the granting of permits and prescribing the terms and conditions thereof;
- (d) prescribing the precautions to be taken in the use of fire under a permit, and the appliances, implements and apparatus to be kept at hand by the holders of permits;
- (e) prescribing the circumstances and conditions under which fire may be set out or used without a permit, and under which fire may be used out of doors for cooking or obtaining warmth;
- (f) providing for the making of fire guards and the taking of other precautionary measures when the Minister deems danger from fire to any town or settlement specially imminent;
- (g) regulating or preventing the piling or accumulation

of brushwood, debris and other inflammable material;

- (h) prescribing the use of fire protective appliances on engines, and the precautions to be taken for preventing forest fires being caused by the use and operation of engines;
- (i) prescribing the manner in which land may be sold under subsection 8 of section 14;
- (j) providing for the collection of the cost of any work done by an officer or by a municipal corporation under the authority of this Act in cases not provided for under this Act;
- (k) generally for the better carrying out of forest fire prevention and the provisions of this Act. R.S.O. 1937, c. 325, s. 10; 1946, c. 32, s. 7, *amended*.

GENERAL.

29. *The Forest Fires Prevention Act, The Forest Fires Prevention Amendment Act, 1946, and section 9 of The Statute Law Amendment Act, 1947, are repealed.* Rev. Stat.,
c. 325; 1946,
c. 32; 1947,
c. 101, s. 9,
repealed.

30. This Act may be cited as *The Forest Fires Prevention Act, 1948.* Short title.

BILL

The Forest Fires Prevention Act, 1948.

1st Reading

April 6th, 1948

2nd Reading

April 9th, 1948

3rd Reading

MR. SCOTT

*(Reprinted as amended in Committee of the
Whole House.)*

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Forest Fires Prevention Act, 1948.

MR. SCOTT

BILL

The Forest Fires Prevention Act, 1948.

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

INTERPRETATION.

1. In this Act,—

Interpre-
tation,—

- (a) "closed area" means an area closed by the Minister ^{"closed area";} by order under subsection 1 of section 11;
- (b) "Department" means Department of Lands and ^{"Depart-ment";} Forests;
- (c) "fire district" means a part of Ontario declared to be ^{"fire district";} a fire district under section 2;
- (d) "Minister" means Minister of Lands and Forests; ^{"Minister";}
- (e) "officer" means a person employed or appointed by ^{"officer";} or with the approval of the Minister to assist in enforcing the provisions of this Act;
- (f) "owner" includes locatee, purchaser from the Crown, ^{"owner";} assignee, lessee, occupant, purchaser, timber licensee, holder of mining claim or location, and any person having the right to cut timber and wood upon any land;
- (g) "municipality" means a city, town, village, township ^{"municipality";} or improvement district;
- (h) "regulations" mean regulations made under this Act; ^{"regulations";} and
- (i) "travel permit area" means a forest area within a ^{"travel permit area."} fire district declared to be a travel permit area under section 9. R.S.O. 1937, c. 325, s. 1; 1946, c. 32, s. 1, *amended*.

ADMINISTRATION.

Application
of Act.

2.—(1) This Act applies only to fire districts. *New.*

Creation
of fire
districts.

(2) The Lieutenant-Governor in Council may declare any part of Ontario a fire district. R.S.O. 1937, c. 325, s. 2 (1); 1946, c. 32, s. 2 (1).

Right of
action for
damages not
affected.

(3) Nothing in this Act shall affect or be held to limit or interfere with the right of any person to bring and maintain a civil action for damages occasioned by fire. R.S.O. 1937, c. 325, s. 30.

Appoint-
ment of
officers.

3. The Minister may employ, for the purpose of enforcing the provisions of this Act, such officers as he may deem necessary, who shall be subject to his instructions. R.S.O. 1937, c. 325, s. 5, *amended.*

Honorary
fire
wardens.

4. The Minister may appoint honorary fire wardens who shall,—

(a) be appointed without salary or other remuneration;

(b) have authority to enforce such of the provisions of this Act as the Minister may deem necessary; and

(c) wear a special badge to be issued by the Department. R.S.O. 1937, c. 325, s. 6; 1946, c. 32, s. 4, *amended.*

Arrange-
ment with
owner for
additional
protection.

5.—(1) Where the owner of any land in a fire district desires to provide protection from fire upon such land in addition to that authorized by the foregoing provisions of this Act, the Minister may arrange with such owner for the appointment of special officers upon such land for the enforcement of this Act and the regulations.

Appoint-
ments.

(2) Every such appointment shall be made or approved by the Minister.

Payment of
special
officers.

(3) Every person appointed under subsection 1 shall be paid by the owner of the land such salary or other remuneration as the Minister may direct or approve. R.S.O. 1937, c. 325, s. 7; 1946, c. 32, s. 5, *amended.*

CLOSE SEASON.

Close
season.

6. Subject to the regulations, the period from the 1st day of April to the 31st day of October in each year shall be known as the close season in respect to the setting out of fire in a fire district. R.S.O. 1937, c. 325, s. 8 (1), *amended.*

FIRE PERMITS.

7.—(1) Upon application an officer may issue a permit, Issue of fire permit. called a "fire permit", to set out fire during the close season.

(2) A fire permit shall be an authority to the permittee to Authority conferred by permit. set out fire only in accordance with,—

(a) the terms and conditions under which the permit is issued; and

(b) the regulations. *New.*

(3) No person shall set out fire during the close season for Prohibition against fire except under permit. any purpose, other than cooking or obtaining warmth, except under a fire permit. R.S.O. 1937, c. 325, s. 8 (2), *amended.*

8.—(1) A fire permit may be limited as to duration and Limitations in permit. area, but in any event shall expire on the 31st day of March next following the date of its issue, and may contain such other terms and conditions as the issuing officer may deem necessary.

(2) A fire permit may be cancelled or suspended at any Cancellation or suspension of permit. time by an officer, and immediately upon receiving notice of such cancellation or suspension the permittee shall extinguish any fire set out under the permit. *New.*

TRAVEL PERMITS.

9.—(1) When the Lieutenant-Governor in Council deems Creation of travel permit areas. it necessary to regulate travel in a forest area within a fire district for the protection of that area, he may declare such forest area a travel permit area. R.S.O. 1937, c. 325, s. 25 (1), *amended.*

(2) Upon application an officer may issue without charge Issue of travel permit. a permit, called a "travel permit". R.S.O. 1937, c. 325, s. 25 (2), *amended.*

(3) A travel permit shall be an authority to the permittee Authority conferred by permit. to enter and travel about, and to set out fire only for the purpose of cooking or obtaining warmth, in the travel permit area in accordance with,—

(a) the terms and conditions under which the permit is issued; and

(b) the regulations. *New.*

(4) No person shall enter and travel about, or set out fire Prohibition.

in a travel permit area during the close season except under a travel permit. R.S.O. 1937, c. 325, s. 25 (3), *amended*.

Limitations
in permit.

10.—(1) A travel permit may be limited as to duration and area but in any event shall expire on the 31st day of March next following the date of its issue, and may contain such other terms and conditions as the issuing officer may deem necessary.

Cancellation
or suspension
of permit.

(2) A travel permit may be cancelled or suspended at any time by an officer, and immediately upon receiving notice of such cancellation or suspension, the permittee shall extinguish any fire set by him and shall leave the travel permit area. *New.*

CLOSED AREAS.

Designation
of closed
area.

11.—(1) When the Minister deems it necessary or expedient, owing to extreme fire hazard conditions, to close any area and shut out therefrom all persons except such as are specially authorized by the Minister, he may make an order in writing describing the area to be closed and the period during which such closure shall be in force, and prescribing any other terms and conditions he deems necessary. R.S.O. 1937, c. 325, s. 27 (1), *amended*.

Notice of
order.

(2) The Minister shall provide for such notice as he deems necessary under the circumstances, and shall publish a notice of the order setting out the area closed and the period of closure in such newspapers as in his opinion will give the greatest publicity. R.S.O. 1937, c. 325, s. 27 (2), *amended*.

Prohibition.

(3) No person, unless specially authorized by the Minister, shall enter a closed area during the period of closure. *New.*

Burden of
proof.

1944, c. 52.

(4) In any prosecution under subsection 3 in respect of an offence alleged to have been committed prior to publication of the order under *The Regulations Act, 1944*, the burden of proving he did not have actual notice of the order at the time the offence is alleged to have been committed shall be upon the accused. *New.*

WORK PERMITS.

Work permit
required for
woods and
milling
operations.

12.—(1) Except where land is being cleared for agricultural purposes by a locatee, purchaser or patentee, every person, firm or corporation shall, in addition to any other requirement, obtain from an officer a work permit before,—

(a) carrying on any logging, mining or industrial operation or before clearing a right-of-way for any road,

trail, telephone, telegraph, power or pipe line, tote-road, ditch or flume or before constructing any dam, bridge, or camp or before carrying on any other woods operation of any kind liable to cause the accumulation of any slash or debris on any land within a fire district;

- (b) operating in a fire district any mill for the purpose of manufacturing timber. R.S.O. 1937, c. 325, s. 23 (1); 1946, c. 32, s. 18 (1), *amended*.

(2) The application for such permit shall be in the prescribed form, and in addition to any other information required in such form shall state the location of the proposed operation or mill, the character thereof, the number of men to be employed, the location of camps and the probable duration of the operation. R.S.O. 1937, c. 325, s. 23 (2), *amended*. Description
in permit.

(3) An officer may in the interest of forest protection,— Powers of
officer.

- (a) refuse the granting of permission for any operation or limit the period during which the operation may be carried on;

- (b) require that any permittee carrying on any operation under this section maintain such fire-fighting equipment in good repair and at specified locations as the officer may deem necessary for the control of fires which might be caused either directly or indirectly by the operation;

- (c) cancel at any time any permit issued under this section. R.S.O. 1937, c. 325, s. 23 (3); 1946, c. 32, s. 18 (1), *amended*.

(4) Where fire originates in any particular area in which any person either by himself or his employees or someone on his behalf, is carrying on any of the operations referred to in clause *a* or *b* of subsection 1, in the absence of reasonable evidence that the fire may have occurred from causes other than such operations the onus shall be upon that person to prove that the fire did not result from such operations, and in the absence of such proof that person shall bear the full cost of controlling and extinguishing the fire. 1946, c. 32, s. 18 (2), *amended*. Cost of
extinguish-
ing fire.

(5) A work permit may be limited as to duration and area but in any event shall expire on the 31st day of March next following the date of its issue, and may contain such other terms and conditions as the issuing officer may deem necessary. R.S.O. 1937, c. 325, s. 23 (5); 1946, c. 32, s. 18 (3), *amended*. Expiration
of permit.

Per diem
penalty.

(6) Where an officer finds any operation mentioned in subsection 1 being conducted without a permit he may, in addition to any penalty imposed, give notice that such operation must cease until the necessary permit has been secured, and any person, firm or corporation carrying on an operation after such notice has been given shall be subject to a fine of \$25 for each and every day such operation is continued without a permit. R.S.O. 1937, c. 325, s. 23 (7); 1946, c. 32, s. 18 (1), *amended*.

Right to
refuse
permit.

(7) An officer may refuse to issue a permit under this section to any person, firm or corporation convicted of an offence under this section until such time as the said person, firm or corporation has furnished the Department with a bond in such amount and subject to such conditions as may be satisfactory to the officer. R.S.O. 1937, c. 325, s. 23 (8); 1946, c. 32, s. 18 (4), *amended*.

PREVENTION MEASURES.

Power of
officer as
to clearing
of land.

13.—(1) Wherever an officer finds upon the land of any person in a fire district conditions existing which, in his opinion, may cause danger to life or property from fire, he may order the owner or person in control of the land to do what in the opinion of the officer is necessary to remove such danger, and in default may enter upon such land with such assistants as he may deem necessary for the purpose of removing the conditions.

Cost of
work.

(2) The cost of any work done by him or his assistants under subsection 1 shall be borne and paid by the owner or person in control of such lands and shall be recoverable by the Minister by action in any court of competent jurisdiction.

Penalty.

(3) Any person who neglects or refuses to carry out any order or direction given under the authority of subsection 1 shall be guilty of an offence against this Act. 1946, c. 32, s. 8, *amended*.

"Owner",
meaning of.

14.—(1) In this section "owner" means locatee, purchaser from the Crown, assignee, purchaser or occupant.

Action by
municipality
in district.

(2) Where it appears to the council of a municipality in a provisional judicial district that the condition of any land in the municipality or adjacent thereto is by reason of unfinished clearing a source of danger from fire to property in the municipality, the council may cause a statement of the facts to be made to the Minister.

Inquiry into
complaint.

(3) The Minister shall make inquiry as to the conditions described by the council and shall report the result of his

inquiry to the council with his recommendation as to what action, if any, should be taken thereon.

(4) Where the Minister finds that cause for complaint exists owing to the unfinished clearing of land the council may give notice to the owner of the land directing him, within a time to be named in the notice, to properly clear the land or such part thereof or to such extent as the Minister may direct and designate in his report and to remove, as far as possible, all source of danger by fire.

Notice to owner to clean up land.

(5) If within the time so fixed the necessary work has not been done, the corporation of the municipality may cause the work to be done and the expenses of the corporation in doing such work shall be a charge upon the land and shall be payable by the owner forthwith.

Default of owner.

(6) If the land is patented and lies in an organized municipality the treasurer of the municipal corporation doing the work shall notify the clerk of the municipality in which the land lies of the amount so due and if after thirty days after the date of the receipt of such notice the amount remains unpaid the corporation of the municipality in which the land lies shall pay the amount to the treasurer of the municipality doing the work and the corporation making such payment may thereupon register or lodge in the proper registry or land titles office, a declaration under the hand of the reeve or other head of the municipality and the treasurer thereof and having the corporate seal affixed thereto, declaring that the municipal corporation claims a lien upon the land for the amount so paid and interest thereon at the rate of six per centum per annum from the date of the declaration.

Recovery of expenses where land is patented in organized territory.

(7) If the land is patented and lies in territory without municipal organization the municipal corporation doing the work may register or lodge in the proper registry or land titles office, a declaration to the same effect as the declaration mentioned in subsection 6 under the hand of the reeve or other head of the municipality and the treasurer thereof and having the corporate seal affixed thereto, stating that the corporation claims a lien upon the land for the amount of such expenses with interest at the rate of six per centum per annum from the date of the declaration.

Where land is patented in un-organized territory.

(8) Upon the registration or filing of the declaration mentioned in subsections 6 and 7, the municipal corporation making the declaration shall have a lien upon the land for the amount claimed and such lien shall have priority according to the general law of Ontario and if the claim remains unpaid for a period of three months after registration and filing the same may be enforced by the sale of the land in the manner

Effect of registration

provided for in the regulations. R.S.O. 1937, c. 325, s. 14; 1946, c. 32, s. 11, *amended*.

Agreements
with muni-
cipalities.

15. The Minister may enter into such agreement with any municipality as he may deem advisable for the prevention and control of forest fires, and any expenses incurred by the Department in carrying out any such agreement shall be paid out of such moneys as may be appropriated therefor by the Legislature. 1946, c. 32, s. 12.

Destruction
of refuse
on clearing
land for
highway.

16.—(1) Every person clearing a right-of-way for any road, trail, telephone, telegraph, power or pipe line, railway tote-road, ditch or flume shall, as rapidly as the clearing or cutting progresses and the weather conditions permit, or at such other time as an officer may direct, pile and burn on such right-of-way all refuse, timber, brush or other inflammable material cut or accumulated thereon, all such right-of-way burning to be subject to the requirements of this Act in respect to fire permits. R.S.O. 1937, c. 325, s. 22 (1); 1946, c. 32, s. 17 (1), *amended*.

Inflammable
matter near
right-of-way.

(2) Any person who within three hundred feet of the right-of-way of any railway causes any accumulation of inflammable debris shall at the request of any officer immediately pile and, subject to the requirements of this Act concerning fire permits, burn the debris. R.S.O. 1937, c. 325, s. 22 (2); 1946, c. 32, s. 17 (2), *amended*.

Timber cut
to fall on
owner's
land.

(3) No person shall fell or permit to be felled trees or brush in such manner that such trees or brush shall fall and remain on land not owned by the person felling or permitting the felling of such trees or brush. R.S.O. 1937, c. 325, s. 17 (3).

Clearing in
neighbour-
hood of
mills, etc.

(4) Every person having charge of a camp, mine, sawmill, portable or stationary engine using fuel other than oil and located within one-half mile of any forest or woodland shall have the area surrounding said camp, mine, sawmill or engine cleared of inflammable material for a distance of at least three hundred feet and such further distance as may in the opinion of an officer be required. R.S.O. 1937, c. 325, s. 22 (4); 1946, c. 32, s. 17 (3), *amended*.

Accumula-
tion of in-
flammable
refuse.

(5) No person shall within one-half mile of any village, town or city accumulate inflammable debris or permit any such accumulation to remain on any property owned by him or under his control. R.S.O. 1937, c. 325, s. 22 (5).

EXTINGUISHMENT OF FIRES.

Duty of
municipal
corporation.

17. The corporation of any municipality within a fire dis-

trict shall do all necessary things to extinguish grass, brush or forest fires in the municipality, and the costs and expenses thereof shall be borne by the municipal corporation, provided that if the action taken by the municipal corporation in fighting any such fires is in the opinion of an officer not adequate, the officer may do what in his opinion is necessary to control and extinguish such fires, and any costs and expenses incurred by the Department in controlling or extinguishing such fires shall be a debt due by the municipal corporation to the Department and upon presentation of an account of such costs and expenses certified by the Minister, the treasurer of the municipality shall pay the same. R.S.O. 1937, c. 325, s. 15, *amended*.

18.—(1) Upon satisfactory proof being furnished by the municipality that any fire has started on Crown land within the municipality, half of the total cost of extinguishing such fire shall be borne by the Department. ^{Contribution by Department.} R.S.O. 1937, c. 325, s. 16 (1), *amended*.

(2) Where any such fire is confined entirely to Crown lands other than the lands of an owner as defined by subsection 1 of section 14, the total cost of extinguishing such fire shall be borne by the Department. ^{Fires on Crown lands.} 1946, c. 32, s. 13.

19.—(1) For the purpose of controlling and extinguishing any fire, an officer may employ or summon the assistance of any male person between the ages of eighteen and sixty years, excepting only trainmen, boat crews, local telephone operators, telegraphers and despatchers on duty, doctors and persons physically unfit. ^{Right to summon assistance.} R.S.O. 1937, c. 325, s. 17 (4); 1946, c. 32, s. 14, *amended*.

(2) Every person who refuses or neglects to render assistance when required under this section shall be guilty of a ^{Penalty for refusing to assist.} offence against this Act. R.S.O. 1937, c. 325, s. 17 (5), *amended*.

20.—(1) Every owner, within the meaning of subsection 1 of section 14, of land upon which there is a fire other than,— ^{Extinguishment of fires.}

(a) a fire set out for cooking or obtaining warmth and kept under control; or

(b) a fire set out under the authority of this Act and kept under control,

shall use all reasonable efforts to extinguish it and in any prosecution or action the onus shall be upon him to prove that he used all such reasonable efforts.

Expenses
incurred in
extinguish-
ing fires.

(2) In addition to the other penalties provided by this Act, every owner who violates the provisions of subsection 1 shall be liable for all expenses incurred by the Department in attempting to extinguish such fire upon the land of which he is the owner or upon any land to which it spreads, and the amount thereof shall be recoverable with costs as a debt due by action in any court of competent jurisdiction at the suit of the Minister. 1946, c. 32, s. 16.

OFFENCES.

Offences.

21.—(1) During the close season in any year no person, company or corporation in a fire district shall,—

Using
engines
without
prescribed
safeguards.

- (a) use or operate within a quarter of a mile of any forest, slashing or bushland any engine which is not provided with a practical and efficient device for arresting sparks, together with an adequate device for preventing the escape of fire or live coals from all ash pans and fire boxes, and which does not comply in every respect with the regulations;

Destroying
waste, etc.,
without
spark
arresters.

- (b) destroy any wood or waste material by fire within any burner or destructor operated at or near any mill or manufactory, or operate any power-producing plant using in connection therewith any smoke-stack, chimney or other spark-emitting outlet, without installing and maintaining on such burner or destructor or on such smoke-stack, chimney or spark-emitting outlet a safe and suitable device for arresting sparks complying in all respects with the regulations. R.S.O. 1937, c. 325, s. 12 (1); 1946, c. 32, s. 9 (1), *amended*.

Dropping
fire or
live coal.

- (2) No railway company operating within the fire district shall permit fire, live coals or ashes to be deposited on its tracks or right-of-way unless they are extinguished immediately thereafter, except in pits provided for the purpose. R.S.O. 1937, c. 325, s. 12 (2).

Injunction.

- (3) Notwithstanding the penal provisions of this Act, any court of competent jurisdiction may upon the application of the Minister grant an injunction against the use of any locomotive, engine, burner or destructor until it has been equipped with safety appliances to the satisfaction of the Minister. R.S.O. 1937, c. 325, s. 12 (3); 1946, c. 32, s. 9 (2), *amended*.

Duty of
engineer.

- 22.** Every engineer in charge of any engine which is not subject to the jurisdiction of the Board of Transport Commissioners for Canada shall see that all safety appliances required by this Act or by the regulations are properly used and ap-

plied, and in default he shall be guilty of an offence against this Act. R.S.O. 1937, c. 325, s. 13; 1946, c. 32, s. 10, *amended*.

23. No person shall,—

Particular
offences.

- (a) throw or drop any burning match, ashes from a pipe, lighted cigarette, cigar or other burning substance in a fire district without extinguishing it;
- (b) discharge a firearm in a fire district without ensuring that the wadding from the firearm is extinguished;
- (c) without lawful authority, destroy, deface or remove any notice posted under this Act or the regulations; or
- (d) without lawful authority, destroy, damage or remove any equipment placed in the forest for the purpose of protecting the forests from fire. R.S.O. 1937, c. 325, ss. 18, 20, *amended*.

24. Every officer shall have the right while in the performance of his duties to enter into and upon any lands and premises other than a private dwelling, store, storehouse, office or farm building, and every person who hinders, obstructs and impedes any such officer in the performance of his duty shall be guilty of an offence against this Act. R.S.O. 1937, c. 325, s. 19; 1946, c. 32, s. 15, *amended*.

Right of
officer to
enter on
premises.

25. Every person using or travelling in the forest shall, upon request, give an officer or other authorized officer of the Crown, information as to his name, address, routes to be followed, location of camps and any other information pertaining to the protection of the forest from fire, and any person who refuses to give such information shall be guilty of an offence against this Act. R.S.O. 1937, c. 325, s. 26; 1946, c. 32, s. 21, *amended*.

Information
to be given
to officer by
tourists, etc.

PENALTIES.

26.—(1) Every person who disobeys or refuses or neglects to carry out any of the provisions of this Act or any regulation or order made thereunder shall be guilty of an offence and shall be liable to a fine of not less than \$25 and not more than \$300, and in default of payment may be imprisoned for a period not exceeding ninety days, or to imprisonment for a period not exceeding ninety days, or to both fine and imprisonment, and such person shall be liable to the Department for any expenses incurred by it in endeavouring to control or extinguish any fire caused by or resulting from such

Penalties.

disobedience, refusal or neglect. R.S.O. 1937, c. 325, s. 29; 1946, c. 32, s. 22, *part, amended*.

Expenses,—
recovery of.

(2) The amount of any expenses for which any person is liable to the Department under subsection 1 shall be recoverable with costs as a debt due by action in any court of competent jurisdiction at the suit of the Minister, provided that where the amount claimed does not exceed \$300 and proceedings are taken under *The Summary Convictions Act* in respect of the disobedience, refusal or neglect, the magistrate, upon making a conviction, may order payment of such amount to the Minister and every such order may be enforced in the same manner as a division court judgment, 1946, c. 32, s. 22, *part*.

Rev. Stat.,
c. 136.

Recovery of
penalties.

Rev. Stat.,
c. 136.

27. The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*. R.S.O. 1937, c. 325, s. 31, *amended*.

REGULATIONS.

Regulations.

28. The Lieutenant-Governor in Council may make regulations,—

- (a) extending or restricting the close season for any fire district or any part of a fire district in any year to such date as may be deemed necessary;
- (b) prescribing forms for use under the Act and the regulations;
- (c) respecting the granting of permits and prescribing the terms and conditions thereof;
- (d) prescribing the precautions to be taken in the use of fire under a permit, and the appliances, implements and apparatus to be kept at hand by the holders of permits;
- (e) prescribing the circumstances and conditions under which fire may be set out or used without a permit, and under which fire may be used out of doors for cooking or obtaining warmth;
- (f) providing for the making of fire guards and the taking of other precautionary measures when the Minister deems danger from fire to any town or settlement specially imminent;
- (g) regulating or preventing the piling or accumulation

of brushwood, debris and other inflammable material;

- (h) prescribing the use of fire protective appliances on engines, and the precautions to be taken for preventing forest fires being caused by the use and operation of engines;
- (i) prescribing the manner in which land may be sold under subsection 8 of section 14;
- (j) providing for the collection of the cost of any work done by an officer or by a municipal corporation under the authority of this Act in cases not provided for under this Act;
- (k) generally for the better carrying out of forest fire prevention and the provisions of this Act. R.S.O. 1937, c. 325, s. 10; 1946, c. 32, s. 7, *amended*.

GENERAL.

29. *The Forest Fires Prevention Act, The Forest Fires Prevention Amendment Act, 1946, and section 9 of The Statute Law Amendment Act, 1947, are repealed.* Rev. Stat.,
c. 325; 1946,
c. 32; 1947,
c. 101, s. 9,
repealed.

30. This Act may be cited as *The Forest Fires Prevention Act, 1948.* Short title.

BILL

The Forest Fires Prevention Act, 1948.

1st Reading

April 6th, 1948

2nd Reading

April 9th, 1948

3rd Reading

April 16th, 1948

MR. SCOTT

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Securities Act, 1947.

MR. BLACKWELL

EXPLANATORY NOTES

SECTION 1. These amendments are complementary to Bill No. 143
(*An Act respecting Investment Contracts*).

BILL

An Act to amend The Securities Act, 1947.

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

1.—(1) Clause *f* of section 1 of *The Securities Act, 1947*,^{1947, c. 98,} is amended by inserting after the word “company” in the eighth line the words “other than an issuer within the meaning of *The Investment Contracts Act, 1948*”, so that the said clause shall now read as follows:^{s. 1, cl. *f*, amended.}

(f) “investment company” shall mean a company, other than a company recognized by the Commission as a mining company or an industrial company, whose principal business is the acquisition of or the investment in the securities of other companies whether for the purpose of acquiring control or management of such companies or for the purpose of deriving revenue from such securities and shall include a company, other than an issuer within the meaning of *The Investment Contracts Act, 1948*, which issues investment certificates, investment contracts, savings certificates, savings contracts or securities of a like nature.^{1948, c. 00,}

(2) Subclause xii of clause *g* of the said section 1 is amended by adding at the end thereof the words “or an issuer within the meaning of *The Investment Contracts Act, 1948*”, so that the said subclause shall now read as follows:^{1947, c. 98,}
^{s. 1, cl. *g*, subcl. xii, amended.}

(xii) any income or annuity contract not issued by an insurance company or an issuer within the meaning of *The Investment Contracts Act, 1948*.

(3) Subclause xv of clause *g* of the said section 1 is amended by inserting after the word “contract” the words “other than an investment contract within the meaning of *The Investment Contracts Act, 1948*,” so that the said subclause shall now read as follows:^{1947, c. 98,}
^{s. 1, cl. *g*, subcl. xv, amended.}

(xv) any investment contract other than an investment contract within the meaning of *The Investment Contracts Act, 1948*, or

.

1947, c. 98,
s. 12,
amended.

2. Section 12 of *The Securities Act, 1947*, is amended by inserting after the word "person" in the seventh line the words "or any partner, officer, director or employee of such registered person", so that the said section shall now read as follows:

Further in-
formation.

12. The registrar may and shall when so directed by the Commission require any further information or material to be submitted by any applicant or any registered person or company within a specified time limit and may require verification by affidavit or otherwise of any information or material then or previously submitted or may require such applicant or such registered person or any partner, officer, director or employee of such registered person or company to submit to examination under oath.

1947, c. 98,
s. 18, cl. c,
amended.

3. Clause c of section 18 of *The Securities Act, 1947*, is amended by inserting after the word "any" in the second line the word "partner", and by adding at the end thereof the words "other than compensation paid or given by a mining, industrial or investment company in respect of any services performed for such company", so that the said clause shall now read as follows:

Persons or
companies
registered
for trading
in securi-
ties, etc.

(c) any person or company registered for trading in securities under this Act, or any partner, officer or employee thereof, whose performance of such services is solely incidental to the conduct of the business as such, and who receives no special compensation therefor other than compensation paid or given by a mining, industrial or investment company in respect of any services performed for such company.

1947, c. 98,
s. 19, subs. 1,
cl. g,
amended.

4.—(1) Clause g of subsection 1 of section 19 of *The Securities Act, 1947*, is amended by inserting after the article "a" where it occurs the third time in the first line the words "person or", so that the said clause shall now read as follows:

Person or
company
selling
securities
through
agent.

(g) a trade in a security by a person or company acting solely through an agent who is a person or company registered for trading in securities under this Act; or

.

1947, c. 98,
s. 19, subs. 2,
cl. a,
amended.

(2) Clause a of subsection 2 of the said section 19 is amended by striking out the words "except for ministerial or professional services" in the twelfth and thirteenth lines, by inserting after the word "given" in the thirteenth line the words "to others", and by adding at the end thereof the words "except

SECTION 2. This amendment will enable the registrar of the Commission to require any partner, officer, director or employee of a registered person or company to submit to examination under oath.

SECTION 3. Section 18 provides for certain exemptions from registration as an investment counsel.

This amendment will enable any person or company registered for trading in securities under the Act, or any partner, officer or employee thereof, to receive compensation from a mining, industrial or investment company for advice given relating to purchasing or selling securities without being registered as an investment counsel.

SECTION 4—Subsection 1. Subsection 1 of section 19 provides for various exemptions from registration in respect of certain types of trades in securities.

This amendment is self-explanatory.

Subsection 2. Subsection 2 of section 19 provides for various exemptions from registration in respect of certain securities. Clause *a* thereof covers securities of a company's own issue which are distributed or issued by the company to the holders of its securities as a stock dividend, distribution of earnings or surplus, or as incidental to a bona fide reorganization or winding-up. It also covers additional securities of a company's own issue which are sold by the company to the holders of its securities. However, no commission or other remuneration, except for ministerial or professional services, is allowed to be paid or given in connection with the aforementioned distribution, issuance or sale.

This amendment will further enable a company, without the necessity of registration, to distribute securities of its own issue to the holders of its securities as incidental to a bona fide re-organization of the company where compensation in connection with such re-organization has been paid or given to a person or company registered for trading in securities.

SECTION 5—Subsection 1. Part VII of the Act, consisting only of section 42, provides for the filing of prospecting syndicate agreements with the Commission and accordingly its heading is—Prospecting Syndicates.

The heading as re-enacted indicates that provisions relating to securities issued by a person are being added to Part VII.

Subsection 2. It is considered desirable that persons or companies registered for trading in securities be prohibited from acting as principal or as agent for unincorporated prospecting syndicates in the sale to the public of securities issued by such syndicates.

In addition, there are no provisions in the Act relating to the requirements for trading in securities issued by a person, other than a prospecting syndicate, by a registered person or company. These are unusual cases.

This amendment covers such cases and of necessity gives the Commission wide powers of discretion in dealing with them.

for ministerial or professional services or services performed by a person or company registered for trading in securities under this Act in connection with a *bona fide* re-organization of the company", so that the said clause shall now read as follows:

- (a) securities of its own issue which are distributed or issued by a company to the holders of its securities as a stock dividend or other distribution out of earnings or surplus, or securities whether of its own issue or not which are distributed or issued by such company to the holders of its securities as incidental to a *bona fide* re-organization or winding-up of the company or distribution of its assets for the purpose of winding-up its affairs, or the sale by a company to the holders of its securities of additional securities of its own issue, provided that no commission or other remuneration is paid or given to others in respect of such distribution, issuance or sale, except for ministerial or professional services or services performed by a person or company registered for trading in securities under this Act in connection with a *bona fide* re-organization of the company.

5.—(1) The heading immediately preceding section 42 of *The Securities Act, 1947*, is repealed and the following substituted therefor:

PROSPECTING SYNDICATES AND SECURITIES
ISSUED BY A PERSON.

(2) Section 42 of *The Securities Act, 1947*, is amended by adding thereto the following subsections:

- (5) No person or company registered for trading in securities under this Act shall trade in a security issued by a prospecting syndicate either as agent for such prospecting syndicate or as principal.
- (6) No person or company registered for trading in securities under this Act shall trade in a security issued by a person, other than a prospecting syndicate, either as agent for such person or as principal unless,—

- (a) written permission, upon such terms as the Commission may require, has been obtained from the Commission; and
- (b) information satisfactory to the Commission relating to such person and such security has been accepted for filing by the Commission.

1947, c. 98,
s. 43,
amended.

6. Section 43 of *The Securities Act, 1947*, is amended by adding thereto the following subsections:

New
prospectus,
report and
statements
required
within a
period of
one year
of date of
original
filing with
Commission.

- (11) Where the securities of a company are in the course of primary distribution to the public and a statement, balance sheet and profit and loss statement and summary of report, where required under the provisions of *The Securities Act, 1945*, relating to such securities and such company have been filed with the Commission within a period of one year prior to the 9th day of March, 1948, the material required to be filed with the Commission under the provisions of subsection 10 shall be filed with the Commission within a period of one year of the date of the original filing with the Commission subject to the granting of a further period of not more than ninety days in the discretion of the registrar.

New
prospectus,
report and
statements
required
within a
period of one
hundred
and twenty
days of pro-
clamation
of the Act.

- (12) Where the securities of a company are in the course of primary distribution to the public and no complete statement of particulars relating to such securities and such company has been filed with the Commission within a period of one year prior to the 9th day of March, 1948, the material required to be filed with the Commission under the provisions of subsection 10 shall be filed with the Commission within a period of one hundred and twenty days from the 9th day of March, 1948.

1947, c. 98,
s. 44,
amended.

7. Section 44 of *The Securities Act, 1947*, is amended by adding thereto the following subsections:

New
prospectus,
report and
statements
required
within a
period of
one year
of date of
original
filing with
Commission.

- (11) Where the securities of a company are in the course of primary distribution to the public and a statement, balance sheet and profit and loss statement and summary of report, where required under the provisions of *The Securities Act, 1945*, relating to such securities and such company have been filed with the Commission within a period of one year prior to the 9th day of March, 1948, the material required to be filed with the Commission under the provisions of subsection 10 shall be filed with the Commission within a period of one year of the date of the original filing with the Commission subject to the granting of a further period of not more than ninety days in the discretion of the registrar.

New
prospectus,
report and
statements
required
within a
period of
one hundred
and twenty
days of pro-
clamation
of the Act.

- (12) Where the securities of a company are in the course of primary distribution to the public and no complete statement of particulars relating to such securities and such company has been filed with the

SECTIONS 6, 7 and 8. Subsection 11 of Sections 43 and 44 and subsection 10 of Section 45 bring filings made under the 1945 Act, where the securities concerned are still in course of primary distribution to the public, within the requirements of the 1947 Act. These latter requirements give more information to prospective purchasers of such securities.

SECTIONS 6, 7 and 8. Subsection 12 of Sections 43 and 44 and subsection 11 of Section 45 bring filings made under the 1945 Act, where the securities concerned are still in course of primary distribution to the public, within the requirements of the 1947 Act. These latter requirements give more information to prospective purchasers of such securities.

Commission within a period of one year prior to the 9th day of March, 1948, the material required to be filed with the Commission under the provisions of subsection 10 shall be filed with the Commission within a period of one hundred and twenty days from the 9th day of March, 1948.

8.—(1) Clause *e* of subsection 5 of section 45 of *The Securities Act, 1947*, is amended by inserting after the word “company” in the first line the words “other than an issuer within the meaning of *The Investment Contracts Act, 1948*”, so that the said clause shall now read as follows: 1947, c. 98,
s. 45, subs. 5
cl. *e*,
amended.

- (*e*) in the case of an investment company, other than an issuer within the meaning of *The Investment Contracts Act, 1948*, which issues investment certificates, investment contracts, savings certificates, savings contracts or securities of a similar type, a report by the auditors of such company with respect to the adequacy of the recorded liabilities of such company to the holders of such securities.

(2) The said section 45 is further amended by adding thereto the following subsections: 1947, c. 98,
s. 45,
amended.

- (10) Where the securities of a company are in the course of primary distribution to the public and a statement, balance sheet and profit and loss statement and summary of report, where required under the provisions of *The Securities Act, 1945*, relating to such securities and such company have been filed with the Commission within a period of one year prior to the 9th day of March, 1948, the material required to be filed with the Commission under the provisions of subsection 9 shall be filed with the Commission within a period of one year of the date of the original filing with the Commission subject to the granting of a further period of not more than ninety days in the discretion of the registrar. New
prospectus,
report and
statements
required
within a
period of
one year
of date of
original
filing with
Commission.
- (11) Where the securities of a company are in the course of primary distribution to the public and no complete statement of particulars relating to such securities and such company has been filed with the Commission within a period of one year prior to the 9th day of March, 1948, the material required to be filed with the Commission under the provisions of subsection 9 shall be filed with the Commission within a period of one hundred and twenty days from the 9th day of March, 1948. New
prospectus,
report and
statements
required
within a
period of
one hundred
and twenty
days of pro-
clamation
of the Act.

1947, c. 98,
s. 46,
amended.

9.—(1) Section 46 of *The Securities Act, 1947*, is amended by striking out the words “the sale of any securities” in the first and second lines and inserting in lieu thereof the words, letters and figures “trades mentioned in clause *c* or *f* of subsection 1 of section 19 nor to securities”, so that the said section, exclusive of the clauses, shall now read as follows:

Exemptions.

46. Sections 43, 44 and 45 shall not apply to trades mentioned in clause *c* or *f* of subsection 1 of section 19 nor to securities,—

.

1947, c. 98,
s. 46,
amended.

(2) The said section 46 is further amended by striking out the word “or” at the end of clause *c*, by adding the word “or” at the end of clause *d*, and by adding thereto the following clause:

(e) which are exempted by the regulations.

1947, c. 98,
s. 58, subs. 1,
amended.

10. Subsection 1 of section 58 of *The Securities Act, 1947*, is amended by inserting after the word “security” in the second line the words “other than a security which carries a right of redemption or repurchase by the person or company issuing such security”, and by inserting after the word “any” in the sixth line the word “such”, so that the said subsection shall now read as follows:

Prohibition
of repre-
sentations.

(1) No person or company, with the intention of effecting a trade in a security other than a security which carries a right of redemption or repurchase by the person or company issuing such security, shall make any representation, written or oral, that he or it or any person or company,—

(a) will resell or repurchase; or

(b) will refund all or any of the purchase price of,
any such security in which he or it is trading.

1947, c. 98,
s. 59,
re-enacted.

11. Section 59 of *The Securities Act, 1947*, is repealed and the following substituted therefor:

Notice where
acting as
principal.

59.—(1) Where a person or company registered for trading in securities under this Act, with the intention of effecting a trade in a security with any person other than a person registered for trading in securities under this Act, issues, publishes or sends a circular, pamphlet, letter, telegram or advertisement, and proposes to act in such trade as a principal, such

SECTION 9—Subsection 1. Section 46 provides for certain exemptions from filing prospectuses, financial statements and reports with the Commission where securities issued by a company will be in the course of primary distribution to the public.

This amendment extends the exemptions to include trading in such securities done by banks, loan corporations, trust companies, insurance companies and public officers acting for governmental bodies and also trading in such securities between a person or company and an underwriter or optionee or between underwriters and optionees.

Subsection 2. This clause will allow the Lieutenant-Governor in Council to extend by regulation the exemptions provided in section 46 if such extension is deemed necessary.

SECTION 10. This amendment recognizes the fact that a prohibition of representations relating to the resale or repurchase of a security or to the refund of all or any of the purchase price of a security, should not include a security which carries a right of redemption or repurchase by the person or company issuing such security.

SECTION 11. Section 59 provides that notice in writing shall be given to every person by a person or company registered for trading in securities before a contract is entered into with such person where written material is sent out or a verbal offer is made relating to a security and the registered person or company is acting as principal.

As re-enacted, section 59 does not require such notice to be given to a person registered for trading in securities nor in respect of trades and securities which come within the provisions of section 19. It also permits a registered person or company to state that he or it is acting as principal in the written confirmation where a trade in a security has been effected as a result of an oral offer.

SECTION 12. Section 60 provides that a contract entered into under the provisions of section 59 may be rescinded by a person where section 59 has not been complied with provided that written notice of exercising the right of rescission is served within sixty days of the date of the delivery of the security to or by such person and, in the case of a purchase, he is still the owner of the security purchased.

As re-enacted, section 60 shortens the period of time within which notice of rescission must be served on the registered person or company where a contract has been entered into as a result of an oral offer. The period of time now becomes seven days from the date of the delivery of the written confirmation where the confirmation does not contain a statement that the registered person or company has acted as principal. Otherwise section 60 remains the same.

person or company shall so state in such circular, pamphlet, letter, telegram or advertisement or otherwise in writing before entering into a contract for the sale or purchase of any such security and before accepting payment or receiving any security or other consideration under or in anticipation of any such contract.

- (2) Where a person or company registered for trading in securities under this Act, with the intention of ^{Written confirmation.} effecting a trade in a security with any person other than a person registered for trading in securities under this Act, makes an oral offer or invitation for an offer to any person and effects such trade as a principal, such person or company shall state in a written confirmation of the contract that he or it has acted as principal.

- (3) A statement made in compliance with this section that a person or company registered for trading in securities under this Act proposes to act or has acted as principal in connection with a trade in a security shall not prevent such person or company from acting as agent in connection with a trade in such security. ^{Where acting as agent.}

- (4) This section shall not apply to,—

(a) trades mentioned in subsection 1 of section 19; or

(b) securities described in subsection 2 of section 19.

^{When section not applicable.}

12. Section 60 of *The Securities Act, 1947*, is repealed and the following substituted therefor: ^{1947, c. 98, s. 60, re-enacted.}

60.—(1) A person who has entered into a contract to which subsection 1 of section 59 applies shall be entitled to rescission of the contract where subsection 1 of section 59 has not been complied with and written notice of exercising the right of rescission is served on the person or company registered for trading in securities under this Act within sixty days of the date of the delivery of the security to or by such person, as the case may be, and in the case of a purchase by such person, he is still the owner of the security purchased. ^{Rescission of contract.}

- (2) A person who has entered into a contract to which subsection 2 of section 59 applies shall be entitled ^{Idem.}

to rescission of the contract where subsection 2 of section 59 has not been complied with and written notice of exercising the right of rescission is served on the person or company registered for trading in securities under this Act within seven days of the date of the delivery of the written confirmation of the contract and in the case of a purchase by such person, he is still the owner of the security purchased.

Onus.

- (3) In an action for rescission to which this section applies, the onus of proving compliance with section 59 shall be upon the person or company registered for trading in securities under this Act.

Period of limitation.

- (4) No action shall be commenced under this section after the expiration of a period of three months from the date of the service of notice under subsection 1 or 2.

1947, c. 98,
s. 63,
amended.

13. Section 63 of *The Securities Act, 1947*, is amended by inserting after the word "of" in the fifth line the words "or is authorized so to do in writing by", so that the said section shall now read as follows:

Use of name
of another
registered
person or
company.

63. No person or company registered under this Act shall use the name of another person or company registered under this Act on letterheads, forms, advertisements or signs, as correspondent or otherwise, unless he or it is a partner, officer or agent of or is authorized so to do in writing by the other person or company registered under this Act.

1947, c. 98,
s. 75,
amended.

14. Section 75 of *The Securities Act, 1947*, is amended by adding thereto the following clause:

(mm) prescribing trades or securities, in addition to the trades and securities mentioned in section 46, in respect of which sections 43, 44 and 45 shall not apply.

Special type
of bond.

15.—(1) With the consent in writing and under seal of all parties to a bond filed under section 12 of *The Securities Act, 1945*, the Commission may accept such bond in lieu of the bond required under section 10 of *The Securities Act, 1947*, and the provisions of *The Securities Act, 1947*, shall apply *mutatis mutandis* to such bond.

Saving.

(2) Subsection 1 shall not affect any rights and obligations arising out of the filing of the bond under *The Securities Act, 1945*.

SECTION 13. This amendment will enable a registered person or company to authorize another registered person or company to use his or its name on letterheads, forms, advertisements or signs. This authorization is particularly desirable in the case of a sub-broker-dealer who must be a correspondent of investment dealers or broker-dealers or both.

SECTION 14. Complementary to subsection 2 of section 5.

SECTION 15. This special type of bond enables a registrant under *The Securities Act, 1945*, to obtain registration where he cannot provide the collateral required under subsection 3 of section 10 of *The Securities Act, 1947*, by reason that the collateral provided by him under section 12 of *The Securities Act, 1945*, will not be available for the two years during which the bond under section 12 of that Act continues in force.

16. This Act shall come into force on the day upon which it receives the Royal Assent, <sup>Commence-
ment of Act.</sup>

17. This Act may be cited as *The Securities Amendment Act, 1948.* ^{Short title.}

BILL

An Act to amend The Securities Act, 1947.

1st Reading

April 6th, 1948

2nd Reading

3rd Reading

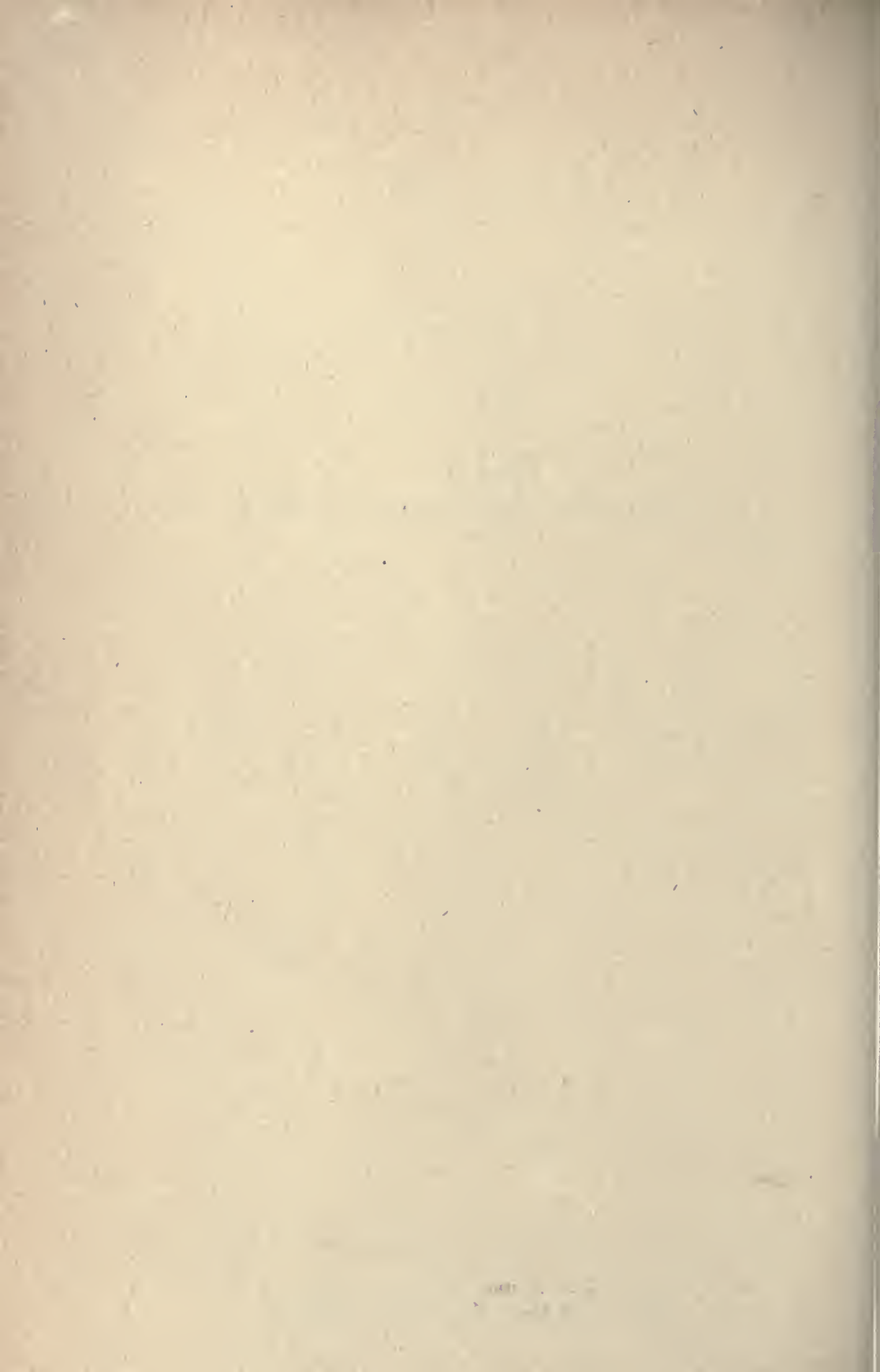
MR. BLACKWELL

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Securities Act, 1947.

MR. BLACKWELL



BILL

An Act to amend The Securities Act, 1947.

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

1.—(1) Clause *f* of section 1 of *The Securities Act, 1947*, ^{1947, c. 98,} is amended by inserting after the word "company" in the ^{s. 1, cl. f,} eighth line the words "other than an issuer within the meaning ^{amended.} of *The Investment Contracts Act, 1948*", so that the said clause shall now read as follows:

- (f) "investment company" shall mean a company, other ^{"investment} than a company recognized by the Commission as a ^{company";} mining company or an industrial company, whose principal business is the acquisition of or the investment in the securities of other companies whether for the purpose of acquiring control or management of such companies or for the purpose of deriving revenue from such securities and shall include a company, other than an issuer within the meaning of *The Investment Contracts Act, 1948*, which issues ^{1948, c. 00.} investment certificates, investment contracts, savings certificates, savings contracts or securities of a like nature.

(2) Subclause xii of clause *q* of the said section 1 is amended ^{1947, c. 98,} by adding at the end thereof the words "or an issuer within ^{s. 1, cl. q,} the meaning of *The Investment Contracts Act, 1948*", so ^{subcl. xii,} that the said subclause shall now read as follows: ^{amended.}

- (xii) any income or annuity contract not issued by an insurance company or an issuer within the meaning of *The Investment Contracts Act, 1948*.

(3) Subclause xv of clause *q* of the said section 1 is amended ^{1947, c. 98,} by inserting after the word "contract" the words "other than ^{s. 1, cl. q,} an investment contract within the meaning of *The Investment* ^{subcl. xv,} *Contracts Act, 1948*," so that the said subclause shall now ^{amended.} read as follows:

(xv) any investment contract other than an investment contract within the meaning of *The Investment Contracts Act, 1948*, or

.

1947, c. 98,
s. 12,
amended.

2. Section 12 of *The Securities Act, 1947*, is amended by inserting after the word "person" in the seventh line the words "or any partner, officer, director or employee of such registered person", so that the said section shall now read as follows:

Further in-
formation.

12. The registrar may and shall when so directed by the Commission require any further information or material to be submitted by any applicant or any registered person or company within a specified time limit and may require verification by affidavit or otherwise of any information or material then or previously submitted or may require such applicant or such registered person or any partner, officer, director or employee of such registered person or company to submit to examination under oath.

1947, c. 98,
s. 18, cl. c,
amended.

3. Clause c of section 18 of *The Securities Act, 1947*, is amended by inserting after the word "any" in the second line the word "partner", and by adding at the end thereof the words "other than compensation paid or given by a mining, industrial or investment company in respect of any services performed for such company", so that the said clause shall now read as follows:

Persons or
companies
registered
for trading
in securi-
ties, etc.

(c) any person or company registered for trading in securities under this Act, or any partner, officer or employee thereof, whose performance of such services is solely incidental to the conduct of the business as such, and who receives no special compensation therefor other than compensation paid or given by a mining, industrial or investment company in respect of any services performed for such company.

1947, c. 98,
s. 19, subs. 1,
cl. g,
amended.

4.—(1) Clause g of subsection 1 of section 19 of *The Securities Act, 1947*, is amended by inserting after the article "a" where it occurs the third time in the first line the words "person or", so that the said clause shall now read as follows:

Person or
company
selling
securities
through
agent.

(g) a trade in a security by a person or company acting solely through an agent who is a person or company registered for trading in securities under this Act; or

.

1947, c. 98,
s. 19, subs. 2,
cl. a,
amended.

(2) Clause a of subsection 2 of the said section 19 is amended by striking out the words "except for ministerial or professional services" in the twelfth and thirteenth lines, by inserting after the word "given" in the thirteenth line the words "to others", and by adding at the end thereof the words "except

for ministerial or professional services or services performed by a person or company registered for trading in securities under this Act in connection with a *bona fide* re-organization of the company", so that the said clause shall now read as follows:

- (a) securities of its own issue which are distributed or issued by a company to the holders of its securities as a stock dividend or other distribution out of earnings or surplus, or securities whether of its own issue or not which are distributed or issued by such company to the holders of its securities as incidental to a *bona fide* re-organization or winding-up of the company or distribution of its assets for the purpose of winding-up its affairs, or the sale by a company to the holders of its securities of additional securities of its own issue, provided that no commission or other remuneration is paid or given to others in respect of such distribution, issuance or sale, except for ministerial or professional services or services performed by a person or company registered for trading in securities under this Act in connection with a *bona fide* re-organization of the company.

5.—(1) The heading immediately preceding section 42 of *The Securities Act, 1947*, is repealed and the following substituted therefor:

PROSPECTING SYNDICATES AND SECURITIES
ISSUED BY A PERSON.

(2) Section 42 of *The Securities Act, 1947*, is amended by adding thereto the following subsections:

- (5) No person or company registered for trading in securities under this Act shall trade in a security issued by a prospecting syndicate either as agent for such prospecting syndicate or as principal.
- (6) No person or company registered for trading in securities under this Act shall trade in a security issued by a person, other than a prospecting syndicate, either as agent for such person or as principal unless,—

- (a) written permission, upon such terms as the Commission may require, has been obtained from the Commission; and
- (b) information satisfactory to the Commission relating to such person and such security has been accepted for filing by the Commission.

1947, c. 98,
s. 43,
amended.

6. Section 43 of *The Securities Act, 1947*, is amended by adding thereto the following subsections:

New
prospectus,
report and
statements
required
within a
period of
one year
of date of
original
filing with
Commission.

- (11) Where the securities of a company are in the course of primary distribution to the public and a statement, balance sheet and profit and loss statement and summary of report, where required under the provisions of *The Securities Act, 1945*, relating to such securities and such company have been filed with the Commission within a period of one year prior to the 9th day of March, 1948, the material required to be filed with the Commission under the provisions of subsection 10 shall be filed with the Commission within a period of one year of the date of the original filing with the Commission subject to the granting of a further period of not more than ninety days in the discretion of the registrar.

New
prospectus,
report and
statements
required
within a
period of one
hundred
and twenty
days of proc-
lamation
of the Act.

- (12) Where the securities of a company are in the course of primary distribution to the public and no complete statement of particulars relating to such securities and such company has been filed with the Commission within a period of one year prior to the 9th day of March, 1948, the material required to be filed with the Commission under the provisions of subsection 10 shall be filed with the Commission within a period of one hundred and twenty days from the 9th day of March, 1948.

1947, c. 98,
s. 44,
amended.

7. Section 44 of *The Securities Act, 1947*, is amended by adding thereto the following subsections:

New
prospectus,
report and
statements
required
within a
period of
one year
of date of
original
filing with
Commission.

- (11) Where the securities of a company are in the course of primary distribution to the public and a statement, balance sheet and profit and loss statement and summary of report, where required under the provisions of *The Securities Act, 1945*, relating to such securities and such company have been filed with the Commission within a period of one year prior to the 9th day of March, 1948, the material required to be filed with the Commission under the provisions of subsection 10 shall be filed with the Commission within a period of one year of the date of the original filing with the Commission subject to the granting of a further period of not more than ninety days in the discretion of the registrar.

New
prospectus,
report and
statements
required
within a
period of
one hundred
and twenty
days of proc-
lamation
of the Act.

- (12) Where the securities of a company are in the course of primary distribution to the public and no complete statement of particulars relating to such securities and such company has been filed with the

Commission within a period of one year prior to the 9th day of March, 1948, the material required to be filed with the Commission under the provisions of subsection 10 shall be filed with the Commission within a period of one hundred and twenty days from the 9th day of March, 1948.

8.—(1) Clause *e* of subsection 5 of section 45 of *The Securities Act, 1947*, is amended by inserting after the word “company” in the first line the words “other than an issuer within the meaning of *The Investment Contracts Act, 1948*”, so that the said clause shall now read as follows: 1947, c. 98,
s. 45, subs. 5,
cl. *e*,
amended.

(*e*) in the case of an investment company, other than an issuer within the meaning of *The Investment Contracts Act, 1948*, which issues investment certificates, investment contracts, savings certificates, savings contracts or securities of a similar type, a report by the auditors of such company with respect to the adequacy of the recorded liabilities of such company to the holders of such securities.

(2) The said section 45 is further amended by adding thereto the following subsections: 1947, c. 98,
s. 45,
amended.

(10) Where the securities of a company are in the course of primary distribution to the public and a statement, balance sheet and profit and loss statement and summary of report, where required under the provisions of *The Securities Act, 1945*, relating to such securities and such company have been filed with the Commission within a period of one year prior to the 9th day of March, 1948, the material required to be filed with the Commission under the provisions of subsection 9 shall be filed with the Commission within a period of one year of the date of the original filing with the Commission subject to the granting of a further period of not more than ninety days in the discretion of the registrar. New
prospectus,
report and
statements
required
within a
period of
one year
of date of
original
filing with
Commission.

(11) Where the securities of a company are in the course of primary distribution to the public and no complete statement of particulars relating to such securities and such company has been filed with the Commission within a period of one year prior to the 9th day of March, 1948, the material required to be filed with the Commission under the provisions of subsection 9 shall be filed with the Commission within a period of one hundred and twenty days from the 9th day of March, 1948. New
prospectus,
report and
statements
required
within a
period of
one hundred
and twenty
days of pro-
clamation
of the Act.

1947, c. 98,
s. 46,
amended.

9.—(1) Section 46 of *The Securities Act, 1947*, is amended by striking out the words “the sale of any securities” in the first and second lines and inserting in lieu thereof the words, letters and figures “trades mentioned in clause *c* or *f* of subsection 1 of section 19 nor to securities”, so that the said section, exclusive of the clauses, shall now read as follows:

Exemptions.

46. Sections 43, 44 and 45 shall not apply to trades mentioned in clause *c* or *f* of subsection 1 of section 19 nor to securities,—

1947, c. 98,
s. 46,
amended.

(2) The said section 46 is further amended by striking out the word “or” at the end of clause *c*, by adding the word “or” at the end of clause *d*, and by adding thereto the following clause:

(*e*) which are exempted by the regulations.

1947, c. 98,
s. 58, subs. 1,
amended.

10. Subsection 1 of section 58 of *The Securities Act, 1947*, is amended by inserting after the word “security” in the second line the words “other than a security which carries a right of redemption or repurchase by the person or company issuing such security”, and by inserting after the word “any” in the sixth line the word “such”, so that the said subsection shall now read as follows:

Prohibition
of repre-
sentations.

(1) No person or company, with the intention of effecting a trade in a security other than a security which carries a right of redemption or repurchase by the person or company issuing such security, shall make any representation, written or oral, that he or it or any person or company,—

(*a*) will resell or repurchase; or

(*b*) will refund all or any of the purchase price of,

any such security in which he or it is trading.

1947, c. 98,
s. 59,
re-enacted.

11. Section 59 of *The Securities Act, 1947*, is repealed and the following substituted therefor:

Notice where
acting as
principal.

59.—(1) Where a person or company registered for trading in securities under this Act, with the intention of effecting a trade in a security with any person other than a person registered for trading in securities under this Act, issues, publishes or sends a circular, pamphlet, letter, telegram or advertisement, and proposes to act in such trade as a principal, such

person or company shall so state in such circular, pamphlet, letter, telegram or advertisement or otherwise in writing before entering into a contract for the sale or purchase of any such security and before accepting payment or receiving any security or other consideration under or in anticipation of any such contract.

- (2) Where a person or company registered for trading in securities under this Act, with the intention of Written confirmation. effecting a trade in a security with any person other than a person registered for trading in securities under this Act, makes an oral offer or invitation for an offer to any person and effects such trade as a principal, such person or company shall state in a written confirmation of the contract that he or it has acted as principal.

- (3) A statement made in compliance with this section Where acting as agent. that a person or company registered for trading in securities under this Act proposes to act or has acted as principal in connection with a trade in a security shall not prevent such person or company from acting as agent in connection with a trade in such security.

- (4) This section shall not apply to,—

When section not applicable.

(a) trades mentioned in subsection 1 of section 19; or

(b) securities described in subsection 2 of section 19.

12. Section 60 of *The Securities Act, 1947*, is repealed and the following substituted therefor: 1947, c. 98, s. 60, re-enacted.

- 60.—(1) A person who has entered into a contract to which subsection 1 of section 59 applies shall be entitled to rescission of the contract where subsection 1 of section 59 has not been complied with and written notice of exercising the right of rescission is served on the person or company registered for trading in securities under this Act within sixty days of the date of the delivery of the security to or by such person, as the case may be, and in the case of a purchase by such person, he is still the owner of the security purchased. Rescission of contract.

- (2) A person who has entered into a contract to which Idem. subsection 2 of section 59 applies shall be entitled

to rescission of the contract where subsection 2 of section 59 has not been complied with and written notice of exercising the right of rescission is served on the person or company registered for trading in securities under this Act within seven days of the date of the delivery of the written confirmation of the contract and in the case of a purchase by such person, he is still the owner of the security purchased.

Onus.

- (3) In an action for rescission to which this section applies, the onus of proving compliance with section 59 shall be upon the person or company registered for trading in securities under this Act.

Period of limitation.

- (4) No action shall be commenced under this section after the expiration of a period of three months from the date of the service of notice under subsection 1 or 2.

1947, c. 98,
s. 63,
amended.

13. Section 63 of *The Securities Act, 1947*, is amended by inserting after the word "of" in the fifth line the words "or is authorized so to do in writing by", so that the said section shall now read as follows:

Use of name
of another
registered
person or
company.

63. No person or company registered under this Act shall use the name of another person or company registered under this Act on letterheads, forms, advertisements or signs, as correspondent or otherwise, unless he or it is a partner, officer or agent of or is authorized so to do in writing by the other person or company registered under this Act.

1947, c. 98,
s. 75,
amended.

14. Section 75 of *The Securities Act, 1947*, is amended by adding thereto the following clause:

- (mm) prescribing trades or securities, in addition to the trades and securities mentioned in section 46, in respect of which sections 43, 44 and 45 shall not apply.

Special type
of bond.

15.—(1) With the consent in writing and under seal of all parties to a bond filed under section 12 of *The Securities Act, 1945*, the Commission may accept such bond in lieu of the bond required under section 10 of *The Securities Act, 1947*, and the provisions of *The Securities Act, 1947*, shall apply *mutatis mutandis* to such bond.

Saving.

(2) Subsection 1 shall not affect any rights and obligations arising out of the filing of the bond under *The Securities Act, 1945*.

16. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of Act.

17. This Act may be cited as *The Securities Amendment Act, 1948*. Short title.

BILL

An Act to amend The Securities Act, 1947.

1st Reading

April 6th, 1948

2nd Reading

April 9th, 1948

3rd Reading

April 16th, 1948

MR. BLACKWELL

No. 140

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The County Judges Act.

MR. BLACKWELL

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

EXPLANATORY NOTE

In the county court of the County of York there is a judge who is commonly known as the senior judge but referred to in the statute simply as the "judge" and eight other judges referred to in the statute as "junior judges". The subsection which is enacted by this Bill vests in the senior judge of the county court of the County of York the same authority with respect to the various courts conducted by the judges of the county court of the County of York as is vested in the Chief Justice of the High Court with respect to the courts presided over by the justices of the High Court Division of the Supreme Court.

No. 140

1948

BILL

An Act to amend The County Judges Act.

HIS 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 County Judges Act* is amended by adding thereto the following subsection: Rev. Stat., c. 102, s. 5, amended.

(2) In the county court of the County of York all such arrangements as may be necessary or proper for the holding of any of the courts, or the transaction of business, or the arrangement from time to time for judges to hold such courts, or to transact such business, shall be made by the judge and junior judges of the county court of the County of York with power in the judge of the county court of the County of York to make such readjustment or reassignment as may be necessary from time to time. Arrangement of courts.

2. This Act may be cited as *The County Judges Amendment Act, 1948*. Short title.

BILL

An Act to amend The County Judges Act.

1st Reading

April 6th, 1948

2nd Reading

3rd Reading

MR. BLACKWELL

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

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2. This Act may be cited as *The County Judges Amendment Act, 1948*. Short title.

BILL

An Act to amend The County Judges Act.

1st Reading

April 6th, 1948

2nd Reading

April 9th, 1948

3rd Reading

April 16th, 1948

MR. BLACKWELL

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Negligence Act.

MR. BLACKWELL

EXPLANATORY NOTES

SECTION 1. The new section 2a permits one of two joint tort feors to settle with an injured person and then recover contribution and indemnity against the other joint tort feosor.

SECTION 2. Section 5 is, in effect, re-enacted and now appears as sections 5 and 5a. The purpose of the extended form is for clarification only. The change in the effect of the section which is occasioned by the amendment is to provide for the adding of a defendant by praecipe (see subsection 1 of the new section 5). There is provision in the rules of practice for adding a third party by praecipe. Subsection 2 of the new section 5 and section 5a provide for adding a defendant and third party respectively by order of the court after the time for adding by praecipe has expired. The purpose of subsection 3 of the new section 5 is to make it clear that it is sufficient if the original defendant makes a claim against an added defendant and that it is not essential that the plaintiff must have a claim against an added defendant.

BILL

An Act to amend The Negligence Act.

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

1. *The Negligence Act* is amended by adding thereto the following section: Rev. Stat., c. 115, amended.

2a. A tortfeasor may recover contribution or indemnity Recovery as between tortfeasors. from any other tortfeasor who is, or would if sued have been, liable in respect of the damage to any person suffering damage as a result of a tort by settling with the person suffering such damage, and thereafter commencing or continuing action against such other tortfeasor, in which event the tortfeasor settling the damage shall satisfy the court that the amount of the settlement was reasonable, and in the event that the court finds the amount of the settlement was excessive it may fix the amount at which the claim should have been settled.

2. Section 5 of *The Negligence Act*, as amended by section 23 of *The Statute Law Amendment Act, 1939*, is repealed and Rev. Stat., c. 115, s. 5, re-enacted. the following substituted therefor:

5.—(1) Where a defendant claims to be entitled to contribution or indemnity from any person not a party to the action he may, within ten days of the entry of his appearance, add such person as a defendant upon praecipe and within ten days thereafter or within such longer period as may be ordered shall serve the amended writ upon the added defendant who shall appear thereto as though he were originally a party to the action. Adding defendant by praecipe;

(2) Where it appears that any person not already a party to an action is or may be wholly or partly responsible for the damages claimed, and the time for adding him as a defendant under subsection 1 has by order.

elapsed, such person may be added as a defendant upon such terms as may be deemed just.

Claim
against
added
defendant.

- (3) Where a person is added as a defendant under this section he shall continue in the action as a defendant notwithstanding that the plaintiff makes no claim against him.

Adding
third party
by order.

- 5a. Where it appears that any person not already a party to an action is or may be wholly or partly responsible for the damages claimed and the time has elapsed for adding him as a third party under the rules of court, such person may be added as a third party to the action upon such terms as may be deemed just.

Rev. Stat.,
c. 115,
amended.

3. *The Negligence Act* is amended by adding thereto the following section:

Limitation
of actions.

8. Where an action is commenced against a tortfeasor or where a tortfeasor settles with a person who has suffered damage as a result of a tort, within the period of limitation prescribed for the commencement of actions by any relevant statute, no proceedings for contribution or indemnity against another tortfeasor shall be defeated by the operation of any statute limiting the time for the commencement of action against such other tortfeasor provided,—

(a) such proceedings are commenced within one year of the date of the judgment in the action or the settlement, as the case may be; and

(b) there has been compliance with any statute requiring notice of claim against such tortfeasor.

Commence-
ment of s. 2.

4. Section 2 shall come 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 Negligence Amendment Act, 1948*.

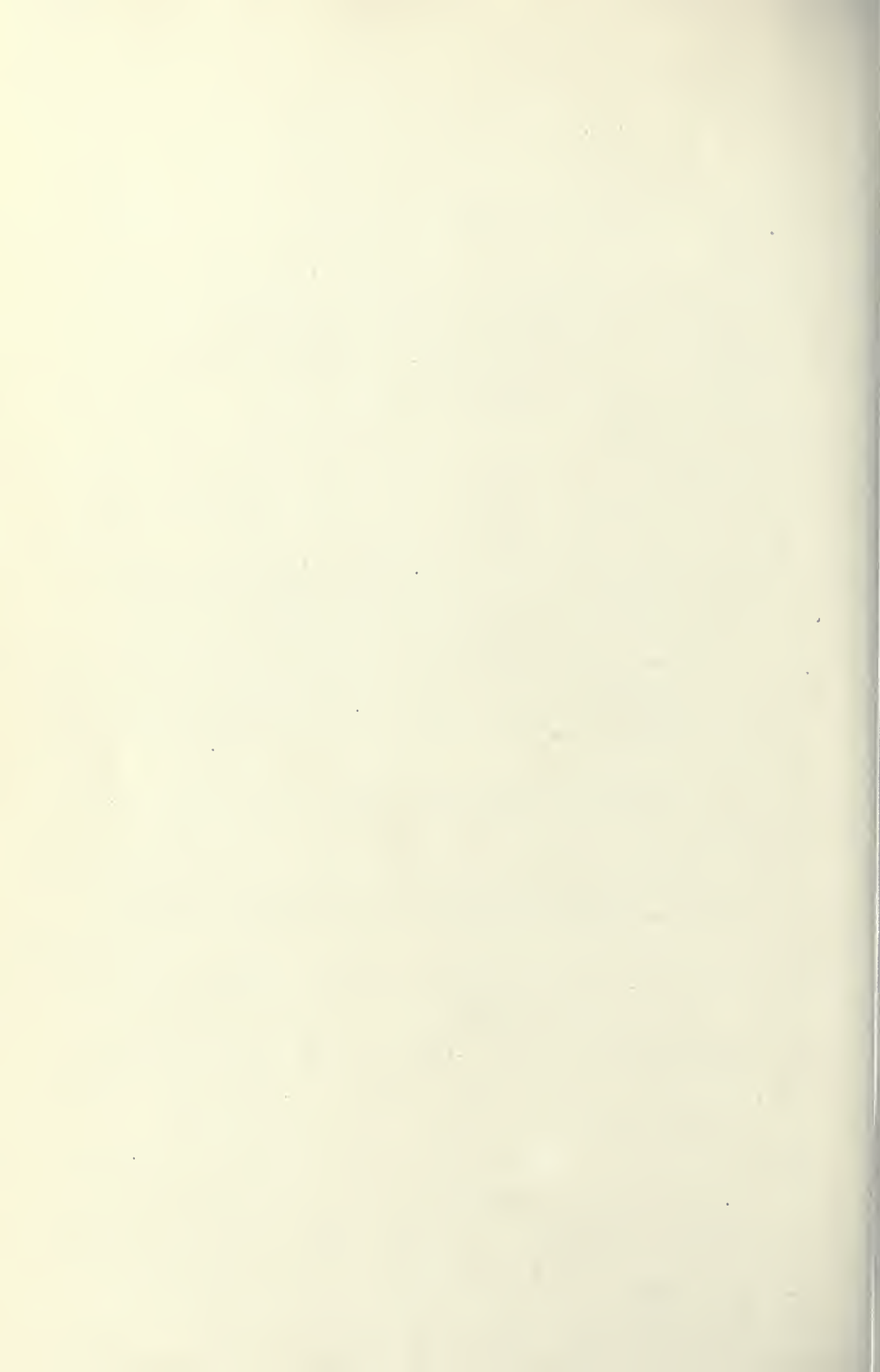
SECTION 3. An example of the situation sought to be taken care of by this amendment would be as follows:

Under section 480 of *The Municipal Act* an action against a municipality for the non-repair of a highway must be brought within three months after the time when the damages were sustained. If the driver of a car brings action within the three-month period for damages sustained on a highway against the driver of a second car but does not serve the writ until after the expiration of the three-month period, the driver of the second car would be precluded from proceeding against the municipal corporation because of the lapse of the three-month period. Under the amendment, the driver of the second car would not be so precluded provided he had anticipated the bringing of the action and had served the municipality with the notice in writing of his intention to make a claim as required by the statute.

The same principle applies where the driver of the second car settles with the driver of the first car and then seeks contribution or indemnity from the municipal corporation.

The proceedings against the municipality must be commenced within a year of the judgment or settlement as the case may be.

The new section is, of course, not limited to motor vehicle accidents or municipal corporations but the example serves to illustrate the nature and principle of the amendment.



BILL

An Act to amend The Negligence Act.

1st Reading

April 6th, 1948

2nd Reading

3rd Reading

MR. BLACKWELL

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Negligence Act.

MR. BLACKWELL

No. 141

1948

BILL

An Act to amend The Negligence Act.

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

1. *The Negligence Act* is amended by adding thereto the following section: Rev. Stat.,
c. 115,
amended.

2a. A tortfeasor may recover contribution or indemnity Recovery
as between
tortfeasors. from any other tortfeasor who is, or would if sued have been, liable in respect of the damage to any person suffering damage as a result of a tort by settling with the person suffering such damage, and thereafter commencing or continuing action against such other tortfeasor, in which event the tortfeasor settling the damage shall satisfy the court that the amount of the settlement was reasonable, and in the event that the court finds the amount of the settlement was excessive it may fix the amount at which the claim should have been settled.

2. Section 5 of *The Negligence Act*, as amended by section 23 of *The Statute Law Amendment Act, 1939*, is repealed and Rev. Stat.,
c. 115, s. 5,
re-enacted. the following substituted therefor:

5.—(1) Where a defendant claims to be entitled to contribution or indemnity from any person not a party Adding
defendant
by praecipe; to the action he may, within ten days of the entry of his appearance, add such person as a defendant upon praecipe and within ten days thereafter or within such longer period as may be ordered shall serve the amended writ upon the added defendant who shall appear thereto as though he were originally a party to the action.

(2) Where it appears that any person not already a by order. party to an action is or may be wholly or partly responsible for the damages claimed, and the time for adding him as a defendant under subsection 1 has

elapsed, such person may be added as a defendant upon such terms as may be deemed just.

Claim
against
added
defendant.

- (3) Where a person is added as a defendant under this section he shall continue in the action as a defendant notwithstanding that the plaintiff makes no claim against him.

Adding
third party
by order.

- 5a. Where it appears that any person not already a party to an action is or may be wholly or partly responsible for the damages claimed and the time has elapsed for adding him as a third party under the rules of court, such person may be added as a third party to the action upon such terms as may be deemed just.

Rev. Stat.,
c. 115,
amended.

3. *The Negligence Act* is amended by adding thereto the following section:

Limitation
of actions.

8. Where an action is commenced against a tortfeasor or where a tortfeasor settles with a person who has suffered damage as a result of a tort, within the period of limitation prescribed for the commencement of actions by any relevant statute, no proceedings for contribution or indemnity against another tortfeasor shall be defeated by the operation of any statute limiting the time for the commencement of action against such other tortfeasor provided,—

(a) such proceedings are commenced within one year of the date of the judgment in the action or the settlement, as the case may be; and

(b) there has been compliance with any statute requiring notice of claim against such tortfeasor.

Commence-
ment of s. 2.

4. Section 2 shall come 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 Negligence Amendment Act, 1948*.

BILL

An Act to amend The Negligence Act.

1st Reading

April 6th, 1948

2nd Reading

April 9th, 1948

3rd Reading

April 16th, 1948

MR. BLACKWELL

No. 142

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act respecting Fair Employment Practices.

MR. SALSBERG

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

BILL

An Act respecting Fair Employment Practices.

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

1. In this Act,—

Interpre-
tation,—

- (a) "Board" means Ontario Labour Relations Board; "Board";
- (b) "employer" includes any agent of an employer but "employer"; does not include any social, fraternal, charitable, educational or religious organization that is not operated for private profit; and
- (c) "employment agency" includes any person under-^{ment}taking to procure employees or opportunities to agency". work.

2.—(1) No employer shall,—

Unfair em-
ployment
practices.

- (a) refuse to employ any person;
- (b) bar or discharge any person from employment; or
- (c) discriminate in any way against any person in connection with his employment,

because of his race, colour, religious creed, national origin, or ancestry.

(2) No employer shall,—

Idem.

- (a) print or circulate or cause to be printed or circulated any statement, advertisement or publication;
- (b) use any form of application for employment; or
- (c) make any inquiry in connection with prospective employment,

which expresses, directly or indirectly, any limitation, specification or discrimination as to race, colour, religious creed, national origin, or ancestry, or which indicates any intention to make any such limitation, specification or discrimination.

Idem.

(3) No employer shall bar or discharge any person from employment or discriminate in any way against any person in connection with his employment for having opposed or for opposing employment practices prohibited by this Act or for making any complaint, testifying or assisting in any proceeding under this Act.

Aiding,
abetting,
etc.

3. No person shall aid, abet, incite, coerce or compel the doing of any act prohibited by this Act, or make any attempt to do so.

Offences.

4. Every person who contravenes any of the provisions of this Act shall be guilty of an offence and shall on summary conviction be liable to a penalty, for a first offence, of not less than \$25 and not more than \$100, and for any subsequent offence, of not less than \$100 and not more than \$500 or to imprisonment for not more than one year or to both.

Power to
order rein-
statement.

5.—(1) If in any proceeding under section 4 it is found that any employee or prospective employee has been discriminated against contrary to this Act, an order may be made requiring the employer to place the employee or prospective employee in the condition that he would have been in had he not been so discriminated against.

Offence.

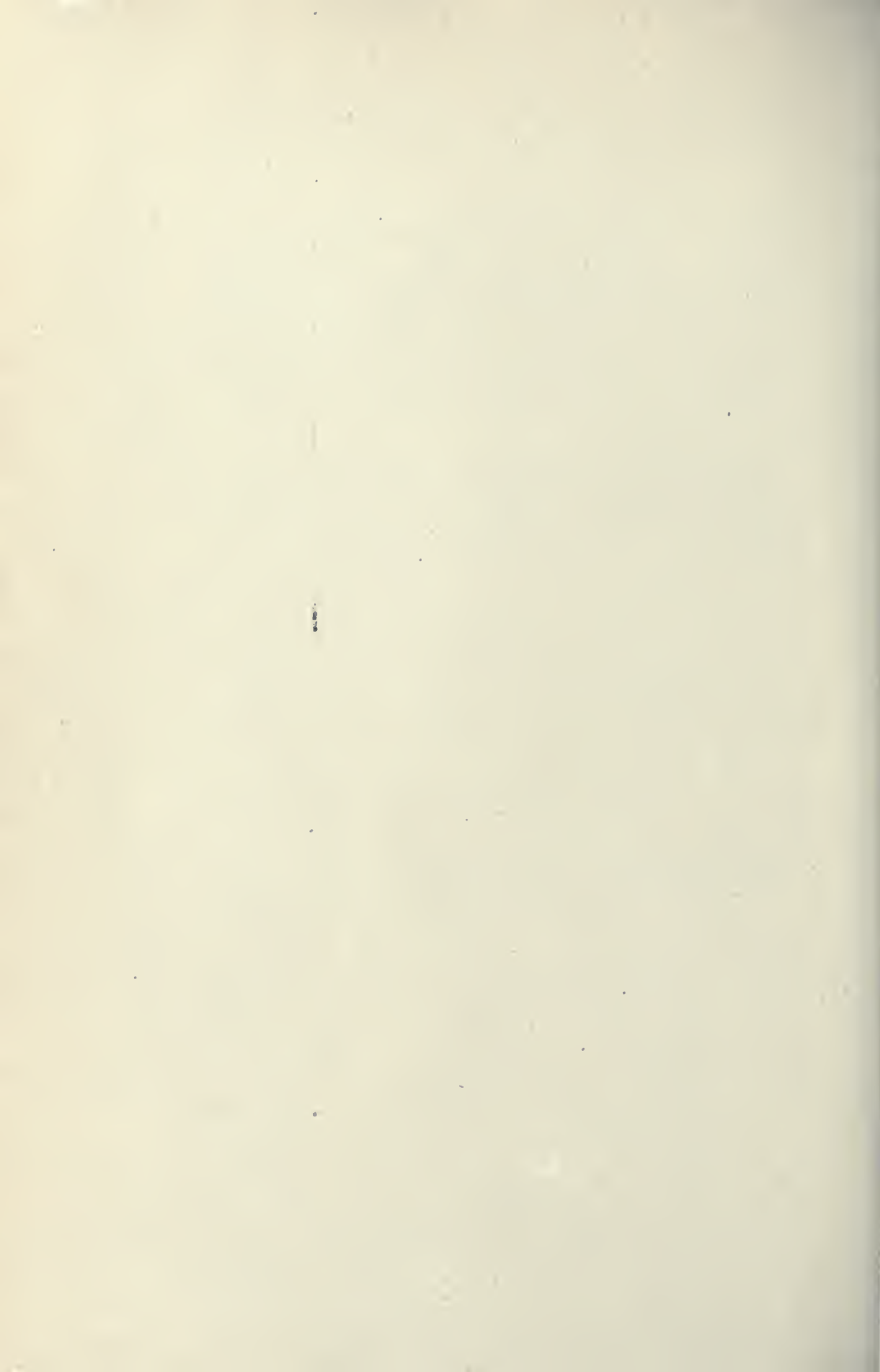
(2) Failure to carry out any order under this section shall be deemed to be a contravention of this Act.

Duty of
Board.

6. It shall be the duty of the Board to make such inquiries, hold such investigations and do such other acts and things as may be necessary to ensure that the provisions of this Act are complied with.

Short title.

7. This Act may be cited as *The Fair Employment Practices Act, 1948*.



NO. 172

BILL

An Act respecting Fair Employment Practices.

1st Reading

April 7th, 1948

2nd Reading

3rd Reading

MR. SALSBERG

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act respecting Investment Contracts.

MR. BLACKWELL

EXPLANATORY NOTES

Companies engaged in the business of issuing investment contracts (see definition in section 1) presently come under the provisions of *The Securities Act, 1947*. These companies, by the nature of their business, are comparable with insurance companies rather than with the various classes of companies which fall within the provisions of *The Securities Act, 1947*. The purpose of the Bill is accordingly to exclude such companies from the operation of *The Securities Act, 1947*, and to bring them under the jurisdiction of the Superintendent of Insurance.

BILL

An Act respecting Investment Contracts.

HIS 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) “investment contract” means a contract, agreement, certificate, instrument or writing containing an undertaking by an issuer to pay the holder thereof, or his assignee, or personal representative, or other person, a stated or determinable maturity value in cash or its equivalent on a fixed or determinable date and containing optional settlement, cash surrender or loan values prior to or after maturity, the consideration for which consists of payments made or to be made to the issuer in instalments or periodically, or of a single sum, according to a plan fixed by the contract, whether or not the holder is or may be entitled to share in the profits or earnings of, or to receive additional credits or sums from, the issuer, but shall not include a contract within the meaning of *The Insurance Act*; “investment contract”;
Rev. Stat.,
c. 256.
- (b) “filed” means filed under this Act; “filed”;
- (c) “issuer” means any corporation which offers for sale, sells, makes or enters into investment contracts of its own issue, but shall not include an insurer within the meaning of *The Insurance Act*, or a corporation within the meaning of *The Loan and Trust Corporations Act*; “issuer”;
Rev. Stat.,
cc. 256, 257.
- (d) “qualified assets” means, “qualified
assets”;
- (i) cash,
- (ii) first mortgages on improved real estate and first mortgages made under *The Dominion*

1935, c. 58;
1938, c. 49;
1944-45, c. 46
(Canada).

Housing Act, 1935 (Canada), The National Housing Act, 1938 (Canada), or The National Housing Act, 1944 (Canada),

Rev. Stat.,
c. 251.

- (iii) bonds, debentures, stocks and other securities of the classes authorized under *The Companies Act* for the investment of the funds of joint stock insurance companies incorporated under the law of Ontario or authorized under *The Canadian and British Insurance Companies Act, 1932 (Canada)* for the investment of the funds of companies registered thereunder,

1932, c. 46
(Canada).

- (iv) real property acquired by foreclosure or in satisfaction of a debt and held for a period of less than seven years, and

- (v) such other investments or securities as may be designated by regulation under this Act;

"pre-
scribed";

- (e) "prescribed" means prescribed by the regulations;

"registered";

- (f) "registered" means registered under this Act;

"regula-
tions";

- (g) "regulations" mean regulations made under this Act;

"salesman";

- (h) "salesman" means a person employed, appointed or authorized by an issuer to sell investment contracts; and

"Superin-
tendent".
Rev. Stat.,
c. 256.

- (i) "Superintendent" means Superintendent of Insurance under *The Insurance Act*.

Filing
form of
contract.

2.—(1) No person shall issue for sale or offer for sale or sell an investment contract unless a copy of the form thereof has been filed with the Superintendent.

Forms not
to be filed.

(2) The Superintendent shall accept for filing a copy of the form of any investment contract tendered for filing unless the sale of investment contracts in such form would be inequitable or tend to work a fraud upon purchasers thereof or be against the public interest.

Who may
issue
contract.

3.—(1) No person shall issue for sale an investment contract unless such person is registered as an issuer.

Who may
sell con-
tract.

(2) No person shall offer for sale or sell an investment contract unless such person is,—

- (a) registered as an issuer; or

(b) recorded by the Superintendent as an executive officer of a registered issuer; or

(c) registered as a salesman.

4. No corporation shall be registered under this Act as an issuer unless,— What corporations may be registered.

(a) there has been filed with the Superintendent,

(i) a certified copy of the Act, letters patent or other instrument of incorporation of such corporation,

(ii) a certified list of the names and addresses of the executive officers of such corporation,

(iii) a certified copy of the balance sheet of such corporation as at the close of its last completed fiscal year and its auditor's report thereon, and

(iv) copies of all forms of investment contracts proposed to be issued by such corporation for sale in Ontario;

(b) at least \$100,000 of its authorized capital stock has been subscribed and paid in, in cash;

(c) arrangements satisfactory to the Superintendent have been made for the deposit with a trust company, chartered bank or other suitable depository or depositories within Canada of qualified assets aggregating in amount, when valued as provided in section 17, not less at any time than the amount for which such corporation, under the terms of its investment contracts, is liable as of such time to pay in cash to the holders of all its investment contracts then outstanding, or aggregating such lesser amount as the Superintendent may deem appropriate in the circumstances; provided that, in the case of a corporation which maintains with a trust company, chartered bank or other suitable depository or depositories outside Ontario but within Canada a deposit or deposits of qualified assets in such an aggregate amount or other deposit satisfactory to the Superintendent, no further deposit shall be required.

5.—(1) No person shall be registered as a salesman unless there has been filed with the Superintendent a written notice to the Superintendent from a registered issuer that such person Registration requirements.

has been employed, appointed or authorized to sell investment contracts issued by such issuer.

Suspension
of regis-
tration.

(2) Termination of the employment, appointment or authorization of a person employed, appointed or authorized to sell investment contracts issued by an issuer which has filed with the Superintendent a written notice pursuant to subsection 1 shall operate as a suspension of the registration of such person as a salesman.

Application
for regis-
tration.

6. Every application for registration shall be made to the Superintendent in writing upon the prescribed form and shall be accompanied by the prescribed fee.

Address
for
service.

7. Every applicant for registration shall state in the application an address for service in Ontario and all notices under this Act or the regulations shall be sufficiently served for all purposes if delivered or sent by prepaid mail to the latest address for service so stated.

Renewal of
registration.

8. Every registration and renewal of registration shall lapse on the 31st day of March but any registered issuer or salesman desiring renewal of registration shall on or before the 21st day of March make application for renewal of registration upon the prescribed form with the prescribed fee.

Granting of
registration
or renewal
to,—

9. The Superintendent shall grant registration or renewal of registration,—

issuer;

(a) to an issuer applying therefor where the applicant is suitable for registration and the sale of investment contracts issued by such issuer would not be inequitable or tend to work a fraud upon purchasers thereof or be against the public interest; and

salesman.

(b) to a salesman applying therefor where the applicant is suitable for registration and the proposed registration is not objectionable.

Suspension
or cancel-
lation of
registration.

10.—(1) The Superintendent may suspend or cancel any registration upon any grounds which would justify refusal to grant registration or renewal of registration.

Idem.

(2) The Superintendent may suspend or cancel the registration of an issuer where it appears to him from the statements and reports filed with him or from an inspection or valuation that the assets of the issuer are insufficient to provide for the payment of its investment contracts at maturity.

Further
application
for regis-
tration.

11. Notwithstanding any order of the Superintendent, a further application may be made upon new or other material or where it is clear that material circumstances have changed.

12.—(1) An applicant for registration or renewal of registration or any person who deems himself aggrieved by a decision of the Superintendent, may appeal therefrom to the Court of Appeal.

(2) The appeal shall be set down for argument at the first sitting of the Court of Appeal which commences after the expiration of thirty days from the decision complained of. ^{When to be set down.}

(3) The practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court, in an action. ^{Procedure.}

(4) The Superintendent shall certify to the registrar of the Court of Appeal the decision appealed from, his reasons therefor, and the documents, inspection reports and evidence, if any, and such other information as he had before him in making the said decision. ^{Certificate.}

13.—(1) Not later than thirty days after the expiration of each quarterly period ending March 31st, June 30th, September 30th and December 31st, every registered issuer shall file with the Superintendent a statement, certified to by its auditor, showing,— ^{Filing statement.}

(a) the amount for which such issuer is liable, as at the last day of the quarterly period last ended, to pay in cash to the holders of all its investment contracts outstanding on such date; and

(b) all qualified assets on deposit on the last day of the quarterly period last ended with the trust company, chartered bank or other depositary or depositaries within Canada approved by the Superintendent and the value, when valued as provided in section 17, of such qualified assets as at such date; and

(c) such other information as the Superintendent may require.

(2) Not later than ninety days after the expiration of its fiscal year, every registered issuer shall file with the Superintendent a balance sheet and profit and loss statement for such completed fiscal year, certified by two of its directors and reported on by its auditor, and such other financial statements as the Superintendent may require. ^{Filing balance sheet.}

(3) The auditor of an issuer registered under this Act shall be a person or firm acceptable to the Superintendent. ^{Auditor.}

14.—(1) The Superintendent may at any time make or

cause to be made an inspection of the books, documents and records of any issuer and of any salesman.

Access on inspection.

(2) Upon any such inspection, the Superintendent or his duly authorized representative shall be entitled to free access to all books of account, cash, securities, documents, bank accounts, vouchers, correspondence and records of every description of the issuer or salesman and no person shall withhold or destroy, conceal or refuse to furnish any information or thing reasonably required by the Superintendent for the purposes of the inspection.

Advertising and forms.

15. The Superintendent may at any time require any issuer or salesman to submit for review any circulars, pamphlets, brochures, specimen contracts, application forms or other documents used by such issuer or salesman in connection with the sale of investment contracts.

Notice of changes by issuer;

16.—(1) Every registered issuer shall notify the Superintendent in writing of,—

- (a) any change of its address for service;
- (b) any change in its executive officers; and
- (c) the commencement and termination of the employment, appointment or authorization of each of its salesmen.

by salesman.

(2) Every salesman registered under this Act shall notify the Superintendent in writing of,—

- (a) any change in his address of service; and
- (b) every commencement and termination of his employment, appointment or authorization by a registered issuer.

Valuation of assets.

17. In any statement or balance sheet to be filed with the Superintendent under this Act, an issuer may value qualified assets as follows:

- (a) cash—in the amount thereof in lawful money of Canada;
- (b) first mortgages—in the amount of the balance of the principal sum secured thereby together with all unpaid interest accrued thereon;
- (c) securities having a fixed term and rate not in default as to principal or interest—

(i) if purchased at par, at the par value,

(ii) if purchased above or below par, on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield meantime the effective rate of interest at which the purchase was made,

provided that the purchase price shall in no case be taken at a higher figure than the actual market value at the time of purchase; and

(d) other securities—at the market value at the date of the statement,

or otherwise as the Superintendent may appoint; provided that, where any qualified assets consist of securities whose market values are unduly depressed and in respect of which companies registered under *The Canadian and British Insurance Companies Act, 1932* (Canada) have been authorized to use values in excess of said market values, such qualified assets may, with the approval of the Superintendent, be valued as authorized under that Act. ^{1932, c. 46 (Canada).}

18. The Superintendent may extend the time for the filing of any statement, balance sheet or other document, or the making of any application for renewal of registration under this Act. ^{Extension of time prescribed.}

19. Nothing in this Act shall prevent the sale of an investment contract by or on behalf of the holder thereof where such sale is not made in the course of continued and successive transactions of like character or by a person whose usual business is the issuance or sale of investment contracts. ^{Exempted sales.}

20.—(1) Any person who violates the provisions of subsection 1 of section 2 or subsection 1 of section 3 or subsection 2 of section 3 in respect of clause *a* or *b* thereof shall be guilty of an offence and liable to a penalty of not more than \$5,000. ^{Penalties.}

(2) Any person who violates the provisions of subsection 2 of section 3 in respect of clause *c* shall be guilty of an offence and liable to a penalty of not more than \$1,000. ^{Idem.}

(3) Any person who violates any other provision of this Act shall be guilty of an offence and liable to a penalty of not more than \$500. ^{Idem.}

21. No proceedings to recover the penalties provided in section 20 shall be instituted except,— ^{Recovery of penalties.}

(a) with the written consent of the Attorney General; and

(b) within two years after the offence is committed.

Idem.

Rev. Stat.,
c. 136.

22. The penalties provided by section 20 shall be recoverable under *The Summary Convictions Act*.

Regulations.

23. The Lieutenant-Governor in Council may make regulations,—

(a) prescribing the fees payable upon applications for registration and renewal of registration;

(b) prescribing the forms for use under this Act;

(c) designating investments or securities as qualified assets within the meaning of this Act; and

(d) generally for the better carrying out of the provisions of this Act and the more efficient administration thereof.

1947, c. 98
not to apply.

24. Notwithstanding anything in *The Securities Act, 1947*, contained,—

(a) an investment contract shall be deemed not to be a security; and

(b) an issuer* shall be deemed not to be an investment company,

within the meaning of the said Act.

Commence-
ment of Act

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

Short title.

26. This Act may be cited as *The Investment Contracts Act, 1948*.

BILL

An Act respecting Investment Contracts.

1st Reading

April 7th, 1948

2nd Reading

3rd Reading

MR. BLACKWELL

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act respecting Investment Contracts.

MR. BLACKWELL

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTES

Companies engaged in the business of issuing investment contracts (see definition in section 1) presently come under the provisions of *The Securities Act, 1947*. These companies, by the nature of their business, are comparable with insurance companies rather than with the various classes of companies which fall within the provisions of *The Securities Act, 1947*. The purpose of the Bill is accordingly to exclude such companies from the operation of *The Securities Act, 1947*, and to bring them under the jurisdiction of the Superintendent of Insurance.

BILL

An Act respecting Investment Contracts.

HIS 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) “investment contract” means a contract, agreement, certificate, instrument or writing containing an undertaking by an issuer to pay the holder thereof, or his assignee, or personal representative, or other person, a stated or determinable maturity value in cash or its equivalent on a fixed or determinable date and containing optional settlement, cash surrender or loan values prior to or after maturity, the consideration for which consists of payments made or to be made to the issuer in instalments or periodically, or of a single sum, according to a plan fixed by the contract, whether or not the holder is or may be entitled to share in the profits or earnings of, or to receive additional credits or sums from, the issuer, but shall not include a contract within the meaning of *The Insurance Act*;

Rev. Stat.,
c. 256.

- (b) “filed” means filed under this Act;

“filed”;

- (c) “issuer” means any corporation which offers for sale, sells, makes or enters into investment contracts of its own issue, but shall not include an insurer within the meaning of *The Insurance Act*, or a corporation within the meaning of *The Loan and Trust Corporations Act*;

Rev. Stat.,
cc. 256, 257.

- (d) “qualified assets” means,

“qualified
assets”;

- (i) cash,

- (ii) first mortgages on improved real estate and first mortgages made under *The Dominion*

1935, c. 58;
1938, c. 49;
1944-45, c. 46
(Canada).

Housing Act, 1935 (Canada), *The National Housing Act, 1938* (Canada), or *The National Housing Act, 1944* (Canada),

Rev. Stat.,
c. 251.

- (iii) bonds, debentures, stocks and other securities of the classes authorized under *The Companies Act* for the investment of the funds of joint stock insurance companies incorporated under the law of Ontario or authorized under *The Canadian and British Insurance Companies Act, 1932* (Canada) for the investment of the funds of companies registered thereunder,

1932, c. 46
(Canada).

- (iv) real property acquired by foreclosure or in satisfaction of a debt and held for a period of less than seven years, and

- (v) such other investments or securities as may be designated by regulation under this Act;

"pre-
scribed";

- (e) "prescribed" means prescribed by the regulations;

"registered";

- (f) "registered" means registered under this Act;

"regula-
tions";

- (g) "regulations" mean regulations made under this Act;

"salesman";

- (h) "salesman" means a person employed, appointed or authorized by an issuer to sell investment contracts; and

"Superin-
tendent".
Rev. Stat.,
c. 256.

- (i) "Superintendent" means Superintendent of Insurance under *The Insurance Act*.

Filing
form of
contract.

2.—(1) No person shall issue for sale or offer for sale or sell an investment contract unless a copy of the form thereof has been filed with the Superintendent.

Forms not
to be filed.

(2) The Superintendent shall accept for filing a copy of the form of any investment contract tendered for filing unless the sale of investment contracts in such form would be inequitable or tend to work a fraud upon purchasers thereof or be against the public interest.

Who may
issue
contract.

3.—(1) No person shall issue for sale an investment contract unless such person is registered as an issuer.

Who may
sell con-
tract.

(2) No person shall offer for sale or sell an investment contract unless such person is,—

- (a) registered as an issuer; or

(b) recorded by the Superintendent as an executive officer of a registered issuer; or

(c) registered as a salesman.

4. No corporation shall be registered under this Act as an issuer unless,—

What corporations may be registered.

(a) there has been filed with the Superintendent,

(i) a certified copy of the Act, letters patent or other instrument of incorporation of such corporation,

(ii) a certified list of the names and addresses of the executive officers of such corporation,

(iii) a certified copy of the balance sheet of such corporation as at the close of its last completed fiscal year and its auditor's report thereon, and

(iv) copies of all forms of investment contracts proposed to be issued by such corporation for sale in Ontario;

(b) at least \$100,000 of its authorized capital stock has been subscribed and paid in, in cash;

(c) arrangements satisfactory to the Superintendent have been made for the deposit with a trust company, chartered bank or other suitable depository or depositories within Canada of qualified assets aggregating in amount, when valued as provided in section 17, not less at any time than the amount for which such corporation, under the terms of its investment contracts, is liable as of such time to pay in cash to the holders of all its investment contracts then outstanding, or aggregating such lesser amount as the Superintendent may deem appropriate in the circumstances; provided that, in the case of a corporation which maintains with a trust company, chartered bank or other suitable depository or depositories outside Ontario but within Canada a deposit or deposits of qualified assets in such an aggregate amount or other deposit satisfactory to the Superintendent, no further deposit shall be required.

5.—(1) No person shall be registered as a salesman unless there has been filed with the Superintendent a written notice to the Superintendent from a registered issuer that such person

Registration requirements.

has been employed, appointed or authorized to sell investment contracts issued by such issuer.

Suspension
of regis-
tration.

(2) Termination of the employment, appointment or authorization of a person employed, appointed or authorized to sell investment contracts issued by an issuer which has filed with the Superintendent a written notice pursuant to subsection 1 shall operate as a suspension of the registration of such person as a salesman.

Application
for regis-
tration.

6. Every application for registration shall be made to the Superintendent in writing upon the prescribed form and shall be accompanied by the prescribed fee.

Address
for
service.

7. Every applicant for registration shall state in the application an address for service in Ontario and all notices under this Act or the regulations shall be sufficiently served for all purposes if delivered or sent by prepaid mail to the latest address for service so stated.

Renewal of
registration.

8. Every registration and renewal of registration shall lapse on the 31st day of March but any registered issuer or salesman desiring renewal of registration shall on or before the 21st day of March make application for renewal of registration upon the prescribed form with the prescribed fee.

Granting of
registration
or renewal
to,—

9. The Superintendent shall grant registration or renewal of registration,—

issuer;

(a) to an issuer applying therefor where the applicant is suitable for registration and the sale of investment contracts issued by such issuer would not be inequitable or tend to work a fraud upon purchasers thereof or be against the public interest; and

salesman.

(b) to a salesman applying therefor where the applicant is suitable for registration and the proposed registration is not objectionable.

Suspension
or cancel-
lation of
registration.

10.—(1) The Superintendent may suspend or cancel any registration upon any grounds which would justify refusal to grant registration or renewal of registration.

Idem.

(2) The Superintendent may suspend or cancel the registration of an issuer where it appears to him from the statements and reports filed with him or from an inspection or valuation that the assets of the issuer are insufficient to provide for the payment of its investment contracts at maturity.

Further
application
for regis-
tration.

11. Notwithstanding any order of the Superintendent, a further application may be made upon new or other material or where it is clear that material circumstances have changed.

12.—(1) An applicant for registration or renewal of registration or any person who deems himself aggrieved by a decision of the Superintendent, may appeal therefrom to the Court of Appeal.

(2) The appeal shall be set down for argument at the first sitting of the Court of Appeal which commences after the expiration of thirty days from the decision complained of. ^{When to be set down.}

(3) The practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court, in an action. ^{Procedure.}

(4) The Superintendent shall certify to the registrar of the Court of Appeal the decision appealed from, his reasons therefor, and the documents, inspection reports and evidence, if any, and such other information as he had before him in making the said decision. ^{Certificate.}

13.—(1) Not later than thirty days after the expiration of each quarterly period ending March 31st, June 30th, September 30th and December 31st, every registered issuer shall file with the Superintendent a statement, certified to by its auditor, showing,— ^{Filing statement.}

(a) the total liability of the issuer on the last day of the quarterly period last ended on all outstanding investment contracts;

(b) all qualified assets on deposit on the last day of the quarterly period last ended with the trust company, chartered bank or other depository or depositories within Canada approved by the Superintendent and the value, when valued as provided in section 17, of such qualified assets as at such date; and

(c) such other information as the Superintendent may require.

(2) Not later than ninety days after the expiration of its fiscal year, every registered issuer shall file with the Superintendent a balance sheet and profit and loss statement for such completed fiscal year, certified by two of its directors and reported on by its auditor, and such other financial statements as the Superintendent may require. ^{Filing balance sheet.}

(3) The auditor of an issuer registered under this Act shall be a person or firm acceptable to the Superintendent. ^{Auditor.}

14.—(1) The Superintendent may at any time make or

^{Inspection.}

cause to be made an inspection of the books, documents and records of any issuer and of any salesman.

Access on
inspection.

(2) Upon any such inspection, the Superintendent or his duly authorized representative shall be entitled to free access to all books of account, cash, securities, documents, bank accounts, vouchers, correspondence and records of every description of the issuer or salesman and no person shall withhold or destroy, conceal or refuse to furnish any information or thing reasonably required by the Superintendent for the purposes of the inspection.

Advertising
and forms.

15. The Superintendent may at any time require any issuer or salesman to submit for review any circulars, pamphlets, brochures, specimen contracts, application forms or other documents used by such issuer or salesman in connection with the sale of investment contracts.

Notice of
changes by
issuer;

16.—(1) Every registered issuer shall notify the Superintendent in writing of,—

- (a) any change of its address for service;
- (b) any change in its executive officers; and
- (c) the commencement and termination of the employment, appointment or authorization of each of its salesmen.

by salesman.

(2) Every salesman registered under this Act shall notify the Superintendent in writing of,—

- (a) any change in his address of service; and
- (b) every commencement and termination of his employment, appointment or authorization by a registered issuer.

Valuation
of assets.

17. In any statement or balance sheet to be filed with the Superintendent under this Act, an issuer may value qualified assets as follows:

- (a) cash—in the amount thereof in lawful money of Canada;
- (b) first mortgages—in the amount of the balance of the principal sum secured thereby together with all unpaid interest accrued thereon;
- (c) securities having a fixed term and rate not in default as to principal or interest—

- (i) if purchased at par, at the par value,
- (ii) if purchased above or below par, on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield meantime the effective rate of interest at which the purchase was made,

provided that the purchase price shall in no case be taken at a higher figure than the actual market value at the time of purchase; and

- (d) other securities—at the market value at the date of the statement,

or otherwise as the Superintendent may appoint; provided that, where any qualified assets consist of securities whose market values are unduly depressed and in respect of which companies registered under *The Canadian and British Insurance Companies Act, 1932* (Canada) have been authorized to use values in excess of said market values, such qualified assets may, with the approval of the Superintendent, be valued as authorized under that Act. 1932, c. 46
(Canada).

18. The Superintendent may extend the time for the filing of any statement, balance sheet or other document, or the making of any application for renewal of registration under this Act. Extension
of time
prescribed.

19. Nothing in this Act shall prevent the sale of an investment contract by or on behalf of the holder thereof where such sale is not made in the course of continued and successive transactions of like character or by a person whose usual business is the issuance or sale of investment contracts. Exempted
sales.

20.—(1) Any person who violates the provisions of subsection 1 of section 2 or subsection 1 of section 3 or subsection 2 of section 3 in respect of clause *a* or *b* thereof shall be guilty of an offence and liable to a penalty of not more than \$5,000. Penalties.

(2) Any person who violates the provisions of subsection 2 of section 3 in respect of clause *c* shall be guilty of an offence and liable to a penalty of not more than \$1,000. Idem.

(3) Any person who violates any other provision of this Act shall be guilty of an offence and liable to a penalty of not more than \$500. Idem.

21. No proceedings to recover the penalties provided in section 20 shall be instituted except,— Recovery of
penalties.

(a) with the written consent of the Attorney General; and

(b) within two years after the offence is committed.

Idem.

Rev. Stat.,
c. 136.

22. The penalties provided by section 20 shall be recoverable under *The Summary Convictions Act*.

Regulations.

23. The Lieutenant-Governor in Council may make regulations,—

(a) prescribing the fees payable upon applications for registration and renewal of registration;

(b) prescribing the forms for use under this Act;

(c) designating investments or securities as qualified assets within the meaning of this Act; and

(d) generally for the better carrying out of the provisions of this Act and the more efficient administration thereof.

1947, c. 98
not to apply.

24. Notwithstanding anything in *The Securities Act, 1947*, contained,—

(a) an investment contract shall be deemed not to be a security; and

(b) an issuer shall be deemed not to be an investment company,

within the meaning of the said Act.

Commence-
ment of Act

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

Short title.

26. This Act may be cited as *The Investment Contracts Act, 1948*.

BILL

An Act respecting Investment Contracts.

1st Reading

April 7th, 1948

2nd Reading

April 9th, 1948

3rd Reading

MR. BLACKWELL.

*(Reprinted as amended in Committee
of the Whole House.)*



4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act respecting Investment Contracts.

MR. BLACKWELL

BILL

An Act respecting Investment Contracts.

HIS 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) “investment contract” means a contract, agreement, certificate, instrument or writing containing an undertaking by an issuer to pay the holder thereof, or his assignee, or personal representative, or other person, a stated or determinable maturity value in cash or its equivalent on a fixed or determinable date and containing optional settlement, cash surrender or loan values prior to or after maturity, the consideration for which consists of payments made or to be made to the issuer in instalments or periodically, or of a single sum, according to a plan fixed by the contract, whether or not the holder is or may be entitled to share in the profits or earnings of, or to receive additional credits or sums from, the issuer, but shall not include a contract within the meaning of *The Insurance Act*; “investment contract”;
Rev. Stat.,
c. 256.
- (b) “filed” means filed under this Act; “filed”;
- (c) “issuer” means any corporation which offers for sale, sells, makes or enters into investment contracts of its own issue, but shall not include an insurer within the meaning of *The Insurance Act*, or a corporation within the meaning of *The Loan and Trust Corporations Act*; “issuer”;
Rev. Stat.,
cc. 256, 257.
- (d) “qualified assets” means, “qualified assets”;
- (i) cash,
- (ii) first mortgages on improved real estate and first mortgages made under *The Dominion*

1935, c. 58;
1938, c. 49;
1944-45, c. 46
(Canada).

Housing Act, 1935 (Canada), The National Housing Act, 1938 (Canada), or The National Housing Act, 1944 (Canada),

Rev. Stat.,
c. 251.

- (iii) bonds, debentures, stocks and other securities of the classes authorized under *The Companies Act* for the investment of the funds of joint stock insurance companies incorporated under the law of Ontario or authorized under *The Canadian and British Insurance Companies Act, 1932 (Canada)* for the investment of the funds of companies registered thereunder,

1932, c. 46
(Canada).

- (iv) real property acquired by foreclosure or in satisfaction of a debt and held for a period of less than seven years, and

- (v) such other investments or securities as may be designated by regulation under this Act;

"pre-scribed";

- (e) "prescribed" means prescribed by the regulations;

"registered";

- (f) "registered" means registered under this Act;

"regulations";

- (g) "regulations" mean regulations made under this Act;

"salesman";

- (h) "salesman" means a person employed, appointed or authorized by an issuer to sell investment contracts; and

"Superintendent",
Rev. Stat.,
c. 256.

- (i) "Superintendent" means Superintendent of Insurance under *The Insurance Act*.

Filing
form of
contract.

2.—(1) No person shall issue for sale or offer for sale or sell an investment contract unless a copy of the form thereof has been filed with the Superintendent.

Forms not
to be filed.

(2) The Superintendent shall accept for filing a copy of the form of any investment contract tendered for filing unless the sale of investment contracts in such form would be inequitable or tend to work a fraud upon purchasers thereof or be against the public interest.

Who may
issue
contract.

3.—(1) No person shall issue for sale an investment contract unless such person is registered as an issuer.

Who may
sell con-
tract.

(2) No person shall offer for sale or sell an investment contract unless such person is,—

- (a) registered as an issuer; or

(b) recorded by the Superintendent as an executive officer of a registered issuer; or

(c) registered as a salesman.

4. No corporation shall be registered under this Act as an issuer unless,— What corporations may be registered.

(a) there has been filed with the Superintendent,

(i) a certified copy of the Act, letters patent or other instrument of incorporation of such corporation,

(ii) a certified list of the names and addresses of the executive officers of such corporation,

(iii) a certified copy of the balance sheet of such corporation as at the close of its last completed fiscal year and its auditor's report thereon, and

(iv) copies of all forms of investment contracts proposed to be issued by such corporation for sale in Ontario;

(b) at least \$100,000 of its authorized capital stock has been subscribed and paid in, in cash;

(c) arrangements satisfactory to the Superintendent have been made for the deposit with a trust company, chartered bank or other suitable depositary or depositaries within Canada of qualified assets aggregating in amount, when valued as provided in section 17, not less at any time than the amount for which such corporation, under the terms of its investment contracts, is liable as of such time to pay in cash to the holders of all its investment contracts then outstanding, or aggregating such lesser amount as the Superintendent may deem appropriate in the circumstances; provided that, in the case of a corporation which maintains with a trust company, chartered bank or other suitable depositary or depositaries outside Ontario but within Canada a deposit or deposits of qualified assets in such an aggregate amount or other deposit satisfactory to the Superintendent, no further deposit shall be required.

5.—(1) No person shall be registered as a salesman unless there has been filed with the Superintendent a written notice to the Superintendent from a registered issuer that such person Registration requirements.

has been employed, appointed or authorized to sell investment contracts issued by such issuer.

Suspension
of regis-
tration.

(2) Termination of the employment, appointment or authorization of a person employed, appointed or authorized to sell investment contracts issued by an issuer which has filed with the Superintendent a written notice pursuant to subsection 1 shall operate as a suspension of the registration of such person as a salesman.

Application
for regis-
tration.

6. Every application for registration shall be made to the Superintendent in writing upon the prescribed form and shall be accompanied by the prescribed fee.

Address
for
service.

7. Every applicant for registration shall state in the application an address for service in Ontario and all notices under this Act or the regulations shall be sufficiently served for all purposes if delivered or sent by prepaid mail to the latest address for service so stated.

Renewal of
registration.

8. Every registration and renewal of registration shall lapse on the 31st day of March but any registered issuer or salesman desiring renewal of registration shall on or before the 21st day of March make application for renewal of registration upon the prescribed form with the prescribed fee.

Granting of
registration
or renewal
to,—

9. The Superintendent shall grant registration or renewal of registration,—

issuer;

(a) to an issuer applying therefor where the applicant is suitable for registration and the sale of investment contracts issued by such issuer would not be inequitable or tend to work a fraud upon purchasers thereof or be against the public interest; and

salesman.

(b) to a salesman applying therefor where the applicant is suitable for registration and the proposed registration is not objectionable.

Suspension
or cancel-
lation of
registration.

10.—(1) The Superintendent may suspend or cancel any registration upon any grounds which would justify refusal to grant registration or renewal of registration.

Idem.

(2) The Superintendent may suspend or cancel the registration of an issuer where it appears to him from the statements and reports filed with him or from an inspection or valuation that the assets of the issuer are insufficient to provide for the payment of its investment contracts at maturity.

Further
application
for regis-
tration.

11. Notwithstanding any order of the Superintendent, a further application may be made upon new or other material or where it is clear that material circumstances have changed.

12.—(1) An applicant for registration or renewal of registration or any person who deems himself aggrieved by a decision of the Superintendent, may appeal therefrom to the Court of Appeal.

(2) The appeal shall be set down for argument at the first sitting of the Court of Appeal which commences after the expiration of thirty days from the decision complained of.

(3) The practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court, in an action.

(4) The Superintendent shall certify to the registrar of the Court of Appeal the decision appealed from, his reasons therefor, and the documents, inspection reports and evidence, if any, and such other information as he had before him in making the said decision.

13.—(1) Not later than thirty days after the expiration of each quarterly period ending March 31st, June 30th, September 30th and December 31st, every registered issuer shall file with the Superintendent a statement, certified to by its auditor, showing,—

(a) the total liability of the issuer on the last day of the quarterly period last ended on all outstanding investment contracts;

(b) all qualified assets on deposit on the last day of the quarterly period last ended with the trust company, chartered bank or other depository or depositories within Canada approved by the Superintendent and the value, when valued as provided in section 17, of such qualified assets as at such date; and

(c) such other information as the Superintendent may require.

(2) Not later than ninety days after the expiration of its fiscal year, every registered issuer shall file with the Superintendent a balance sheet and profit and loss statement for such completed fiscal year, certified by two of its directors and reported on by its auditor, and such other financial statements as the Superintendent may require.

(3) The auditor of an issuer registered under this Act shall be a person or firm acceptable to the Superintendent.

14.—(1) The Superintendent may at any time make or

cause to be made an inspection of the books, documents and records of any issuer and of any salesman.

Access on
inspection.

(2) Upon any such inspection, the Superintendent or his duly authorized representative shall be entitled to free access to all books of account, cash, securities, documents, bank accounts, vouchers, correspondence and records of every description of the issuer or salesman and no person shall withhold or destroy, conceal or refuse to furnish any information or thing reasonably required by the Superintendent for the purposes of the inspection.

Advertising
and forms.

15. The Superintendent may at any time require any issuer or salesman to submit for review any circulars, pamphlets, brochures, specimen contracts, application forms or other documents used by such issuer or salesman in connection with the sale of investment contracts.

Notice of
changes by
issuer;

16.—(1) Every registered issuer shall notify the Superintendent in writing of,—

- (a) any change of its address for service;
- (b) any change in its executive officers; and
- (c) the commencement and termination of the employment, appointment or authorization of each of its salesmen.

by salesman.

(2) Every salesman registered under this Act shall notify the Superintendent in writing of,—

- (a) any change in his address of service; and
- (b) every commencement and termination of his employment, appointment or authorization by a registered issuer.

Valuation
of assets.

17. In any statement or balance sheet to be filed with the Superintendent under this Act, an issuer may value qualified assets as follows:

- (a) cash—in the amount thereof in lawful money of Canada;
- (b) first mortgages—in the amount of the balance of the principal sum secured thereby together with all unpaid interest accrued thereon;
- (c) securities having a fixed term and rate not in default as to principal or interest—

- (i) if purchased at par, at the par value,
- (ii) if purchased above or below par, on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield meantime the effective rate of interest at which the purchase was made,

provided that the purchase price shall in no case be taken at a higher figure than the actual market value at the time of purchase; and

- (d) other securities—at the market value at the date of the statement,

or otherwise as the Superintendent may appoint; provided that, where any qualified assets consist of securities whose market values are unduly depressed and in respect of which companies registered under *The Canadian and British Insurance Companies Act, 1932* (Canada) have been authorized to use values in excess of said market values, such qualified assets may, with the approval of the Superintendent, be valued as authorized under that Act. ^{1932, c. 46 (Canada).}

18. The Superintendent may extend the time for the filing of any statement, balance sheet or other document, or the making of any application for renewal of registration under this Act. ^{Extension of time prescribed.}

19. Nothing in this Act shall prevent the sale of an investment contract by or on behalf of the holder thereof where such sale is not made in the course of continued and successive transactions of like character or by a person whose usual business is the issuance or sale of investment contracts. ^{Exempted sales.}

20.—(1) Any person who violates the provisions of subsection 1 of section 2 or subsection 1 of section 3 or subsection 2 of section 3 in respect of clause *a* or *b* thereof shall be guilty of an offence and liable to a penalty of not more than \$5,000. ^{Penalties.}

(2) Any person who violates the provisions of subsection 2 of section 3 in respect of clause *c* shall be guilty of an offence and liable to a penalty of not more than \$1,000. ^{Idem.}

(3) Any person who violates any other provision of this Act shall be guilty of an offence and liable to a penalty of not more than \$500. ^{Idem.}

21. No proceedings to recover the penalties provided in section 20 shall be instituted except,— ^{Recovery of penalties.}

(a) with the written consent of the Attorney General;
and

(b) within two years after the offence is committed.

Idem.

Rev. Stat.,
c. 136.

22. The penalties provided by section 20 shall be recoverable under *The Summary Convictions Act*.

Regulations.

23. The Lieutenant-Governor in Council may make regulations,—

(a) prescribing the fees payable upon applications for registration and renewal of registration;

(b) prescribing the forms for use under this Act;

(c) designating investments or securities as qualified assets within the meaning of this Act; and

(d) generally for the better carrying out of the provisions of this Act and the more efficient administration thereof.

1947, c. 98
not to apply.

24. Notwithstanding anything in *The Securities Act, 1947*, contained,—

(a) an investment contract shall be deemed not to be a security; and

(b) an issuer shall be deemed not to be an investment company,

within the meaning of the said Act.

Commence-
ment of Act

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

Short title.

26. This Act may be cited as *The Investment Contracts Act, 1948*.

BILL

An Act respecting Investment Contracts.

1st Reading

April 7th, 1948

2nd Reading

April 9th, 1948

3rd Reading

April 16th, 1948

MR. BLACKWELL

No. 144

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Hotel Fire Safety Act, 1948.

MR. BLACKWELL

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

EXPLANATORY NOTE

This legislation is designed to replace *The Hotel Fire Accidents Prevention Act* which in 1937 replaced *The Prevention of Accidents by Fire in Hotels Act* and *The Hotels Act, 1929*.

The subject is one that lends itself to periodic revisions in order that the fire safety provisions of the law respecting hotels may be kept in line with modern conditions.

The statutory requirements are based on two fundamental principles, namely, to ensure that hotels are constructed and operated in a way that will prevent fire starting and that will give every one in the building a reasonable chance of getting out safely if a fire does start.

The sections of the Act are self-explanatory.

Whether the provisions of this Bill are amended or new as compared with the present Act is indicated in italics at the end of each provision.

No. 144

1948

BILL

The Hotel Fire Safety Act, 1948.

HIS 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) "fire door" means a hollow metal, metal-clad, sheet "fire door"; metal, steel or two-ply tin-clad door that is automatic or self-closing;
- (b) "Fire Marshal" means the Fire Marshal of Ontario; "Fire Marshal";
- (c) "fire-resistive construction" means construction in "fire resistive construction"; which,
 - (i) the exterior walls are wholly of brick, stone, concrete, hollow block, solid block or the equivalent,
 - (ii) the interior walls and partitions are made of incombustible materials,
 - (iii) the floors and their supports are made of incombustible materials other than the floor covering, which may be wood, and
 - (iv) the roofs are made of incombustible materials;
- (d) "fire wall" means a partition wall of fire-resistive "fire wall"; construction extending from the ground to a point three feet above the roof and in which all openings are protected by fire doors;
- (e) "grade" means the average level of the ground next "grade"; to the building; *New*.
- (f) "hotel" means any hotel, tavern, inn or public house "hotel"; in one building or in two or more connected or adjacent buildings used mainly for the purpose of

catering to the needs of the travelling public by supplying food and furnishing sleeping accommodation of not less than ten bedrooms and includes all premises licensed under *The Liquor Licence Act, 1946*, but does not include premises commonly known as boarding houses and apartment houses; R.S.O. 1937, c. 320, s. 1, cl. (a), *amended*.

- "incombustible"; (g) "incombustible" as applied to a material or combination of materials means steel, iron, brick, tile, concrete, slate, asbestos, wired glass, cement or gypsum plaster or other material that will not fuse, burn or disintegrate when exposed to a temperature of 1,000 degrees Fahrenheit for a period of one hour;
- "inspector"; (h) "inspector" means an inspector appointed under this Act;
- "panic bolt"; (i) "panic bolt" means a bolt or lock that can be opened at all times from the inside by downward pressure on a bar or lever;
- "regulations"; (j) "regulations" mean regulations made under this Act;
- "self-closing"; (k) "self-closing" as applied to a door, window or other protection for an opening, means that such door, window or other protection is normally closed and will immediately return to the closed position when it is opened and released;
- "smoke-proof"; (l) "smoke-proof" means constructed so as to prevent the rapid passage of smoke and flames; and
- "storey". (m) "storey" means that portion of a building between the top of any floor and the top of the next floor above it, or if there is no floor above it, that portion between the top of such floor and the ceiling above it, and the storey closest to grade having its ceiling more than six feet above grade shall be deemed to be the first storey. *New.*

What hotels to be fire-resistive. 2.—(1) Every hotel more than two storeys in height hereafter constructed or remodelled, every addition more than two storeys in height hereafter made to any hotel, and every building more than two storeys in height hereafter converted for use as an hotel, shall be of fire-resistive construction.

Requirement for a fire wall. (2) Where an addition is hereafter made to any hotel and either the addition or the hotel is not of fire-resistive construction, there shall be a fire wall between the addition and the hotel. *New.*

3.—(1) There shall be not less than two stairway systems in or in connection with every hotel, located as far apart as possible and so as to provide not less than two independent means of egress for the occupants on each floor. Minimum number and location of stairways.

(2) Every stairway in or in connection with an existing hotel more than two storeys in height shall be fully enclosed and smoke-proof, provided that an exterior iron stairway with balconies at each floor or a metal tubular or spiral fire-escape may, with the written permission of the inspector be used in lieu of a fully enclosed and smoke-proof stairway. Stairways in existing hotels.

(3) Every stairway in or in connection with,—

(a) an hotel more than two storeys in height hereafter constructed or remodelled;

(b) an addition more than two storeys in height hereafter made to an hotel; or

(c) a building more than two storeys in height hereafter converted for use as an hotel,

Stairways in hotels hereafter built.

shall be fully enclosed, smoke-proof and of fire-resistive construction.

(4) Notwithstanding subsections 2 and 3, any stairway extending only to the second or mezzanine storey in an hotel of fire-resistive construction may be an open stairway. Exception.

(5) Every stairway from any portion of an hotel, other than from a place of public assembly, shall have a clear width of not less than twenty-two inches, and each step shall have not less than a ten-inch tread and not more than an eight-inch rise except that, where structural difficulties exist, the inspector may give written permission for steps having not less than an eight-inch tread. Minimum width of stairways.

(6) Every stairway from any portion of an hotel used as a place of public assembly shall have a clear width of not less than forty-four inches, and each step shall have at least a ten-inch tread and not more than an eight-inch rise. Minimum width of stairways from place of assembly.

(7) Where in any hotel more than two storeys in height any stairway is located so as to require the users thereof to pass through a lobby or other place of public assembly in order to reach the outside of the building, the inspector may make an order requiring the lobby or other place of public assembly to be equipped with an automatic sprinkler system. *New.* Where stairway does not give direct egress.

4.—(1) No exterior stairway of,—

Exterior stairways in hotels hereafter built;

- (a) an hotel more than two storeys in height hereafter constructed or remodelled;
- (b) an addition more than two storeys in height hereafter made to an hotel; or
- (c) a building more than two storeys in height hereafter constructed for use as an hotel,

shall extend more than five storeys above grade. *New.*

to extend
to ground.

(2) Every exterior stairway of an hotel shall extend to the ground, provided that the inspector may give written permission for the bottom flight of such stairway to be counter-balanced. R.S.O. 1937, c. 320, s. 2 (2), *amended.*

Windows
and doors
beneath
exterior
stairways.

5.—(1) Every window, except a first-storey display window, in an hotel beneath any portion of an exterior stairway or opening onto or within ten feet of an exterior stairway, shall be provided with wired glass and every door similarly located shall be metal-clad.

No other
wall open-
ings.

(2) There shall be no wall opening, other than a door or window, beneath or within ten feet of an exterior stairway of an hotel.

Doors and
windows
opening to
stairways.

(3) Every door and window opening to a stairway in or in connection with an hotel shall be not less than thirty inches in width and shall be hinged to open outwards with the line of exit travel and equipped with panic bolts only. *New.*

Balconies
and landings.

6. The width of every balcony and landing in connection with a stairway in or in connection with an hotel shall be not less than the width of the door leading to it and shall have an area of not less than twelve square feet. R.S.O. 1937, c. 320, s. 3, *amended.*

Railings.

7. Every exterior stairway shall have an iron railing not less than thirty-two inches in height, measured perpendicularly from the nosing of the step, and every balcony and landing in connection with an exterior stairway of an hotel shall have an iron railing not less than three feet in height on all sides. *New.*

Passage-
ways.

8. Every passageway in an hotel leading to an exit door or stairway shall be not less than three feet in width and the walls and ceiling thereof shall be surfaced with plaster, plaster board or other incombustible material unless it is protected with an automatic sprinkler system. *New.*

Approaches
to stair-
ways.

9. The approaches to every stairway in an hotel shall be unobstructed and shall not be through a room used as a bedroom or bathroom or for any purpose that may obstruct

free passage, and no such approach shall be veiled from open view by any ornamentation, curtain or other thing. R.S.O. 1937, c. 320, s. 4 (1), *amended*.

10. Rotating doors may be installed in hotels at exterior entranceways only and shall be collapsible and flanked within fifteen feet by one or more doors that open outwards and that have a total width of not less than forty-four inches. *New.* Rotating doors.

11.—(1) Every exit sign in an hotel shall have the word "EXIT" displayed in block letters not less than six inches in height and coloured white on a red background or coloured red on a contrasting background, provided that luminous signs of equivalent visibility may be used in lieu thereof. Exit signs.

(2) Where electricity is available, every exit sign in an hotel shall be illuminated during the night by an electric lamp supplied from a circuit separate from the domestic electric system. R.S.O. 1937, c. 320, s. 5 (1), *amended*. Electric exit signs.

(3) Every hotel shall have an exit sign placed above or beside every exit door and every exit window so as to be clearly visible. *New.* Location of exit signs.

12. Every hotel shall display signs in such manner and in such locations as the inspector may order indicating the directions of travel to reach the exits. R.S.O. 1937, c. 320, s. 5 (2), *amended*. Directional signs.

13. Every hotel shall display in each bedroom a floor plan showing the location of the exits and indicating the directions of travel to reach them and also a notice giving the fire safety rules of the hotel. R.S.O., 1937, c. 320, s. 5 (3), *amended*. Notices to be displayed in each bedroom.

14. Every exterior stairway, balcony, landing, exit door and exit window shall be kept free at all times from obstructions including ice and snow. R.S.O. 1937, c. 320, s. 6, *part, amended*. Exits to be kept clear.

15. Every elevator shaft in an hotel shall be fully enclosed with incombustible materials and the top thereof shall be equipped with heat-actuated vents, and every elevator door shall be of metal and wired glass without openings. *New.* Elevator shafts and doors.

16. Every boiler or furnace room in an hotel shall be of fire-resistive construction and shall be equipped with fire doors. *New.* Boiler and furnace rooms.

17. Every hotel not completely equipped with an auto- Where watchmen to be employed.

matic sprinkler system or a heat-actuated fire detection system and containing twenty or more bedrooms above the first storey shall have a watchman on duty from ten o'clock each night until six o'clock the following morning, and every watchman shall be equipped with a watchman's clock and he shall make a round of the hotel at least once every hour during his duty period. R.S.O. 1937, c. 320, s. 8, *amended*.

Where fire
fighters to
be on duty.

18. Every hotel containing fifty or more bedrooms above the first storey shall have at least one adult male employee trained in fire fighting to the standard prescribed by the regulations on duty at all times within the hotel, provided that this section shall not apply where the hotel is in a municipality that has a fire department and where the hotel is completely equipped with an automatic sprinkler system or a heat-actuated fire detection system connected electrically with an alarm in the fire department or with a central signal supervisory service. *New*.

Fire alarms.

19. Every hotel shall have a fire-alarm system capable of being heard throughout the hotel and of being operated from each floor and from the hotel office. *New*.

Smoke-proof
barriers.

20.—(1) Every hotel not of fire-resistive construction shall have smoke-proof barriers in such locations as the inspector may order.

Power to
require
sprinkler
systems.

(2) The inspector may make an order requiring any hotel not of fire-resistive construction that is four or more storeys in height and is in a city or that is three or more storeys in height and is in any other part of Ontario to have an automatic sprinkler system or a heat-actuated fire detection system. *New*.

Duty to
call fire
department.

21. When a fire is discovered in an hotel in a municipality having a fire department, the manager or other person in charge shall immediately call the fire department. *New*.

Special
powers of
inspectors.

22. Where an inspector finds that any condition exists in an hotel that makes the hotel specially liable to fire, he may make an order directing the hotelkeeper to remedy the condition. *New*.

Orders of
inspector.

23.—(1) Where an inspector makes an order under this Act he shall cause a copy of the order to be delivered to the hotelkeeper by personal service or by registered mail.

Right of
appeal.

(2) If the hotelkeeper feels aggrieved by the order he may appeal within ten days from the service of the order to the Fire Marshal who shall examine the order and affirm, modify or revoke the same and cause a copy of his decision to be

delivered to the hotelkeeper by personal service or by registered mail.

(3) If the hotelkeeper is dissatisfied with the decision of the Fire Marshal, he may, within ten days from the service of the decision, apply by way of originating notice according to the practice of the court, to the judge of the county or district court of the county or district in which the hotel is situate, for an order modifying or revoking the order, and the judge, upon such application, may affirm, modify or revoke the order and his decision shall be final. Right of application to court.

(4) If an application to the county or district judge is not prosecuted by the hotelkeeper within thirty days from the filing of the originating notice, the judge may dismiss the application at the request of the Fire Marshal. *New.* Failure to prosecute application.

24.—(1) Every hotelkeeper who operates an hotel that does not conform with this Act and the regulations or who fails to comply with any order made by an inspector shall be guilty of an offence and shall upon summary conviction be liable to a penalty of not less than \$25 and not more than \$500, and, in addition, the court may order the hotel to be closed until it is made to conform with this Act and the regulations or with the order of the inspector. Penalties.

(2) The conviction under this Act of any hotelkeeper shall not operate as a bar to further prosecution under this Act for the continued failure on the part of such hotelkeeper to comply with this Act and the regulations or the order of an inspector but such continuance shall constitute a new and separate offence. R.S.O. 1937, c. 320, s. 9, *amended.* Conviction not bar to further charge.

25. The Lieutenant-Governor in Council may appoint one or more inspectors to enforce this Act and the regulations. *New.* Inspectors,—appointment of.

26. The Lieutenant-Governor in Council may make regulations,— Regulations.

- (a) requiring the submission of drawings and specifications to the Fire Marshal for review and approval prior to the construction, alteration or remodelling of and additions to hotels;
- (b) prescribing the mode of, and the materials to be used in, the construction, alteration or remodelling of and additions to hotels or any designated class thereof;

- (c) prescribing the mode of erection or installation of

stairways, balconies, fire walls, doors, windows, exits and fire-prevention, fire-protection and fire-alarm equipment in or outside of any hotel or any designated class thereof, and the materials to be used therein;

- (d) prescribing the mode of the construction of heating, ventilating and air-conditioning systems in hotels or any designated class thereof;
- (e) regulating the location, arrangement and maintenance of places of public assembly in hotels or any designated class thereof, and prescribing the mode of construction of such places;
- (f) controlling or prohibiting exhibits and displays in hotels or any designated class thereof;
- (g) controlling or prohibiting the use of flammable decorations, curtains and drapes in hotels or any designated class thereof;
- (h) prescribing the standards of housekeeping for hotels;
- (i) prescribing a standard of training in fire-fighting for employees of hotels; and
- (j) generally for the better carrying out of this Act. 1941, c. 55, s. 14 (2), *amended*.

Municipal
by-laws not
affected.

27. Nothing in this Act or the regulations shall affect any by-law relating to the matters mentioned herein and lawfully passed by a municipal council, or the authority of a municipal council to pass any such by-law in so far as such by-law imposes additional or more stringent requirements than those contained in this Act. R.S.O. 1937, c. 320, s. 10, *amended*.

Rev. Stat.,
c. 320;
1941, c. 55,
s. 14,
repealed.

28. *The Hotel Fire Accidents Prevention Act* and section 14 of *The Statute Law Amendment Act, 1941*, are repealed.

Short title.

29. This Act may be cited as *The Hotel Fire Safety Act, 1948*.

BILL

The Hotel Fire Safety Act, 1948.

1st Reading

April 8th, 1948

2nd Reading

3rd Reading

MR. BLACKWELL

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Hotel Fire Safety Act, 1948.

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The Hotel Fire Safety Act, 1948.

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- (a) "fire door" means a hollow metal, metal-clad, sheet "fire door"; metal, steel or two-ply tin-clad door that is automatic or self-closing;
- (b) "Fire Marshal" means the Fire Marshal of Ontario; "Fire Marshal";
- (c) "fire-resistive construction" means construction in "fire resistive construction"; which,
 - (i) the exterior walls are wholly of brick, stone, concrete, hollow block, solid block or the equivalent,
 - (ii) the interior walls and partitions are made of incombustible materials,
 - (iii) the floors and their supports are made of incombustible materials other than the floor covering, which may be wood, and
 - (iv) the roofs are made of incombustible materials;
- (d) "fire wall" means a partition wall of fire-resistive "fire wall"; construction extending from the ground to a point three feet above the roof and in which all openings are protected by fire doors;
- (e) "grade" means the average level of the ground next "grade"; to the building; *New*.
- (f) "hotel" means any hotel, tavern, inn or public house "hotel"; in one building or in two or more connected or adjacent buildings used mainly for the purpose of

catering to the needs of the travelling public by supplying food and furnishing sleeping accommodation of not less than ten bedrooms and includes all premises licensed under *The Liquor Licence Act, 1946*, but does not include premises commonly known as boarding houses and apartment houses; R.S.O. 1937, c. 320, s. 1, cl. (a), *amended*.

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- "smoke-proof"; (l) "smoke-proof" means constructed so as to prevent the rapid passage of smoke and flames; and
- "storey". (m) "storey" means that portion of a building between the top of any floor and the top of the next floor above it, or if there is no floor above it, that portion between the top of such floor and the ceiling above it, and the storey closest to grade having its ceiling more than six feet above grade shall be deemed to be the first storey. *New*.

What hotels to be fire-resistive.

2.—(1) Every hotel more than two storeys in height hereafter constructed or remodelled, every addition more than two storeys in height hereafter made to any hotel, and every building more than two storeys in height hereafter converted for use as an hotel, shall be of fire-resistive construction.

Requirement for a fire wall.

(2) Where an addition is hereafter made to any hotel and either the addition or the hotel is not of fire-resistive construction, there shall be a fire wall between the addition and the hotel. *New*.

3.—(1) There shall be not less than two stairway systems in or in connection with every hotel, located as far apart as possible and so as to provide not less than two independent means of egress for the occupants on each floor. Minimum number and location of stairways.

(2) Every stairway in or in connection with an existing hotel more than two storeys in height shall be fully enclosed and smoke-proof, provided that an exterior iron stairway with balconies at each floor or a metal tubular or spiral fire-escape may, with the written permission of the inspector be used in lieu of a fully enclosed and smoke-proof stairway. Stairways in existing hotels.

(3) Every stairway in or in connection with,—

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- (b) an addition more than two storeys in height hereafter made to an hotel; or
- (c) a building more than two storeys in height hereafter converted for use as an hotel,

Stairways in hotels hereafter built.

shall be fully enclosed, smoke-proof and of fire-resistive construction.

(4) Notwithstanding subsections 2 and 3, any stairway extending only to the second or mezzanine storey in an hotel of fire-resistive construction may be an open stairway. Exception.

(5) Every stairway from any portion of an hotel, other than from a place of public assembly, shall have a clear width of not less than twenty-two inches, and each step shall have not less than a ten-inch tread and not more than an eight-inch rise except that, where structural difficulties exist, the inspector may give written permission for steps having not less than an eight-inch tread. Minimum width of stairways.

(6) Every stairway from any portion of an hotel used as a place of public assembly shall have a clear width of not less than forty-four inches, and each step shall have at least a ten-inch tread and not more than an eight-inch rise. Minimum width of stairways from place of assembly.

(7) Where in any hotel more than two storeys in height any stairway is located so as to require the users thereof to pass through a lobby or other place of public assembly in order to reach the outside of the building, the inspector may make an order requiring the lobby or other place of public assembly to be equipped with an automatic sprinkler system. *New.* Where stairway does not give direct egress.

4.—(1) No exterior stairway of,—

Exterior stairways in hotels hereafter built;

(a) an hotel more than two storeys in height hereafter constructed or remodelled;

(b) an addition more than two storeys in height hereafter made to an hotel; or

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shall extend more than five storeys above grade. *New.*

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(2) Every exterior stairway of an hotel shall extend to the ground, provided that the inspector may give written permission for the bottom flight of such stairway to be counter-balanced. R.S.O. 1937, c. 320, s. 2 (2), *amended*.

Windows
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5.—(1) Every window, except a first-storey display window, in an hotel beneath any portion of an exterior stairway or opening onto or within ten feet of an exterior stairway, shall be provided with wired glass and every door similarly located shall be metal-clad.

No other
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Doors and
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(3) Every door and window opening to a stairway in or in connection with an hotel shall be not less than thirty inches in width and shall be hinged to open outwards with the line of exit travel and equipped with panic bolts only. *New.*

Balconies
and landings.

6. The width of every balcony and landing in connection with a stairway in or in connection with an hotel shall be not less than the width of the door leading to it and shall have an area of not less than twelve square feet. R.S.O. 1937, c. 320, s. 3, *amended*.

Railings.

7. Every exterior stairway shall have an iron railing not less than thirty-two inches in height, measured perpendicularly from the nosing of the step, and every balcony and landing in connection with an exterior stairway of an hotel shall have an iron railing not less than three feet in height on all sides. *New.*

Passage-
ways.

8. Every passageway in an hotel leading to an exit door or stairway shall be not less than three feet in width and the walls and ceiling thereof shall be surfaced with plaster, plaster board or other incombustible material unless it is protected with an automatic sprinkler system. *New.*

Approaches
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ways.

9. The approaches to every stairway in an hotel shall be unobstructed and shall not be through a room used as a bedroom or bathroom or for any purpose that may obstruct

free passage, and no such approach shall be veiled from open view by any ornamentation, curtain or other thing. R.S.O. 1937, c. 320, s. 4 (1), *amended*.

10. Rotating doors may be installed in hotels at exterior entranceways only and shall be collapsible and flanked within fifteen feet by one or more doors that open outwards and that have a total width of not less than forty-four inches. *New.* Rotating doors.

11.—(1) Every exit sign in an hotel shall have the word "EXIT" displayed in block letters not less than six inches in height and coloured white on a red background or coloured red on a contrasting background, provided that luminous signs of equivalent visibility may be used in lieu thereof. Exit signs.

(2) Where electricity is available, every exit sign in an hotel shall be illuminated during the night by an electric lamp supplied from a circuit separate from the domestic electric system. R.S.O. 1937, c. 320, s. 5 (1), *amended*. Electric exit signs.

(3) Every hotel shall have an exit sign placed above or beside every exit door and every exit window so as to be clearly visible. *New.* Location of exit signs.

12. Every hotel shall display signs in such manner and in such locations as the inspector may order indicating the directions of travel to reach the exits. R.S.O. 1937, c. 320, s. 5 (2), *amended*. Directional signs.

13. Every hotel shall display in each bedroom a floor plan showing the location of the exits and indicating the directions of travel to reach them and also a notice giving the fire safety rules of the hotel. R.S.O. 1937, c. 320, s. 5 (3), *amended*. Notices to be displayed in each bedroom.

14. Every exterior stairway, balcony, landing, exit door and exit window shall be kept free at all times from obstructions including ice and snow. R.S.O. 1937, c. 320, s. 6, *part, amended*. Exits to be kept clear.

15. Every elevator shaft in an hotel shall be fully enclosed with incombustible materials and the top thereof shall be equipped with heat-actuated vents, and every elevator door shall be of metal and wired glass without openings. *New.* Elevator shafts and doors.

16. Every boiler or furnace room in an hotel shall be of fire-resistive construction and shall be equipped with fire doors. *New.* Boiler and furnace rooms.

17. Every hotel not completely equipped with an auto- Where watchmen to be employed.

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Where fire
fighters to
be on duty.

18. Every hotel containing fifty or more bedrooms above the first storey shall have at least one adult male employee trained in fire fighting to the standard prescribed by the regulations on duty at all times within the hotel, provided that this section shall not apply where the hotel is in a municipality that has a fire department and where the hotel is completely equipped with an automatic sprinkler system or a heat-actuated fire detection system connected electrically with an alarm in the fire department or with a central signal supervisory service. *New*.

Fire alarms.

19. Every hotel shall have a fire-alarm system capable of being heard throughout the hotel and of being operated from each floor and from the hotel office. *New*.

Smoke-proof
barriers.

20.—(1) Every hotel not of fire-resistive construction shall have smoke-proof barriers in such locations as the inspector may order.

Power to
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(2) The inspector may make an order requiring any hotel not of fire-resistive construction that is four or more storeys in height and is in a city or that is three or more storeys in height and is in any other part of Ontario to have an automatic sprinkler system or a heat-actuated fire detection system. *New*.

Duty to
call fire
department.

21. When a fire is discovered in an hotel in a municipality having a fire department, the manager or other person in charge shall immediately call the fire department. *New*.

Special
powers of
inspectors.

22. Where an inspector finds that any condition exists in an hotel that makes the hotel specially liable to fire, he may make an order directing the hotelkeeper to remedy the condition. *New*.

Orders of
inspector.

23.—(1) Where an inspector makes an order under this Act he shall cause a copy of the order to be delivered to the hotelkeeper by personal service or by registered mail.

Right of
appeal.

(2) If the hotelkeeper feels aggrieved by the order he may appeal within ten days from the service of the order to the Fire Marshal who shall examine the order and affirm, modify or revoke the same and cause a copy of his decision to be

delivered to the hotelkeeper by personal service or by registered mail.

(3) If the hotelkeeper is dissatisfied with the decision of the Fire Marshal, he may, within ten days from the service of the decision, apply by way of originating notice according to the practice of the court, to the judge of the county or district court of the county or district in which the hotel is situate, for an order modifying or revoking the order, and the judge, upon such application, may affirm, modify or revoke the order and his decision shall be final. Right of application to court.

(4) If an application to the county or district judge is not prosecuted by the hotelkeeper within thirty days from the filing of the originating notice, the judge may dismiss the application at the request of the Fire Marshal. *New.* Failure to prosecute application.

24.—(1) Every hotelkeeper who operates an hotel that does not conform with this Act and the regulations or who fails to comply with any order made by an inspector shall be guilty of an offence and shall upon summary conviction be liable to a penalty of not less than \$25 and not more than \$500, and, in addition, the court may order the hotel to be closed until it is made to conform with this Act and the regulations or with the order of the inspector. Penalties.

(2) The conviction under this Act of any hotelkeeper shall not operate as a bar to further prosecution under this Act for the continued failure on the part of such hotelkeeper to comply with this Act and the regulations or the order of an inspector but such continuance shall constitute a new and separate offence. R.S.O. 1937, c. 320, s. 9, *amended.* Conviction not bar to further charge.

25. The Lieutenant-Governor in Council may appoint one or more inspectors to enforce this Act and the regulations. *New.* Inspectors,—appointment of.

26. The Lieutenant-Governor in Council may make regulations,— Regulations.

(a) requiring the submission of drawings and specifications to the Fire Marshal for review and approval prior to the construction, alteration or remodelling of and additions to hotels;

(b) prescribing the mode of, and the materials to be used in, the construction, alteration or remodelling of and additions to hotels or any designated class thereof;

(c) prescribing the mode of erection or installation of

stairways, balconies, fire walls, doors, windows, exits and fire-prevention, fire-protection and fire-alarm equipment in or outside of any hotel or any designated class thereof, and the materials to be used therein;

- (d) prescribing the mode of the construction of heating, ventilating and air-conditioning systems in hotels or any designated class thereof;
- (e) regulating the location, arrangement and maintenance of places of public assembly in hotels or any designated class thereof, and prescribing the mode of construction of such places;
- (f) controlling or prohibiting exhibits and displays in hotels or any designated class thereof;
- (g) controlling or prohibiting the use of flammable decorations, curtains and drapes in hotels or any designated class thereof;
- (h) prescribing the standards of housekeeping for hotels;
- (i) prescribing a standard of training in fire-fighting for employees of hotels; and
- (j) generally for the better carrying out of this Act. 1941, c. 55, s. 14 (2), *amended*.

Municipal
by-laws not
affected.

27. Nothing in this Act or the regulations shall affect any by-law relating to the matters mentioned herein and lawfully passed by a municipal council, or the authority of a municipal council to pass any such by-law in so far as such by-law imposes additional or more stringent requirements than those contained in this Act. R.S.O. 1937, c. 320, s. 10, *amended*.

Rev. Stat.,
c. 320;
1941, c. 55,
s. 14,
repealed.

28. *The Hotel Fire Accidents Prevention Act* and section 14 of *The Statute Law Amendment Act, 1941*, are repealed.

Short title.

29. This Act may be cited as *The Hotel Fire Safety Act, 1948*.

BILL

The Hotel Fire Safety Act, 1948.

1st Reading

April 8th, 1948

2nd Reading

April 9th, 1948

3rd Reading

April 16th, 1948

MR. BLACKWELL

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Lightning Rods Act, 1948.

MR. BLACKWELL

EXPLANATORY NOTE

This is the first general revision of this Act which was passed in 1921.

The purpose of both the old and the new Act is to control and regulate the sale and installation of lightning rods.

The Bill is based on the same principles as the present Act. Its provisions are self-explanatory.

BILL

The Lightning Rods Act, 1948.

HIS 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) "Fire Marshal" means the Fire Marshal of Ontario; "Fire Marshal";
- (b) "inspector" means an inspector appointed under this "inspector"; Act;
- (c) "lightning rods" means the points, cables, groundings "lightning rods"; and other apparatus installed or to be installed to protect buildings and structures from damage by lightning;
- (d) "regulations" mean regulations made under this "regulations", Act; and
- (e) "Treasurer" means Treasurer of Ontario. R.S.O. "Treasurer". 1937, c. 331, s. 1, *amended*.

2. No person shall offer for sale, sell or install lightning rods unless licensed to do so by the Fire Marshal under this Act. R.S.O. 1937, c. 331, s. 2, *amended*. Sellers, etc.,
of lightning
rods to be
licensed.

3.—(1) Upon receipt of,—

Power to
license.

- (a) an application on the prescribed form for a licence to offer for sale, sell and install lightning rods containing a sworn statement of the amount received from the sale of lightning rods in Ontario during the previous licence year and a statement of the specifications of the lightning rods to be offered for sale, sold and installed during the licence year;
- (b) a licence fee computed at four-fifths of one per centum of the amount received from the sale of

lightning rods in Ontario during the preceding licence year, and in addition the sum of \$50, payable to the Treasurer; and

- (c) samples of the lightning rods to be offered for sale, sold and installed during the licence year, or such parts thereof as may be required by the Fire Marshal,

the Fire Marshal, if he is satisfied that the applicant is entitled to public confidence, may issue to the applicant a licence to offer for sale, sell and install lightning rods, and such licence shall remain in force until the 31st day of December next after the date of issuance unless it is sooner suspended or revoked. R.S.O. 1937, c. 331, s. 5 (1), *amended*.

What may
be sold, etc.

- (2) No licensee under this section shall offer for sale, sell or install lightning rods other than those in respect of which the licence was issued. *New*.

Agents.

4.—(1) Upon receipt of,—

- (a) an application on the prescribed form from a licensee under section 3 for a licence for the person named therein, who shall be a resident of Ontario, to act as an agent of such licensee containing a statement in writing from the person named therein giving the address of his place of residence and place of business, his experience in connection with lightning rods, and his financial standing with any licensee under section 3 for whom he has acted as agent; and

- (b) a licence fee of \$3 payable to the Treasurer,

the Fire Marshal, if he is satisfied that the person named is entitled to public confidence, may issue a licence to him to act as agent for the licensee, and such licence shall remain in force until the 31st day of December next after the date of issuance unless it is sooner suspended or revoked. R.S.O. 1937, c. 331, s. 6 (1), *amended*.

What may
be sold, etc.
by agents.

- (2) No licensed agent shall offer for sale, sell or install lightning rods other than those in respect of which his principal is licensed. R.S.O. 1937, c. 331, s. 6 (2), *amended*.

Power to
suspend
and revoke
licences.

5. The Fire Marshal may, after a hearing, suspend or revoke a licence for non-compliance with this Act or the regulations. R.S.O. 1937, c. 331, s. 5 (2), *amended*.

Duty to
exhibit
licence.

6. Every person offering for sale, selling or installing lightning rods shall exhibit his licence,—

- (a) to every person to whom he offers to sell or sells, or for whom he installs lightning rods; and
- (b) upon demand to any mayor, reeve, fire chief, district deputy fire marshal, assistant to the Fire Marshal, fire prevention officer or police officer. R.S.O. 1937, c. 331, s. 7, *part, amended.*

7.—(1) Every person who installs lightning rods on any building or structure shall, upon completion of the work, make a certificate of installation in triplicate on the prescribed form showing,—

- (a) his name, address and licence number and where he is an agent, the name, address and licence number of his principal;
- (b) the name and address of the owner of the building or structure;
- (c) the location of the building or structure;
- (d) a diagram of the building or structure marking the location of each grounding;
- (e) the nature and condition of the soil at each grounding;
- (f) the method of each grounding, and

certifying that the facts shown are true and that the installation has been made in accordance with this Act and the regulations, and after signing he shall present the certificate for the signature of the owner or his agent to confirm that the nature and condition of the soil and the method of each grounding are as described.

(2) Every person who makes a certificate of installation shall give a copy thereof to the owner or his agent and forward a copy to the Fire Marshal. R.S.O. 1937, c. 331, s. 7, *part, amended.*

8. Every person who fails to comply with this Act and the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$200 or to imprisonment for a term of not more than six months for each offence, or to both fine and imprisonment. R.S.O. 1937, c. 331, s. 8, *amended.*

9.—(1) Where upon inspection an installation of lightning rods is found not to conform with this Act and the regulations, the licensee under section 3 who made the installation shall

within sixty days from the receipt of the inspector's report or such further period as may be allowed by the Fire Marshal, make such alterations or additions thereto as the inspector considers necessary to make the installation conform with this Act and the regulations, but this subsection shall not apply where the installation is found not to so conform by reason of alterations or additions made thereto or to the building or structure other than by the licensee. R.S.O. 1937, c. 331, s. 9 (2), *part, amended*.

Conforming installations.

(2) Where upon inspection an installation of lightning rods is found to conform with this Act and the regulations, the inspector may attach a seal indicating that the installation is at the time of the inspection in conformity with this Act and the regulations. *New*.

Right to recover for loss.

10.—(1) Where lightning rods that were installed on a building or structure by a licensed person have been installed for less than ten years and the owner thereof has suffered loss by reason of damage by lightning to the lightning rods, building or structure, and where no alterations or additions or repairs that affect the proper operation of the lightning rods have been made to the lightning rods or to the building or structure by persons other than the licensee, the owner may bring an action against the licensee for recovery of the amount of loss, not exceeding the total cost of the installation.

Notice of claim; commencement of action.

(2) Notice of any such claim shall be given to the licensee within a period of thirty days after the loss was suffered, and the action shall be commenced not less than sixty days and not more than one year after the loss was suffered. R.S.O. 1937, c. 331, s. 10, *amended*.

Application of licence fees.

11. Licence fees paid to the Treasurer under this Act shall be added to the special fund for the maintenance of the office of the Fire Marshal. R.S.O. 1937, c. 331, s. 11, *amended*.

Inspectors.

12. The Lieutenant-Governor in Council may appoint one or more inspectors to enforce this Act and the regulations. *New*.

Application of Act.

13. This Act shall not apply to the installation of lightning rods on any building or structure by the owner or occupant of the building or structure where he himself does the work, or the work is done by his employee or employees under his direction. R.S.O. 1937, c. 331, s. 13, *amended*.

Regulations.

14. The Lieutenant-Governor in Council may make regulations,—

(a) prescribing minimum standards for lightning rods;

- (b) governing the manner of installing lightning rods;
- (c) designating buildings or structures or classes of buildings or structures to which this Act shall not apply; and
- (d) prescribing the form of,
 - (i) the application for a licence to offer for sale, sell and install lightning rods,
 - (ii) the licence to offer for sale, sell and install lightning rods,
 - (iii) the application for a licence to act as an agent to offer for sale, sell and install lightning rods,
 - (iv) the licence to act as agent to offer for sale, sell and install lightning rods,
 - (v) the certificate of installation of lightning rods,
 - (vi) the report of the inspector mentioned in subsection 1 of section 9, and
 - (vii) the seal mentioned in subsection 2 of section 9. R.S.O. 1937, c. 331, s. 12, *amended*.

15. *The Lightning Rod Act* and section 22 of *The Statute Law Amendment Act, 1943*, are repealed.

Rev. Stat.,
c. 331;
1943, c. 28,
s. 22, re-
pealed.

16. This Act may be cited as *The Lightning Rods Act, 1948*. Short title.

BILL

The Lightning Rods Act, 1948.

1st Reading

April 8th, 1948

2nd Reading

3rd Reading

MR. BLACKWELL

No. 145

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Lightning Rods Act, 1948.

MR. BLACKWELL

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

No. 145

1948

BILL

The Lightning Rods Act, 1948.

HIS 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) "Fire Marshal" means the Fire Marshal of Ontario; "Fire Marshal";
- (b) "inspector" means an inspector appointed under this "inspector"; Act;
- (c) "lightning rods" means the points, cables, groundings "lightning rods"; and other apparatus installed or to be installed to protect buildings and structures from damage by lightning;
- (d) "regulations" mean regulations made under this "regula-
tions"; Act; and
- (e) "Treasurer" means Treasurer of Ontario. R.S.O. "Treasurer". 1937, c. 331, s. 1, *amended*.

2. No person shall offer for sale, sell or install lightning rods unless licensed to do so by the Fire Marshal under this Act. R.S.O. 1937, c. 331, s. 2, *amended*. Sellers, etc.,
of lightning
rods to be
licensed.

3.—(1) Upon receipt of,—

Power to
license.

- (a) an application on the prescribed form for a licence to offer for sale, sell and install lightning rods containing a sworn statement of the amount received from the sale of lightning rods in Ontario during the previous licence year and a statement of the specifications of the lightning rods to be offered for sale, sold and installed during the licence year;
- (b) a licence fee computed at four-fifths of one per centum of the amount received from the sale of

lightning rods in Ontario during the preceding licence year, and in addition the sum of \$50, payable to the Treasurer; and

- (c) samples of the lightning rods to be offered for sale, sold and installed during the licence year, or such parts thereof as may be required by the Fire Marshal,

the Fire Marshal, if he is satisfied that the applicant is entitled to public confidence, may issue to the applicant a licence to offer for sale, sell and install lightning rods, and such licence shall remain in force until the 31st day of December next after the date of issuance unless it is sooner suspended or revoked. R.S.O. 1937, c. 331, s. 5 (1), *amended*.

What may
be sold, etc.

- (2) No licensee under this section shall offer for sale, sell or install lightning rods other than those in respect of which the licence was issued. *New*.

Agents.

4.—(1) Upon receipt of,—

- (a) an application on the prescribed form from a licensee under section 3 for a licence for the person named therein, who shall be a resident of Ontario, to act as an agent of such licensee containing a statement in writing from the person named therein giving the address of his place of residence and place of business, his experience in connection with lightning rods, and his financial standing with any licensee under section 3 for whom he has acted as agent; and

- (b) a licence fee of \$3 payable to the Treasurer,

the Fire Marshal, if he is satisfied that the person named is entitled to public confidence, may issue a licence to him to act as agent for the licensee, and such licence shall remain in force until the 31st day of December next after the date of issuance unless it is sooner suspended or revoked. R.S.O. 1937, c. 331, s. 6 (1), *amended*.

What may
be sold, etc.
by agents.

- (2) No licensed agent shall offer for sale, sell or install lightning rods other than those in respect of which his principal is licensed. R.S.O. 1937, c. 331, s. 6 (2), *amended*.

Power to
suspend
and revoke
licences.

5. The Fire Marshal may, after a hearing, suspend or revoke a licence for non-compliance with this Act or the regulations. R.S.O. 1937, c. 331, s. 5 (2), *amended*.

Duty to
exhibit
licence.

6. Every person offering for sale, selling or installing lightning rods shall exhibit his licence,—

- (a) to every person to whom he offers to sell or sells, or for whom he installs lightning rods; and
- (b) upon demand to any mayor, reeve, fire chief, district deputy fire marshal, assistant to the Fire Marshal, fire prevention officer or police officer. R.S.O. 1937, c. 331, s. 7, *part, amended*.

7.—(1) Every person who installs lightning rods on any building or structure shall, upon completion of the work, make a certificate of installation in triplicate on the prescribed form showing,—

Certificate of installation.

- (a) his name, address and licence number and where he is an agent, the name, address and licence number of his principal;
- (b) the name and address of the owner of the building or structure;
- (c) the location of the building or structure;
- (d) a diagram of the building or structure marking the location of each grounding;
- (e) the nature and condition of the soil at each grounding;
- (f) the method of each grounding, and

certifying that the facts shown are true and that the installation has been made in accordance with this Act and the regulations, and after signing he shall present the certificate for the signature of the owner or his agent to confirm that the nature and condition of the soil and the method of each grounding are as described.

(2) Every person who makes a certificate of installation shall give a copy thereof to the owner or his agent and forward a copy to the Fire Marshal. R.S.O. 1937, c. 331, s. 7, *part, amended*.

Disposal of copies.

8. Every person who fails to comply with this Act and the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$200 or to imprisonment for a term of not more than six months for each offence, or to both fine and imprisonment. R.S.O. 1937, c. 331, s. 8, *amended*.

Penalties for failure to comply with Act.

9.—(1) Where upon inspection an installation of lightning rods is found not to conform with this Act and the regulations, the licensee under section 3 who made the installation shall

Non-conforming installations.

within sixty days from the receipt of the inspector's report or such further period as may be allowed by the Fire Marshal, make such alterations or additions thereto as the inspector considers necessary to make the installation conform with this Act and the regulations, but this subsection shall not apply where the installation is found not to so conform by reason of alterations or additions made thereto or to the building or structure other than by the licensee. R.S.O. 1937, c. 331, s. 9 (2), *part, amended*.

Conforming installations.

(2) Where upon inspection an installation of lightning rods is found to conform with this Act and the regulations, the inspector may attach a seal indicating that the installation is at the time of the inspection in conformity with this Act and the regulations. *New*.

Right to recover for loss.

10.—(1) Where lightning rods that were installed on a building or structure by a licensed person have been installed for less than ten years and the owner thereof has suffered loss by reason of damage by lightning to the lightning rods, building or structure, and where no alterations or additions or repairs that affect the proper operation of the lightning rods have been made to the lightning rods or to the building or structure by persons other than the licensee, the owner may bring an action against the licensee for recovery of the amount of loss, not exceeding the total cost of the installation.

Notice of claim; commencement of action.

(2) Notice of any such claim shall be given to the licensee within a period of thirty days after the loss was suffered, and the action shall be commenced not less than sixty days and not more than one year after the loss was suffered. R.S.O. 1937, c. 331, s. 10, *amended*.

Application of licence fees.

11. Licence fees paid to the Treasurer under this Act shall be added to the special fund for the maintenance of the office of the Fire Marshal. R.S.O. 1937, c. 331, s. 11, *amended*.

Inspectors.

12. The Lieutenant-Governor in Council may appoint one or more inspectors to enforce this Act and the regulations. *New*.

Application of Act.

13. This Act shall not apply to the installation of lightning rods on any building or structure by the owner or occupant of the building or structure where he himself does the work, or the work is done by his employee or employees under his direction. R.S.O. 1937, c. 331, s. 13, *amended*.

Regulations.

14. The Lieutenant-Governor in Council may make regulations,—

(a) prescribing minimum standards for lightning rods;

- (b) governing the manner of installing lightning rods;
- (c) designating buildings or structures or classes of buildings or structures to which this Act shall not apply; and
- (d) prescribing the form of,
 - (i) the application for a licence to offer for sale, sell and install lightning rods,
 - (ii) the licence to offer for sale, sell and install lightning rods,
 - (iii) the application for a licence to act as an agent to offer for sale, sell and install lightning rods,
 - (iv) the licence to act as agent to offer for sale, sell and install lightning rods,
 - (v) the certificate of installation of lightning rods,
 - (vi) the report of the inspector mentioned in subsection 1 of section 9, and
 - (vii) the seal mentioned in subsection 2 of section 9. R.S.O. 1937, c. 331, s. 12, *amended*.

15. *The Lightning Rod Act* and section 22 of *The Statute Law Amendment Act, 1943*, are repealed.

Rev. Stat.,
c. 331;
1943, c. 28,
s. 22, re-
pealed.

16. This Act may be cited as *The Lightning Rods Act, 1948*. Short title.

BILL

The Lightning Rods Act, 1948.

1st Reading

April 8th, 1948

2nd Reading

April 9th, 1948

3rd Reading

April 16th, 1948

MR. BLACKWELL.

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Crown Timber Act.

MR. SCOTT

EXPLANATORY NOTES

SECTION 1. Section 2*a* of the Act is new. It is self-explanatory.

SECTION 2. The sections of the present Act that deal with manufacturing conditions are re-enacted. The new provisions are self-explanatory.

BILL

An Act to amend The Crown Timber Act.

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

1. *The Crown Timber Act* is amended by adding thereto the following section: Rev. Stat.,
c. 36,
amended.

2a.—(1) Notwithstanding anything contained in any general or special Act or in any Order-in-Council or regulation made pursuant thereto or in any license, lease, agreement, permit or other document under which the right to cut any kind or class of timber is claimed or exercised, the Lieutenant-Governor in Council may make regulations increasing or decreasing the Crown dues payable in respect of any kind or class of timber and increasing or decreasing the annual ground rent and fire protection charge payable in respect of any timber berth or limit or concession area to take effect at a time to be specified in such regulations. Power to
increase or
decrease
dues and
charges.

(2) Where by the terms of any license, lease, agreement, permit or other document under which the right to cut any kind or class of timber is claimed or exercised, a price is fixed for any kind or class of timber and such price is stated to be inclusive of Crown dues or a price is fixed without reference to Crown dues, such price shall be deemed to be increased or decreased from time to time, as the case may be, by the amount whereby Crown dues may be increased or decreased under subsection 1. Idem.

2. Section 4, section 5 as amended by section 2 of *The Crown Timber Amendment Act, 1947*, section 6 as amended by section 2 of *The Crown Timber Amendment Act, 1939*, and sections 7, 8 and 9 of *The Crown Timber Act* are repealed and the following substituted therefor: Rev. Stat.,
c. 36,
ss. 4, 5, 6, 7,
re-enacted;
ss. 8, 9,
repealed.

Manufacturing
conditions.

4. All licenses, leases, agreements, permits or other documents heretofore or hereafter granted or made under which the right exists to cut any kind or class of timber on the ungranted public lands, or on patented lands where the timber on them remains the property of the Crown, shall be subject to the manufacturing conditions set out in the Schedule.

Suspension
of manu-
facturing
conditions.

5. The Lieutenant-Governor in Council may suspend the operation of one or more of the manufacturing conditions for such period as to him may seem proper, and as to any district or districts which he may define so as to permit the exportation of any kind or class of timber in an unmanufactured or partially manufactured state during such period, and from such district or districts.

Regulations.

6. The Lieutenant-Governor in Council may make such regulations as may be necessary to enable the Minister to carry into effect the object and intent of the manufacturing conditions.

Penalties.

7. The Lieutenant-Governor in Council may prescribe penalties that may be imposed for contravention of any of the manufacturing conditions.

Rev. Stat.,
c. 36,
amended.

3. *The Crown Timber Act* is amended by adding thereto the following heading and section:

WASTEFUL FOREST PRACTICES.

Wasteful
forest
practices
forbidden.

- 17.—(1) No person shall commit wasteful practices in forest operations.

Regulations.

- (2) The Lieutenant-Governor in Council may make regulations,—

(a) defining wasteful practices in forest operations;
and

(b) prescribing the penalties that may be imposed for contravention of any regulation made under this section.

Recovery of
penalties.

- (3) The penalties provided for by this section shall be recoverable at the suit of and in the name of the Minister in any court of competent jurisdiction.

Rev. Stat.,
c. 36, s. 34,
amended.

4. Section 34 of *The Crown Timber Act* is amended by inserting after the word "Regulations" in the second line the

SECTION 3. This section, which deals with wasteful forest practices, is new. It is self-explanatory.

SECTION 4. The penalties imposed for wasteful forest practices are recoverable by suit in court (see section 3 of the Bill) and not under *The Summary Convictions Act*. The words added provide for this exception.

SECTION 5. The new Schedule deals with all Crown timber.

words "except the Regulations made pursuant to section 17", so that the said section shall now read as follows:

34. The penalties imposed by or under the authority of this Act or of the Regulations, except the Regulations made pursuant to section 17, shall be recoverable under *The Summary Convictions Act*. Recovery of penalties.
Rev. Stat., c. 136.

5. Schedules A, B and C to *The Crown Timber Act* are repealed and the following substituted therefor: Rev. Stat., c. 36,
Scheds. A, B, C,
repealed.
Sched. enacted.

SCHEDULE

MANUFACTURING CONDITIONS.

1. All timber that may be cut under the authority of *The Crown Timber Act* shall, except as hereinafter provided, be manufactured in Canada.
2. Felling and cutting trees into lengths shall not be deemed to be manufacturing within the meaning of these conditions.
5. Timber that is used in Canada in an unmanufactured state for fuel, building or other purposes shall not be subject to these conditions.

6. This Act may be cited as *The Crown Timber Amendment Act, 1948*. Short title.

BILL

An Act to amend The Crown Timber Act.

1st Reading

April 8th, 1948

2nd Reading

3rd Reading

MR. SCOTT

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Crown Timber Act.

MR. SCOTT

BILL

An Act to amend The Crown Timber Act.

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

1. *The Crown Timber Act* is amended by adding thereto the following section: Rev. Stat.,
c. 36,
amended.

2a.—(1) Notwithstanding anything contained in any general or special Act or in any Order-in-Council or regulation made pursuant thereto or in any license, lease, agreement, permit or other document under which the right to cut any kind or class of timber is claimed or exercised, the Lieutenant-Governor in Council may make regulations increasing or decreasing the Crown dues payable in respect of any kind or class of timber and increasing or decreasing the annual ground rent and fire protection charge payable in respect of any timber berth or limit or concession area to take effect at a time to be specified in such regulations. Power to
increase or
decrease
dues and
charges.

(2) Where by the terms of any license, lease, agreement, permit or other document under which the right to cut any kind or class of timber is claimed or exercised, a price is fixed for any kind or class of timber and such price is stated to be inclusive of Crown dues or a price is fixed without reference to Crown dues, such price shall be deemed to be increased or decreased from time to time, as the case may be, by the amount whereby Crown dues may be increased or decreased under subsection 1. Idem.

2. Section 4, section 5 as amended by section 2 of *The Crown Timber Amendment Act, 1947*, section 6 as amended by section 2 of *The Crown Timber Amendment Act, 1939*, and sections 7, 8 and 9 of *The Crown Timber Act* are repealed and the following substituted therefor: Rev. Stat.,
c. 36,
ss. 4, 5, 6, 7,
re-enacted;
ss. 8, 9,
repealed.

Manufacturing conditions.

4. All licenses, leases, agreements, permits or other documents heretofore or hereafter granted or made under which the right exists to cut any kind or class of timber on the ungranted public lands, or on patented lands where the timber on them remains the property of the Crown, shall be subject to the manufacturing conditions set out in the Schedule.

Suspension of manufacturing conditions.

5. The Lieutenant-Governor in Council may suspend the operation of one or more of the manufacturing conditions for such period as to him may seem proper, and as to any district or districts which he may define so as to permit the exportation of any kind or class of timber in an unmanufactured or partially manufactured state during such period, and from such district or districts.

Regulations.

6. The Lieutenant-Governor in Council may make such regulations as may be necessary to enable the Minister to carry into effect the object and intent of the manufacturing conditions.

Penalties.

7. The Lieutenant-Governor in Council may prescribe penalties that may be imposed for contravention of any of the manufacturing conditions.

Rev. Stat., c. 36, amended.

3. *The Crown Timber Act* is amended by adding thereto the following heading and section:

WASTEFUL FOREST PRACTICES.

Wasteful forest practices forbidden.

- 17.—(1) No person shall commit wasteful practices in forest operations.

Regulations.

- (2) The Lieutenant-Governor in Council may make regulations,—

(a) defining wasteful practices in forest operations; and

(b) prescribing the penalties that may be imposed for contravention of any regulation made under this section.

Recovery of penalties.

- (3) The penalties provided for by this section shall be recoverable at the suit of and in the name of the Minister in any court of competent jurisdiction.

Rev. Stat., c. 36, s. 34, amended.

4. Section 34 of *The Crown Timber Act* is amended by inserting after the word "Regulations" in the second line the

words "except the Regulations made pursuant to section 17", so that the said section shall now read as follows:

34. The penalties imposed by or under the authority of this Act or of the Regulations, except the Regulations made pursuant to section 17, shall be recoverable under *The Summary Convictions Act*.

Recovery of penalties.

Rev. Stat., c. 136.

5. Schedules A, B and C to *The Crown Timber Act* are repealed and the following substituted therefor:

Rev. Stat., c. 36, Scheds. A, B, C, repealed; Sched. enacted.

SCHEDULE.

MANUFACTURING CONDITIONS.

1. All timber that may be cut under the authority of *The Crown Timber Act* shall, except as hereinafter provided, be manufactured in Canada.
2. Felling and cutting trees into lengths shall not be deemed to be manufacturing within the meaning of these conditions.
3. Timber that is used in Canada in an unmanufactured state for fuel, building or other purposes shall not be subject to these conditions.

6. This Act may be cited as *The Crown Timber Amendment Act, 1948*.

Short title.

BILL

An Act to amend The Crown Timber Act.

1st Reading

April 8th, 1948

2nd Reading

April 9th, 1948

3rd Reading

April 16th, 1948

MR. SCOTT

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Race Tracks Tax Act, 1939.

MR. FROST

EXPLANATORY NOTE

The effect of the deletion of the proviso is that the rate of the tax may be changed at any time.

BILL

An Act to amend The Race Tracks Tax Act, 1939.

HIS 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 Race Tracks Tax Act, 1939*, is amended 1939, by striking out the words "provided that the rate of the tax ^{c. 39, s. 3, amended.} shall not be changed in any calendar year after the commencement of the first race meeting in such year at which a pari-mutual system is operated" at the end thereof, so that the said section shall now read as follows:
 3. Every holder of a winning ticket issued under the pari-mutual system upon a race run at any race meeting shall pay a tax at the rate of five per centum or such other rate as the Lieutenant-Governor in Council may prescribe upon the amount which would be payable to him if no percentage were deducted or retained by the person holding the race meeting in respect of such race, and the said tax shall be collected by the person holding the race meeting as the agent of the Treasurer by deducting from the total amount bet or wagered upon such race, a sum equal to five per centum or such other rate as may be prescribed of the amount so bet or wagered, and such sum shall be paid over to the Treasurer at the close of each day's racing. ^{Tax on bets and stakes on racing.}
2. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Commencement of Act.}
3. This Act may be cited as *The Race Tracks Tax Amendment Act, 1948*. ^{Short title.}

BILL

An Act to amend The Race Tracks
Tax Act, 1939.

1st Reading

April 9th, 1948

2nd Reading

3rd Reading

MR. FROST

No. 147

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Race Tracks Tax Act, 1939.

MR. FROST

TORONTO

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

No. 147

1948

BILL

An Act to amend ^{1939,} The Race Tracks Tax Act, 1939.

HIS 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 Race Tracks Tax Act, 1939*, is amended ^{1939,} by striking out the words "provided that the rate of the tax ^{c. 39, s. 3,} shall not be changed in any calendar year after the commencement of the first race meeting in such year at which a pari-mutual system is operated" at the end thereof, so that the said section shall now read as follows:
 3. Every holder of a winning ticket issued under the pari-mutual system upon a race run at any race meeting ^{Tax on bets and stakes on racing.} shall pay a tax at the rate of five per centum or such other rate as the Lieutenant-Governor in Council may prescribe upon the amount which would be payable to him if no percentage were deducted or retained by the person holding the race meeting in respect of such race, and the said tax shall be collected by the person holding the race meeting as the agent of the Treasurer by deducting from the total amount bet or wagered upon such race, a sum equal to five per centum or such other rate as may be prescribed of the amount so bet or wagered, and such sum shall be paid over to the Treasurer at the close of each day's racing.
2. This Act shall come into force on the day upon which it ^{Commence-} receives the Royal Assent. ^{ment of Act.}
3. This Act may be cited as *The Race Tracks Tax Amend-* ^{Short title.} *ment Act, 1948.*

BILL

An Act to amend The Race Tracks
Tax Act, 1939.

1st Reading

April 9th, 1948

2nd Reading

April 12th, 1948

3rd Reading

April 16th, 1948

MR. FROST

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Workmen's Compensation Act.

MR. DALEY

TORONTO

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

EXPLANATORY NOTES

SECTION 1. The words "and all expenses arising out of the establishment, maintenance and operation of mine rescue stations as provided by *The Mining Act*" are added in order to bring the Act into accord with the present practice.

SECTION 2. The effect of the deletion of the opening words is to require the accident notice to be given to the Board in all cases. At present the notice is given only when the compensation is payable out of the accident fund.

SECTION 3. Subsection 1 and subsection 9 of section 35 of the Act establishes the amounts of compensation that are payable to the dependents of a workman whose death has occurred as the result of an industrial accident or disease. These provisions are consolidated for convenience of reference and are simplified.

The repeal of subsection 9 of section 35 of the Act will result in increased benefits in some instances.

BILL

An Act to amend The Workmen's Compensation Act.

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

1. Clause *b* of subsection 1 of section 1 of *The Workmen's Compensation Act* is repealed and the following substituted therefor: Rev. Stat., c. 204, s. 1, subs. 1, cl. b, re-enacted.

(b) "Accident Fund" shall mean the fund provided for the payment of compensation, outlays and expenses under the Act in respect of Schedule 1, the salaries of the Commissioners and all expenses arising out of the establishment, maintenance and operation of mine rescue stations as provided by *The Mining Act*. "Accident Fund".
Rev. Stat., c. 47.

2. Subsection 4 of section 19 of *The Workmen's Compensation Act* is amended by striking out the words "Where the compensation is payable out of the accident fund" in the first and second lines, so that the said subsection shall now read as follows: Rev. Stat., c. 204, s. 19, subs. 4, amended.

(4) The notice shall also be given to the Board by delivering it to or at the office of the secretary or by sending it to him by registered post addressed to his office. Notice to Board.

3.—(1) Subsection 1 of section 35 of *The Workmen's Compensation Act*, as re-enacted by subsection 1 of section 2 of *The Workmen's Compensation Amendment Act, 1947*, and subsection 1a of the said section 35, as enacted by subsection 1 of section 2 of *The Workmen's Compensation Amendment Act, 1947*, are repealed and the following substituted therefor: Rev. Stat., c. 204, s. 35, subs. 1, 1a (1947, c. 119, s. 2, subs. 1), re-enacted.

(1) Where death has resulted from an injury irrespective of the date of the accident, the amount of the compensation shall be,— Compensation in case of death.

(a) the necessary expenses of the burial of the workman not exceeding \$125;

- (b) where owing to the circumstances of the case the body of the workman is transferred for a considerable distance for burial, a further sum not exceeding \$125 for necessary extra expenses of the burial thus entailed;
- (c) where the widow or an invalid husband is the sole dependant, a monthly payment of \$50;
- (d) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of \$50, with an additional monthly payment of \$12 to be increased upon the death of the widow or invalid husband to \$20 for each child under the age of sixteen years;
- (e) where the dependants are children, a monthly payment of \$20 to each child under the age of sixteen years;
- (f) where the dependants are persons other than those mentioned in clauses c to e, a sum reasonable and proportionate to the pecuniary loss to such dependants occasioned by the death, to be determined by the Board.

Further
education.

- (1a) Where in the opinion of the Board the furnishing of further or better education to a child appears advisable, the Board in its discretion may on application extend the period to which compensation shall be paid in respect of the child for such additional period as is spent by the child in the furthering or bettering of its education but in no case beyond the age of eighteen years.

Compensation not to exceed percentage of wages in certain cases.

- (1b) Exclusive of the expenses of burial of the workman and the lump sum of \$100 the compensation payable as provided by subsection 1 shall not in any case exceed sixty-six and two-thirds per centum of the average earnings of the workman mentioned in section 38, and if the compensation payable under that subsection would in any case exceed that percentage it shall be reduced accordingly, but this subsection shall not operate to reduce the compensation for the dependants mentioned in clauses c, d and e of subsection 1, provided the total monthly compensation does not exceed \$100.

Rev. Stat.,
c. 204, s. 35,
subs. 9
(1943,
c. 37, s. 6,
subs. 5),
repealed.

- (2) Subsection 9 of the said section 35, as re-enacted by subsection 5 of section 6 of *The Workmen's Compensation Act, 1943* and amended by subsection 2 of section 2 of *The Workmen's Compensation Amendment Act, 1947*, is repealed.

SECTION 4. Subsection 1*a* of section 35 provides for continuing the education of a child after he becomes sixteen years of age and subsection 6 of section 35 provides for payments to an invalid child without regard to age.

(3) The increases in the amount of compensation payable under *The Workmen's Compensation Act* in cases of injury resulting in death shall apply to all pension payments accruing after the coming into effect of this section, whether the accident happened before or happens after that date, and whether the award of compensation was made before or is made after that date, but nothing in this section shall entitle any person to claim additional compensation for any period prior to the coming into effect of this section. When increases to apply.

4. Section 37 of *The Workmen's Compensation Act*, as amended by section 7 of *The Workmen's Compensation Act*, 1943, is further amended by striking out the words, letter and figure "clause f of subsection 1" in the amendment of 1943, and inserting in lieu thereof the word, figure and letter "subsection 1a", so that the said section shall now read as follows: Rev. Stat., c. 204, s. 37, amended.

37. Subject to the provisions of subsection 1a of section 35 and subsection 6 of section 35 a monthly payment in respect of a child shall cease when the child attains the age of sixteen years or dies. When payments to child to cease.

5. This Act shall come into force on the day upon which it receives the Royal Assent and section 3 shall have effect as from the 1st day of July, 1948. Commencement of Act.

6. This Act may be cited as *The Workmen's Compensation Amendment Act, 1948*. Short title.

BILL

An Act to amend 'The Workmen's
Compensation Act.

1st Reading

April 9th, 1948

2nd Reading

3rd Reading

MR. DALEY

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Workmen's Compensation Act.

MR. DALEY

No. 148

1948

BILL

An Act to amend The Workmen's Compensation Act.

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

1. Clause *b* of subsection 1 of section 1 of *The Workmen's Compensation Act* is repealed and the following substituted therefor: Rev. Stat., c. 204, s. 1, subs. 1, cl. b, re-enacted.

(b) "Accident Fund" shall mean the fund provided for "Accident Fund". the payment of compensation, outlays and expenses under the Act in respect of Schedule 1, the salaries of the Commissioners and all expenses arising out of the establishment, maintenance and operation of mine rescue stations as provided by *The Mining Act*. Rev. Stat., c. 47.

2. Subsection 4 of section 19 of *The Workmen's Compensation Act* is amended by striking out the words "Where the compensation is payable out of the accident fund" in the first and second lines, so that the said subsection shall now read as follows: Rev. Stat., c. 204, s. 19, subs. 4, amended.

(4) The notice shall also be given to the Board by delivering it to or at the office of the secretary or by sending it to him by registered post addressed to his office. Notice to Board.

3.—(1) Subsection 1 of section 35 of *The Workmen's Compensation Act*, as re-enacted by subsection 1 of section 2 of *The Workmen's Compensation Amendment Act, 1947*, and subsection 1a of the said section 35, as enacted by subsection 1 of section 2 of *The Workmen's Compensation Amendment Act, 1947*, are repealed and the following substituted therefor: Rev. Stat., c. 204, s. 35, subs. 1, 1a (1947, c. 119, s. 2, subs. 1), re-enacted.

(1) Where death has resulted from an injury irrespective of the date of the accident, the amount of the compensation shall be,— Compensation in case of death.

(a) the necessary expenses of the burial of the workman not exceeding \$125;

- (b) where owing to the circumstances of the case the body of the workman is transferred for a considerable distance for burial, a further sum not exceeding \$125 for necessary extra expenses of the burial thus entailed;
- (c) where the widow or an invalid husband is the sole dependant, a monthly payment of \$50;
- (d) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of \$50, with an additional monthly payment of \$12 to be increased upon the death of the widow or invalid husband to \$20 for each child under the age of sixteen years;
- (e) where the dependants are children, a monthly payment of \$20 to each child under the age of sixteen years;
- (f) where the dependants are persons other than those mentioned in clauses *c* to *e*, a sum reasonable and proportionate to the pecuniary loss to such dependants occasioned by the death, to be determined by the Board.

Further
education.

- (1a) Where in the opinion of the Board the furnishing of further or better education to a child appears advisable, the Board in its discretion may on application extend the period to which compensation shall be paid in respect of the child for such additional period as is spent by the child in the furthering or bettering of its education but in no case beyond the age of eighteen years.

Compensation not to exceed percentage of wages in certain cases.

- (1b) Exclusive of the expenses of burial of the workman and the lump sum of \$100 the compensation payable as provided by subsection 1 shall not in any case exceed sixty-six and two-thirds per centum of the average earnings of the workman mentioned in section 38, and if the compensation payable under that subsection would in any case exceed that percentage it shall be reduced accordingly, but this subsection shall not operate to reduce the compensation for the dependants mentioned in clauses *c*, *d* and *e* of subsection 1, provided the total monthly compensation does not exceed \$100.

Rev. Stat.,
c. 204, s. 35,
subs. 9
(1943,
c. 37, s. 6,
subs. 5),
repealed.

- (2) Subsection 9 of the said section 35, as re-enacted by subsection 5 of section 6 of *The Workmen's Compensation Act, 1943* and amended by subsection 2 of section 2 of *The Workmen's Compensation Amendment Act, 1947*, is repealed.

(3) The increases in the amount of compensation payable ^{When in-} under *The Workmen's Compensation Act* in cases of injury ^{creases to} resulting in death shall apply to all pension payments accruing ^{apply.} after the coming into effect of this section, whether the accident happened before or happens after that date, and whether the award of compensation was made before or is made after that date, but nothing in this section shall entitle any person to claim additional compensation for any period prior to the coming into effect of this section.

4. Section 37 of *The Workmen's Compensation Act*, as ^{Rev. Stat.,} amended by section 7 of *The Workmen's Compensation Act*, ^{c. 204, s. 37,} 1943, is further amended by striking out the words, letter and figure "clause f of subsection 1" in the amendment of 1943, and inserting in lieu thereof the word, figure and letter "subsection 1a", so that the said section shall now read as follows:

37. Subject to the provisions of subsection 1a of section 35 ^{When pay-} and subsection 6 of section 35 a monthly payment in ^{ments to} respect of a child shall cease when the child attains ^{child to} the age of sixteen years or dies. ^{cease.}

5. This Act shall come into force on the day upon which it ^{Commence-} receives the Royal Assent and section 3 shall have effect as ^{ment of Act.} from the 1st day of July, 1948.

6. This Act may be cited as *The Workmen's Compensation* ^{Short title.} *Amendment Act, 1948.*

BILL

An Act to amend 'The Workmen's
Compensation Act.

1st Reading

April 9th, 1948

2nd Reading

April 13th, 1948

3rd Reading

April 16th, 1948

MR. DALEY

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Department of Public Welfare Act, 1948.

MR. GOODFELLOW

EXPLANATORY NOTES

SECTIONS 1 and 2. These sections do not differ in principle from the corresponding provisions of the present Act.

SECTION 3. The present provision, which is in general terms, is reduced to the more specific form here used.

BILL

The Department of Public Welfare Act, 1948.

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

1. In this Act,—

Interpre-
tation,—

- (a) "Department" means Department of Public Welfare; "Department" and
- (b) "Minister" means Minister of Public Welfare. R.S.O. "Minister". 1937, c. 61, s. 1; 1946, c. 21, s. 1, *amended*.

2. There shall be a department of the public service of Ontario to be known as the "Department of Public Welfare" over which the Minister shall preside and have charge. R.S.O. 1937, c. 61, s. 2.

3. The Minister shall be responsible for the administration of the following Acts and such other Acts as may be assigned to him by the Lieutenant-Governor in Council,—

R.S.O. 1937, c. 61, s. 3; 1946, c. 21, s. 2, *amended*.

- (a) *The Adoption Act*;
- (b) *The British Child Guests Act, 1941*;
- (c) *The Charitable Institutions Act*;
- (d) *The Children of Unmarried Parents Act*;
- (e) *The Children's Protection Act*;
- (f) *The Day Nurseries Act, 1946*;
- (g) *The District Homes for the Aged Act, 1947*;
- (h) *The Homes for the Aged Act, 1947*;

- (i) *The Mothers' Allowance Act, 1948;*
- (j) *The Old Age Pensions Act, 1948;* and
- (k) *The Unemployment Relief Act, 1935. New.*

Powers of
Minister.

4. The Minister may,—

- (a) institute inquiry into and collect information and statistics relating to all matters of public welfare;
- (b) disseminate information in such manner and form as may be found best adapted to promote public welfare;
- (c) secure the observance and execution of the provisions of all Acts and regulations dealing with matters of public welfare;
- (d) cause investigation to be made into all activities, agencies, organizations, associations or institutions having for their object the social welfare or care of men, women or children in Ontario and which are not under the control of any other department of the public service of Ontario; and
- (e) declare any institution or organization to be a charitable institution. R.S.O. 1937, c. 61, s. 4; 1946, c. 21, s. 3 (2), *amended*.

Annual
report.

5.—(1) The Minister shall after the close of each fiscal year file with the Provincial Secretary an annual report upon the affairs of the Department.

Tabling.

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session. R.S.O. 1937, c. 61, s. 5; 1946, c. 21, s. 4, *amended*.

Control over
charitable
institutions.

6. The Lieutenant-Governor in Council may,—

- (a) declare any institution or organization having charitable objects or purposes, or any class or classes of such institutions or organizations, to be subject to the control of the Minister; and
- (b) make regulations governing the operation and activities of institutions and organizations which are declared to be subject to the control of the Minister under this section, including regulations governing

SECTION 4. This corresponds to and is substantially the same as section 4 of the present Act.

SECTION 5. Self-explanatory.

SECTION 6. This section corresponds to section 6 of the present Act. Its purpose is the same but it has been re-drafted with a view to clarification.

the procuring of funds from the public and the application thereof by such institutions and organizations. R.S.O. 1937, c. 61, s. 6, *amended*.

7. *The Department of Public Welfare Act* and *The Department of Public Welfare Amendment Act, 1946*, are repealed. Rev. Stat., c. 61, 1946, c. 21, repealed.

8. This Act may be cited as *The Department of Public Welfare Act, 1948*. Short title.

BILL

The Department of Public Welfare
Act, 1948.

1st Reading

April 9th, 1948

2nd Reading

3rd Reading

MR. GOODFELLOW

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Department of Public Welfare Act, 1948.

MR. GOODFELLOW

TORONTO

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

BILL

The Department of Public Welfare Act, 1948.

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

1. In this Act,—

Interpre-
tation,—

- (a) "Department" means Department of Public Welfare; "Department" and
- (b) "Minister" means Minister of Public Welfare. R.S.O. "Minister".
1937, c. 61, s. 1; 1946, c. 21, s. 1, *amended*.

2. There shall be a department of the public service of Ontario to be known as the "Department of Public Welfare" over which the Minister shall preside and have charge. R.S.O. 1937, c. 61, s. 2.

3. The Minister shall be responsible for the administration of the following Acts and such other Acts as may be assigned to him by the Lieutenant-Governor in Council,—

Jurisdiction
of Minister.

R.S.O. 1937, c. 61, s. 3; 1946, c. 21, s. 2, *amended*.

- (a) *The Adoption Act*;
- (b) *The British Child Guests Act, 1941*;
- (c) *The Charitable Institutions Act*;
- (d) *The Children of Unmarried Parents Act*;
- (e) *The Children's Protection Act*;
- (f) *The Day Nurseries Act, 1946*;
- (g) *The District Homes for the Aged Act, 1947*;
- (h) *The Homes for the Aged Act, 1947*;

- (i) *The Mothers' Allowances Act, 1948*;
- (j) *The Old Age Pensions Act, 1948*; and
- (k) *The Unemployment Relief Act, 1935. New.*

Powers of
Minister.

4. The Minister may,—

- (a) institute inquiry into and collect information and statistics relating to all matters of public welfare;
- (b) disseminate information in such manner and form as may be found best adapted to promote public welfare;
- (c) secure the observance and execution of the provisions of all Acts and regulations dealing with matters of public welfare;
- (d) cause investigation to be made into all activities, agencies, organizations, associations or institutions having for their object the social welfare or care of men, women or children in Ontario and which are not under the control of any other department of the public service of Ontario; and
- (e) declare any institution or organization to be a charitable institution. R.S.O. 1937, c. 61, s. 4; 1946, c. 21, s. 3 (2), *amended*.

Annual
report.

5.—(1) The Minister shall after the close of each fiscal year file with the Provincial Secretary an annual report upon the affairs of the Department.

Tabling.

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session. R.S.O. 1937, c. 61, s. 5; 1946, c. 21, s. 4, *amended*.

Control over
charitable
institutions.

6. The Lieutenant-Governor in Council may,—

- (a) declare any institution or organization having charitable objects or purposes, or any class or classes of such institutions or organizations, to be subject to the control of the Minister; and
- (b) make regulations governing the operation and activities of institutions and organizations which are declared to be subject to the control of the Minister under this section, including regulations governing

the procuring of funds from the public and the application thereof by such institutions and organizations. R.S.O. 1937, c. 61, s. 6, *amended*.

7. *The Department of Public Welfare Act* and *The Department of Public Welfare Amendment Act, 1946*, are repealed. Rev. Stat., c. 61, 1946, c. 21, repealed.

8. This Act may be cited as *The Department of Public Welfare Act, 1948*. Short title.

BILL

The Department of Public Welfare
Act, 1948.

1st Reading

April 9th, 1948

2nd Reading

April 12th, 1948

3rd Reading

April 16th, 1948

MR. GOODFELLOW

No. 150

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Old Age Pensions Act, 1948.

MR. GOODFELLOW

TORONTO

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

EXPLANATORY NOTE

This Bill revises the present Act which has not been revised in many years. Its provisions are simplified.

Generally speaking the provisions of this Bill are the same in principle as those in the present Act. However, certain sections have been amended to conform with the amendments recently made to the *Old Age Pensions Act* (Canada).

Provision is made so that this Act will conform with *The Welfare Units Act*, see Bill No. 152, 1948.

No. 150

1948

BILL

The Old Age Pensions Act, 1948.

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

1. In this Act,—

- (a) "Commission" means The Old Age Pensions Commission appointed under this Act; Interpretation,—
"Commission";
- (b) "investigator" means any person designated as such under the regulations; "investigator";
- (c) "local authority", where there is a welfare unit means the public welfare administrator, and where there is no welfare unit means the clerk of the municipality or such other person as the council with the approval of the Minister may appoint, and in unorganized territory means an investigator; "local authority";
- (d) "local board" means local board provided for in the regulations; "local board";
- (e) "Minister" means Minister of Public Welfare; "Minister";
- (f) "pension" means a pension payable as an old age pension or a blind pension under the *Old Age Pensions Act* (Canada) or any other Act of the Parliament of Canada and "pensioner" has a corresponding meaning; and "pension";
R.S.C.,
c. 156.
- (g) "regulations" means regulations made under this Act. "regulations".
New.

2.—(1) The Minister with the approval of the Lieutenant-Governor in Council may enter into an agreement with the Minister of National Health and Welfare with the approval of the Governor-General in Council as to a general scheme of old age pensions or blind pensions, or both, in Ontario pursuant to any Act of the Parliament of Canada and for the payment by Canada to Ontario quarterly of an amount equal to one-

Agreement with Dominion Government authorized.

half or more of the net sum paid out during the preceding quarter by Ontario for old age pensions or blind pensions, or both, pursuant to this Act. R.S.O. 1937, c. 314, s. 2; 1944, c. 43, s. 1 (1), *amended*.

Change in scheme.

(2) No change shall be made in any scheme for old age pensions or blind pensions that has been approved by the Governor-General in Council, by regulations or otherwise, except with the approval of the Governor-General in Council. R.S.O. 1937, c. 314, s. 17, *part, amended*.

Old Age Pensions Commission.

3.—(1) The Lieutenant-Governor in Council may appoint one, two or three persons as a commission to be known as The Old Age Pensions Commission.

Chairman.

(2) Where the Commission consists of more than one person, the Lieutenant-Governor in Council may designate one of them as chairman.

Quorum.

(3) Where the Commission consists of three persons, a majority shall be a quorum. *New*.

Duties of Commission.

4. It shall be the duty of the Commission,—

(a) to receive applications for pensions; and

(b) to determine the eligibility of each applicant for a pension and where the applicant is eligible, to determine the amount thereof and direct payment accordingly. *New*.

Decisions final.

5. Subject to the right of the Commission to rescind or amend any determination or direction made by it, every determination and direction of the Commission shall be final and shall not be subject to review by any court of law or otherwise. *New*.

Pension not liable to taxation, attachments, etc.

6. Every pension shall be exempt from provincial and municipal taxes and shall not be subject to garnishment or attachment or seizure or any legal process and shall be unassignable. R.S.O. 1937, c. 314, s. 9. *Amended*.

When pension to be paid to trustee.

7. In the case of any pensioner,—

(a) who, in the opinion of the Commission, is using or likely to use his pension otherwise than for his own benefit or is incapacitated or incapable of managing his affairs;

(b) for whom a committee or trustee has been appointed; or

- (c) who consents to the payment of the pension to a person who is undertaking or liable for his maintenance and care,

the Commission may direct that the pension shall be paid to a trustee or other person to be expended for the benefit of the pensioner. R.S.O. 1937, c. 314, s. 13, *amended*.

8. The receipt of a pension shall not by itself disqualify any person from voting at any provincial or municipal election. R.S.O. 1937, c. 314, s. 15. Pensioners not disqualified from voting.

9. Where a pension has been paid and upon audit by officials of the Government of Canada, the Government of Canada refuses to pay any amount in respect thereof, all payments which at that time have been made shall be deemed to be expenses incurred in the administration of this Act. *New.* Refusal by Dominion Government to make payments.

10. Where a pension has been paid and officials of the Government of Canada, upon an audit, rule that overpayments have been made to the pensioner, the Lieutenant-Governor in Council may direct that the amount of such overpayments shall be deemed to be expenses incurred in the administration of this Act. *New.* Over-payments.

11. If under the authority of the Parliament of Canada, or for any other reason whatsoever, the Government of Canada ceases to make the contributions provided for under the *Old Age Pensions Act* (Canada), or any other Act of the Parliament of Canada pursuant to which pensions are paid under this Act, or fails to carry out the agreement entered into under the authority of this Act, the right to the granting or continuance of any pension under this Act shall thereupon cease and determine and no further payment of pensions shall be made under this Act. R.S.O. 1937, c. 314, s. 10. Right to pension to cease on Dominion's failure to contribute. R.S.C., c. 156.

12.—(1) The Commission shall be entitled to recover out of the estate of any deceased pensioner, as a debt due by the pensioner to the Commission, the sum of the pension payments made to such pensioner from time to time. Recovery of pension payments out of deceased pensioner's estate.

(2) No claim shall be made by the Commission for the recovery of such debt directly or indirectly out of any part of the pensioner's estate that passes by will or on any intestacy to any other pensioner or to any person who has, since the grant of such pension or for the last three years during which such pension was paid, regularly contributed to the support of the pensioner by the payment of money or otherwise to the extent which, having regard to the means of the person so having contributed, is considered to be reasonable. R.S.O. 1937, c. 314, s. 11, *amended*. Right not to extend to property passing to another pensioner or to person maintaining.

Registration
of notice.

13.—(1) Notice (Form 1) of the granting of a pension to any person may be registered in the proper registry or land titles office, and shall set out,—

(a) the name and residence of the person to whom a pension has been granted;

(b) the date when the pension was granted;

(c) a description of the land owned by a pensioner or in which he has any interest, sufficient for the purpose of registration, and, where the land is registered under *The Land Titles Act*, a reference to the number of the parcel of the land and to the register in which such land is registered in the land titles office. R.S.O. 1937, c. 314, s. 12 (1).

Rev. Stat.,
c. 174.

Execution
of notice.

(2) The notice shall be in duplicate, signed by any member of the Commission and verified by his affidavit (Form 2). R.S.O. 1937, c. 314, s. 12 (2), *amended*.

Charge
against
lands.

(3) Upon registration the notice shall operate as a charge against the lands described therein in an amount equal to the amount of pension paid to the pensioner as of the date of the discharge of the notice or the date of the death of the pensioner, whichever is the earlier. R.S.O. 1937, c. 314, s. 12 (3), *amended*.

Registration
fee.

(4) The fee for registration of the notice shall be seventy-five cents. R.S.O. 1937, c. 314, s. 12 (4).

Discharge
of notice,—

(5) A notice registered under the provisions of this section may be discharged by a certificate (Form 3) signed by any member of the Commission, accompanied by an affidavit of execution. R.S.O. 1937, c. 314, s. 12 (5), *amended*.

fee.

(6) The fee for registration of a discharge shall be fifty cents. R.S.O. 1937, c. 314, s. 12 (6), *amended*.

Regulations.

14. The Lieutenant-Governor in Council may make regulations,—

(a) governing the manner of making application for a pension;

(b) providing for the suspension and cancellation of pensions;

(c) providing for a cost-of-living or other bonus to pensioners or any class or group thereof;

- (d) providing for the whole or part of the cost of providing medical and dental services to pensioners or any class or group thereof;
- (e) providing for the designation of persons as investigators and prescribing their powers and duties;
- (f) prescribing the powers and duties of local authorities;
- (g) providing for the payment of the expenses incurred by local authorities in connection with this Act, and their remuneration;
- (h) providing for the appointment of local boards and prescribing their powers and duties;
- (i) providing for the furnishing of notices and information by local authorities to the Commission and by the Commission to local authorities;
- (j) providing for the making of investigations, respecting persons to whom pensions may be paid or who are in receipt of pensions or by whom or on whose behalf application has been made for a pension;
- (k) prescribing the material or proof of any fact, including evidence under oath, that shall be furnished as a condition precedent to the payment of a pension;
- (l) fixing the intervals at which and the manner in which pensions shall be paid;
- (m) prescribing forms for use under this Act; and
- (n) respecting any other matter necessary or advisable to carry out effectively the purposes of this Act.

15.—(1) Where there is no welfare unit the council of any municipality not within a welfare area may, subject to the approval of the Minister, appoint any person as the local authority for such municipality for the purposes of this Act, but until such an appointment is made the clerk of such municipality shall be the local authority.

(2) Every local authority shall, for the purposes of this Act, be a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act. New.*

Local authority.—
appointment of.

Taking affidavits.
Rev. Stat.,
c. 121.

16. Pensions and the expenses of administration of this Act shall be payable out of such moneys as may be appropriated therefor by the Legislature. R.S.O. 1937, c. 314, s. 18, amended.

Pensions and expenses,—
how payable.

Rev. Stat.,
c. 314; 1939,
c. 47, s. 25;
1944, c. 43,
repealed. **17.** *The Old Age Pensions Act*, section 25 of *The Statute Law Amendment Act, 1939*, and *The Old Age Pensions Amendment Act, 1944*, are repealed.

Commence-
ment of Act. **18.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title. **19.** This Act may be cited as *The Old Age Pensions Act, 1948*.

SCHEDULE OF FORMS

FORM 1.

NOTICE GRANTING OLD AGE PENSION

(Referred to in subsection 1 of section 13)

I,, of the City Toronto,
in the County of York,, hereby give notice
that on the.....day of....., 19...., an old age
pension, under the provisions of *The Old Age Pensions Act, 1948*, was
granted to.....
(Name of Pensioner)
of the.....of.....in the.....
(County or District)
of.....

.....
(Occupation)

The following is a description of the land which the said
.....owns or has an interest in:
(Name of Pensioner)

(Description of Land)

This notice is given for the purpose of registration in the.....
.....of the
(Registry or Land Titles Office)
.....of.....
(City, County or District)

Dated at Toronto this.....day of.....,
19....

R.S.O. 1937, c. 314, Form 1.

FORM 2.

AFFIDAVIT VERIFYING NOTICE.

(Referred to in subsection 2 of section 13)

I,, of the City of Toronto,
in the County of York,, make oath and say:

That the facts set out in the attached notice are true.

SWORN before me at the
.....of.....
in the.....of.....
....., this
.....day of.....,
19....

.....
(A Commissioner for taking Affidavits.)

R.S.O. 1937, c. 314, Form 2, amended.

FORM 3.

CERTIFICATE OF DISCHARGE.

(Referred to in subsection 5 of section 13)

The Notice dated the.....day of....., 19....,
 and registered as No.....in the.....
(Registry or Land Titles Office)
 for the.....of....., in respect of.....
(Description of Land)
 is discharged.

DATED at Toronto this.....day of.....,
 19....

R.S.O. 1937, c. 314, Form 3, *amended.*

BILL

The Old Age Pensions Act, 1948.

1st Reading

April 9th, 1948

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 150

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Old Age Pensions Act, 1948.

MR. GOODFELLOW

(Reprinted as amended in Committee of the Whole House.)

TORONTO

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

EXPLANATORY NOTE

This Bill revises the present Act which has not been revised in many years. Its provisions are simplified.

Generally speaking the provisions of this Bill are the same in principle as those in the present Act. However, certain sections have been amended to conform with the amendments recently made to the *Old Age Pensions Act* (Canada).

Provision is made so that this Act will conform with *The Welfare Units Act*, see Bill No. 152, 1948.

No. 150

1948

BILL

The Old Age Pensions Act, 1948.

HIS 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 Old Age Pensions Com-
mission appointed under this Act; "Commis-
sion";
- (b) "investigator" means any person designated as such
under the regulations; "investi-
gator";
- (c) "local authority", where there is a welfare unit means
the public welfare administrator, and where there
is no welfare unit means the clerk of the municipality
or such other person as the council with the approval
of the Minister may appoint, and in unorganized
territory means an investigator; "local
authority";
- (d) "local board" means local board provided for in the
regulations; "local
board";
- (e) "Minister" means Minister of Public Welfare; "Minister";
- (f) "pension" means a pension payable as an old age
pension or a blind pension under the *Old Age Pensions*
Act (Canada) or any other Act of the Parliament of
Canada and "pensioner" has a corresponding mean-
ing; and "pension";
R.S.C.,
c. 156.
- (g) "regulations" means regulations made under this Act.
New. "regula-
tions".

2.—(1) The Minister with the approval of the Lieutenant-
Governor in Council may enter into an agreement with the
Minister of National Health and Welfare with the approval
of the Governor-General in Council as to a general scheme of
old age pensions or blind pensions, or both, in Ontario pursuant
to any Act of the Parliament of Canada and for the payment
by Canada to Ontario quarterly of an amount equal to one-

half or more of the net sum paid out during the preceding quarter by Ontario for old age pensions or blind pensions, or both, pursuant to this Act. R.S.O. 1937, c. 314, s. 2; 1944, c. 43, s. 1 (1), *amended*.

Change in scheme.

(2) No change shall be made in any scheme for old age pensions or blind pensions that has been approved by the Governor-General in Council, by regulations or otherwise, except with the approval of the Governor-General in Council. R.S.O. 1937, c. 314, s. 17, *part, amended*.

Old Age Pensions Commission.

3.—(1) The Lieutenant-Governor in Council may appoint one, two or three persons as a commission to be known as The Old Age Pensions Commission.

Chairman.

(2) Where the Commission consists of more than one person, the Lieutenant-Governor in Council may designate one of them as chairman.

Quorum.

(3) Where the Commission consists of three persons, a majority shall be a quorum. *New*.

Duties of Commission.

4. It shall be the duty of the Commission,—

(a) to receive applications for pensions; and

(b) to determine the eligibility of each applicant for a pension and where the applicant is eligible, to determine the amount thereof and direct payment accordingly. *New*.

Decisions final.

5. Subject to the right of the Commission to rescind or amend any determination or direction made by it, every determination and direction of the Commission shall be final and shall not be subject to review by any court of law or otherwise. *New*.

Pension not liable to taxation, attachments, etc.

6. Every pension shall be exempt from provincial and municipal taxes and shall not be subject to garnishment or attachment or seizure or any legal process and shall be unassignable. R.S.O. 1937, c. 314, s. 9. *Amended*.

When pension to be paid to trustee.

7. In the case of any pensioner,—

(a) who, in the opinion of the Commission, is using or likely to use his pension otherwise than for his own benefit or is incapacitated or incapable of managing his affairs;

(b) for whom a committee or trustee has been appointed; or

- (c) who consents to the payment of the pension to a person who is undertaking or liable for his maintenance and care,

the Commission may direct that the pension shall be paid to a trustee or other person to be expended for the benefit of the pensioner. R.S.O. 1937, c. 314, s. 13, *amended*.

8. The receipt of a pension shall not by itself disqualify any person from voting at any provincial or municipal election. R.S.O. 1937, c. 314, s. 15. Pensioners not disqualified from voting.

9. Where a pension has been paid and upon audit by officials of the Government of Canada, the Government of Canada refuses to pay any amount in respect thereof, the Lieutenant-Governor in Council may direct that all payments Refusal by Dominion Government to make payments. which at that time have been made shall be deemed to be expenses incurred in the administration of this Act. *New.*

10. Where a pension has been paid and officials of the Government of Canada, upon an audit, rule that overpayments have been made to the pensioner, the Lieutenant-Governor in Council may direct that the amount of such overpayments shall be deemed to be expenses incurred in the administration of this Act. *New.* Over-payments.

11. If under the authority of the Parliament of Canada, or for any other reason whatsoever, the Government of Canada ceases to make the contributions provided for under the *Old Age Pensions Act* (Canada), or any other Act of the Parliament of Canada pursuant to which pensions are paid under this Act, or fails to carry out the agreement entered into under the authority of this Act, the right to the granting or continuance of any pension under this Act shall thereupon cease and determine and no further payment of pensions shall be made under this Act. R.S.O. 1937, c. 314, s. 10. Right to pension to cease on Dominion's failure to contribute. R.S.C., c. 156.

12.—(1) The Commission shall be entitled to recover out of the estate of any deceased pensioner, as a debt due by the pensioner to the Commission, the sum of the pension payments made to such pensioner from time to time. Recovery of pension payments out of deceased pensioner's estate.

(2) No claim shall be made by the Commission for the recovery of such debt directly or indirectly out of any part of the pensioner's estate that passes by will or on any intestacy to any other pensioner or to any person who has, since the grant of such pension or for the last three years during which such pension was paid, regularly contributed to the support of the pensioner by the payment of money or otherwise to the extent which, having regard to the means of the person so having contributed, is considered to be reasonable. R.S.O. 1937, c. 314, s. 11, *amended*. Right not to extend to property passing to another pensioner or to person maintaining.

Registration
of notice.

13.—(1) Notice (Form 1) of the granting of a pension to any person may be registered in the proper registry or land titles office, and shall set out,—

- (a) the name and residence of the person to whom a pension has been granted;
- (b) the date when the pension was granted;
- (c) a description of the land owned by a pensioner or in which he has any interest, sufficient for the purpose of registration, and, where the land is registered under *The Land Titles Act*, a reference to the number of the parcel of the land and to the register in which such land is registered in the land titles office. R.S.O. 1937, c. 314, s. 12 (1).

Rev. Stat.,
c. 174.

Execution
of notice.

(2) The notice shall be in duplicate, signed by any member of the Commission and verified by his affidavit (Form 2). R.S.O. 1937, c. 314, s. 12 (2), *amended*.

Charge
against
lands.

(3) Upon registration the notice shall operate as a charge against the lands described therein in an amount equal to the amount of pension paid to the pensioner as of the date of the discharge of the notice or the date of the death of the pensioner, whichever is the earlier. R.S.O. 1937, c. 314, s. 12 (3), *amended*.

Registration
fee.

(4) The fee for registration of the notice shall be seventy-five cents. R.S.O. 1937, c. 314, s. 12 (4).

Discharge
of notice,—

(5) A notice registered under the provisions of this section may be discharged by a certificate (Form 3) signed by any member of the Commission, accompanied by an affidavit of execution. R.S.O. 1937, c. 314, s. 12 (5), *amended*.

fee.

(6) The fee for registration of a discharge shall be fifty cents. R.S.O. 1937, c. 314, s. 12 (6), *amended*.

Regulations.

14. The Lieutenant-Governor in Council may make regulations,—

- (a) governing the manner of making application for a pension;
- (b) providing for the suspension and cancellation of pensions;
- (c) providing for a cost-of-living or other bonus to pensioners or any class or group thereof;

- (d) providing for the whole or part of the cost of providing medical and dental services to pensioners or any class or group thereof;
- (e) providing for the designation of persons as investigators and prescribing their powers and duties;
- (f) prescribing the powers and duties of local authorities;
- (g) providing for the payment of the expenses incurred by local authorities in connection with this Act, and their remuneration;
- (h) providing for the appointment of local boards and prescribing their powers and duties;
- (i) providing for the furnishing of notices and information by local authorities to the Commission and by the Commission to local authorities;
- (j) providing for the making of investigations, respecting persons to whom pensions may be paid or who are in receipt of pensions or by whom or on whose behalf application has been made for a pension;
- (k) prescribing the material or proof of any fact, including evidence under oath, that shall be furnished as a condition precedent to the payment of a pension;
- (l) fixing the intervals at which and the manner in which pensions shall be paid;
- (m) prescribing forms for use under this Act; and
- (n) respecting any other matter necessary or advisable to carry out effectively the purposes of this Act.

15.—(1) Where there is no welfare unit the council of any municipality not within a welfare area may, subject to the approval of the Minister, appoint any person as the local authority for such municipality for the purposes of this Act, but until such an appointment is made the clerk of such municipality shall be the local authority.

(2) Every local authority shall, for the purposes of this Act, be a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*. New.

Local
authority.—
appoint-
ment of.

Taking
affidavits.

Rev. Stat.,
c. 121.

16. Pensions and the expenses of administration of this Act shall be payable out of such moneys as may be appropriated therefor by the Legislature. R.S.O. 1937, c. 314, s. 18, amended.

Pensions and
expenses,—
how payable.

Rev. Stat.,
c. 314; 1939,
c. 47, s. 25;
1944, c. 43,
repealed.

17. *The Old Age Pensions Act*, section 25 of *The Statute Law Amendment Act, 1939*, and *The Old Age Pensions Amendment Act, 1944*, are repealed.

Commence-
ment of Act.

18. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

19. This Act may be cited as *The Old Age Pensions Act, 1948*.

SCHEDULE OF FORMS

FORM 1.

NOTICE GRANTING OLD AGE PENSION

(Referred to in subsection 1 of section 13)

I,....., of the City Toronto,
in the County of York,....., hereby give notice
that on the.....day of....., 19...., an old age
pension, under the provisions of *The Old Age Pensions Act, 1948*, was
granted to.....

(Name of Pensioner)

of the.....of.....in the.....
of.....*(County or District)*

(Occupation)

The following is a description of the land which the said
.....owns or has an interest in:
(Name of Pensioner)

(Description of Land)

This notice is given for the purpose of registration in the.....
.....of the
(Registry or Land Titles Office)
.....of.....
(City, County or District)

Dated at Toronto this.....day of.....,
19....

R.S.O. 1937, c. 314, Form 1.

FORM 2.

AFFIDAVIT VERIFYING NOTICE.

(Referred to in subsection 2 of section 13)

I,....., of the City of Toronto,
in the County of York,....., make oath and say:

That the facts set out in the attached notice are true.

SWORN before me at the
.....of.....
in the.....of
....., this
.....day of.....,
19....

(A Commissioner for taking Affidavits.)

R.S.O. 1937, c. 314, Form 2, amended.

FORM 3.

CERTIFICATE OF DISCHARGE.

(Referred to in subsection 5 of section 13)

The Notice dated the.....day of....., 19....,
and registered as No.....in the.....
for the.....of....., in respect of.....
is discharged.

(Registry or Land Titles Office)
(Description of Land)

DATED at Toronto this.....day of....., 19....

R.S.O. 1937, c. 314, Form 3, *amended*.

BILL

The Old Age Pensions Act, 1948.

1st Reading

April 9th, 1948

2nd Reading

April 12th, 1948

3rd Reading

MR. GOODFELLOW

*(Reprinted as amended in Committee of the
Whole House.)*

No. 150

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL
The Old Age Pensions Act, 1948.

MR. GOODFELLOW

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

No. 150

1948

BILL

The Old Age Pensions Act, 1948.

HIS 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 Old Age Pensions Com-
mission appointed under this Act; "Commis-
sion";
- (b) "investigator" means any person designated as such
under the regulations; "investi-
gator";
- (c) "local authority", where there is a welfare unit means "local
authority";
the public welfare administrator, and where there
is no welfare unit means the clerk of the municipality
or such other person as the council with the approval
of the Minister may appoint, and in unorganized
territory means an investigator;
- (d) "local board" means local board provided for in the
regulations; "local
board";
- (e) "Minister" means Minister of Public Welfare; "Minister";
- (f) "pension" means a pension payable as an old age "pension";
pension or a blind pension under the *Old Age Pensions* R.S.C.,
c. 156.
Act (Canada) or any other Act of the Parliament of
Canada and "pensioner" has a corresponding mean-
ing; and
- (g) "regulations" means regulations made under this Act. "regula-
tions".
New.

2.—(1) The Minister with the approval of the Lieutenant-
Governor in Council may enter into an agreement with the Agreement
with Domi-
nion Govern-
ment
authorized.
Minister of National Health and Welfare with the approval
of the Governor-General in Council as to a general scheme of
old age pensions or blind pensions, or both, in Ontario pursuant
to any Act of the Parliament of Canada and for the payment
by Canada to Ontario quarterly of an amount equal to one-

half or more of the net sum paid out during the preceding quarter by Ontario for old age pensions or blind pensions, or both, pursuant to this Act. R.S.O. 1937, c. 314, s. 2; 1944, c. 43, s. 1 (1), *amended*.

Change in
scheme.

(2) No change shall be made in any scheme for old age pensions or blind pensions that has been approved by the Governor-General in Council, by regulations or otherwise, except with the approval of the Governor-General in Council. R.S.O. 1937, c. 314, s. 17, *part, amended*.

Old Age
Pensions
Commission.

3.—(1) The Lieutenant-Governor in Council may appoint one, two or three persons as a commission to be known as The Old Age Pensions Commission.

Chairman.

(2) Where the Commission consists of more than one person, the Lieutenant-Governor in Council may designate one of them as chairman.

Quorum.

(3) Where the Commission consists of three persons, a majority shall be a quorum. *New*.

Duties of
Commis-
sion.

4. It shall be the duty of the Commission,—

(a) to receive applications for pensions; and

(b) to determine the eligibility of each applicant for a pension and where the applicant is eligible, to determine the amount thereof and direct payment accordingly. *New*.

Decisions
final.

5. Subject to the right of the Commission to rescind or amend any determination or direction made by it, every determination and direction of the Commission shall be final and shall not be subject to review by any court of law or otherwise. *New*.

Pension not
liable to
taxation,
attachments,
etc.

6. Every pension shall be exempt from provincial and municipal taxes and shall not be subject to garnishment or attachment or seizure or any legal process and shall be unassignable. R.S.O. 1937, c. 314, s. 9. *Amended*.

When pen-
sion to be
paid to
trustee.

7. In the case of any pensioner,—

(a) who, in the opinion of the Commission, is using or likely to use his pension otherwise than for his own benefit or is incapacitated or incapable of managing his affairs;

(b) for whom a committee or trustee has been appointed;
or

- (c) who consents to the payment of the pension to a person who is undertaking or liable for his maintenance and care,

the Commission may direct that the pension shall be paid to a trustee or other person to be expended for the benefit of the pensioner. R.S.O. 1937, c. 314, s. 13, *amended*.

8. The receipt of a pension shall not by itself disqualify any person from voting at any provincial or municipal election. R.S.O. 1937, c. 314, s. 15. Pensioners not disqualified from voting.

9. Where a pension has been paid and upon audit by officials of the Government of Canada, the Government of Canada refuses to pay any amount in respect thereof, the Lieutenant-Governor in Council may direct that all payments which at that time have been made shall be deemed to be expenses incurred in the administration of this Act. *New*. Refusal by Dominion Government to make payments.

10. Where a pension has been paid and officials of the Government of Canada, upon an audit, rule that overpayments have been made to the pensioner, the Lieutenant-Governor in Council may direct that the amount of such overpayments shall be deemed to be expenses incurred in the administration of this Act. *New*. Over-payments.

11. If under the authority of the Parliament of Canada, or for any other reason whatsoever, the Government of Canada ceases to make the contributions provided for under the *Old Age Pensions Act* (Canada), or any other Act of the Parliament of Canada pursuant to which pensions are paid under this Act, or fails to carry out the agreement entered into under the authority of this Act, the right to the granting or continuance of any pension under this Act shall thereupon cease and determine and no further payment of pensions shall be made under this Act. R.S.O. 1937, c. 314, s. 10. Right to pension to cease on Dominion's failure to contribute. R.S.C., c. 156.

12.—(1) The Commission shall be entitled to recover out of the estate of any deceased pensioner, as a debt due by the pensioner to the Commission, the sum of the pension payments made to such pensioner from time to time. Recovery of pension payments out of deceased pensioner's estate.

(2) No claim shall be made by the Commission for the recovery of such debt directly or indirectly out of any part of the pensioner's estate that passes by will or on any intestacy to any other pensioner or to any person who has, since the grant of such pension or for the last three years during which such pension was paid, regularly contributed to the support of the pensioner by the payment of money or otherwise to the extent which, having regard to the means of the person so having contributed, is considered to be reasonable. R.S.O. 1937, c. 314, s. 11, *amended*. Right not to extend to property passing to another pensioner or to person maintaining.

Registration
of notice.

13.—(1) Notice (Form 1) of the granting of a pension to any person may be registered in the proper registry or land titles office, and shall set out,—

(a) the name and residence of the person to whom a pension has been granted;

(b) the date when the pension was granted;

(c) a description of the land owned by a pensioner or in which he has any interest, sufficient for the purpose of registration, and, where the land is registered under *The Land Titles Act*, a reference to the number of the parcel of the land and to the register in which such land is registered in the land titles office. R.S.O. 1937, c. 314, s. 12 (1).

Rev. Stat.,
c. 174.

Execution
of notice.

(2) The notice shall be in duplicate, signed by any member of the Commission and verified by his affidavit (Form 2). R.S.O. 1937, c. 314, s. 12 (2), *amended*.

Charge
against
lands.

(3) Upon registration the notice shall operate as a charge against the lands described therein in an amount equal to the amount of pension paid to the pensioner as of the date of the discharge of the notice or the date of the death of the pensioner, whichever is the earlier. R.S.O. 1937, c. 314, s. 12 (3), *amended*.

Registration
fee.

(4) The fee for registration of the notice shall be seventy-five cents. R.S.O. 1937, c. 314, s. 12 (4).

Discharge
of notice,—

(5) A notice registered under the provisions of this section may be discharged by a certificate (Form 3) signed by any member of the Commission, accompanied by an affidavit of execution. R.S.O. 1937, c. 314, s. 12 (5), *amended*.

fee.

(6) The fee for registration of a discharge shall be fifty cents. R.S.O. 1937, c. 314, s. 12 (6), *amended*.

Regulations.

14. The Lieutenant-Governor in Council may make regulations,—

(a) governing the manner of making application for a pension;

(b) providing for the suspension and cancellation of pensions;

(c) providing for a cost-of-living or other bonus to pensioners or any class or group thereof;

- (d) providing for the whole or part of the cost of providing medical and dental services to pensioners or any class or group thereof;
- (e) providing for the designation of persons as investigators and prescribing their powers and duties;
- (f) prescribing the powers and duties of local authorities;
- (g) providing for the payment of the expenses incurred by local authorities in connection with this Act, and their remuneration;
- (h) providing for the appointment of local boards and prescribing their powers and duties;
- (i) providing for the furnishing of notices and information by local authorities to the Commission and by the Commission to local authorities;
- (j) providing for the making of investigations, respecting persons to whom pensions may be paid or who are in receipt of pensions or by whom or on whose behalf application has been made for a pension;
- (k) prescribing the material or proof of any fact, including evidence under oath, that shall be furnished as a condition precedent to the payment of a pension;
- (l) fixing the intervals at which and the manner in which pensions shall be paid;
- (m) prescribing forms for use under this Act; and
- (n) respecting any other matter necessary or advisable to carry out effectively the purposes of this Act.

15.—(1) Where there is no welfare unit the council of any municipality not within a welfare area may, subject to the approval of the Minister, appoint any person as the local authority for such municipality for the purposes of this Act, but until such an appointment is made the clerk of such municipality shall be the local authority. Local authority.—
appointment of.

(2) Every local authority shall, for the purposes of this Act, be a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act. New.* Taking affidavits.
Rev. Stat.,
c. 121.

16. Pensions and the expenses of administration of this Act shall be payable out of such moneys as may be appropriated therefor by the Legislature. R.S.O. 1937, c. 314, s. 18, *amended.* Pensions and expenses,—
how payable.

Rev. Stat., c. 314, 1939, c. 47, s. 25; 1944, c. 43, repealed. **17.** *The Old Age Pensions Act*, section 25 of *The Statute Law Amendment Act, 1939*, and *The Old Age Pensions Amendment Act, 1944*, are repealed.

Commence-
ment of Act. **18.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title. **19.** This Act may be cited as *The Old Age Pensions Act, 1948*.

FORM 3.

CERTIFICATE OF DISCHARGE.

(Referred to in subsection 5 of section 13)

The Notice dated the.....day of....., 19....,
and registered as No.....in the.....
for the.....of....., in respect of.....
is discharged.

(Registry or Land Titles Office)
(Description of Land)

DATED at Toronto this.....day of.....,
19....

R.S.O. 1937, c. 314, Form 3, *amended*.

BILL

The Old Age Pensions Act, 1948.

1st Reading

April 9th, 1948

2nd Reading

April 12th, 1948

3rd Reading

April 16th, 1948

MR. GOODFELLOW

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Mothers' Allowances Act, 1948.

MR. GOODFELLOW

TORONTO

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

EXPLANATORY NOTES

This Bill revises the present Act which has not been revised in many years. Its provisions are greatly shortened and simplified.

Generally speaking the provisions of this Bill are the same in principle as those in the present Act. However, a mother no longer is required to be a British subject in order to qualify for an allowance. Attention is also directed to subsection 2 of section 2, which is new in principle.

Provision is made so that this Act will conform with *The Welfare Units Act, 1948*. See Bill 152.

BILL

The Mothers' Allowances Act, 1948.

HIS 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) "allowance" means allowance under this Act; "allowance";
- (b) "beneficiary" means a person receiving an allowance; "benefi-
ciary";
- (c) "Commission" means The Mothers' Allowances Com- "Commis-
mission provided for in this Act; sion";
- (d) "investigator" means any person designated as such "investiga-
under the regulations; tor";
- (e) "local authority", where there is a welfare unit means "local
the public welfare administrator, and where there is no authority";
welfare unit means the clerk of the municipality or
such other person as the council with the approval of
the Minister may appoint, and in unorganized terri-
tory means an investigator;
- (f) "local board" means local board provided for in the "local
regulations; board";
- (g) "Minister" means Minister of Public Welfare; "Minister";
- (h) "permanently unemployable" means permanently un- "perman-
employable by reason of mental or physical dis- ently unem-
ability; and ployable";
- (i) "regulations" means regulations made under this Act. "regula-
R.S.O. 1937, c. 313, s. 1, cl. d; 1946, c. 59, s. 1, tions".
amended.

2.—(1) Subject to this Act and the regulations a monthly allowance may be paid towards the support of the dependent children of a mother who,—
Conditions
under which
allowance
may be paid.

- (a) is a widow, or the wife of a man who is permanently unemployable, or of a man who has deserted her and has not been heard of for at least one year;
- (b) was resident in Ontario at the time of the death, permanent unemployability or desertion by the father of the child or children on whose behalf the allowance is to be made, and for a period of two years immediately prior to the application for an allowance;
- (c) is resident in Ontario at the time of the application for an allowance;
- (d) continues to reside in Ontario with her dependent children while in receipt of an allowance; and
- (e) has resident with her one or more of her own children under sixteen years of age and has not adequate means to care properly for such child or children without the assistance of an allowance. R.S.O. 1937, c. 313, s. 2 (1); 1946, c. 59, s. 2 (1), *amended*.

Where husband permanently unemployable.

(2) Where a mother who otherwise qualifies for an allowance has a permanently unemployable husband, an allowance may be granted for the husband in the same amount and manner as though the husband were a dependent child, provided that the allowance for the husband shall cease when the youngest child becomes sixteen years of age. *New*.

Allowance to foster mother.

(3) A like allowance may be paid to a woman who is resident as aforesaid and has resident with her one or more orphan children under sixteen years of age and is the grandmother, sister, aunt or other suitable person acting as the foster mother of such child or children and has not adequate means to care properly for such child or children without the assistance of an allowance. R.S.O. 1937, c. 313, s. 2 (2), *amended*.

Reaching sixteen years of age during school year.

(4) Where a child in respect of whom an allowance is being paid is attending school and reaches the age of sixteen years during the school year, the allowance shall, subject to this Act and the regulations, continue to be paid until the conclusion of the school year unless the child sooner ceases to attend school. 1946, c. 59, s. 2 (2), *amended*.

Allowance in special cases.

(5) In cases presenting special circumstances where investigation has shown the advisability of an allowance being granted to the children dependent upon a mother or foster mother who is not strictly eligible under the terms of this section, the Lieutenant-Governor in Council may direct the payment of an allowance and fix the amount thereof, not-

withstanding that such payment is not expressly provided for in this Act. R.S.O. 1937, c. 313, s. 2 (3), *amended*.

3.—(1) The Lieutenant-Governor in Council may appoint one, two or three persons as a commission to be known as ^{Mothers' Allowances} The Mothers' Allowances Commission.

(2) When the Commission consists of more than one person ^{Chairman.} the Lieutenant-Governor in Council may designate one of them as chairman.

(3) When the Commission consists of three persons, a ^{Quorum.} majority shall be a quorum. *New.*

4. It shall be the duty of the Commission,— ^{Duties of Commission.}

- (a) to receive applications for allowances; and
- (b) to determine the eligibility of each applicant to receive an allowance, and where the applicant is eligible, to determine the amount thereof and direct payment accordingly. R.S.O. 1937, c. 313, s. 3, *amended*.

5. Subject to the right of the Commission to rescind or ^{Decisions final.} amend any determination or direction made by it, every determination and direction of the Commission shall be final and shall not be subject to review by any court of law or otherwise. R.S.O. 1937, c. 313, s. 7, *amended*.

6. The Lieutenant-Governor in Council may make regula- ^{Regulations.} tions,—

- (a) prescribing the maximum amounts of allowances;
- (b) providing for the payment of the whole or part of the cost of providing medical and dental services to beneficiaries and their dependants under this Act;
- (c) governing the manner of making application for an allowance;
- (d) providing for the suspension and cancellation of allowances;
- (e) providing for the designation of persons as investigators and prescribing their powers and duties;
- (f) prescribing the powers and duties of local authorities;
- (g) providing for the payment of the expenses incurred by local authorities in connection with this Act, and their remuneration;

- (h) providing for the appointment of local boards and prescribing their powers and duties;
 - (i) providing for the furnishing of notices and information by local authorities to the Commission and by the Commission to local authorities;
 - (j) providing for the making of investigations respecting persons to whom allowances may be paid or who are in receipt of allowances or by whom or on whose behalf application has been made for an allowance;
 - (k) prescribing the material or proof of any fact, including evidence under oath, that shall be furnished as a condition precedent to the payment of an allowance;
 - (l) fixing the intervals at which and the manner in which allowances shall be paid;
 - (m) prescribing forms for use under this Act; and
 - (n) respecting any other matter necessary or advisable to carry out effectively the purposes of this Act.
- R.S.O. 1937, c. 313, s. 11, *amended*.

Local
author-
ities,—
appoint-
ment of;

7.—(1) Where there is no welfare unit, the council of any municipality may, subject to the approval of the Minister, appoint any person as the local authority for such municipality for the purposes of this Act, but until such an appointment is made the clerk of such municipality shall be the local authority.

taking
affidavits.

Rev. Stat.,
c. 121.

(2) Every local authority shall, for the purposes of this Act, be a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*. *New*.

Allowances
and ex-
penses,—
how payable.

8. Allowances and the expenses of administration of this Act shall be payable out of such moneys as may be appropriated therefor by the Legislature. R.S.O. 1937, c. 313, s. 5; 1938, c. 37, s. 15 (1), *amended*.

Rev. Stat.,
c. 313;
1938, c. 37,
s. 15,
1946, c. 59,
repealed.

9. *The Mothers' Allowances Act*, section 15 of *The Statute Law Amendment Act, 1938*, and *The Mothers' Allowances Amendment Act, 1946*, are repealed.

Commence-
ment of Act.

10. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

11. This Act may be cited as *The Mothers' Allowances Act, 1948*.

BILL

The Mothers' Allowances Act, 1948.

1st Reading

April 9th, 1948

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 151

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Mothers' Allowances Act, 1948.

MR. GOODFELLOW

TORONTO

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

No. 151

1948

BILL

The Mothers' Allowances Act, 1948.

HIS 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) "allowance" means allowance under this Act; "allowance";
- (b) "beneficiary" means a person receiving an allowance; "benefi-
ciary";
- (c) "Commission" means The Mothers' Allowances Com- "Commis-
mission provided for in this Act; sion";
- (d) "investigator" means any person designated as such "investiga-
under the regulations; tor";
- (e) "local authority", where there is a welfare unit means "local
the public welfare administrator, and where there is no authority";
welfare unit means the clerk of the municipality or
such other person as the council with the approval of
the Minister may appoint, and in unorganized terri-
tory means an investigator;
- (f) "local board" means local board provided for in the "local
regulations; board";
- (g) "Minister" means Minister of Public Welfare; "Minister";
- (h) "permanently unemployable" means permanently un- "perman-
employable by reason of mental or physical dis- ently unem-
ability; and ployable";
- (i) "regulations" means regulations made under this Act. "regula-
R.S.O. 1937, c. 313, s. 1, cl. d; 1946, c. 59, s. 1, tions".
amended.

2.—(1) Subject to this Act and the regulations a monthly allowance may be paid towards the support of the dependent children of a mother who,—
Conditions
under which
allowance
may be paid.

- (a) is a widow, or the wife of a man who is permanently unemployable, or of a man who has deserted her and has not been heard of for at least one year;
- (b) was resident in Ontario at the time of the death, permanent unemployability or desertion by the father of the child or children on whose behalf the allowance is to be made, and for a period of two years immediately prior to the application for an allowance;
- (c) is resident in Ontario at the time of the application for an allowance;
- (d) continues to reside in Ontario with her dependent children while in receipt of an allowance; and
- (e) has resident with her one or more of her own children under sixteen years of age and has not adequate means to care properly for such child or children without the assistance of an allowance. R.S.O. 1937, c. 313, s. 2 (1); 1946, c. 59, s. 2 (1), *amended*.

Where husband permanently unemployable.

(2) Where a mother who otherwise qualifies for an allowance has a permanently unemployable husband, an allowance may be granted for the husband in the same amount and manner as though the husband were a dependent child, provided that the allowance for the husband shall cease when the youngest child becomes sixteen years of age. *New*.

Allowance to foster mother.

(3) A like allowance may be paid to a woman who is resident as aforesaid and has resident with her one or more orphan children under sixteen years of age and is the grandmother, sister, aunt or other suitable person acting as the foster mother of such child or children and has not adequate means to care properly for such child or children without the assistance of an allowance. R.S.O. 1937, c. 313, s. 2 (2), *amended*.

Reaching sixteen years of age during school year.

(4) Where a child in respect of whom an allowance is being paid is attending school and reaches the age of sixteen years during the school year, the allowance shall, subject to this Act and the regulations, continue to be paid until the conclusion of the school year unless the child sooner ceases to attend school. 1946, c. 59, s. 2 (2), *amended*.

Allowance in special cases.

(5) In cases presenting special circumstances where investigation has shown the advisability of an allowance being granted to the children dependent upon a mother or foster mother who is not strictly eligible under the terms of this section, the Lieutenant-Governor in Council may direct the payment of an allowance and fix the amount thereof, not-

withstanding that such payment is not expressly provided for in this Act. R.S.O. 1937, c. 313, s. 2 (3), *amended*.

3.—(1) The Lieutenant-Governor in Council may appoint one, two or three persons as a commission to be known as ^{Mothers' Allowances} Commission. The Mothers' Allowances Commission.

(2) When the Commission consists of more than one person ^{Chairman}, the Lieutenant-Governor in Council may designate one of them as chairman.

(3) When the Commission consists of three persons, a ^{Quorum} majority shall be a quorum. *New*.

4. It shall be the duty of the Commission,—

^{Duties of}
Commission.

(a) to receive applications for allowances; and

(b) to determine the eligibility of each applicant to receive an allowance, and where the applicant is eligible, to determine the amount thereof and direct payment accordingly. R.S.O. 1937, c. 313, s. 3, *amended*.

5. Subject to the right of the Commission to rescind or ^{Decisions} amend any determination or direction made by it, every ^{final} determination and direction of the Commission shall be final and shall not be subject to review by any court of law or otherwise. R.S.O. 1937, c. 313, s. 7, *amended*.

6. The Lieutenant-Governor in Council may make regula- ^{Regulations} tions,—

(a) prescribing the maximum amounts of allowances;

(b) providing for the payment of the whole or part of the cost of providing medical and dental services to beneficiaries and their dependants under this Act;

(c) governing the manner of making application for an allowance;

(d) providing for the suspension and cancellation of allowances;

(e) providing for the designation of persons as investigators and prescribing their powers and duties;

(f) prescribing the powers and duties of local authorities;

(g) providing for the payment of the expenses incurred by local authorities in connection with this Act, and their remuneration;

- (h) providing for the appointment of local boards and prescribing their powers and duties;
- (i) providing for the furnishing of notices and information by local authorities to the Commission and by the Commission to local authorities;
- (j) providing for the making of investigations respecting persons to whom allowances may be paid or who are in receipt of allowances or by whom or on whose behalf application has been made for an allowance;
- (k) prescribing the material or proof of any fact, including evidence under oath, that shall be furnished as a condition precedent to the payment of an allowance;
- (l) fixing the intervals at which and the manner in which allowances shall be paid;
- (m) prescribing forms for use under this Act; and
- (n) respecting any other matter necessary or advisable to carry out effectively the purposes of this Act. R.S.O. 1937, c. 313, s. 11, *amended*.

Local
author-
ities,—
appoint-
ment of;

7.—(1) Where there is no welfare unit, the council of any municipality may, subject to the approval of the Minister, appoint any person as the local authority for such municipality for the purposes of this Act, but until such an appointment is made the clerk of such municipality shall be the local authority.

taking
affidavits.

Rev. Stat.,
c. 121.

(2) Every local authority shall, for the purposes of this Act, be a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*. *New*.

Allowances
and ex-
penses,—
how payable.

8. Allowances and the expenses of administration of this Act shall be payable out of such moneys as may be appropriated therefor by the Legislature. R.S.O. 1937, c. 313, s. 5; 1938, c. 37, s. 15 (1), *amended*.

Rev. Stat.,
c. 313;
1938, c. 37,
s. 15,
1946, c. 59,
repealed.

9. *The Mothers' Allowances Act*, section 15 of *The Statute Law Amendment Act, 1938*, and *The Mothers' Allowances Amendment Act, 1946*, are repealed.

Commence-
ment of Act.

10. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

11. This Act may be cited as *The Mothers' Allowances Act, 1948*.

BILL

The Mothers' Allowances Act, 1948.

1st Reading

April 9th, 1948

2nd Reading

April 12th, 1948

3rd Reading

April 16th, 1948

MR. GOODFELLOW

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to provide for Welfare Units.

MR. GOODFELLOW

EXPLANATORY NOTE

The Act authorizes the establishment of welfare units.

Provision is made in section 4 for the payment of fifty per centum of the administrative costs by the Province.

BILL

An Act to provide for Welfare Units.

HIS 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) "administrator" means a public welfare administrator appointed under this Act; "adminis-
trator";
- (b) "Minister" means Minister of Public Welfare; "Minister";
- (c) "regulations" means regulations made under this Act; and "regula-
tions";
- (d) "unit" means a welfare unit established under this Act. "unit".

2. The council of any municipality may by by-law establish a unit which shall have the same territorial limits as the municipality, provided that no such by-law shall come into force or have any effect until it has been approved by the Lieutenant-Governor in Council. Establish-
ment of
municipal
units.

3.—(1) A unit may be established for the unorganized territory in any territorial district. Establish-
ment of
district
units.

(2) The council of any municipality in a territorial district may by by-law, approved by the Lieutenant-Governor in Council, become part of the district unit upon such terms and conditions, notwithstanding any Act, as may be provided in the by-law. Enlarge-
ment of
district
units.

4. Where a municipal unit is established, the Lieutenant-Governor in Council, with the consent of the council of the municipality, may appoint an administrator to administer such public welfare matters as are designated in the regulations, and such staff as the administrator may require for the due carrying out of his duties. Administra-
tor and
staff.

Cost,—

5.—(1) Where a municipal unit is established there shall be paid to the municipality establishing it an amount equal to fifty per centum of the cost of the administration of welfare matters under this Act.

how payable.

(2) The amounts payable under this section shall be paid out of such moneys as may be appropriated therefor by the Legislature.

Disestablishment of welfare areas.

6.—(1) Where a municipal unit has been established, the municipality may by by-law, or the Lieutenant-Governor in Council may by order, disestablish the unit, provided that notice of intention to pass such by-law or make such order has been given to the clerk of the municipality or to the Clerk of the Executive Council, as the case may be, at least three months before the by-law or order is to come into effect.

Effective date.

(2) Any such by-law or order shall be effective on the 31st day of March next after its passing or making, as the case may be.

Regulations.

7. The Lieutenant-Governor in Council may make regulations,—

- (a) regulating and governing the establishment of units;
- (b) designating the welfare matters that shall be administered by administrators;
- (c) governing the qualifications of administrators and the members of their staffs;
- (d) prescribing the powers and duties of administrators;
- (e) prescribing the manner of computing the cost of administration of welfare matters under this Act;
- (f) prescribing the times and manner of payment of amounts under section 5;
- (g) prescribing the records to be kept under this Act and prescribing the returns to be made to the Minister and the form thereof; and
- (h) respecting any other matter necessary or advisable to carry out effectively the purposes of this Act.

Short title.

8. This Act may be cited as *The Welfare Units Act, 1948*.

BILL

An Act to provide for Welfare Units.

1st Reading

April 9th, 1948

2nd Reading

3rd Reading

MR. GOODFELLOW

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to provide for Welfare Units.

MR. GOODFELLOW

BILL

An Act to provide for Welfare Units.

HIS 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) "administrator" means a public welfare administrator appointed under this Act; "adminis-
trator";
- (b) "Minister" means Minister of Public Welfare; "Minister";
- (c) "regulations" means regulations made under this Act; and "regula-
tions";
- (d) "unit" means a welfare unit established under this Act. "unit".

2. The council of any municipality may by by-law establish a unit which shall have the same territorial limits as the municipality, provided that no such by-law shall come into force or have any effect until it has been approved by the Lieutenant-Governor in Council. Establish-
ment of
municipal
units.

3.—(1) A unit may be established for the unorganized territory in any territorial district. Establish-
ment of
district
units.

(2) The council of any municipality in a territorial district may by by-law, approved by the Lieutenant-Governor in Council, become part of the district unit upon such terms and conditions, notwithstanding any Act, as may be provided in the by-law. Enlarge-
ment of
district
units.

4. Where a municipal unit is established, the Lieutenant-Governor in Council, with the consent of the council of the municipality, may appoint an administrator to administer such public welfare matters as are designated in the regulations, and such staff as the administrator may require for the due carrying out of his duties. Administra-
tor and
staff.

Cost,—

5.—(1) Where a municipal unit is established there shall be paid to the municipality establishing it an amount equal to fifty per centum of the cost of the administration of welfare matters under this Act.

how payable.

(2) The amounts payable under this section shall be paid out of such moneys as may be appropriated therefor by the Legislature.

Disestablishment of welfare areas.

6.—(1) Where a municipal unit has been established, the municipality may by by-law, or the Lieutenant-Governor in Council may by order, disestablish the unit, provided that notice of intention to pass such by-law or make such order has been given to the clerk of the municipality or to the Clerk of the Executive Council, as the case may be, at least three months before the by-law or order is to come into effect.

Effective date.

(2) Any such by-law or order shall be effective on the 31st day of March next after its passing or making, as the case may be.

Regulations.

7. The Lieutenant-Governor in Council may make regulations,—

- (a) regulating and governing the establishment of units;
- (b) designating the welfare matters that shall be administered by administrators;
- (c) governing the qualifications of administrators and the members of their staffs;
- (d) prescribing the powers and duties of administrators;
- (e) prescribing the manner of computing the cost of administration of welfare matters under this Act;
- (f) prescribing the times and manner of payment of amounts under section 5;
- (g) prescribing the records to be kept under this Act and prescribing the returns to be made to the Minister and the form thereof; and
- (h) respecting any other matter necessary or advisable to carry out effectively the purposes of this Act.

Short title.

8. This Act may be cited as *The Welfare Units Act, 1948*.

BILL

An Act to provide for Welfare Units.

1st Reading

April 9th, 1948

2nd Reading

April 12th, 1948

3rd Reading

April 16th, 1948

MR. GOODFELLOW

No. 153

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

**An Act respecting the Purchase by The Corporation of the City of
Ottawa of Certain Assets of Ottawa Light, Heat and Power
Company, Limited.**

MR. BLACKWELL

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

BILL

An Act respecting the Purchase by The Corporation of the City of Ottawa of Certain Assets of Ottawa Light, Heat and Power Company, Limited.

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

1. The Corporation of the City of Ottawa may purchase all or part of that part of the undertaking, property and assets of Ottawa Light, Heat and Power Company, Limited, situate in Ontario.

City authorized to purchase certain assets of Ottawa Light, Heat and Power Company, Limited.

2. Notwithstanding any general or special Act, The Corporation of the City of Ottawa and The Hydro-Electric Commission of the City of Ottawa or either of them may exercise the like powers within any municipality or municipalities adjacent to the City of Ottawa as the Corporation and the Commission or either of them may exercise within the City of Ottawa under *The Public Utilities Act*, including the power to supply electrical power or energy to owners and occupants of land in such adjacent municipality or municipalities, and such powers may be exercised without the authority of the adjacent municipality or municipalities.

City and City Commission authorized to exercise powers in adjacent municipalities.

Rev. Stat., c. 286.

3. It shall not be necessary to submit any by-law for the issue of debentures to pay for the purchase of the said undertaking, property and assets of Ottawa Light, Heat and Power Company, Limited, to the electors of the City of Ottawa qualified to vote on money by-laws, and the amount of such debentures shall not be included in the Corporation's debt in estimating the limit of its borrowing powers.

Assent of electors not required.

4. No power conferred by this Act shall be exercised without the approval of the Lieutenant-Governor in Council upon the recommendation of The Hydro-Electric Power Commission of Ontario.

Approval of exercise of powers.

5. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commencement of Act.

6. This Act may be cited as *The Ottawa Light, Heat and Power Company, Limited Purchase Act, 1948*.

Short title.

BILL

An Act respecting the Purchase by The Corporation of the City of Ottawa of Certain Assets of Ottawa Light, Heat and Power Company, Limited.

1st Reading

April 9th, 1948

2nd Reading

3rd Reading

MR. BLACKWELL

No. 153

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

**An Act respecting the Purchase by The Corporation of the City of
Ottawa of Certain Assets of Ottawa Light, Heat and Power
Company, Limited.**

MR. BLACKWELL

BILL

An Act respecting the Purchase by The Corporation of the City of Ottawa of Certain Assets of Ottawa Light, Heat and Power Company, Limited.

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

1. The Corporation of the City of Ottawa may purchase all or part of that part of the undertaking, property and assets of Ottawa Light, Heat and Power Company, Limited, situate in Ontario.

City authorized to purchase certain assets of Ottawa Light, Heat and Power Company, Limited.

2. Notwithstanding any general or special Act, The Corporation of the City of Ottawa and The Hydro-Electric Commission of the City of Ottawa or either of them may exercise the like powers within any municipality or municipalities adjacent to the City of Ottawa as the Corporation and the Commission or either of them may exercise within the City of Ottawa under *The Public Utilities Act*, including the power to supply electrical power or energy to owners and occupants of land in such adjacent municipality or municipalities, and such powers may be exercised without the authority of the adjacent municipality or municipalities.

City and City Commission authorized to exercise powers in adjacent municipalities.

Rev. Stat., c. 286.

3. It shall not be necessary to submit any by-law for the issue of debentures to pay for the purchase of the said undertaking, property and assets of Ottawa Light, Heat and Power Company, Limited, to the electors of the City of Ottawa qualified to vote on money by-laws, and the amount of such debentures shall not be included in the Corporation's debt in estimating the limit of its borrowing powers.

Assent of electors not required.

4. No power conferred by this Act shall be exercised without the approval of the Lieutenant-Governor in Council upon the recommendation of The Hydro-Electric Power Commission of Ontario.

Approval of exercise of powers.

5. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commencement of Act.

6. This Act may be cited as *The Ottawa Light, Heat and Power Company, Limited Purchase Act, 1948*.

Short title.

BILL

An Act respecting the Purchase by The Corporation of the City of Ottawa of Certain Assets of Ottawa Light, Heat and Power Company, Limited.

1st Reading

April 9th, 1948

2nd Reading

April 12th, 1948

3rd Reading

April 16th, 1948

MR. BLACKWELL

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Statute Law Amendment Act, 1948.

MR. BLACKWELL

TORONTO

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

EXPLANATORY NOTES

SECTION 1. This section is complementary to Bill No. 125, *An Act to assist the Development of Housing Accommodation*.

This will enable joint stock and cash-mutual insurance companies to lend on mortgages on real estate in excess of the sixty per centum of value limitation or in excess of the amount authorized to be loaned under *The National Housing Act, 1944* (Canada) where the excess is guaranteed under *The Housing Development Act, 1948*.

BILL

The Statute Law Amendment Act, 1948.

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

1.—(1) Clause g of subsection 1 of section 300 of *The Companies Act*, as amended by subsection 2 of section 3 of *The Statute Law Amendment Act, 1939* and section 1 of *The Companies Amendment Act, 1945*, is further amended by adding at the end thereof the words "or may make loans on the security of real estate or leaseholds or other estate or interest therein in excess of sixty per centum of the value aforesaid or in excess of the amount which may be loaned hereunder in accordance with *The National Housing Act, 1944* (Canada) or any amendments thereto, where the amount of the excess is guaranteed by the Lieutenant-Governor in Council or by a municipality under *The Housing Development Act, 1948*", so that the said clause shall now read as follows:

- (g) real estate or leaseholds for a term or terms of years or other estate or interest therein in Canada or elsewhere where the insurer is carrying on business, provided, however, that no such loan shall exceed sixty per centum of the value of the real estate or interest therein which forms the security for such loan, but this proviso shall not be deemed to prohibit an insurer from accepting as part payment for real estate sold by it, a mortgage or hypothec thereon for more than sixty per centum of the sale price of such real estate; but notwithstanding the foregoing, an insurer may lend its funds, or any portion thereof, on the security of real estate pursuant to the provisions of *The National Housing Act, 1938* (Canada), or *The National Housing Act, 1944* (Canada) or any amendments thereto, or may make loans on the security of real estate or leaseholds or other estate or interest therein in excess of sixty per centum of the value aforesaid or in excess of the amount which may be loaned hereunder in accordance with *The National Housing Act, 1944* (Canada) or any

Rev. Stat.,
c. 251, s. 300,
subs. 1, cl. g,
amended.

Real estate.

1938, c. 49;
1944-45,
c. 46
(Canada);
1948, c. ...

amendments thereto, where the amount of the excess is guaranteed by the Lieutenant-Governor in Council or by a municipality under *The Housing Development Act, 1948*.

Commence-
ment of sec-
tion.

(2) This section shall come into force on the day upon which this Act receives the Royal Assent.

1948,
c. . . , s. 15,
amended.

2. Section 15 of *The Coroners Act, 1948*, is amended by inserting after the word "death" in the third line the words "resulted from any of the circumstances mentioned in section 7 and that such circumstances", so that the said section shall now read as follows:

Death due
to events
occurring
beyond juris-
diction.

15. Where a coroner has issued his warrant to take possession of a body within his jurisdiction and it appears that the death resulted from any of the circumstances mentioned in section 7 and that such circumstances occurred at a place beyond his jurisdiction, he shall take possession of the body and shall view the body and make such further investigation as may be required to enable him to determine whether or not an inquest is necessary and where he determines that an inquest is necessary he may, with the consent of the Crown attorney, at any time during the course of the proceedings, transfer the inquest to a coroner having jurisdiction at such place and the inquest shall be conducted by such coroner as though the body was within his jurisdiction and he had issued the warrant; but the coroner issuing the warrant may take evidence to prove the fact of death, the identity of the body and the *post-mortem* examination of the body, and such evidence shall be transmitted to and received by the coroner holding the inquest as part of the proceedings before him.

1947, c. 31,
s. 1, cl. c,
re-enacted.

3. Clause *c* of section 1 of *The District Homes for the Aged Act, 1947*, is repealed and the following substituted therefor:

"super-
visor".

(c) "supervisor" shall mean a supervisor of the Department of Public Welfare.

1947, c. 46,
s. 1, cl. b,
re-enacted.

4. Clause *b* of section 1 of *The Homes for the Aged Act, 1947*, is repealed and the following substituted therefor:

"super-
visor".

(b) "supervisor" shall mean a supervisor of the Department of Public Welfare.

Rev. Stat.,
c. 45, s. 9,
subs. 4,
amended.

5.—(1) Subsection 4 of section 9 of *The Lakes and Rivers Improvement Act* is amended by striking out the words

SECTION 2. The words added were inadvertently omitted from the section as it appears in Bill No. 48 and they are necessary to give the section its proper meaning.

SECTION 3. Supervisors are appointed under *The Public Service Act* rather than *The Department of Public Welfare Act*. The amendment brings the statute into line with practice.

SECTION 4. Supervisors are appointed under *The Public Service Act* rather than *The Department of Public Welfare Act*. The amendment brings the statute into line with practice.

SECTION 5. There is now no Department of Game and Fisheries. The former department is now part of the Department of Lands and Forests. The Minister referred to in the amendments is the Minister of Lands and Forests.

SECTION 6. The only substantive change effected by this amendment is that all registered leases will now be included in the list of conveyances furnished by the master of titles to the municipality. At present leases for less than 21 years are not included.

SECTION 7. The words at the commencement of subsection 2 of section 9 of *The Legislative Assembly Act* and clause *dd* of the subsection now read as follows:

- (2) Nothing in this section shall render ineligible as aforesaid or disqualify from sitting and voting in the Assembly when not otherwise disqualified,—

(*dd*) any person holding any temporary employment in the service of the Dominion of Canada during the period of the war between Canada and Germany and Japan.

SECTION 8. The provision in the third paragraph of the form as re-enacted is new.

"Department of Game and Fisheries" in the first and second lines and inserting in lieu thereof the word "Minister", so that the said subsection shall now read as follows:

- (4) Upon the request of the Minister made either before Fishway. or after the construction thereof every such dam hereafter constructed shall be provided with a fishway which will permit the free and unobstructed passage of fish up and down stream at any season of the year.

(2) Subsection 6 of section 11 of *The Lakes and Rivers Improvement Act* is amended by striking out the words "Department of Game and Fisheries" in the third line and inserting in lieu thereof the word "Minister", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 45, s. 11,
subs. 6,
amended.

- (6) Where any dam heretofore constructed has not been provided with a fishway the Lieutenant-Governor in Council may at the request of the Minister, direct that the owner of such dam shall forthwith provide a fishway to permit the free and unobstructed passage of fish up and down stream at any season of the year.

Direction
for fishway
to be
provided.

6. Subsection 2 and subsection 3, as amended by section 4 of *The Statute Law Amendment Act, 1947 (No. 2)*, of section 55 of *The Land Titles Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 174, s. 55,
subs. 2, 3,
re-enacted.

- (2) The master of titles shall, upon the request of the council of a municipality, furnish a list of all conveyances whereby land in the municipality has been transferred, charged or leased, which have been registered in his office during the next preceding year or any part thereof, and the list shall include in respect of each conveyance, the names and addresses of the parties, the consideration and a short description of the land.

Master of
titles to
furnish
municipality
with list of
conveyances.

- (3) The master of titles shall be entitled to a fee of ten cents for every conveyance entered in the list.

Fees.

7. Clause *dd* of subsection 2 of section 9 of *The Legislative Assembly Act*, as enacted by section 1 of *The Legislative Assembly Amendment Act, 1944*, is repealed.

Rev. Stat.,
c. 12, s. 9,
subs. 2,
cl. *dd*
(1944,
c. 31, s. 1),
repealed.

8. Form 6 of Schedule A to *The Mechanics' Lien Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 200,
Schedule A,
Form 6,
re-enacted.

FORM 6

(Section 35)

NOTICE OF TRIAL

(Style of Court and Cause)

TAKE NOTICE that this action will be tried at the
 in the _____ of _____, in the County
 (or District) of _____ on the _____
 day of _____ and at such time and place the
 by _____ will proceed to try the action and all questions as
 provided by *The Mechanics' Lien Act*.

And further take notice that if you do not appear at the trial and defend the action or prove your claim, if any, the proceedings will be taken in your absence and you may be deprived of all benefit of the proceedings and your rights disposed of in your absence.

And further take notice that all parties and lien claimants shall bring with them on the day herein set for trial all mortgages, contracts, agreements, orders, cheques, notes, delivery slips, time-books, books of account, diaries, duplicate original liens, and any other books or papers necessary to prove liens or defences. If any person fails to comply with these directions, the costs of the day may be given against him in the event that an adjournment is necessary for the production of any of the above-mentioned documentary evidence.

This is a Mechanics' Lien action brought by the above-named plaintiffs against the above-named defendants to enforce a Mechanics' Lien against the following lands: (*set out description of lands*).

This notice is served by, etc.

Dated _____, 19 ____
 To _____

Rev. Stat.,
 c. 266, s. 224,
 subs. 3,
 amended.

9.—(1) Subsection 3 of section 224 of *The Municipal Act* is amended by striking out the figures "200,000" in the second line and inserting in lieu thereof the figures "150,000", so that the said subsection shall now read as follows:

(3) Where the population of a city exceeds 100,000, but is less than 150,000, the salary shall not exceed for each member of the board the sum of \$2,500 per annum.

Rev. Stat.,
 c. 266, s. 224,
 amended.

(2) The said section 224 is further amended by adding thereto the following subsection:

(3a) Where the population of a city exceeds 150,000, but is less than 200,000, the salary shall not exceed for each member of the board the sum of \$3,500 per annum.

Commence-
 ment of
 section.

(3) This section shall come into force on the 1st day of June, 1948.

Rev. Stat.,
 c. 93, s. 10,
 subs. 1, cl. 2,
 amended.

10.—(1) Clause g of subsection 1 of section 10 of *The Niagara Parks Act* is amended by striking out the words "by-law or" in the second line, so that the said clause shall now read as follows:

(g) for imposing penalties not exceeding \$100 for any breach of any such regulation.

SECTION 9. At present the salaries of members of a board of control of a city having a population between 100,000 and 200,000 are limited to \$2,500 per annum. These amendments provide a maximum of \$3,500 where the population exceeds 150,000 but is less than 200,000.

SECTION 10. The power given to the Commission by the opening words of subsection 1 of section 10 is to make regulations, not by-laws.

SECTION 11. *The Nurses' Registration Act* has been superseded by *The Nurses Act, 1947*.

SECTION 12. This amendment removes "canned foods" from the definition of "fruit and produce".

SECTION 13. Part II of *The Public Lands Act* deals with free grants of land to settlers. There is no authority to make grants to former members of the forces as such and the regulations authorized by the amendment will give such authority.

SECTION 14. The only substantive change effected by this amendment is that all registered leases will now be included in the list of conveyances furnished by the registrar to the municipality. At present leases for less than 21 years are not included.

(2) Subsection 2 of the said section 10 is amended by striking out the word "by-law" in the first line and inserting in lieu thereof the word "regulation", so that the said subsection shall now read as follows:

(2) Any offence against any such regulation shall be punishable under *The Summary Convictions Act*, and the penalties recoverable under this section shall be payable to the Commission.

11. *The Nurses' Registration Act, The Nurses' Registration Amendment Act, 1938, and The Nurses' Registration Amendment Act, 1944*, are repealed.

12. Clause *b* of section 1 of *The Ontario Food Terminal Act, 1946*, is amended by striking out the words "canned foods" in the first line, so that the said clause shall now read as follows:

(*b*) "fruit and produce" shall include dairy products, eggs, fish, honey, maple products, poultry and vegetables.

13. *The Public Lands Act* is amended by adding thereto the following section:

33a. The Lieutenant-Governor in Council may make regulations,—

(*a*) providing for free grants not exceeding one hundred and sixty acres of public land situated anywhere in the Province to former members of the forces;

(*b*) defining "former members of the forces";

(*c*) prescribing the terms and conditions upon which such grants may be made,

and, except as otherwise provided by the regulations, the provisions of this Part shall apply to such grants.

14. Section 104 of *The Registry Act*, as amended by section 4 of *The Registry Amendment Act, 1947*, is repealed and the following substituted therefor:

(1) The registrar shall, upon the request of the council of a municipality, furnish a list of all conveyances whereby land in the municipality has been transferred, mortgaged or leased, which have been registered in his office during the next preceding year

or any part thereof, and the list shall include in respect of each conveyance, the names and addresses of the parties, the consideration and a short description of the land.

Fees.

- (2) The registrar shall be entitled to a fee of 10 cents for every conveyance entered in the list.

1947,
c. 111, s. 7,
amended.

15. Section 7 of *The Unclaimed Articles Act, 1947*, is amended by adding at the end thereof the words "or by *The Mechanics' Lien Act*", so that the said section shall now read as follows:

Exceptions.
Rev. Stat.,
cc. 186,
200.

7. This Act shall not affect the right of any person to proceed in the manner prescribed by *The Warehousemen's Lien Act* or by *The Mechanics' Lien Act*.

Power to
acquire
certain
lands.

1928, c. 55.

16.—(1) Notwithstanding *The University Lands Act, 1928*, The Governors of the University of Toronto may purchase or acquire, and may enter upon, take and expropriate any of the lands described in *The University Lands Act, 1928*, as amended by *The University Lands Act, 1929*, or any interest therein, which the said Governors may deem necessary for the purposes of the University of Toronto.

Rev. Stat.,
c. 54 to
apply.

(2) Whenever the said Governors exercise the power to enter upon, take and expropriate any of the said lands, *The Public Works Act* shall apply *mutatis mutandis* and the procedure shall be, as nearly as may be, that provided in *The Public Works Act* where land is taken for the public purposes of Ontario.

1946,
c. 89, s. 45,
repealed.

(3) Section 45 of *The Statute Law Amendment Act, 1946*, is repealed.

Commence-
ment of
section.

(4) This section shall come into force on the day upon which this Act receives the Royal Assent.

Short title.

17. This Act may be cited as *The Statute Law Amendment Act, 1948*.

SECTION 15. The reference to *The Mechanics' Lien Act* is added in order to ensure that the right of mechanics under that Act is preserved. The Act gives mechanics and others who have a lien for work done on chattels the right to sell the chattels in the manner prescribed. It is not the purpose of *The Unclaimed Articles Act, 1947*, to derogate from this right.

SECTION 16. Self-explanatory.

BILL

The Statute Law Amendment Act, 1948.

1st Reading

April 12th, 1948

2nd Reading

3rd Reading

MR. BLACKWELL

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Statute Law Amendment Act, 1948.

MR. BLACKWELL

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTES

SECTION 1. This section is complementary to Bill No. 125, *An Act to assist the Development of Housing Accommodation*.

This will enable joint stock and cash-mutual insurance companies to lend on mortgages on real estate in excess of the sixty per centum of value limitation or in excess of the amount authorized to be loaned under *The National Housing Act, 1944* (Canada) where the excess is guaranteed under *The Housing Development Act, 1948*.

BILL

The Statute Law Amendment Act, 1948.

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

1.—(1) Clause g of subsection 1 of section 300 of *The Companies Act*, as amended by subsection 2 of section 3 of *The Statute Law Amendment Act, 1939* and section 1 of *The Companies Amendment Act, 1945*, is further amended by adding at the end thereof the words "or may make loans on the security of real estate or leaseholds or other estate or interest therein in excess of sixty per centum of the value aforesaid or in excess of the amount which may be loaned hereunder in accordance with *The National Housing Act, 1944* (Canada) or any amendments thereto, where the amount of the excess is guaranteed by the Lieutenant-Governor in Council or by a municipality under *The Housing Development Act, 1948*", so that the said clause shall now read as follows:

- (g) real estate or leaseholds for a term or terms of years Real estate. or other estate or interest therein in Canada or elsewhere where the insurer is carrying on business, provided, however, that no such loan shall exceed sixty per centum of the value of the real estate or interest therein which forms the security for such loan, but this proviso shall not be deemed to prohibit an insurer from accepting as part payment for real estate sold by it, a mortgage or hypothec thereon for more than sixty per centum of the sale price of such real estate; but notwithstanding the foregoing, an insurer may lend its funds, or any portion thereof, on the security of real estate pursuant to the provisions of *The National Housing Act, 1938* (Canada), 1938, c. 49; or *The National Housing Act, 1944* (Canada) or any 1944-45, c. 46 amendments thereto, or may make loans on the Canada); 1948, c. ... security of real estate or leaseholds or other estate or interest therein in excess of sixty per centum of the value aforesaid or in excess of the amount which may be loaned hereunder in accordance with *The National Housing Act, 1944* (Canada) or any

amendments thereto, where the amount of the excess is guaranteed by the Lieutenant-Governor in Council or by a municipality under *The Housing Development Act, 1948*.

Commence-
ment of sec-
tion.

(2) This section shall come into force on the day upon which this Act receives the Royal Assent.

1948,
c. . . , s. 15,
amended.

2. Section 15 of *The Coroners Act, 1948*, is amended by inserting after the word "death" in the third line the words "resulted from any of the circumstances mentioned in section 7 and that such circumstances", so that the said section shall now read as follows:

Death due
to events
occurring
beyond juris-
diction.

15. Where a coroner has issued his warrant to take possession of a body within his jurisdiction and it appears that the death resulted from any of the circumstances mentioned in section 7 and that such circumstances occurred at a place beyond his jurisdiction, he shall take possession of the body and shall view the body and make such further investigation as may be required to enable him to determine whether or not an inquest is necessary and where he determines that an inquest is necessary he may, with the consent of the Crown attorney, at any time during the course of the proceedings, transfer the inquest to a coroner having jurisdiction at such place and the inquest shall be conducted by such coroner as though the body was within his jurisdiction and he had issued the warrant; but the coroner issuing the warrant may take evidence to prove the fact of death, the identity of the body and the *post-mortem* examination of the body, and such evidence shall be transmitted to and received by the coroner holding the inquest as part of the proceedings before him.

1947, c. 31,
s. 1, cl. c,
re-enacted.

3. Clause *c* of section 1 of *The District Homes for the Aged Act, 1947*, is repealed and the following substituted therefor:

"super-
visor".

(c) "supervisor" shall mean a supervisor of the Department of Public Welfare.

1947, c. 46,
s. 1, cl. b,
re-enacted.

4. Clause *b* of section 1 of *The Homes for the Aged Act, 1947*, is repealed and the following substituted therefor:

"super-
visor".

(b) "supervisor" shall mean a supervisor of the Department of Public Welfare.

Rev. Stat.,
c. 45, s. 9,
subs. 4,
amended.

5.—(1) Subsection 4 of section 9 of *The Lakes and Rivers Improvement Act* is amended by striking out the words

SECTION 2. The words added were inadvertently omitted from the section as it appears in Bill No. 48 and they are necessary to give the section its proper meaning.

SECTION 3. Supervisors are appointed under *The Public Service Act* rather than *The Department of Public Welfare Act*. The amendment brings the statute into line with practice.

SECTION 4. Supervisors are appointed under *The Public Service Act* rather than *The Department of Public Welfare Act*. The amendment brings the statute into line with practice.

SECTION 5. There is now no Department of Game and Fisheries. The former department is now part of the Department of Lands and Forests. The Minister referred to in the amendments is the Minister of Lands and Forests.

SECTION 6. The only substantive change effected by this amendment is that all registered leases will now be included in the list of conveyances furnished by the master of titles to the municipality. At present leases for less than 21 years are not included.

SECTION 7. The words at the commencement of subsection 2 of section 9 of *The Legislative Assembly Act* and clause *dd* of the subsection now read as follows:

(2) Nothing in this section shall render ineligible as aforesaid or disqualify from sitting and voting in the Assembly when not otherwise disqualified,—

(*dd*) any person holding any temporary employment in the service of the Dominion of Canada during the period of the war between Canada and Germany and Japan.

SECTION 8. The provision in the third paragraph of the form as re-enacted is new.

"Department of Game and Fisheries" in the first and second lines and inserting in lieu thereof the word "Minister", so that the said subsection shall now read as follows:

- (4) Upon the request of the Minister made either before Fishway. or after the construction thereof every such dam hereafter constructed shall be provided with a fishway which will permit the free and unobstructed passage of fish up and down stream at any season of the year.

(2) Subsection 6 of section 11 of *The Lakes and Rivers Improvement Act* is amended by striking out the words Rev. Stat., c. 45, s. 11, subs. 6, amended. "Department of Game and Fisheries" in the third line and inserting in lieu thereof the word "Minister", so that the said subsection shall now read as follows:

- (6) Where any dam heretofore constructed has not been Direction for fishway to be provided. provided with a fishway the Lieutenant-Governor in Council may at the request of the Minister, direct that the owner of such dam shall forthwith provide a fishway to permit the free and unobstructed passage of fish up and down stream at any season of the year.

6. Subsection 2 and subsection 3, as amended by section 4 Rev. Stat., c. 174, s. 55, subs. 2, 3, re-enacted. of *The Statute Law Amendment Act, 1947 (No. 2)*, of section 55 of *The Land Titles Act* are repealed and the following substituted therefor:

- (2) The master of titles shall, upon the request of the council of a municipality, furnish a list of all conveyances whereby land in the municipality has been transferred, charged or leased, which have been registered in his office during the next preceding year or any part thereof, and the list shall include in respect of each conveyance, the names and addresses of the parties, the consideration and a short description of the land. Master of titles to furnish municipality with list of conveyances.

- (3) The master of titles shall be entitled to a fee of ten Fees. cents for every conveyance entered in the list.

7. Clause *dd* of subsection 2 of section 9 of *The Legislative Assembly Act*, as enacted by section 1 of *The Legislative Assembly Amendment Act, 1944*, is repealed. Rev. Stat., c. 12, s. 9, subs. 2, cl. dd (1944, c. 31, s. 1), repealed.

8. Form 6 of Schedule A to *The Mechanics' Lien Act* is Rev. Stat., c. 200, Schedule A, Form 6, re-enacted. repealed and the following substituted therefor:

FORM 6

(Section 35)

NOTICE OF TRIAL

(Style of Court and Cause)

TAKE NOTICE that this action will be tried at the
 in the (or District) of of , in the County
 day of on the
 by and at such time and place the
 will proceed to try the action and all questions as
 provided by *The Mechanics' Lien Act*.

And further take notice that if you do not appear at the trial and defend the action or prove your claim, if any, the proceedings will be taken in your absence and you may be deprived of all benefit of the proceedings and your rights disposed of in your absence.

And further take notice that all parties and lien claimants shall bring with them on the day herein set for trial all mortgages, contracts, agreements, orders, cheques, notes, delivery slips, time-books, books of account, diaries, duplicate original liens, and any other books or papers necessary to prove liens or defences. If any person fails to comply with these directions, the costs of the day may be given against him in the event that an adjournment is necessary for the production of any of the above-mentioned documentary evidence.

This is a Mechanics' Lien action brought by the above-named plaintiffs against the above-named defendants to enforce a Mechanics' Lien against the following lands: (*set out description of lands*).

This notice is served by, etc.

Dated , 19
 To

Rev. Stat.,
 c. 266, s. 224,
 subs. 3,
 amended.

9.—(1) Subsection 3 of section 224 of *The Municipal Act* is amended by striking out the figures "200,000" in the second line and inserting in lieu thereof the figures "150,000", so that the said subsection shall now read as follows:

(3) Where the population of a city exceeds 100,000, but is less than 150,000, the salary shall not exceed for each member of the board the sum of \$2,500 per annum.

Rev. Stat.,
 c. 266, s. 224,
 amended.

(2) The said section 224 is further amended by adding thereto the following subsection:

(3a) Where the population of a city exceeds 150,000, but is less than 200,000, the salary shall not exceed for each member of the board the sum of \$3,500 per annum.

Commence-
 ment of
 section.

(3) This section shall come into force on the 1st day of June, 1948.

Rev. Stat.,
 c. 93, s. 10,
 subs. 1, cl. 2,
 amended.

10.—(1) Clause *g* of subsection 1 of section 10 of *The Niagara Parks Act* is amended by striking out the words "by-law or" in the second line, so that the said clause shall now read as follows:

(g) for imposing penalties not exceeding \$100 for any breach of any such regulation.

SECTION 9. At present the salaries of members of a board of control of a city having a population between 100,000 and 200,000 are limited to \$2,500 per annum. These amendments provide a maximum of \$3,500 where the population exceeds 150,000 but is less than 200,000.

SECTION 10. The power given to the Commission by the opening words of subsection 1 of section 10 is to make regulations, not by-laws.

SECTION 11. *The Nurses' Registration Act* has been superseded by *The Nurses Act, 1947*.

SECTION 12. This amendment removes "canned foods" from the definition of "fruit and produce".

SECTION 13. Part II of *The Public Lands Act* deals with free grants of land to settlers. There is no authority to make grants to former members of the forces as such and the regulations authorized by the amendment will give such authority.

SECTION 14. The only substantive change effected by this amendment is that all registered leases will now be included in the list of conveyances furnished by the registrar to the municipality. At present leases for less than 21 years are not included.

(2) Subsection 2 of the said section 10 is amended by striking out the word "by-law" in the first line and inserting in lieu thereof the word "regulation", so that the said subsection shall now read as follows:

- (2) Any offence against any such regulation shall be punishable under *The Summary Convictions Act*, and the penalties recoverable under this section shall be payable to the Commission.

11. *The Nurses' Registration Act, The Nurses' Registration Amendment Act, 1938, and The Nurses' Registration Amendment Act, 1944,* are repealed.

12. Clause *b* of section 1 of *The Ontario Food Terminal Act, 1946*, is amended by striking out the words "canned foods" in the first line, so that the said clause shall now read as follows:

- (b) "fruit and produce" shall include dairy products, eggs, fish, honey, maple products, poultry and vegetables.

13. *The Public Lands Act* is amended by adding thereto the following section:

33a. The Lieutenant-Governor in Council may make regulations,—

- (a) providing for free grants not exceeding one hundred and sixty acres of public land situated anywhere in the Province to former members of the forces;
- (b) defining "former members of the forces";
- (c) prescribing the terms and conditions upon which such grants may be made,

and, except as otherwise provided by the regulations, the provisions of this Part shall apply to such grants.

14. Section 104 of *The Registry Act*, as amended by section 4 of *The Registry Amendment Act, 1947*, is repealed and the following substituted therefor:

- (1) The registrar shall, upon the request of the council of a municipality, furnish a list of all conveyances whereby land in the municipality has been transferred, mortgaged or leased, which have been registered in his office during the next preceding year

or any part thereof, and the list shall include in respect of each conveyance, the names and addresses of the parties, the consideration and a short description of the land.

Fees.

- (2) The registrar shall be entitled to a fee of 10 cents for every conveyance entered in the list.

1947,
c. 111, s. 7,
amended.

15. Section 7 of *The Unclaimed Articles Act, 1947*, is amended by adding at the end thereof the words "or by *The Mechanics' Lien Act*", so that the said section shall now read as follows:

Exceptions.
Rev. Stat.,
cc. 186,
200.

7. This Act shall not affect the right of any person to proceed in the manner prescribed by *The Warehousemen's Lien Act* or by *The Mechanics' Lien Act*.

Power to
acquire
certain
lands.

1928, c. 55.

16.—(1) Notwithstanding *The University Lands Act, 1928*, The Governors of the University of Toronto may purchase or acquire, and may enter upon, take and expropriate any of the lands described in *The University Lands Act, 1928*, as amended by *The University Lands Act, 1929*, or any interest therein, which the said Governors may deem necessary for the purposes of the University of Toronto.

Rev. Stat.,
c. 54 to
apply.

- (2) Whenever the said Governors exercise the power to enter upon, take and expropriate any of the said lands, *The Public Works Act* shall apply *mutatis mutandis* and the procedure shall be, as nearly as may be, that provided in *The Public Works Act* where land is taken for the public purposes of Ontario.

1946,
c. 89, s. 45,
repealed.

- (3) Section 45 of *The Statute Law Amendment Act, 1946*, is repealed.

Commence-
ment of
section.

- (4) This section shall come into force on the day upon which this Act receives the Royal Assent.

Rev. Stat.,
c. 288, s. 93b,
subs. 2
(1947,
c. 45, s. 16,
subs. 1),
amended.

17.—(1) Subsection 2 of section 93b of *The Highway Traffic Act*, as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, is amended by striking out the word "and" at the end of clause *d*, by inserting the word "and" at the end of clause *e*, and by adding thereto the following clause:

- (f) that the application is not made by or on behalf of an insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and that no part of the amount sought to be paid out of the Fund is sought in lieu of making

Rev. Stat.,
c. 256.

SECTION 15. The reference to *The Mechanics' Lien Act* is added in order to ensure that the right of mechanics under that Act is preserved. The Act gives mechanics and others who have a lien for work done on chattels the right to sell the chattels in the manner prescribed. It is not the purpose of *The Unclaimed Articles Act, 1947*, to derogate from this right.

SECTION 16. Self-explanatory.

SECTION 17. The two amendments to Part XIII A of *The Highway Traffic Act* which are effected by this section of the Bill have the same purpose. One of them applies where judgment has been obtained against a known defendant who is unable to pay the judgment; the other applies where leave is sought to sue the Registrar of Motor Vehicles in connection with a "hit and run accident". In both cases the amendment operates to prevent a payment being made out of the fund for the purpose of indemnifying an insurer in respect of a payment made by it under a policy of automobile insurance.

a claim or receiving a payment which is payable by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and that no part of the amount so sought will be paid to an insurer to reimburse or otherwise indemnify such insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act*.

(2) Subsection 2 of section 93e of *The Highway Traffic Act*, Rev. Stat., c. 288, s. 93e. as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, subs. 2 (1947, c. 45, s. 16, subs. 1). is amended by striking out the word "and" at the end of clause *b*, by inserting the word "and" at the end of clause *c*, and by adding thereto the following clause:

- (d) that the application is not made by or on behalf of an insurer in respect of any amount paid or payable by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* Rev. Stat., c. 256. and that no part of the amount sought to be recovered in the intended action is sought in lieu of making a claim or receiving a payment which is payable by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and that no part of the amount so sought will be paid to an insurer to reimburse or otherwise indemnify such insurer in respect of any amount paid or payable by it by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act*.

(3) This section shall come into force on the day upon which this Act receives the Royal Assent and shall apply to motor vehicle accidents occurring in Ontario after the 1st day of July, 1947. Commencement of section.

18. This Act may be cited as *The Statute Law Amendment Act, 1948*. Short title.

BILL

The Statute Law Amendment Act, 1948.

1st Reading

April 12th, 1948

2nd Reading

April 13th, 1948

3rd Reading

MR. BLACKWELL

*(Reprinted as amended in Committee of the
Whole House.)*

No. 154

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

The Statute Law Amendment Act, 1948.

MR. BLACKWELL

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

BILL

The Statute Law Amendment Act, 1948.

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

1.—(1) Clause g of subsection 1 of section 300 of *The Companies Act*, as amended by subsection 2 of section 3 of *The Statute Law Amendment Act, 1939* and section 1 of *The Companies Amendment Act, 1945*, is further amended by adding at the end thereof the words "or may make loans on the security of real estate or leaseholds or other estate or interest therein in excess of sixty per centum of the value aforesaid or in excess of the amount which may be loaned hereunder in accordance with *The National Housing Act, 1944* (Canada) or any amendments thereto, where the amount of the excess is guaranteed by the Lieutenant-Governor in Council or by a municipality under *The Housing Development Act, 1948*", so that the said clause shall now read as follows:

- (g) real estate or leaseholds for a term or terms of years or other estate or interest therein in Canada or elsewhere where the insurer is carrying on business, provided, however, that no such loan shall exceed sixty per centum of the value of the real estate or interest therein which forms the security for such loan, but this proviso shall not be deemed to prohibit an insurer from accepting as part payment for real estate sold by it, a mortgage or hypothec thereon for more than sixty per centum of the sale price of such real estate; but notwithstanding the foregoing, an insurer may lend its funds, or any portion thereof, on the security of real estate pursuant to the provisions of *The National Housing Act, 1938* (Canada), or *The National Housing Act, 1944* (Canada) or any amendments thereto, or may make loans on the security of real estate or leaseholds or other estate or interest therein in excess of sixty per centum of the value aforesaid or in excess of the amount which may be loaned hereunder in accordance with *The National Housing Act, 1944* (Canada) or any

Rev. Stat.,
c. 251, s. 300,
subs. 1, cl. g.
amended.

1938, c. 49;
1944-45,
c. 46
(Canada);
1948, c. ...

amendments thereto, where the amount of the excess is guaranteed by the Lieutenant-Governor in Council or by a municipality under *The Housing Development Act, 1948*.

Commence-
ment of sec-
tion.

(2) This section shall come into force on the day upon which this Act receives the Royal Assent.

1948,
c. . . , s. 15,
amended.

2. Section 15 of *The Coroners Act, 1948*, is amended by inserting after the word "death" in the third line the words "resulted from any of the circumstances mentioned in section 7 and that such circumstances", so that the said section shall now read as follows:

Death due
to events
occurring
beyond juris-
diction.

15. Where a coroner has issued his warrant to take possession of a body within his jurisdiction and it appears that the death resulted from any of the circumstances mentioned in section 7 and that such circumstances occurred at a place beyond his jurisdiction, he shall take possession of the body and shall view the body and make such further investigation as may be required to enable him to determine whether or not an inquest is necessary and where he determines that an inquest is necessary he may, with the consent of the Crown attorney, at any time during the course of the proceedings, transfer the inquest to a coroner having jurisdiction at such place and the inquest shall be conducted by such coroner as though the body was within his jurisdiction and he had issued the warrant; but the coroner issuing the warrant may take evidence to prove the fact of death, the identity of the body and the *post-mortem* examination of the body, and such evidence shall be transmitted to and received by the coroner holding the inquest as part of the proceedings before him.

1947, c. 31,
s. 1, cl. c,
re-enacted.

3. Clause *c* of section 1 of *The District Homes for the Aged Act, 1947*, is repealed and the following substituted therefor:

"super-
visor".

(c) "supervisor" shall mean a supervisor of the Department of Public Welfare.

1947, c. 46,
s. 1, cl. b,
re-enacted.

4. Clause *b* of section 1 of *The Homes for the Aged Act, 1947*, is repealed and the following substituted therefor:

"super-
visor".

(b) "supervisor" shall mean a supervisor of the Department of Public Welfare.

Rev. Stat.,
c. 45, s. 9,
subs. 4,
amended.

5.—(1) Subsection 4 of section 9 of *The Lakes and Rivers Improvement Act* is amended by striking out the words

"Department of Game and Fisheries" in the first and second lines and inserting in lieu thereof the word "Minister", so that the said subsection shall now read as follows:

- (4) Upon the request of the Minister made either before *Fishway* or after the construction thereof every such dam hereafter constructed shall be provided with a fishway which will permit the free and unobstructed passage of fish up and down stream at any season of the year.

(2) Subsection 6 of section 11 of *The Lakes and Rivers Improvement Act* is amended by striking out the words "Department of Game and Fisheries" in the third line and inserting in lieu thereof the word "Minister"; so that the said subsection shall now read as follows: Rev. Stat., c. 45, s. 11, subs. 6, amended.

- (6) Where any dam heretofore constructed has not been provided with a fishway the Lieutenant-Governor in Council may at the request of the Minister, direct that the owner of such dam shall forthwith provide a fishway to permit the free and unobstructed passage of fish up and down stream at any season of the year. Direction for fishway to be provided.

6. Subsection 2 and subsection 3, as amended by section 4 of *The Statute Law Amendment Act, 1947 (No. 2)*, of section 55 of *The Land Titles Act* are repealed and the following substituted therefor: Rev. Stat., c. 174, s. 55, subs. 2, 3, re-enacted.

- (2) The master of titles shall, upon the request of the council of a municipality, furnish a list of all conveyances whereby land in the municipality has been transferred, charged or leased, which have been registered in his office during the next preceding year or any part thereof, and the list shall include in respect of each conveyance, the names and addresses of the parties, the consideration and a short description of the land. Master of titles to furnish municipality with list of conveyances.

- (3) The master of titles shall be entitled to a fee of ten cents for every conveyance entered in the list. Fees.

7. Clause *dd* of subsection 2 of section 9 of *The Legislative Assembly Act*, as enacted by section 1 of *The Legislative Assembly Amendment Act, 1944*, is repealed. Rev. Stat., c. 12, s. 9, subs. 2, cl. *dd* (1944, c. 31, s. 1), repealed.

8. Form 6 of Schedule A to *The Mechanics' Lien Act* is repealed and the following substituted therefor: Rev. Stat., c. 200, Schedule A, Form 6, re-enacted.

FORM 6

(Section 35)

NOTICE OF TRIAL

(Style of Court and Cause)

TAKE NOTICE that this action will be tried at the
 in the of , in the County
 (or District) of on the
 day of
 by and at such time and place the
 will proceed to try the action and all questions as
 provided by *The Mechanics' Lien Act*.

And further take notice that if you do not appear at the trial and defend the action or prove your claim, if any, the proceedings will be taken in your absence and you may be deprived of all benefit of the proceedings and your rights disposed of in your absence.

And further take notice that all parties and lien claimants shall bring with them on the day herein set for trial all mortgages, contracts, agreements, orders, cheques, notes, delivery slips, time-books, books of account, diaries, duplicate original liens, and any other books or papers necessary to prove liens or defences. If any person fails to comply with these directions, the costs of the day may be given against him in the event that an adjournment is necessary for the production of any of the above-mentioned documentary evidence.

This is a Mechanics' Lien action brought by the above-named plaintiffs against the above-named defendants to enforce a Mechanics' Lien against the following lands: (*set out description of lands*).

This notice is served by, etc.

Dated , 19 .
 To

Rev. Stat.,
 c. 266, s. 224,
 subs. 3,
 amended.

9.—(1) Subsection 3 of section 224 of *The Municipal Act* is amended by striking out the figures "200,000" in the second line and inserting in lieu thereof the figures "150,000", so that the said subsection shall now read as follows:

- (3) Where the population of a city exceeds 100,000, but is less than 150,000, the salary shall not exceed for each member of the board the sum of \$2,500 per annum.

Rev. Stat.,
 c. 266, s. 224,
 amended.

(2) The said section 224 is further amended by adding thereto the following subsection:

- (3a) Where the population of a city exceeds 150,000, but is less than 200,000, the salary shall not exceed for each member of the board the sum of \$3,500 per annum.

Commence-
 ment of
 section.

(3) This section shall come into force on the 1st day of June, 1948.

Rev. Stat.,
 c. 93, s. 10,
 subs. 1, cl. 2,
 amended.

10.—(1) Clause g of subsection 1 of section 10 of *The Niagara Parks Act* is amended by striking out the words "by-law or" in the second line, so that the said clause shall now read as follows:

- (g) for imposing penalties not exceeding \$100 for any breach of any such regulation.

(2) Subsection 2 of the said section 10 is amended by striking out the word "by-law" in the first line and inserting in lieu thereof the word "regulation", so that the said subsection shall now read as follows:

- (2) Any offence against any such regulation shall be punishable under *The Summary Convictions Act*, and the penalties recoverable under this section shall be payable to the Commission.

11. *The Nurses' Registration Act, The Nurses' Registration Amendment Act, 1938, and The Nurses' Registration Amendment Act, 1944*, are repealed.

Rev. Stat.,
c. 93, s. 10,
subs. 2,
amended.

Offences
punishable
under
Rev. Stat.,
c. 136.

12. Clause *b* of section 1 of *The Ontario Food Terminal Act, 1946*, is amended by striking out the words "canned foods" in the first line, so that the said clause shall now read as follows:

1946, c. 63,
s. 1, cl. b,
amended.

- (b) "fruit and produce" shall include dairy products, eggs, fish, honey, maple products, poultry and vegetables.

13. *The Public Lands Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 33,
amended.

33a. The Lieutenant-Governor in Council may make regulations,—

Regulations
re free grants
to members
of forces.

- (a) providing for free grants not exceeding one hundred and sixty acres of public land situated anywhere in the Province to former members of the forces;
- (b) defining "former members of the forces";
- (c) prescribing the terms and conditions upon which such grants may be made,

and, except as otherwise provided by the regulations, the provisions of this Part shall apply to such grants.

14. Section 104 of *The Registry Act*, as amended by section 4 of *The Registry Amendment Act, 1947*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 170, s. 104,
re-enacted.

- (1) The registrar shall, upon the request of the council of a municipality, furnish a list of all conveyances whereby land in the municipality has been transferred, mortgaged or leased, which have been registered in his office during the next preceding year

Registrar to
furnish muni-
cipality with
list of
conveyances.

or any part thereof, and the list shall include in respect of each conveyance, the names and addresses of the parties, the consideration and a short description of the land.

Fees.

- (2) The registrar shall be entitled to a fee of 10 cents for every conveyance entered in the list.

1947,
c. 111, s. 7,
amended.

15. Section 7 of *The Unclaimed Articles Act, 1947*, is amended by adding at the end thereof the words "or by *The Mechanics' Lien Act*", so that the said section shall now read as follows:

Exceptions.
Rev. Stat.,
cc. 186,
200.

7. This Act shall not affect the right of any person to proceed in the manner prescribed by *The Warehousemen's Lien Act* or by *The Mechanics' Lien Act*.

Power to
acquire
certain
lands.

1928, c. 55.

16.—(1) Notwithstanding *The University Lands Act, 1928*, The Governors of the University of Toronto may purchase or acquire, and may enter upon, take and expropriate any of the lands described in *The University Lands Act, 1928*, as amended by *The University Lands Act, 1929*, or any interest therein, which the said Governors may deem necessary for the purposes of the University of Toronto.

Rev. Stat.,
c. 54 to
apply.

(2) Whenever the said Governors exercise the power to enter upon, take and expropriate any of the said lands, *The Public Works Act* shall apply *mutatis mutandis* and the procedure shall be, as nearly as may be, that provided in *The Public Works Act* where land is taken for the public purposes of Ontario.

1946,
c. 89, s. 45,
repealed.

(3) Section 45 of *The Statute Law Amendment Act, 1946*, is repealed.

Commence-
ment of
section.

(4) This section shall come into force on the day upon which this Act receives the Royal Assent.

Rev. Stat.,
c. 288, s. 93b,
subs. 2
(1947,
c. 45, s. 16,
subs. 1),
amended.

17.—(1) Subsection 2 of section 93b of *The Highway Traffic Act*, as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, is amended by striking out the word "and" at the end of clause *d*, by inserting the word "and" at the end of clause *e*, and by adding thereto the following clause:

- (f) that the application is not made by or on behalf of an insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and that no part of the amount sought to be paid out of the Fund is sought in lieu of making

Rev. Stat.,
c. 256.

a claim or receiving a payment which is payable by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and that no part of the amount so sought will be paid to an insurer to reimburse or otherwise indemnify such insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act*.

(2) Subsection 2 of section 93e of *The Highway Traffic Act*, Rev. Stat., c. 288, s. 93e, subs. 2 as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, is amended by striking out the word "and" at the end of clause *b*, by inserting the word "and" at the end of clause *c*, and by adding thereto the following clause:

(d) that the application is not made by or on behalf of an insurer in respect of any amount paid or payable by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and that no part of the amount sought to be recovered in the intended action is sought in lieu of making a claim or receiving a payment which is payable by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and that no part of the amount so sought will be paid to an insurer to reimburse or otherwise indemnify such insurer in respect of any amount paid or payable by it by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act*. Rev. Stat., c. 256.

(3) This section shall come into force on the day upon which this Act receives the Royal Assent and shall apply to motor vehicle accidents occurring in Ontario after the 1st day of July, 1947. Commencement of section.

18. This Act may be cited as *The Statute Law Amendment Act, 1948*. Short title.

BILL

The Statute Law Amendment Act, 1948.

1st Reading

April 12th, 1948

2nd Reading

April 13th, 1948

3rd Reading

April 16th, 1948

MR. BLACKWELL

No. 155

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act to amend The Companies Act.

MR. MICHENER

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

EXPLANATORY NOTES

SECTION 1. This Bill re-enacts Part XII of *The Companies Act* which contains special provisions relating to co-operative corporations. The following are the changes in principle incorporated in the Bill:

1. Henceforth co-operative corporations with share capital shall have only one class of shares to be known as co-operative or co-op shares and the special conditions attaching to the shares are required to appear on the share certificate. (Section 143.)
2. The provision for the termination of a membership in a corporation without share capital is new. (Section 145.)
3. Provision is made for voting of corporate members or shareholders by officers or directors designated by the corporate shareholder or member. (Section 147 (3).)
4. Power is given to corporations with share capital to require that the shareholders shall invest their patronage return in issued or un-issued shares, subject to certain conditions. (Section 151.)
5. New power is given to corporations with share capital to purchase shares for redemption in certain circumstances and subject to certain conditions. (Section 152.)
6. The provisions of section 153 authorize the distribution of surplus on the dissolution of a corporation.
7. Corporations are given additional powers to pass by-laws, particularly with respect to the establishment of groups and the authorizing of the appointment of delegates to represent groups of shareholders or members. (Section 154.)
8. Sections 155, 157, 158 and 158a are new.

SECTION 2. Provision is made for permitting corporations operating under the present Part XII to continue such operation under certain circumstances.

BILL

An Act to amend The Companies Act.

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

1. Part XII of *The Companies Act*, as amended by section 3 of *The Companies Amendment Act, 1941* and section 5 of *The Statute Law Amendment Act, 1942*, is repealed and the following substituted therefor: Rev. Stat., c. 251, Part XII, re-enacted.

PART XII.

CO-OPERATIVE CORPORATIONS.

- 140.—(1) All corporations heretofore or hereafter made subject to Part XII of *The Companies Act* by the letters patent or supplementary letters patent shall be subject to this Part. Application of Part.
- (2) Except where inconsistent with the provisions of this Part, the other provisions of this Act shall apply to a corporation which is subject to this Part. Application of Act.
141. In this Part, except in subsections 3 and 5 of section 142, "corporation" and "company" shall mean a corporation and company respectively which is subject to this Part. "Corporation" and "company" defined.
- 142.—(1) The corporate name of every corporation shall include the word "co-operative" as part thereof. Corporate name.
- (2) Where a corporation, or any director, manager, officer, employee, shareholder or member uses the name of the corporation the word "co-operative" may be abbreviated to "co-op". Abbreviation.
- (3) Any person, partnership, organization, society, association, company or corporation, either unincorporated or incorporated, not being a corporation subject to this Part, using in Ontario a name which Offences.

includes the word "co-operative" or any abbreviation or derivation thereof shall be guilty of an offence, and any person using such name on behalf of such person, partnership, organization, society, association, company or corporation shall also be guilty of an offence, provided that where the word "co-operative" forms part of the corporate name of any corporation heretofore incorporated, the word may continue to be used as part of the corporate name.

Penalty.

- (4) Every person guilty of an offence under subsection 3 shall be liable to a fine not exceeding \$100, and in default of payment to imprisonment for a term not exceeding three months.

Exceptions.

- (5) Subsection 3 shall not apply to a corporation incorporated by or under the authority of the Parliament of Canada or to a corporation which is licensed under *The Extra Provincial Corporations Act*.

Rev. Stat.,
c. 252.

Share
capital.

- 143.—(1) The share capital of a company shall consist of one class of shares with a nominal or par value of \$5 or any multiple of \$5 not exceeding \$100, to be designated as co-operative or co-op shares.

Share
certificates.

- (2) Every share certificate shall,—
- (a) bear upon its face the name of the company, the words "incorporated as a co-operative company and subject to Part XII of *The Companies Act* of Ontario", and a statement of the authorized capital;
 - (b) state the number of shares represented thereby;
 - (c) state that shares are not transferable without the authorization of the directors;
 - (d) set forth the provisions of section 152;
 - (e) state that the dividend, if any, to which the holder of a share may become entitled shall not exceed eight per centum per annum on the amount paid up thereon; and
 - (f) state that the company may by by-law limit the amount to be distributed for each share on the dissolution of the company to the amount paid up on such share together with declared and unpaid dividends.

- 144.—(1) The capital of corporations without share capital may be in the form of loans from members, called member loans, and such loans may be in such amounts, payable on demand or at such times and either without interest or with interest at a rate not exceeding six per centum per annum, as the by-laws may provide. Member loans.
- (2) A corporation may borrow money from its share-holders or members in such amount or amounts as is specified in the by-laws of the corporation and such loans may not bear interest or may bear interest at such rate not exceeding six per centum per annum as may be specified in the by-laws. Power to borrow from members or shareholders.
- (3) A corporation may enact by-laws requiring members or shareholders to make a loan or loans of the whole or such part of the patronage returns as the directors may determine, and prescribing the terms and conditions of such loans and whether such loans shall not bear interest or shall bear interest at a rate not exceeding six per centum per annum. Compulsory borrowing.
145. Where a member of a corporation without share capital dies or does not transact any business with the corporation for a period of one year, the directors may terminate the membership, and upon such termination the corporation shall pay any money owing to the member. Termination of membership.
- 146.—(1) No share of a company shall be transferred unless authorized by the board of directors. Transfer of shares.
- (2) No membership in a corporation without share capital shall be transferred unless authorized by the board of directors. member-ships.
- 147.—(1) No individual member or shareholder of a corporation shall vote by proxy. Voting.
- (2) No individual member or shareholder of a corporation shall have more than one vote. Idem.
- (3) A corporate member or shareholder may appoint, under its corporate seal, one of its officers or directors to attend and vote on its behalf at meetings of members or shareholders, and such officer or director shall have only one vote. Voting by corporate members or shareholders.
148. To qualify for election as a director, a person need not be a member or shareholder provided he is a director. Qualification of director.

director or officer of a corporate member or shareholder.

Reserve fund
and divi-
dends.

149. A corporation may by by-law provide that, before any distribution of surplus arising from the business of the corporation in each fiscal year, the corporation may,—

(a) set aside reserve funds;

(b) provide for the payment of dividends on the share capital at a rate not to exceed eight per centum per annum on the amount paid up thereon.

Distribution
of net
surplus.

150.—(1) Subject to section 149, the net surplus arising from the business of the corporation in each fiscal year shall be allocated, credited or paid to the members or shareholders in proportion to the business done by each member or shareholder with or through the corporation computed at a rate in relation to the quantity, quality or value of the goods or products acquired, marketed, handled, dealt in or sold, or services rendered by, the corporation from or on behalf of or to the member or shareholder, whether as principal or as agent of the member or shareholder or otherwise, with appropriate differences in the rate for different classes, grades or qualities thereof.

Idem.

(2) The corporation may by by-law provide that part of the net surplus may be allocated, credited or paid to non-members or non-shareholders at the same or at a lesser rate than that paid to members or shareholders.

Patronage
return.

(3) The amount which is allocated, credited or paid to members, shareholders, non-members or non-shareholders in each fiscal year shall be known as the patronage return.

Limitation
on patronage
return.

(4) The corporation may by by-law provide that where the value of the goods or products acquired, marketed, handled, dealt in or sold, or services rendered by, the corporation from or on behalf of or to any member, shareholder, non-member or non-shareholder in any year does not exceed \$50, or such lesser amount as may be specified in the by-law, no patronage return shall be allocated, credited or paid to such member, shareholder, non-member or non-shareholder.

- 151.—(1) Subject to subsection 4, a company may by ^{Investment}by-law provide that a shareholder shall in each year ^{of patronage}return. be required to invest the whole or such part of his patronage return as the directors may require in a stated number of unissued shares of the company until in the opinion of the board of directors the issued capital is sufficient for the proper financing of the company, and thereafter in a stated number of issued shares of the company if obtainable.
- (2) Where a company has enacted a by-law under sub- ^{Notice.}section 1, and the whole or part of the patronage return of a shareholder is required to be invested in issued shares, the company shall mail a written notice to such shareholder stating the number of shares to be purchased by him.
- (3) Unless within thirty days from the date of mailing ^{Purchase of}of the notice referred to in subsection 2, the share- ^{shares on}holder required to purchase issued shares has pre- ^{behalf of}sented for transfer to himself the number of shares ^{shareholder}which he is required to purchase, the company may ^{required to}on behalf of such shareholder,— ^{purchase.}
- (a) purchase the required number of shares from shareholders who are willing to sell shares;
 - (b) pay out of the patronage return of such shareholder the purchase price;
 - (c) transfer such shares to the shareholder; and
 - (d) issue and forward to such shareholder a certificate representing such shares.
- (4) No shareholder shall be required to invest his patron- ^{Proviso.}age return,—
- (a) in issued or unissued shares when the company is insolvent, or at a price in excess of the par value of such shares; or
 - (b) in issued shares when no such shares are available for purchase.
- 152.—(1) Subject to subsections 2 and 3, a company ^{Purchase of}may,— ^{shares by} ^{company.}
- (a) with the consent of a shareholder, purchase for redemption all or part of the shares held by such shareholder upon payment of such an

amount, not exceeding the par value of the shares, as may be agreed upon; and

- (b) whenever a shareholder dies, or a corporate shareholder is about to be dissolved, or a shareholder has failed for a period of one year to transact any business with the company, purchase for redemption the shares of such shareholder at the book or par value whichever is less, or require the transfer of such shares to another person at the book or par value, whichever is less.

Prohibition
re purchase
for redemp-
tion.

(2) No company shall,—

- (a) use for the purchase of shares for redemption in any fiscal year, an amount in excess of fifty per centum of the accumulated reserve funds;
- (b) purchase for redemption in any fiscal year more than ten per centum of the shares outstanding at the beginning of the year;
- (c) purchase shares for redemption when the company is insolvent or so as to render the company insolvent, or so as to reduce the number of shareholders to less than ten.

Re-issue
prohibited.

- (3) A share purchased by a company for redemption shall not be re-issued.

Where cer-
tificates of
redeemed
shares not
surrendered.

- (4) Where a shareholder whose shares are to be purchased for redemption fails to deliver to the company the certificate or certificates, if any, representing the shares the company may, after giving thirty days' notice of the purchase (which notice shall contain a request that the certificate or certificates, if any, be surrendered to the company for cancellation), pay the purchase price into a chartered bank to the credit of the shareholder and cancel such certificate or certificates on its books.

Distribution
of assets
upon disso-
lution.

- 153. A corporation may enact by-laws providing that the distribution of the assets upon the dissolution of the corporation, after the payment of all debts and liabilities, including any declared and unpaid dividends, and the amount paid up on outstanding shares, if any, shall be in any one of the following ways,—

- (a) equally among the members or shareholders irrespective of the number of shares held by a shareholder;
- (b) among the members or shareholders at the time of dissolution on the basis of patronage returns accrued to such members or shareholders during the five fiscal years immediately preceding the dissolution or since the date of incorporation; or
- (c) by paying the whole or part of the assets to a charitable or community object or objects.

154.—(1) A corporation may enact by-laws providing *By-laws.*
for,—

- (a) dividing its members or shareholders into groups, either territorially or on the basis of common interest;
- (b) the election of directors for each group on the basis of the number of members or shareholders in each group or the volume of business done by each group with the corporation or both,
- (c) the election of delegates or alternative delegates to represent each group on the basis of the number of members or shareholders in each group or the volume of business done by each group with the corporation, or both;
- (d) where all of the members or shareholders are corporations, the election of delegates and alternative delegates to represent such corporations on the basis of the number of members or shareholders in each corporation or the volume of business done by each corporation, or both;
- (e) the manner and method of electing delegates;
- (f) the holding of meetings of delegates;
- (g) the power of delegates at meetings and providing that a meeting of delegates shall for all purposes be deemed to be a meeting of the members or shareholders;
- (h) the holding of meetings of members, shareholders or delegates territorially or on the basis of common interest;

- (i) the payment of expenses of delegates attending meetings.

Voting. (2) A delegate shall have only one vote and shall not vote by proxy.

Qualification of delegate. (3) No person shall be elected a delegate who is not either a member or shareholder of a corporation or a director, officer, member or shareholder of a corporate member or shareholder of the corporation.

Proviso. (4) No such by-law shall limit the rights of a member or shareholder at meetings of delegates other than the right to vote.

Distribution of assets. 155. On any distribution of the assets of a corporation without share capital, member loans and patronage returns which are loaned to the corporation shall rank after the ordinary creditors.

Duties. 156.—(1) Every corporation shall,—

Filing by-laws. (a) file in the office of the Provincial Secretary within thirty days after confirmation by the members or shareholders, copies of all its by-laws certified under its corporate seal;

Delivering copies of by-laws. (b) deliver a copy of the by-laws to a member or shareholder when requested in writing so to do;

Transmit statements to Provincial Secretary. (c) transmit forthwith to the office of the Provincial Secretary a copy of the balance sheet, statement of income and expenditure and report of the auditor presented at the last annual meeting;

Delivering statements to members. (d) deliver to every member on demand in writing a copy of the said balance sheet, statement of income and expenditure and report of the auditor.

Penalty. (2) If a corporation fails to comply with subsection 1 it shall be liable on summary conviction to a penalty of not more than \$100, and every director and officer of the corporation who authorizes or permits such failure shall on summary conviction be liable to a like penalty.

By-laws to be confirmed. 157.—(1) The by-laws of a corporation passed pursuant to the authority of this Part shall not take effect

until confirmed by a vote of two-thirds of the members or shareholders present or represented at a meeting duly called for considering the same.

- (2) The by-laws of the corporation shall bind the corporation and its members or shareholders to the same extent as if the by-laws had respectively been signed and sealed by each member or shareholder and contained covenants on behalf of each member or shareholder, their heirs, executors and administrators to conform thereto subject to the provisions of this Act. By-laws a contract.

158.—(1) Where any shareholder or member of a corporation dies intestate, the purchase price of shares held by such a shareholder which are purchased for redemption and any money owed to such a shareholder or such a member may be paid without letters of administration to the person or persons who appear to a majority of the directors, upon such evidence as they may deem satisfactory, to be entitled to receive the same. Payment of intestacy of shareholder or member.

- (2) Whenever the directors make any payment pursuant to subsection 1, the payment shall be valid and effectual against any demand made upon the directors or the corporation by any other person. Effect of payment.

- (3) This section shall only apply where the par value of the shares held by, together with the amount owing to a deceased shareholder, or where the amount owing to a deceased member, does not exceed \$200. Application of section.

158a.—(1) No corporation shall make any contribution either in money or in kind, either directly or indirectly, to any person for the advancement of the interests of any political party or to any association or organization which has for its object or one of its objects the advancement of the interests of any political party. Political contributions prohibited.

- (2) Where a corporation contravenes the provisions of subsection 1, every director and officer of the corporation shall be guilty of an offence and liable upon summary conviction to a penalty not exceeding \$500 and in default of payment shall be imprisoned for a period not exceeding three months. Penalty.

158b. A corporation shall have power to carry on, encourage and assist educational and advisory work relating to co-operation and co-operatives. Educational and advisory work.

Powers of
Provincial
Secretary as
to accounts.

158c.—(1) The Provincial Secretary may upon the application of any ten shareholders or members each of whom has been a shareholder or member for not less than six months immediately preceding the date of the application or upon the application of more than one-third of the total number of such shareholders or members,—

- (a) require the corporation to make a return upon any special subject connected with the affairs of the corporation, and the corporation shall make such return within the term mentioned in the notice requiring such return;
- (b) appoint an accountant to audit the books of the corporation and to report thereon;
- (c) appoint an inspector or inspectors to examine, inspect and report upon the affairs of the corporation;
- (d) call a special meeting of the corporation;
- (e) direct at what time and place a special meeting called as aforesaid is to be held, and what matters are to be discussed and determined at the meeting, and the meeting shall have all the powers of a meeting called according to the by-laws of the corporation, and shall in all cases have power to appoint its own chairman, any by-laws of the corporation notwithstanding.

Expenses of
audit, etc.

- (2) The expenses incidental to such audit, inspection, or meeting shall be defrayed by the shareholders or members applying for the same, or officers, or former shareholders, members or officers, in such proportion as the Provincial Secretary shall direct.

Powers of
auditor or
inspector.

- (3) An auditor or inspector appointed under this section may require the production of all or any of the books, accounts, securities and documents of the corporation and may require its officers, shareholders, members, agents and servants to furnish such evidence as may be deemed advisable in relation to its business.

Proviso.

2.—(1) The share capital of a company which heretofore was subject to Part XII of *The Companies Act* as repealed by section 1 of this Act, shall not be affected by subsection 1 of section 143 of *The Companies Act* as re-enacted by section 1 of this Act.

(2) The Lieutenant-Governor in Council may relieve any ^{Idem.} company or companies which heretofore were subject to Part XII of *The Companies Act* as repealed by section 1 of this Act, from compliance with any of the provisions of the said Part XII as re-enacted by the said section 1, subject to such terms and conditions and to the extent set out in the Order-in-Council.

3. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. <sup>Commence-
ment of Act.</sup>

4. This Act may be cited as *The Companies Amendment Act, 1948* (No. 2). ^{Short title.}

BILL

An Act to amend The Companies Act.

1st Reading

April 13th, 1948

2nd Reading

3rd Reading

MR. MICHENER

No. 156

4TH SESSION, 22ND LEGISLATURE, ONTARIO
12 GEORGE VI, 1948

BILL

An Act for granting to His Majesty certain sums of money for the
Public Service of the financial year ending the 31st day of
March, 1949.

MR. FROST

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

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1949.

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by message from the Honourable ^{Premier} Ray Lawson, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedule to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of March, 1949, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding ^{\$149,064,-619.00} granted for ^{fiscal year} 1948-49. in the whole one hundred and forty-nine million, sixty-four thousand, six hundred and nineteen dollars towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of April, 1948, to the 31st day of March, 1949, as set forth in schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based.

2. Accounts in detail of all moneys received on account of this Province during the financial year 1948-49 and of all expenditures under schedule A of this Act shall be laid before the Legislative Assembly at the first sitting after the 31st day of December, 1948. ^{Accounts to be laid before Assembly.}

3. Any part of the money under schedule A appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of March, 1949, shall not be expended thereafter, except in the payment of accounts and ^{Appropriations for 1948-49 unexpended to lapse.}

expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

Rev. Stat.,
c. 24.

Accounting
for expendi-
ture.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Supply Act, 1948*.

SCHEDULE A

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and forty-nine to defray expenses of:

Agriculture Department	\$ 5,867,920.00
Attorney-General's Department.....	6,006,165.00
Education Department.....	41,453,000.00
Health Department.....	21,896,800.00
Highways Department.....	2,666,800.00
Insurance Department.....	96,700.00
Labour Department.....	4,860,992.00
Lands and Forests Department.....	8,192,000.00
Lieutenant-Governor's Office.....	14,000.00
Mines Department.....	757,700.00
Municipal Affairs Department.....	650,500.00
Planning and Development Department....	598,845.00
Prime Minister's Office.....	33,360.00
Provincial Auditor's Office.....	174,500.00
Provincial Secretary's Department.....	1,517,700.00
Provincial Treasurer's Department.....	2,251,050.00
Public Welfare Department.....	36,041,737.00
Public Works Department.....	9,675,000.00
Reform Institutions Department.....	5,691,900.00
Travel and Publicity Department.....	467,950.00
Miscellaneous.....	150,000.00

Total estimates for expenditure of 1948-

1949..... \$149,064,619.00

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1949.

1st Reading

April 16th, 1948

2rd Reading

April 16th, 1948

3rd Reading

April 16th, 1948

Mr. Frost



