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No. 101

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Ontario Municipal Board Act.

MR. WALKER

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

BILL

An Act to amend The Ontario Municipal Board 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 59 of *The Ontario Municipal Board Act*, as amended by subsections 1 and 2 of section 26 of *The Statute Law Amendment Act, 1939*, section 1 of *The Ontario Municipal Board Amendment Act, 1940* and subsection 1 of section 1 of *The Ontario Municipal Board Amendment Act, 1941*, is further amended by adding thereto the following clause:

- (iii) require, upon the application of the council of a local municipality, the council of an adjoining local municipality to consent to the acquisition of land in such municipality by the first-mentioned municipality as a disposal area for ashes, garbage and other refuse, upon such terms and conditions as the Board may determine.

2. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1949*.

BILL

An Act to amend The Ontario Municipal Board Act.

1st Reading

March 1st, 1949

2nd Reading

3rd Reading

MR. WALKER

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Wolf and Bear Bounty Act, 1946.

MR. SCOTT (Peterborough)

EXPLANATORY NOTES

SECTION 1. The words "or cause to be paid" are added in order to conform to practice.

The second amendment increases the amount of the bounty on wolf cubs from \$5 to \$15.

SECTION 2. The section as re-enacted is self-explanatory.

BILL

An Act to amend The Wolf and Bear Bounty 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 3 of *The Wolf and Bear Bounty Act, 1946* is ^{1946,} amended by inserting after the word "pay" in the fifth line ^{c. 110, s. 3,} the words "or cause to be paid" and by striking out the symbol and figure "\$5" in the seventh line and inserting in lieu thereof the symbol and figures "\$15", so that the section shall read as follows:

3. Upon the delivery of a certificate issued under section 2 ^{Bounties payable by county.} by the person named therein to the treasurer of the county, together with the whole skin of the wolf, within a period of one month from the date of the certificate, the treasurer shall pay or cause to be paid to such person the sum of \$25 as a bounty on either a timber or a brush wolf which is three months of age or over, and \$15 as a bounty on either a timber or a brush wolf under the age of three months.

2. Section 16 of *The Wolf and Bear Bounty Act, 1946* is ^{1946,} repealed and the following substituted therefor: ^{c. 110, s. 16, re-enacted.}

- 16.—(1) Every person in possession or control of any live wolf or bear shall within ten days after coming into such possession or control apply in writing to the Minister for a permit to keep the same in captivity. ^{Wolves and bears kept in captivity.}
- (2) The Minister may issue permits under this section ^{Issuance of permits.} in such form and subject to such terms and conditions as he may in his discretion deem proper.
- (3) The Minister may refuse to issue a permit under this section and may cancel any such permit at any time ^{Refusal and cancellation of permits.} when it is shown to his satisfaction that the person to whom the permit was issued has failed to comply with the terms and conditions thereof.

Offence and penalty.

- (4) Every person who fails to comply with subsection 1 or who keeps any live wolf or bear in captivity after a permit therefor has been refused or cancelled shall be guilty of an offence and liable to a penalty of not less than \$10 and not more than \$100, and in default of payment of the penalty shall be imprisoned for a term not exceeding three months unless the penalty is sooner paid.

Seizure of animals, cages, etc.

- (5) Any live wolf or bear kept in captivity contrary to this section and any cage, pen, crate, shelter or other enclosure used in connection therewith may be seized and upon conviction of the person in possession or control thereof shall be forfeited to and become the property of the Crown in right of Ontario and may be disposed of in such manner as the Minister may direct.

Application of section.

- (6) This section shall not apply where any live wolf or bear is kept in captivity in any public zoo or for scientific or educational purposes in any public institution.

1946, c. 110,
s. 18, cl. a,
re-enacted.

3.—(1) Clause *a* of section 18 of *The Wolf and Bear Bounty Act, 1946* is repealed and the following substituted therefor:

- (a) prescribing the form and contents of certificates and affidavits required for the purposes of this Act.

1946, c. 110,
s. 18, cl. b,
amended.

(2) Clause *b* of the said section 18 is amended by striking out the words "or licence" in the first line, so that the clause shall read as follows:

- (b) prescribing the fees payable for any permit issued under this Act.

Short title.

4. This Act may be cited as *The Wolf and Bear Bounty Amendment Act, 1949*.

SECTION 3—Subsection 1. The clause is brought into line with the Act. The reference to permits is deleted to conform with the new section 16 of the Act.

Subsection 2. The words "or licence" are deleted as no licences are issued under the Act.

BILL

An Act to amend The Wolf and Bear
Bounty Act, 1946.

1st Reading

March 1st, 1949

2nd Reading

3rd Reading

MR. SCOTT (Peterborough)

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Wolf and Bear Bounty Act, 1946.

MR. SCOTT (Peterborough)

BILL

An Act to amend The Wolf and Bear Bounty 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 3 of *The Wolf and Bear Bounty Act, 1946* is ^{1946,} amended by inserting after the word "pay" in the fifth line ^{c. 110, s. 3,} the words "or cause to be paid" and by striking out the ^{amended.} symbol and figure "\$5" in the seventh line and inserting in lieu thereof the symbol and figures "\$15", so that the section shall read as follows:

3. Upon the delivery of a certificate issued under section 2 ^{Bounties payable by county.} by the person named therein to the treasurer of the county, together with the whole skin of the wolf, within a period of one month from the date of the certificate, the treasurer shall pay or cause to be paid to such person the sum of \$25 as a bounty on either a timber or a brush wolf which is three months of age or over, and \$15 as a bounty on either a timber or a brush wolf under the age of three months.

2. Section 16 of *The Wolf and Bear Bounty Act, 1946* is ^{1946,} repealed and the following substituted therefor: ^{c. 110, s. 16,} ^{re-enacted.}

16.—(1) Every person in possession or control of any ^{Wolves and bears kept in captivity.} live wolf or bear shall within ten days after coming into such possession or control apply in writing to the Minister for a permit to keep the same in captivity.

(2) The Minister may issue permits under this section ^{Issuance of permits.} in such form and subject to such terms and conditions as he may in his discretion deem proper.

(3) The Minister may refuse to issue a permit under this ^{Refusal and cancellation of permits.} section and may cancel any such permit at any time when it is shown to his satisfaction that the person to whom the permit was issued has failed to comply with the terms and conditions thereof.

Offences and penalties.

- (4) Every person who fails to comply with subsection 1 or who keeps any live wolf or bear in captivity after a permit therefor has been refused or cancelled shall be guilty of an offence and liable to a penalty of not less than \$10 and not more than \$100, and in default of payment of the penalty shall be imprisoned for a term not exceeding three months unless the penalty is sooner paid.

Seizure of animals, cages, etc.

- (5) Any live wolf or bear kept in captivity contrary to this section and any cage, pen, crate, shelter or other enclosure used in connection therewith may be seized and upon conviction of the person in possession or control thereof shall be forfeited to and become the property of the Crown in right of Ontario and may be disposed of in such manner as the Minister may direct.

Application of section.

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3.—(1) Clause *a* of section 18 of *The Wolf and Bear Bounty Act, 1946* is repealed and the following substituted therefor:

- (a) prescribing the form and contents of certificates and affidavits required for the purposes of this Act.

1946, c. 110,
s. 18, cl. b,
amended.

(2) Clause *b* of the said section 18 is amended by striking out the words "or licence" in the first line, so that the clause shall read as follows:

- (b) prescribing the fees payable for any permit issued under this Act.

Short title.

4. This Act may be cited as *The Wolf and Bear Bounty Amendment Act, 1949*.

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BILL

**An Act to amend The Wolf and Bear
Bounty Act, 1946.**

1st Reading

March 1st, 1949

2nd Reading

March 7th, 1949

3rd Reading

March 17th, 1949

Mr. Scott (Peterborough)

No. 103

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

The Loan and Trust Corporations Act, 1949.

MR. BLACKWELL

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

EXPLANATORY NOTES

GENERAL. The present Act, which was based on *The Loan and Trust Corporations Act of 1897*, was passed in 1912 and no general revision of it has been made since that time.

The bill contains a complete revision of the Act. The sections have been re-arranged in a more logical sequence and the obsolete and redundant provisions have been deleted. In some instances the wording has been revised to clarify its meaning and in other instances changes have been made to meet present-day conditions and to facilitate administration.

The fundamental principles of the present Act remain unchanged and such minor changes in principle as have been made are indicated in the explanatory notes to the sections affected.

SECTION 1—Clause *h*. The words “on the security of real estate” are added in order to describe “loan corporations” more adequately and to distinguish such corporations from loan corporations that lend money on the security of personalty and operate under the Dominion *Small Loans Act*.

SECTION 2. This section is new. It is self-explanatory. It will result in uniformity with respect to the powers, etc., of all provincial corporations within the Act.

SECTION 8—Subsection 2. Under the present Act (section 6, subsection 2) where a loan corporation is organized for the purpose of acquiring the assets of an existing loan corporation, the Lieutenant-Governor in Council may dispense with the requirements as to subscription and payment of capital stock.

This principle is now extended and will apply as well in similar circumstances to trust companies.

SECTION 16. The present Act (section 14, subsections 2 and 3) requires at least three-fourths of a trust company's shares to be held by residents of Ontario or by companies incorporated in Ontario, and provides for revocation of the charter if the Lieutenant-Governor in Council is satisfied that less than the required percentage of shares are so held.

These provisions are deleted as being unduly restrictive as they require trust companies to control, in effect, the residence of their shareholders.

SECTION 33—Subsection 3. The present Act (section 95, subsection 3) requires a majority of the directors of a provincial corporation to be residents of Ontario. The bill requires them to be residents of Canada.

SECTION 69—Subsection 2. The present Act (section 48, subsection 2) prohibits loaning land corporations from receiving deposits, but this prohibition does not apply to such corporations that were doing so when the prohibition was enacted.

As none of these corporations is now taking deposits the prohibition is made absolute.

Debenture Stock: The present Act (sections 52 to 58) authorizes registered corporations, except trust companies, to issue debenture stock. No such stock is issued at the present time and there is no desire to do so in the future. The authorizing provisions are therefore deleted.

SECTION 72—Subsection 2. The present Act (section 50, subsection 2) limits the borrowing powers of loan corporations but the statutory limit may be increased by Order-in-Council up to eight times the paid-up capital and reserve fund of the corporation.

Under the bill the increase may be up to ten times the paid-up capital and reserve fund, which will correspond with the Dominion *Loan Companies Act*.

SECTION 80. The present Act requires loan companies to maintain liquid securities up to at least twenty per cent of the total amount of deposits.

This requirement is made applicable to trust companies as well, so that the practice with respect to all such deposits will be uniform.

SECTION 93. The present Act (section 59) provides for the amalgamation of Ontario loan corporations, exercising certain borrowing powers (section 47). The procedure for amalgamation under this section of the bill will allow all registered loan corporations to amalgamate or purchase other loan corporations.

SECTION 102. The present Act provides (section 69, subsection 2) that the amalgamation provisions of the Act (sections 59 to 68) apply only to trust companies "incorporated under the law of Ontario or having their head offices in Ontario".

This is changed to allow all registered trust companies to amalgamate or purchase other trust companies or loan corporations.

SECTION 111. Under the present Act the Registrar or a member of his staff must make an inspection at the head office of every registered corporation annually.

This requirement is qualified by dispensing with the inspection where the Registrar adopts the inspection of another government. This is in line with the present practice with respect to insurance companies under *The Insurance Act*.

SECTION 112. The present Act (section 147) empowers the Registrar to suspend or cancel the registration of a corporation that is insolvent. There is no power to take action prior to actual insolvency. It also (section 153) provides for the Registrar reporting to the Minister where "the assets of the corporation are insufficient to justify its continuance in business", but no provision is made for subsequent action.

Three new subsections are added to this section, similar to the corresponding provisions in the Dominion *Trust Companies Act*, to provide for suitable steps to be taken in such cases.

SECTION 117—Subsection 1, clause *c*. The present Act (section 133, subsection 1, clause *c*) provides for the registration of extra provincial corporations with a subscribed capital stock of \$500,000. Since corporations may be incorporated in Ontario with a subscribed capital stock of \$300,000, the former requirement is reduced to \$300,000.

SECTION 120. The present Act (section 136) provides for appeals to the Lieutenant-Governor in Council from any decision of the Registrar concerning the registration of a corporation or the suspension or cancellation of registration.

This procedure is changed to provide a review by the Registrar and an appeal therefrom to a justice of appeal of the Supreme Court. This practice will be similar to that now in effect under *The Securities Act, 1947* and *The Real Estate and Business Brokers Act, 1946*.

SECTION 128. The present Act (section 140) lists the words that are prohibited in the names of unregistered corporations. The Act includes "investment".

This word is deleted as it is not considered to be descriptive of the corporations within the Act.

SECTIONS 131, 132. These sections give loan corporations and trust companies identical powers with one minor exception (see section 132, subsection 1 of this bill) for the investment of their funds. This involves the following changes:

1. Allowing trust companies to make loans on life insurance policies that have an ascertained cash surrender value admitted by the insurer, which loan corporations may do now.

2. Restricting loans by loan corporations on securities to eighty per cent of the market value of the security, which is the same restriction now applicable to trust companies.
3. Allowing both loan corporations and trust companies to invest in railway equipment trust certificates and in bonds secured by Dominion or provincial subsidy payments. This may now be done under the Dominion *Trust Corporations Act*.

SECTION 139. The maximum percentage of capital and reserve that a loan corporation or trust company may invest in office premises with the approval of the Lieutenant-Governor in Council is increased from twenty-five per cent to thirty-five per cent, which brings it into line with the Dominion Loan Companies and Trust Companies Acts.

SECTIONS 142, 143. The present Act (sections 19, 49) requires quarterly returns as to liquid securities held for deposits and quarterly returns as to securities held for guaranteed funds.

The bill provides for the former to be made semi-annually and the latter annually.

BILL

The Loan and Trust Corporations Act, 1949.

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) "accountant" means a member of the Institute of Chartered Accountants of Ontario or of the Certified Public Accountants Association of Ontario or such other person as may be approved by the Registrar as being a qualified accountant for the purpose of auditing the books and accounts of corporations under this Act; 1946, c. 48, s. 1. "account-
ant";
- (b) "chief agency" means the principal office or place of business in Ontario of a corporation that has its head office out of Ontario; "chief
agency";
- (c) "corporation" means a loan corporation, a loaning land corporation or a trust company; "corpora-
tion";
- (d) "due application" includes the furnishing of information, evidence and material required by the Registrar, and the payment of the prescribed fees in respect of any application, certificate or document required or issued under this Act; and also the payment to the Treasurer of Ontario of all taxes due and payable by the applicant company under any Act of Ontario; "due ap-
plication";
- (e) "extra provincial corporation" means a corporation other than one incorporated under the law of Ontario; "extra-
provincial
corpora-
tion";
- (f) "head office" means the place where the chief executive officers of the corporation transact its business; "head
office";
- (g) "law of Ontario" includes any laws of the former Province of Canada or of Upper Canada, continued as the law of Ontario, or consolidated or incorporated "law of
Ontario";

with the law of Ontario; R.S.O. 1937, c. 257, s. 1, cls. (b-g).

- "loan corporation"; (h) "loan corporation" means every incorporated company, association or society, constituted, authorized or operated for the purpose of lending money on the security of real estate, or for that and any other purpose, but does not include a chartered bank, an insurance corporation, a loaning land corporation or a trust company;
- "loaning land corporation"; (i) "loaning land corporation" means a corporation incorporated for the purpose of lending money on the security of real estate and of carrying on the business of buying and selling land; R.S.O. 1937, c. 257, s. 1, cls. (h, i), *amended*.
- "Minister"; (j) "Minister" means the member of the Executive Council under whose direction this Act is administered;
- "paid in"; (k) "paid in" as applied to the capital stock of a corporation or to any shares thereof means the amount paid to the corporation on its shares, not including the premium if any paid on such shares, whether such shares are or are not fully paid up;
- "paid up"; (l) "paid up", when applied to any share, means a share on which there remains no liability, actual or contingent, to the issuing corporation;
- "permanent stock";
"permanent shares"; (m) "permanent stock" or "permanent shares" includes all stock or all shares of permanent or fixed capital not liable to be withdrawn from or repaid by the corporation; R.S.O. 1937, c. 257, s. 1, cls. (j-m).
- "provincial corporation"; (n) "provincial corporation" means a corporation incorporated under the law of Ontario; R.S.O. 1937, c. 257, s. 1, cl. (n), *amended*.
- "real estate"; (o) "real estate" includes messuages, lands, rents and hereditaments, whether freehold or of any other tenure, and whether corporeal or incorporeal, and leasehold estates, and any undivided share thereof, and any estate, right or interest therein;
- "registered corporation"; (p) "registered corporation" means a corporation registered under this Act;
- "Registrar"; (q) "Registrar" means Registrar appointed under this Act; R.S.O. 1937, c. 257, s. 1, cls. (o-q).
- "trust company"; (r) "trust company" means a company constituted or operated for the purpose of acting as trustee, bailee, agent, executor, administrator, receiver, liquidator, assignee, guardian of a minor's estate, or committee

of a mentally incompetent person's estate. R.S.O. 1937, c. 257, s. 1, cl. (r), *amended*.

APPLICATION OF ACT.

2.—(1) This Act shall apply, according to its context, to every corporation within the meaning of this Act. Application of Act.

(2) With respect to every provincial corporation whether formed or incorporated before or after the passing of this Act and whether formed or incorporated by or under a special or general Act or by letters patent or otherwise, any provision of the Act or letters patent or other instrument of incorporation that is inconsistent or in conflict with the provisions of this Act shall not apply. Idem.

(3) Sections 3 to 57, except sections 28 and 44, shall apply only to provincial corporations. *New.* Idem.

INCORPORATION OF LOAN CORPORATIONS, LOANING LAND CORPORATIONS AND TRUST COMPANIES.

3.—(1) An application for the incorporation of a loan corporation, a loaning land corporation or a trust company shall be made by petition to the Lieutenant-Governor in Council through the Minister in the prescribed form, and shall be delivered to the Registrar. R.S.O. 1937, c. 257, s. 2 (1), *amended*. Application for incorporation.

(2) The applicants shall for one month next before filing their application with the Registrar publish a notice thereof in the *Ontario Gazette*, and shall also before such filing give the like notice at least once in a newspaper published in the locality in which the head office is to be established. Notice of application.

(3) The notice shall state the proposed corporate name, the location of the head office, which shall be in Ontario, the purposes of the corporation, and for what amount of permanent capital stock authorization will be asked, with the number of shares and the par value of the shares. Contents.

(4) The applicants shall furnish such further information as may be required by the Minister or the Registrar. Further information.

(5) The application shall be accompanied by the original, or one of the duplicate originals, of a declaration adopted at a general meeting of the promoters, and executed under their respective hands and seals by at least twenty-five persons present at the meeting who are subscribers for shares. Application to be accompanied by a declaration.

(6) The declaration shall set out the names in full and the address and calling of each of the declarants and shall de- Contents of declaration.

clare: that the said declarants assembled at _____ on
 (*naming the place and time*); _____ being chairman, and
 _____ being secretary of the meeting (*naming them*) did
 there and then agree to constitute themselves a provisional
 corporation by the name of (*mentioning the proposed cor-
 porate name*) under *The Loan and Trust Corporations Act, 1949*
 and under the proposed by-laws there and then adopted, and
 annexed to the declaration; also that the following persons,
 five in number (*naming them*) were elected provisional direc-
 tors.

Reference to
 Registrar.

(7) The Minister may refer the application or any question arising thereunder to the Registrar for a report, and the Registrar shall report thereon. R.S.O. 1937, c. 257, s. 2 (2-7).

By-laws to
 accompany
 declaration.

4.—(1) Three copies of the proposed by-laws shall accompany the declaration, one copy duly certified being annexed thereto. R.S.O. 1937, c. 257, s. 3 (1).

What they
 shall provide
 for.

(2) Subject to this Act, the by-laws shall,—

- (a) provide for the proposed corporate name, and the location of the head office of the corporation;
- (b) set out the purposes for which the corporation is to be constituted;
- (c) declare that the capital stock of the corporation consists exclusively of permanent capital stock divided into a stated number of shares each of a stated uniform amount, and declare what respective amounts of such capital stock are before the commencement of business to be authorized, subscribed, and paid in, with the proviso that no shares shall be issued at a discount, or upon any terms, agreement or understanding that the taker or holder shall be liable for any less amount than the par value of the shares, less the calls paid thereon; R.S.O. 1937, c. 257, s. 3 (2), cls. (a-c).
- (d) in the case of a loan or a loaning land corporation, define and regulate the exercise of such general powers of borrowing as are by this Act conferred upon loan corporations and loaning land corporations, and declare within what limits such borrowing powers are to be exercised, and whether by issuing debentures or otherwise;
- (e) provide for the holding of general meetings, ordinary and special, of the shareholders; R.S.O. 1937, c. 257, s. 3 (2), cls. (d, e), *amended*.

- (f) provide for the election of directors, prescribe their number, powers, duties, and term of office, and the number necessary to constitute a quorum; R.S.O. 1937, c. 257, s. 3 (2), cl. (f).
- (g) provide that security in amounts satisfactory to the board of directors shall be taken for the fidelity of the person or persons having custody or control of the funds of the corporation; R.S.O. 1937, c. 257, s. 3 (2), cl. (g), *amended*.
- (h) provide for the proper audit, at least yearly, of the books and accounts of the corporation by two or more accountants, who shall not be otherwise employed by the corporation or be otherwise officers thereof;
- (i) require that there shall be mailed or delivered to each shareholder, at least ten days before the annual meeting, a statement, verified by the auditors, of the assets and liabilities and income and expenditure of the corporation to a date not more than two months before the meeting, such statement to be drawn in accordance with the form from time to time prescribed by the Registrar; R.S.O. 1937, c. 257, s. 3 (2), cls. (h, i).
- (j) provide for their amendment by the shareholders in general meeting; and R.S.O. 1937, c. 257, s. 3 (2), cl. (j), *part*.
- (k) provide that no transfer of shares of the corporation may be made that has the effect of reducing the number of shareholders to less than twenty-five. R.S.O. 1937, c. 257, s. 3 (2), cl. (k).

5. A sworn copy of the stock subscription shall also be filed with the Registrar containing such particulars as he may require. R.S.O. 1937, c. 257, s. 4. Stock sub-
scription.

6. If on receiving an application for incorporation the Minister finds in the by-laws anything repugnant to this Act or to the law of Ontario he may direct an amendment of the by-laws, and, upon their being amended as directed and returned certified as having been so amended, the application may be proceeded with. R.S.O. 1937, c. 257, s. 5, *part, amended*. Minister
may direct
amendment
of by-laws.

7. The by-laws accompanying the declaration mentioned in section 3 with such amendments as may have been required by the Minister, shall be the first by-laws of the corporation and shall take effect on the date of the incorporation. R.S.O. 1937, c. 257, s. 13, *amended*. First
by-laws^{of}
corporation.

Affidavit
as to sub-
scription
and pay-
ment.

8.—(1) For the purpose of incorporation the applicants shall file with the Registrar an affidavit showing that at least \$300,000 of stock has been subscribed for and taken up *bona fide* by at least twenty-five responsible subscribers, each of the applicants holding in his own name and for his own use shares of an aggregate par value of at least \$1,000 and has paid in cash all calls due thereon and all liabilities incurred by him to the corporation, and that in the case of trust companies at least \$100,000 and in other cases at least \$50,000 of such subscribed stock has been paid in cash by the subscribers into a branch in Ontario of a chartered bank, in trust for the proposed corporation, free from all liability on the part of the proposed corporation or any of the subscribers to make repayment of the same or any part thereof to any person, firm, or corporation, and that each subscriber has out of his own money, contributed to the amount so paid in rateably according to the amount of shares subscribed for by him. R.S.O. 1937, c. 257, s. 6 (1), *amended*.

New cor-
poration
acquiring
assets of
existing cor-
poration.

(2) Where the corporation is to be constituted for the purpose of acquiring the assets of one or more existing corporations and the proposed consideration for the transfer of such assets is to consist wholly or in part of shares of the capital stock of the new corporation, the Lieutenant-Governor in Council may dispense with the requirements of subsection 1 as to subscription and payment to such extent as he may deem proper. R.S.O. 1937, c. 257, s. 6 (2), *amended*.

All stock
to be
permanent.

9.—(1) All stock and shares in any corporation incorporated after the 17th day of March, 1900, shall be fixed, permanent and non-withdrawable.

Unless issued
prior to 17th
March, 1900.

(2) Any corporation that did not issue terminating stock or shares on or before the 17th day of March, 1900, shall not make or issue such stock or shares. R.S.O. 1937, c. 257, s. 8 (1, 2), *amended*.

Saving as
to law
applicable to
terminating
shares.

(3) Notwithstanding the repeal of certain Acts and parts of Acts by section 143 of *The Loan and Trust Corporations Act*, being chapter 34 of the Statutes of Ontario, 1912, the law of Ontario which, on the 16th day of April, 1912, was in force and applied to corporations having terminating or withdrawable stock or shares, shall continue in force and shall apply to such corporations so long as such stock or shares subsist. R.S.O. 1937, c. 257, s. 158.

Letters
patent.

10.—(1) A grant of incorporation shall be by letters patent.

Contents.

(2) The letters patent shall set forth the name under which, and the date at which, the corporation became incorporated, the location of the head office, the amount of stock authorized, and the business to be undertaken by the corporation, distinguishing between the classes of business mentioned in section 105. R.S.O. 1937, c. 257, s. 9.

11. Incorporation may be granted without limitation of ^{Term.} time, or for any limited term of years not less than ten.

12.—(1) Where incorporation is granted for a limited term ^{Term to be specified if limited.} of years the letters patent shall specify the first and the last day of the term. R.S.O. 1937, c. 257, s. 11 (1, 2).

(2) Where incorporation has been granted for a limited ^{Renewal of terminating charter.} term application may, upon the like notice as is required by section 3, be made on or before the expiry of the term for the renewal or extension of the incorporation, and the incorporation may be renewed or extended by letters patent either without limitation of time or for a limited term. R.S.O. 1937, c. 257, s. 11 (5).

13.—(1) If a corporation does not go into actual *bona fide* ^{Forfeiture of charter for non-user.} operation within two years after incorporation, or at any time for two consecutive years does not use its corporate powers for the purposes set forth in the Act or instrument of incorporation, such non-user shall *ipso facto* work a forfeiture of the corporate powers except so far as may be necessary for winding up the corporation.

(2) In any action or proceeding where such non-user is ^{Onus of proof of user.} alleged, proof of user shall lie upon the corporation. R.S.O. 1937, c. 257, s. 11 (3, 4).

(3) No such forfeiture shall affect prejudicially the ^{Rights of creditors not affected.} rights of creditors as they exist at the date of the forfeiture.

(4) The Lieutenant-Governor in Council may upon application revive any charter so forfeited, upon compliance with ^{Charter may be revived.} such conditions and upon payment of such fees as the Lieutenant-Governor in Council may designate. R.S.O. 1937, c. 251, s. 28 (3, 4).

14. Unless preference shares, debentures or bonds are ^{Consent of holders to redemption.} issued subject to redemption or conversion the same shall not be subject to redemption or conversion without the consent of the holders thereof. R.S.O. 1937, c. 251, s. 81, *amended*.

15. Where incorporation is granted, the provisional directors ^{First directors of the corporation.} named in the declaration of the applicants shall be the first directors of the corporation, and shall continue in office until their successors are duly elected. R.S.O. 1937, c. 257, s. 12.

16.—(1) Letters patent of incorporation of a trust company may issue where it is shown to the satisfaction of the Lieutenant-Governor in Council that, in the locality in which ^{When letters patent of trust company may issue.} the head office of the proposed company is to be situate, there

exists a public necessity for a trust company or for an additional trust company.

Satisfying
Lieutenant-
Governor of
fitness of
applicants.

(2) Such letters patent shall not issue unless the Lieutenant-Governor in Council is satisfied that the fitness of the applicants to discharge the duties of a trust company is such as to command the confidence of the public, and that the public convenience and advantage will be promoted by granting to the company the powers applied for. R.S.O. 1937, c. 257, s. 14 (1, 4).

Transfer of
papers.

17. After the issue of letters patent to any corporation required or authorized to register under this Act, the Provincial Secretary shall transfer all papers in his Department connected with the corporation to the office of the Registrar. R.S.O. 1937, c. 257, s. 128.

STATUTORY MEETING.

Statutory
meetings.

18.—(1) Every corporation shall, within a period of not less than one month and not more than three months from the date at which the corporation is entitled to commence business, hold a general meeting of its shareholders which shall be called the statutory meeting. R.S.O. 1937, c. 257, s. 80 (1).

Report to
be sent to
share-
holders.

(2) The directors shall, at least ten days before the day on which the meeting is to be held, forward to every shareholder of the corporation a report certified by not less than two directors of the corporation showing,—

- (a) the total number of shares allotted, distinguishing shares allotted as fully or partly paid up otherwise than in cash, and stating in the case of shares partly paid up the extent to which they are so paid up, and in either case the consideration for which they have been allotted;
- (b) the total amount of cash received by the corporation in respect of such shares, distinguished as aforesaid;
- (c) an abstract of the receipts and payments of the corporation on capital account to the date of the report, and an account or estimate of the preliminary expenses of the corporation;
- (d) the names, addresses and descriptions of the directors, auditors, if any, manager, if any, and secretary of the corporation; and
- (e) the particulars of any contract, the modification of which is to be submitted to the meeting for its

approval, together with the particulars of the modification or proposed modification.

(3) The report, so far as it relates to the shares allotted by the corporation, and to the cash received in respect of such shares, and to the receipts and payments of the corporation on capital account, shall be certified as correct by the auditors, if any, of the corporation. Report to be certified by auditors.

(4) The directors shall cause a copy of the certified report to be filed with the Registrar forthwith after sending it to the shareholders. Report to be filed with Registrar.

(5) The directors shall cause a list showing the names and addresses of the shareholders, and the number of shares held by each of them, to be produced at the commencement of the meeting, and to remain open and accessible to any shareholder of the corporation during the continuance of the meeting. Lists of shareholders to be produced at meeting.

(6) The shareholders present at the meeting shall be at liberty to discuss any matter relating to the formation of the corporation, or arising out of the report, whether previous notice has been given or not, but no resolution of which notice has not been duly given may be passed. Shareholders may discuss business of company at meeting.

(7) The meeting may adjourn from time to time, and at any such adjourned meeting any resolution of which notice has been duly given, either before or subsequently to the former meeting, may be passed, and an adjourned meeting shall have the same powers as the original meeting. Adjournments.

(8) If default is made in filing the report or in holding the statutory meeting, then at the expiration of fourteen days after the last day on which the meeting ought to have been held any shareholder may petition the court for the winding up of the corporation, and the court may either direct that the corporation be wound up or give directions for the report being filed or a meeting being held, or make such other order as may be just, and may order that the costs of the petition be paid by the persons who, in the opinion of the court, are responsible for the default. R.S.O. 1937, c. 257, s. 80 (2-8). Application to court if default made.

GENERAL MEETINGS OF SHAREHOLDERS.

19.—(1) A general meeting of the shareholders shall be held at least once in each year for the purpose of considering the financial statement of the corporation, and the election of directors and auditors, and the transaction of such other business as is proper at such general meeting under the law of Ontario and the by-laws of the corporation. R.S.O. 1937, c. 257, s. 81 (1). Annual meeting.

Notice of
annual
meeting.

(2) Notice of the time and place of the holding of the annual general meeting of the shareholders shall be delivered, or shall be sent by post to the address of each shareholder so far as the same is known, or, on request, to his proxy residing in North America or the United Kingdom, and such notice of the meeting shall be so delivered or sent at least ten days before the time fixed for holding the meeting, and a copy of the annual statement of the directors to a date not more than four months before the date of the meeting shall accompany the notice. R.S.O. 1937, c. 257, s. 81 (2), *amended*.

Special
general
meetings.

20.—(1) The directors shall have the right at any time by resolution of the board passed in that behalf to call a special general meeting of the shareholders for the transaction of any business specified in the resolution.

On requisition of share-
holders.

(2) One-fourth part in value of the shareholders of the corporation shall, by requisition delivered to the manager, acting manager, or secretary thereof, have at all times the right to have a special general meeting called by such officer for the transaction of any business specified in the requisition.

Notice.

(3) Notice of the holding of a special general meeting of the shareholders, specifying the time and place of the meeting and the business to be transacted thereat, shall be delivered, or shall be sent by registered post, to the address of each shareholder, so far as the same is known, at least ten days before the day appointed for the meeting.

Other
business.

(4) No other business shall be transacted at any special general meeting unless all the shareholders are present in person or by proxy and unanimously consent thereto.

Proof of
notice.

(5) Before the business of any special general meeting is proceeded with there shall be produced and read a statutory declaration of the manager, acting manager or secretary of the corporation that the requirements of this section as to notice have been fully complied with.

Minutes.

(6) A copy of the notice so delivered or sent, and of such declaration in relation thereto, shall be entered in the minute book of the corporation as part of the proceedings of the meeting. R.S.O. 1937, c. 257, s. 82.

Penalty.

21. Any director or officer wilfully neglecting or omitting to give effect to the requisition mentioned in section 20, or to give the notice of any general meeting required by section 19 or 20 shall be guilty of an offence. R.S.O. 1937, c. 257, s. 83.

22. At all meetings of shareholders of the corporation a shareholder shall have one vote for each share held by him upon which he is not six months in arrear. R.S.O. 1937, c. 257, s. 84. Voting power of shareholders.

23. A shareholder may either vote in person or be represented and vote by a proxy who is a shareholder of the corporation and not six months in arrear. R.S.O. 1937, c. 257, s. 85. Proxies.

24. The transactions of all annual and special general meetings of the corporation and of all meetings of the board of directors shall be entered in a book to be known as the minute book of the corporation. R.S.O. 1937, c. 257, s. 86, *amended*. Minute book.

BY-LAWS.

25. A meeting of the shareholders, called with due notice thereof, may make such lawful and proper by-laws for the government of the corporation, not repugnant to this Act or any other law in force in Ontario, as the majority of the shareholders present in person or by proxy deem meet. R.S.O. 1937, c. 257, s. 87. Shareholders may make by-laws.

26. Every by-law shall be reduced to writing and shall have affixed thereto the seal of the corporation, and shall be receivable in evidence without proof of the seal or of the signature or of the official character of the person or persons appearing to have signed the same, and without further proof thereof. R.S.O. 1937, c. 257, s. 88. To be sealed

27.—(1) The by-laws shall be forthwith recorded in a book to be kept by the corporation for that purpose and to be known as the "By-law Book". By-laws to be recorded.

(2) Such book shall, without the payment of any fee or charge, be open during business hours for inspection by any shareholder, depositor, debenture holder or holder of a guaranteed investment certificate, by himself or his agent, and any such person may make extracts therefrom. R.S.O. 1937, c. 257, s. 89, *amended*. Right to inspect By-law Book.

28. Every corporation shall deliver to the Registrar within one month after the passing thereof a certified copy of its by-laws and of every repeal, or addition to, or amendment or consolidation thereof. R.S.O. 1937, c. 257, s. 90. Copy of by-laws, etc., to be filed with Registrar.

29.—(1) The shareholders in general meeting may by by-law, of which, as proposed, notice shall be given to each shareholder with the notice of the meeting, empower the directors to make, amend and repeal by-laws for the corporation. Delegating to directors power to make or amend by-laws.

Confirmation
necessary.

(2) Every such by-law of the directors and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the corporation duly called for that purpose, shall have force only until the next annual meeting of the corporation, and in default of confirmation thereat shall, at and from that time, cease to have force, and in that case no new by-law to the same or the like effect or re-enactment thereof shall have any force until confirmed at a general meeting.

By-laws
may be
varied.

(3) The corporation may at a general meeting duly called for the purpose or at an annual meeting repeal, amend, vary or otherwise deal with any by-law passed by the directors; but no act done or right acquired under any by-law shall be prejudicially affected by any such repeal, amendment, variation, or other dealing. R.S.O. 1937, c. 257, s. 92.

Alteration
at general
meeting.

30. At a general meeting the shareholders may alter or amend such by-laws, and may confirm the same as so altered and amended. R.S.O. 1937, c. 257, s. 93, *amended*.

By-laws for
particular
purposes.

31. The directors of a corporation, authorized as provided by section 29, may make by-laws, not repugnant to this Act or any other law in force in Ontario, to regulate,—

- (a) the allotment and issue of shares, the making of calls thereon, the payment thereof, the issue and registration of certificates of shares, the forfeiture of shares for non-payment, the disposal of forfeited shares and of the proceeds thereof, the transfer of shares, and subject to section 57 the subdivision of existing shares into shares of smaller amount;
- (b) the declaration and payment of dividends;
- (c) subject to section 65, the appointment, functions, duties and removal of agents, officers and servants of the corporation, and their remuneration;
- (d) the calling of meetings of the directors and the procedure at such meetings; and
- (e) the conduct in all other particulars of the affairs of the corporation. R.S.O. 1937, c. 257, s. 103, *amended*.

DIRECTORS.

Term of
office.

32.—(1) The term of office of the directors of a corporation shall not exceed two years. R.S.O. 1937, c. 257, s. 94 (1), *amended*.

(2) Where the term of office is one year only the number of directors shall not be less than five. Number.

(3) Where the term of office is two years the number of directors shall be an even number not less than six, and one-half of the directors shall retire annually at the general meeting in rotation, but shall, if otherwise qualified, be eligible for re-election. Idem.

(4) Where the term of office is two years the first elected directors shall at their first meeting determine by lot which of them shall retire at the end of the first year. R.S.O. 1937, c. 257, s. 94 (2-4). Retirement by lot.

33.—(1) The election of directors shall be by ballot. Ballot.

(2) No person shall be qualified to be a director unless he is of the full age of twenty-one years and is a shareholder holding, in his own right, shares of the corporation, on which at least \$1,000 has been paid in, and is not in arrear in respect of any call thereon. R.S.O. 1937, c. 257, s. 95 (1, 2). Qualification of directors.

(3) The majority of the directors shall at all times be resident in Canada and subjects of His Majesty by birth or naturalization. R.S.O. 1937, c. 257, s. 95 (3), *amended*. Majority to be residents and British subjects.

(4) Where more than the prescribed number of non-residents and aliens are elected, a new election shall be held forthwith to fill all the directorships to which aliens or non-residents have been elected, and so on until the number of non-residents or aliens is reduced to the prescribed number. New election to fill directorships in such case.

(5) The remuneration of directors shall be fixed by the shareholders in general meeting. R.S.O. 1937, c. 257, s. 95 (4, 5). Remuneration.

34. If at any time an election of directors is not held, or does not take effect at the proper time, the corporation shall not be thereby dissolved, but the election may take place at any general meeting of the corporation duly called for that purpose, and the retiring directors shall continue in office until their successors are elected. R.S.O. 1937, c. 257, s. 96. Provision in case of failure of election.

35. Vacancies occurring in the board of directors may be filled for the unexpired remainder of the term by the board from among the qualified shareholders of the corporation. R.S.O. 1937, c. 257, s. 97. Interim vacancies.

36. The directors may lawfully exercise all the powers of the corporation except as to such matters as are directed by law or by the by-laws of the corporation to be transacted at a Powers of directors.

general meeting and have not been delegated to the directors by a general meeting as provided by section 29. R.S.O. 1937, c. 257, s. 98, *amended*.

President
and vice-
president.

37.—(1) The directors shall from time to time elect from among themselves a president and one or more vice-presidents, and the directors shall in all things delegated to them act for and in the name of the corporation, and, subject to subsection 2, the concurrence of a majority of the directors present at any meeting shall at all times be necessary to any act of the board. R.S.O. 1937, c. 257, s. 99, *amended*.

Casting
vote.

(2) On any question before the board each director shall have one vote, and in the event of an equality of votes the president or presiding officer shall have a second or casting vote. R.S.O. 1937, c. 257, s. 100.

Executive
committee.

38.—(1) The shareholders of a corporation having more than six directors may, at a general meeting called for the purpose, by resolution of two-thirds of the shareholders present in person or by proxy, authorize the directors to delegate any of their powers to an executive committee consisting of not less than three to be elected by the directors from their number. R.S.O. 1937, c. 257, s. 101 (1).

Committee's
powers.

(2) A committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed upon them by such resolution or by the directors.

Delegated
powers to be
recorded in
minute book.

(3) Where directors delegate any of their powers to an executive committee the powers so delegated shall be stated in writing and entered in the minute book of the corporation. R.S.O. 1937, c. 257, s. 101 (2, 3).

General
powers of
directors.

39. Subject to this Act, and to the Act or instrument constituting the corporation and to the by-laws of the corporation, the directors may,—

- (a) use or cause to be used and affixed the seal of the corporation, and may affix or cause it to be affixed to any document or paper which in their judgment may require the same;
- (b) make and enforce calls upon the shares of the respective shareholders;
- (c) declare the forfeiture of all shares on which such calls are not paid;
- (d) make any payments and advances of money they may deem expedient that are authorized to be made by or on behalf of the corporation, and enter

into all contracts for the execution of the purposes of the corporation, and for all other matters necessary to the transaction of its affairs;

- (e) generally deal with, sell, exchange, lease and dispose of the lands, property and effects of the corporation in such manner as they deem expedient and conducive to the benefit of the corporation;
- (f) do and authorize, assent to or adopt all acts required for the due exercise of any further powers and authorities conferred by this Legislature. R.S.O. 1937, c. 257, s. 102.

40.—(1) Where the directors entertain reasonable doubts as to the legality of any claim to or upon any share, bond, debenture, or obligation of a corporation, or to or upon any dividend, coupon or the proceeds thereof, they may apply to the Supreme Court, stating such doubt, for an order or judgment adjudicating upon such claim, and awarding such share, bond, debenture, obligation, dividend, coupon or proceeds to the person legally entitled to the same, and the Court may restrain any action or proceeding against the corporation, or the directors or officers thereof, for the same subject-matter, pending the determination of the application.

Where directors have reasonable doubts as to legality of claim.

(2) If the order or judgment of the Court is obeyed the corporation and the directors and officers shall be fully protected and indemnified against all actions, claims and demands in respect of the matters in question in such application and the proceedings thereupon. R.S.O. 1937, c. 257, s. 106.

Order of Court to be indemnity to company.

41. The secretary or treasurer or secretary-treasurer or other officer of the corporation may be styled "Manager", and when the officer is also a director he may be styled "Managing Director". R.S.O. 1937, c. 257, s. 116.

"Manager" and "Managing Director".

42. Every officer or other person appointed to any office in anywise concerning the receipt, safe-keeping or proper application of money shall furnish security according to the by-laws of the corporation and to the satisfaction of the directors for the just and faithful execution of the duties of his office, and any person entrusted with the performance of any other service may be required by the directors to furnish similar security. R.S.O. 1937, c. 257, s. 117.

Certain persons in service of corporation to furnish security.

43. The directors shall not declare or pay any dividend or bonus when the corporation is insolvent, or that renders the corporation insolvent or diminishes its capital; and if any director, present when any such dividend or bonus is declared, forthwith, or if any director then absent, within twenty-four hours after he becomes aware thereof, and is able to do so,

Liability of directors declaring a dividend when corporation is insolvent, etc.

enters his written protest against the same, and within eight days thereafter notifies the Registrar in writing of his protest, the director may thereby, but not otherwise, exonerate himself from liability. R.S.O. 1937, c. 251, s. 94 (1), *amended*.

Liability of directors for wages.

44.—(1) The directors of any corporation shall be jointly and severally liable to its labourers, servants and apprentices for all debts not exceeding one year's wages due for services performed for the corporation while they are such directors. R.S.O. 1937, c. 251, c. 97 (1), *amended*.

Where no liability.

(2) A director shall not be liable under subsection 1 unless,—

- (a) the corporation has been sued for the debt within one year after it has become due and execution has been returned unsatisfied in whole or in part; or
- (b) the corporation has, within that period, gone into liquidation or has been ordered to be wound up and the claim for such debt has been duly filed and proved,

and unless he is sued for such debt while a director or within one year after he has ceased to be a director.

Liability for amount unsatisfied on execution.

(3) If execution has so issued the amount recoverable against the director shall be the amount remaining unsatisfied on the execution.

On payment director entitled to assignment of judgment, etc.

(4) If the claim for such debt has been proved in liquidation or winding-up proceedings a director, upon payment of the debt, shall be entitled to any preference which the creditor paid would have been entitled to, and where a judgment has been recovered he shall be entitled to an assignment of the judgment. R.S.O. 1937, c. 251, s. 97 (2-4).

SHARES—CALLS ON CAPITAL STOCK.

Calling in instalments.

45.—(1) The directors may call in and demand from the shareholders the amount unpaid on shares by them subscribed or held at such times and places and in such payments or instalments as the special Act, letters patent, supplementary letters patent, or this Act, or the by-laws of the corporation require or allow, and interest shall accrue upon the amount of any unpaid call from the day appointed for payment thereof.

Demand to state liability to forfeiture.

(2) The demand shall state that in the event of non-payment the shares in respect of which the call was made will be liable to be forfeited.

(3) If after the demand any call is not paid in accordance therewith, the directors, by resolution duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the corporation and may be disposed of as, by by-law or otherwise, the corporation may ordain; but such forfeiture shall not relieve the shareholder of any liability to the corporation or to any creditor. R.S.O. 1937, c. 257, s. 25, *amended*. Forfeiture of share.

46. Every shareholder, until the whole amount of his shares has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the corporation has been returned unsatisfied in whole or in part, and the amount due on the execution, but not beyond the amount so unpaid on such shares, shall be the amount recoverable, with costs, against the shareholder. R.S.O. 1937, c. 257, s. 26 (1). Liability of shareholders.

47. In any action under section 46 a shareholder may plead by way of defence, in whole or in part, any set-off that he could set up against the corporation, except a claim for unpaid dividend, or a salary or allowance as a president or a director of the corporation. R.S.O. 1937, c. 257, s. 26 (2). Set-off.

48. The par value of a share of capital stock shall be any multiple of \$5 but shall not be less than \$10 and not more than \$100. 1946, c. 48, s. 2. Par value of shares.

49.—(1) No person holding shares in the corporation as executor, administrator, guardian, committee of a mentally incompetent person, or trustee of or for any estate, trust or person named in the books of the corporation as being so represented by him, shall be personally subject to any liability as a shareholder, but the estate and funds in his hands shall be liable in like manner and to the same extent as the testator, intestate, ward or person interested in such trust fund would be if living and competent to hold the shares in his own name. Representatives, guardians, or trustees not to be personally liable.

(2) If the trust is for a living person, not under disability, such person also shall be liable as a shareholder. Liability of beneficiary.

(3) If such testator, intestate, ward, mentally incompetent person or person so represented is not named in the books of the corporation, the executor, administrator, guardian, committee or trustee shall be personally liable in respect of such shares as if he held them in his own name as owner thereof. R.S.O. 1937, c. 257, s. 72 (4-6). Where beneficiary, etc., not named, trustee, etc., liable.

Payments on shares in advance of calls.

50.—(1) Except with the consent of the directors, no payment on account of capital stock shall be made in advance of calls thereon.

Right to participate in dividends.

(2) In respect of any sum so paid a shareholder shall be entitled to participate in any dividend declared, but it shall not bear interest and shall not constitute a loan to or a debt of the corporation.

To be credited as against subsequent calls.

(3) The shareholder shall be entitled to have any such advance payment credited to him *pro tanto* as against subsequent calls. R.S.O. 1937, c. 257, s. 104.

Restrictions on transfer.

51. Subject to section 52, no by-law shall be passed which in any way restricts the right of a holder of paid up shares to transfer the same, but nothing in this section shall prevent the regulation of the mode of transfer thereof. R.S.O. 1937, c. 257, s. 107, *amended*.

When directors' consent required.

52.—(1) No transfer of shares, the whole amount whereof has not been paid, shall be made without the consent of the directors.

Their liability.

(2) Where any such transfer is made with the consent of the directors to a person who is not apparently of sufficient means to fully pay up such shares, the directors shall, subject to subsection 3, be jointly and severally liable to the creditors of the corporation in the same manner and to the same extent as the transferring shareholder, but for such transfer, would have been. R.S.O. 1937, c. 257, s. 108 (1, 2).

Relief from liability by entering protest.

(3) If any director present when any such transfer is allowed, forthwith, or if any director then absent, within twenty-four hours after he becomes aware of such transfer, and is able to do so, enters his written protest against the same, and within eight days thereafter notifies the Registrar in writing of his protest, the director may thereby, but not otherwise, exonerate himself from liability. R.S.O. 1937, c. 257, s. 108 (3), *amended*.

Liability where call remains unpaid.

(4) Where a share upon which a call is unpaid is transferred with the consent of the directors, the transferee shall be liable for the call to the same extent and with the same liability to forfeiture of the share if the call remains unpaid, as if he had been the holder when the call was made, and the transferor shall remain liable also for the call until it has been paid.

Where transferor indebted.

(5) Where the letters patent, supplementary letters patent or by-laws of a corporation confer the power on the directors they may decline to register a transfer of shares belonging to a shareholder who is indebted to the corporation. R.S.O. 1937, c. 257, s. 108 (4, 5).

53. If a share certificate is defaced, lost or destroyed, it may be renewed on payment of such fee, if any, not exceeding twenty-five cents and on such terms, if any, as to evidence and indemnity as the directors think fit. R.S.O. 1937, c. 251, s. 55. Lost certificate.

54. No transfer of shares, unless made by sale under execution or under the order or judgment of a competent court, shall, until entry thereof has been duly made, be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and, if absolute, as rendering the transferee and the transferor jointly and severally liable to the corporation and its creditors until entry thereof has been duly made in the books of the corporation. R.S.O. 1937, c. 251, s. 60. Transfer valid only after entry.

55.—(1) The directors may, for the purpose of notifying the person registered therein as owner of such shares, refuse to allow the entry in any such books of a transfer of shares, and in that event shall forthwith give notice to the owner of the application for the entry of the transfer. Transferor may be notified.

(2) The owner may lodge a caveat against the entry of the transfer and thereupon the transfer shall not be made for a period of forty-eight hours. R.S.O. 1937, c. 251, s. 61 (1, 2). Owner may lodge caveat.

(3) If no order of a competent court enjoining the entry of the transfer is served upon the corporation within one week from the giving of the notice or the expiration of the period of forty-eight hours, whichever last expires, the transfer may be entered. R.S.O. 1937, c. 251, s. 61 (3), *amended*. Transfer may be entered if no order served.

(4) Where a transfer is entered after the proceedings mentioned in this section the corporation shall, in respect of the shares so transferred, be free from liability to a person whose rights are purported to be transferred, but without prejudice to any claim which the transferor may have against the transferee. R.S.O. 1937, c. 251, s. 61 (4). Corporation not to be liable if section complied with.

56.—(1) Subject to the provisions of *The Succession Duty Act, 1939*, where,— Deposit of foreign probate, letters of administration, etc., with officer of corporation.

(a) a transmission of shares or other securities of a corporation takes place by virtue of any testamentary act or instrument, or in consequence of an intestacy; and 1939 (2nd Sess.), c. 1.

(b) the probate of the will or letters of administration or document testamentary, or other judicial or official instrument under which the title, whether beneficial or as trustee, or the administration or control of the

personal estate of the deceased is claimed to vest, purports to be granted by any court or authority in Canada, or in any of the British Commonwealth of Nations, or in any of His Majesty's dominions, colonies or dependencies, or in any foreign country,

the probate of the will or the letters of administration or the document testamentary or, in the case of a transmission by notarial will in the Province of Quebec, a copy thereof duly certified in accordance with the laws of Quebec, or the other judicial or official instrument, or an authenticated copy thereof or official extract therefrom under the seal of the court or other authority, without any proof of the authenticity of the seal or other proof whatever, shall be produced, and a true copy thereof, together with a declaration in writing showing the nature of the transmission, signed and executed by such one or more of the persons claiming by virtue thereof as the corporation may require, or, if any such person be a company, signed and executed by an officer thereof, shall be deposited with an officer of the corporation or other person authorized by the directors of the corporation to receive them. 1947, c. 15, s. 4, *amended*.

Transmis-
sion of
interest
on death.
Securing
payment of
succession
duty.

(2) Such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, coupon, bond, debenture, deposit, guaranteed investment certificate, obligation or share, or transferring, or consenting to the transfer of any bond, debenture, deposit, guaranteed investment certificate, obligation or share, in pursuance of, and in conformity to such probate, letters of administration or other such document aforesaid, but the payment, transfer or consent to transfer, shall not be made unless and until the provisions of *The Succession Duty Act, 1939* are complied with. R.S.O. 1937, c. 251, s. 62 (2), *amended*.

1939
(2nd Sess.),
c. 1.

INCREASE OR DECREASE OF CAPITAL STOCK AND SUBDIVISION OF SHARES.

Increase of
permanent
capital stock.

57.—(1) The directors of any provincial corporation may, at any time after ninety per centum of the permanent capital stock of the corporation has been subscribed and ninety per centum thereof paid in, but not sooner, by by-law provide for the increase of the permanent capital stock to any amount that the directors may consider requisite.

Decrease of
permanent
capital stock.

(2) The directors may at any time by by-law provide for the decrease of the permanent capital stock to any amount, not less than \$100,000, that they may consider sufficient.

(3) The by-law shall declare the number and par value of the shares of the stock so increased or decreased and provide for the manner in which they are to be allotted, or the rule or rules by which the allotment is to be made. R.S.O. 1937, c. 257, s. 109 (1-3). By-law to declare number and par value of new shares.

(4) The directors may pass a by-law providing upon terms therein stated for the conversion of partly paid up shares into paid up shares or for subdividing shares or altering the par value of shares of its permanent capital stock. R.S.O. 1937, c. 257, s. 109 (4), *amended*. Conversion of partly paid up shares.

(5) The liability of shareholders to persons who, at the time the stock or shares are so increased, decreased, converted or altered, are creditors of the corporation shall remain as though the stock or shares had not been increased, decreased, converted or altered. R.S.O. 1937, c. 257, s. 109 (5). Rights of creditors preserved.

(6) Where it is proposed to pass a by-law under this section that will have the effect of increasing or decreasing the permanent capital stock of the corporation or altering the liability of any holder of such stock, a copy of the proposed by-law shall be delivered to the Registrar and shall not be passed for at least six weeks thereafter. Copy to Registrar.

(7) Before submission of any such by-law to a meeting of shareholders, as provided in subsection 8, such notice shall be given by publication and otherwise as the Registrar shall direct. Notice of by-law to shareholders.

(8) No by-law for, or having the effect of, increasing or decreasing the permanent capital stock of the corporation, whether such stock is or is not subscribed or issued, or for, or having the effect of, sub-dividing the shares of the corporation or altering the par value of such shares, or altering the liability of any holder of such shares, or converting partly paid up shares into paid up shares, shall have any force or validity until it has been duly adopted and ratified by a vote of shareholders present or represented by proxy at a general meeting of the corporation duly called for considering such by-law, and holding not less than two-thirds of the issued capital stock of the corporation represented at such meeting, and has afterwards been confirmed by the Lieutenant-Governor in Council. R.S.O. 1937, c. 257, s. 109 (6-8), *amended*. Such by-laws relating to stock to be confirmed by Order in Council.

(9) The Lieutenant-Governor in Council may grant such confirmation, if he is satisfied of the *bona fide* character of the changes provided for in the by-law, unless it appears that the confirmation of the by-law would not be in the public interest. When confirmation may be granted.

Varying by-law on confirmation.

(10) With the consent of the corporation, evidenced by a resolution of the directors, the changes provided for in any such by-law may be varied or amended by the confirming Order in Council, and may be made subject to such conditions as the Lieutenant-Governor in Council may deem proper.

Evidence of confirmation by Lieutenant-Governor in Council.

(11) The confirmation by the Lieutenant-Governor in Council may be evidenced by a certificate of the Minister or by a certified copy of the Minister's certificate in the like manner and with the like effect as provided in sections 98 and 99.

Certificate to be conclusive.

(12) Such certificate shall be conclusive evidence of all matters therein certified or declared, and of the due performance of all matters precedent or preliminary to the granting thereof. R.S.O. 1937, c. 257, s. 109 (9-12).

BOOKS.

Record books to be kept, and contents thereof.

58.—(1) Every corporation having its head office in Ontario shall cause the secretary, or some other officer specially charged with the duty, to keep a book or books wherein shall be kept recorded,—

- (a) a copy of the letters patent and of any supplementary letters patent issued to the corporation and, if incorporated by special Act, a copy of such Act, and the by-laws of the corporation duly authenticated;
- (b) the names, post office addresses, so far as known, of all persons who are or have been directors of the corporation, with the date on which each became and ceased to be a director;
- (c) the names, alphabetically arranged, of all persons who are shareholders of the corporation;
- (d) the post office address, so far as known, of every such person while he is a shareholder;
- (e) the number of shares held by each shareholder;
- (f) the amounts paid in, and remaining unpaid, on the shares of each shareholder; and
- (g) the date and other particulars of all transfers of shares in the order in which they were made.

Books to be kept at head office.

(2) Such books shall be kept at the head office of the corporation.

(3) Any director, officer or employee of a corporation who removes or assists in removing such books from Ontario or who otherwise contravenes the provisions of this section shall incur a penalty of \$200. ^{Penalty.}

(4) Upon necessity therefor being shown and adequate assurance given that such books may be inspected within Ontario by any person entitled thereto after application for such inspection to the Registrar, the Lieutenant-Governor in Council may relieve any corporation from the provisions of subsection 2 upon such terms as he may see fit. 1944, c. 58, s. 10, *amended*. ^{Relief from operation of section.}

(5) Such books shall, without the payment of any fee or charge, be open during business hours for inspection by any shareholder, depositor, debenture holder or holder of a guaranteed investment certificate, by himself, his agent or his personal representative, and any such person may make extracts therefrom. R.S.O. 1937, c. 257, s. 110 (2), *amended*. ^{Books to be open for inspection.}

(6) Every such corporation that neglects to keep such book or books shall be liable to forfeit its registry under this Act, and, if a provincial corporation, shall also be liable to forfeit its corporate franchise and rights. ^{Forfeiture for neglect.}

(7) No auditor, director, officer or servant of the corporation shall knowingly make or assist in making any untrue entry in any such book, or shall refuse or neglect to make any proper entry therein. ^{Penalty for false entries.}

(8) Any person violating this section shall be liable in damages for all loss or injury that any person interested may have sustained thereby. R.S.O. 1937, c. 257, s. 110 (3-5). ^{Liability for damages.}

59. Every corporation shall keep a register or registers of all securities held by the corporation. R.S.O. 1937, c. 257, s. 111 (1), *amended*. ^{Register of securities.}

60.—(1) Every loan corporation in which and so long as there are any holders of terminating shares or stock shall keep a book, or books, to be known as the "Terminating Shares Book", in which shall be entered the name and address of every such shareholder, the number and amount of shares from time to time taken by him, and his several payments thereon, the interest or profits earned by his shares, also the repayments or the advances, if any, made by the corporation on account of his shares. R.S.O. 1937, c. 257, s. 112 (1), *amended*. ^{Terminating Shares Book.}

(2) In any case of forfeiture of shares an entry shall be made thereof, with the date of the forfeiture. R.S.O. 1937, c. 257, s. 112. (2). ^{Entry of forfeiture.}

Application
of subss.
6 to 8 of
s. 58.

61. Subsections 6 to 8 of section 58 shall apply to the registers prescribed by section 59 and subsections 5 to 8 of section 58 shall apply to the books prescribed by section 60. R.S.O. 1937, c. 257, s. 112 (3), *amended*.

Property in
books of
account.

62.—(1) The books used by any auditor, officer, collector or agent for verifying or recording money received for the corporation shall be the property of the corporation.

Idem.

(2) Neither the foregoing persons, nor any solicitor, counsel or other person shall have in or upon these or any other of the books of account or record of the corporation any ownership or proprietary right or any right of lien.

Penalty.

(3) Any person who, in contravention of this section, withdraws, withholds or detains any of such books from the possession or control of the directors, or from the receiver or liquidator of the corporation, shall be guilty of an offence. R.S.O. 1937, c. 257, s. 118.

After
decease,
bankruptcy,
etc., of
officer,
books, etc.,
to be de-
livered to
corporation.

63. Where a person who has been but has ceased to be a director, manager, auditor, officer, agent, collector, servant or employee of a corporation, or any other person unlawfully retains possession of any accounts, books, money, securities, papers, matters or things that are the property of the corporation, a judge of the Supreme Court or of a county or district court, on application of the corporation or any depositor or shareholder therein or of the Registrar, and upon notice to the person affected, may order that such accounts, books, money, securities, papers, matters and things be forthwith delivered to such person as the judge may direct and in default that the person so retaining possession shall be imprisoned for such period as the judge may direct or until he complies with the direction of the order, and may authorize the sheriff of any county or district in which the same may be found forthwith to seize and take such accounts, books, money, securities, papers, matters and things and deliver the same to the person to whom they have been directed to be delivered. R.S.O. 1937, c. 257, s. 119.

Books as
evidence.

64.—(1) In any action or proceeding against a corporation the books mentioned in sections 58 and 59 shall be *prima facie* evidence of the facts purported to be thereby stated.

Idem.

(2) The books of a corporation shall be *prima facie* evidence of the truth of all matters purporting to be therein recorded as between the corporation and its shareholders, and as between its shareholders. R.S.O. 1937, c. 257, s. 151, *amended*.

AUDIT; STATEMENT TO SHAREHOLDERS.

65.—(1) The accounts of a registered corporation shall be examined at least once in every year and the correctness of the balance sheet shall be ascertained by two or more auditors, who shall be accountants. Annual audit.

(2) The first auditors of a corporation may be appointed by the directors before the first meeting of the shareholders and shall hold office until the first general meeting. First auditors.

(3) Thereafter the auditors shall be appointed by resolution at a general meeting of the corporation and shall hold office until the next annual meeting unless previously removed by a resolution of the shareholders in general meeting. R.S.O. 1937, c. 257, s. 113 (1-3). Appointment of auditors.

(4) The auditors may be shareholders in the corporation, but no person shall be eligible as an auditor who is interested otherwise than as a shareholder in any transaction of the corporation, and no director, officer or employee of the corporation shall be eligible during his continuance in office. R.S.O. 1937, c. 257, s. 113 (4), *amended*. Auditors may be shareholders.

(5) If an appointment of auditors is not made at an annual meeting the Registrar may, on the application of any shareholder of the corporation, appoint an auditor of the corporation for the current year, and fix the remuneration, if any, to be paid to him by the corporation for his services. Registrar may appoint.

(6) The directors may fill any casual vacancy in the office of auditor, but while any such vacancy continues the surviving or continuing auditor or auditors, if any, may act, and any auditor shall be eligible for re-appointment. Directors may fill vacancies.

(7) The directors may, by a two-thirds vote, suspend any auditor for incapacity, misconduct or negligence until the next general meeting of the corporation, and in the event of suspension shall appoint an auditor *ad interim*. Suspension of auditors.

(8) The remuneration of the auditors shall be fixed by the corporation in general meeting, except that the remuneration of any auditors appointed before the first general meeting or to fill any casual vacancy may be fixed by the directors. Remuneration of auditors.

(9) Every auditor shall have the right of access at all times to the books and accounts, cash, securities, documents and vouchers of the corporation, and shall be entitled to require from the directors and officers of the corporation such information and explanation as he may require. R.S.O. 1937, c. 257, s. 113 (5-9). Auditor's right of access to books.

Checking
cash and
verifying
securities.

(10) It shall be the duty of the auditors, at least once during their term of office, to check the cash and verify the securities of the corporation at the chief office of the corporation, against the entries in regard thereto in the books of the corporation, and, should they deem it necessary, to check and verify in the same manner the cash and securities at any branch or agency. R.S.O. 1937, c. 257, s. 113 (10).

Report to
share-
holders.

(11) The auditors shall make report to the shareholders,—

- (a) that they have examined the books for the year ending 31st day of December and have verified the cash, bank balances and securities of the corporation and stating whether or not their requirements as auditors have been complied with;
- (b) that they have examined the statement and that it agrees with the books of the corporation;
- (c) that after due consideration they have formed an independent opinion as to the position of the corporation;
- (d) that with their independent opinion so formed and according to the best of their information and the explanations given them they certify that in their opinion the statement sets forth fairly and truly the state of the affairs of the corporation;
- (e) that all transactions of the corporation that have come within their notice have been within the powers of the corporation. R.S.O. 1937, c. 257, s. 113 (11), *amended*.

Annual
statement
to share-
holders.

66.—(1) Every corporation shall at least once in every year cause to be prepared a general statement of its affairs in the form prescribed by the Registrar.

To state that
it is corpora-
tion's state-
ment.

(2) Every such statement shall have on the head thereof a printed notice in conspicuous type stating that the statement is the statement of the corporation.

Attesting
and
verifying.

(3) Every such statement shall be attested by the signature of the president or vice-president and the managing director or some other principal officer of the corporation and shall contain a certificate signed by the auditors reporting as provided in section 65.

To be mailed
or delivered
to share-
holders.

(4) A copy of such statement shall be mailed or delivered without charge to every shareholder of the corporation at least ten days before the annual meeting. R.S.O. 1937, c. 257, s. 114 (1-4).

(5) A copy of such statement shall be mailed or delivered without charge to any debenture holder, holder of guaranteed investment certificate or depositor of the corporation who requests the same. 1946, c. 48, s. 9, *amended*.

To debenture holders, etc.

BORROWING POWERS OF LOAN AND LOANING LAND CORPORATIONS.

67. Sections 68 to 73 shall apply to every loan corporation and loaning land corporation incorporated under the law of Ontario or having its head office in Ontario, and also to every loan corporation borrowing in Ontario by taking deposits or issuing debentures or like obligations, and to every loaning land corporation so borrowing by issuing debentures or like obligations. R.S.O. 1937, c. 257, s. 46, *amended*.

Application of ss. 68 to 73.

68.—(1) No corporation constituted with joint stock capital, unless and until it has a subscribed permanent stock of at least \$300,000 on which at least \$100,000 has been actually paid in and is unimpaired, and no corporation constituted without joint stock capital, unless and until it has a paid up, unimpaired, permanent and non-withdrawable capital of at least \$100,000, shall exercise any of the borrowing powers conferred by this Act: R.S.O. 1937, c. 257, s. 47 (1).

Amount of capital to be subscribed and paid before borrowing.

(2) Where a corporation constituted with joint stock capital has subscribed permanent stock of at least \$300,000, on which at least \$100,000 has been actually paid in and is unimpaired, or where a corporation constituted without joint stock capital has a paid up, unimpaired, permanent and non-withdrawable capital of at least \$100,000, subject to the limitations and restrictions contained in this Act, the directors, pursuant to powers conferred in that behalf by any by-laws or rules of the corporation passed at any general meeting, called with due notice of such proposed by-laws and rules, may borrow money on behalf of the corporation at such rates of interest, and upon such terms as they from time to time think proper, and may for that purpose, subject as hereinafter provided, receive money on loan or on deposit, other than and in addition to money received in respect of shares of the corporation, and issue terminable debentures, bonds and other obligations, as well as execute mortgages under the seal of the corporation, for sums of not less than \$100 each, or may assign, transfer or deposit by way of equitable mortgage or otherwise, for the sum so borrowed, any of the documents of title, deed, muniments, securities or property of the corporation, and either with or without power of sale or other special provisions, as they deem expedient. R.S.O. 1937, c. 257, s. 47 (2), *amended*.

Borrowing powers.

69.—(1) A corporation shall not, without the express consent of the shareholders given at a general meeting called

Loan corporation receiving money on deposit.

with due notice of the proposal, receive money on deposit, otherwise than in respect of shares of the corporation, and when money is otherwise received on deposit the same shall, for the purposes of this Act, be deemed to be money borrowed by the corporation, and with interest thereon as agreed shall be repayable by the corporation either at a time certain, or upon notice, not being less than thirty days, unless notice, or such notice, is waived. R.S.O. 1937, c. 257, s. 48 (1), *amended*.

Loaning
land cor-
poration.

(2) A loaning land corporation shall not be entitled to receive deposits.

Ranking of
creditors
on deposits.

(3) In respect of deposits, creditors shall rank upon the assets of the corporation *pari passu* with the holders of debentures. R.S.O. 1937, c. 257, s. 48 (2, 3), *amended*.

Limit of
deposits.

(4) The amount to be received by any corporation entitled to receive deposits shall not at any time exceed an amount equal to twice the aggregate amount of the then actually paid in and unimpaired permanent capital and of the then actual reserve fund of the corporation plus the amount of its cash actually in hand or in any chartered bank to the credit of the corporation and beneficially owned by the corporation and not included in either the permanent capital or reserve fund; provided that subject to the limitation set out in subsection 2 of section 72, the Lieutenant-Governor in Council may, upon such terms and conditions as may be prescribed, increase the amount of deposits that may be received by any such corporation. R.S.O. 1937, c. 257, s. 48 (4); 1946, c. 48, s. 5, *amended*.

Proviso.

Dividends,
etc., not to
be paid out
of reserve.

(5) No dividend or bonus shall be paid or declared either wholly or in part out of the reserve fund that has the effect of diminishing such aggregate below the amount required by this Act for the borrowings of the corporation. R.S.O. 1937, c. 257, s. 48 (5).

Confirming
by-law.

70. No by-law for any of the purposes mentioned in sections 68 and 69 shall take effect until it is confirmed by a vote of shareholders present or represented by proxy at a general meeting of the corporation duly called for considering such by-law, and holding not less than two-thirds of the issued capital stock of the corporation represented at such meeting. R.S.O. 1937, c. 251, s. 79, *amended*.

Reserves
required on
deposits.

71. Every loan corporation shall at all times maintain cash on hand and on deposit, debentures, bonds, stock or other securities of a kind referred to in section 143, and loans payable on demand and fully secured by such securities, to an aggregate amount of at least twenty per centum of the amount of money deposited with the corporation. 1946, c. 48, s. 6.

72.—(1) Debentures shall be for such sums, not being less than \$100, and in such currency as the directors deem advisable, and shall be payable not less than one year from the issue thereof, at such place as may be therein mentioned. R.S.O. 1937, c. 257, s. 50 (1); 1945 (2nd Sess.), c. 4, s. 3.

Denomina-
tion and
term of
debentures.

(2) The total amount borrowed by a corporation on debentures and other securities and by way of deposits shall not exceed four times the aggregate amount of the then actually paid in and unimpaired permanent capital and of the then actual reserve fund of the corporation, plus the amount of its cash actually on hand or in any chartered bank of Canada, to the credit of the corporation and beneficially owned by the corporation and not included in either the permanent capital or reserve fund provided that the Lieutenant-Governor in Council may, on the report of the Registrar, and upon such terms and conditions as may be prescribed, increase the amount which may be borrowed, to a sum not exceeding ten times the aggregate amount from time to time of such permanent capital and reserve fund plus cash. R.S.O. 1937, c. 257, s. 50 (2), *amended*.

Limit of
borrowing
powers of
loan cor-
porations.

73. In ascertaining the extent of the borrowing powers of a corporation all loans or advances to its shareholders upon the security of their shares shall be deducted from the amount of the paid in capital. R.S.O. 1937, c. 257, s. 51.

Deduction to
be made in
estimating
the paid in
capital.

POWERS OF TRUST COMPANIES.

74. Subject to sections 76, 77 and 78, a provincial trust company may and any other registered trust company that has capacity to do so may,—

Powers con-
ferred on
trust
companies.

- (a) take, receive and hold all estates and real and personal property that may be granted, committed, transferred or conveyed to the company with its consent, upon any trust or trusts whatsoever not contrary to law, at any time or times, by any person or persons, body or bodies corporate, or by any court of competent jurisdiction;
- (b) take and receive as trustee or as bailee, upon such terms and for such remuneration as may be agreed upon, deeds, wills, policies of insurance, bonds, debentures or other valuable papers or securities for money, jewelry, plate or other chattel property of any kind, and to guarantee the safe-keeping of the same; R.S.O. 1937, c. 257, s. 18 (1), cls. (a, b).
- (c) receive and store for safe-keeping all kinds of securities and personal property and rent spaces or compart-

ments for the storage of securities or personal property and enter into all legal contracts for regulating the terms and conditions upon which such business shall be carried on; *New.*

- (d) act generally as attorney or agent for the transaction of business, the management of estates, the collection of loans, rents, interest, dividends, debts, mortgages, debentures, bonds, bills, notes, coupons and other securities for money;
- (e) act as agent for the purpose of issuing or counter-signing certificates of stock, bonds or other obligations of any association or municipal or other corporation, and to receive, invest and manage any sinking fund therefor on such terms as may be agreed upon;
- (f) accept and execute the offices of executor, administrator, trustee, receiver, liquidator, assignee, custodian, trustee in bankruptcy, or of trustee for the benefit of creditors, and of guardian of any minor's estate, or committee of any mentally incompetent person's estate, and to accept the duty of and act generally in the winding up of estates, partnerships, companies and corporations;
- (g) invest any trust money in the hands of the company in any securities in which private trustees may by law invest trust money;
- (h) guarantee any investment made by the company as trustee, agent or otherwise;
- (i) sell, pledge or mortgage any mortgage or other security, or any other real or personal property held by the company, and make and execute all requisite conveyances and assurances in respect thereof;
- (j) make, enter into, deliver, accept and receive all deeds, conveyances, assurances, transfers, assignments, grants and contracts necessary to carry out the purposes of the company, and promote its objects and business;
- (k) charge, collect and receive all proper remuneration, legal, usual and customary costs, charges and expenses for all such services, duties and trusts. R.S.O. 1937, c. 257, s. 18 (1), cls. (c-j).

75. A provincial trust company shall not have power to take deposits by way of borrowing money. R.S.O. 1937, c. 257, s. 16 (2), *amended*.

Trust companies not to borrow by accepting deposits.

76.—(1) Subject to section 132, a provincial trust company, and any other registered trust company that has capacity to do so, may receive deposits of money repayable upon demand or after notice and may pay interest thereon at such rates and on such terms as the company may from time to time establish and the company shall be entitled to retain the interest and profit resulting from the investment or loaning of such deposit money in excess of the amount of interest payable to depositors.

Deposits,—power to receive.

(2) Every trust company receiving deposits in the manner authorized by subsection 1 shall be deemed to hold the same as trustee for the depositors and to guarantee repayment thereof and there shall be ear-marked and definitely set aside in respect thereof securities, or cash and securities, equal to the full aggregate amount thereof, and for the purposes of this subsection "cash" includes moneys on deposit and "securities" includes loans made upon securities.

To be deemed trust moneys and to be guaranteed.

(3) Every trust company receiving moneys on deposit under this section shall keep a record in the form approved by the Registrar, in which shall be entered all sums so received and the names and addresses so far as known, of the persons from whom they are received. R.S.O. 1937, c. 257, s. 18 (3-5), *amended*.

Record of deposits.

77. A provincial trust company shall not have power to borrow money by issuing debentures. R.S.O. 1937, c. 257, s. 16 (1), *amended*.

Trust companies not to borrow on debentures.

78.—(1) Subject to section 132, a provincial trust company, and any other registered trust company that has capacity to do so, may receive money for the purpose of its being invested by the company and may guarantee the repayment of money so received and the payment of the interest thereon at such rate as may be agreed upon on fixed days.

Trust companies may receive money for investment and guarantee repayment.

(2) Such guarantee by the company shall not be deemed to be a debenture and the money shall not be deemed to be money borrowed by the company by issuing debentures but to be money received in trust, and, in such cases, the company shall be entitled to retain the interest and profits resulting from the investment or loaning of such moneys in excess of the amount of interest payable thereon. R.S.O. 1937, c. 257, s. 16 (1), *amended*.

Guarantee not to be deemed debenture.

Entitlement to interest, etc.

Securities allocated to guaranteed investment.

(3) Where it is provided by the agreement under which moneys are received by the company for guaranteed investment as mentioned in subsection 1 that specific securities shall be allocated in respect thereof, such securities shall be ear-marked and definitely set aside in respect thereof, and in respect of all other moneys received for guaranteed investment as mentioned in subsection 1 there shall be ear-marked and definitely set aside in respect thereof securities, or cash and securities, equal to the full aggregate amount thereof, and for the purposes of this subsection "cash" includes moneys on deposit and "securities" includes loans made upon securities. R.S.O. 1937, c. 257, s. 17 (2), *amended*.

Liability,—
extent of.

79.—(1) The liability of a trust company to persons interested in an estate held by the company as executor, administrator, trustee, receiver, liquidator, assignee, guardian, or committee shall be the same as if the estate had been held by any private person in the like capacity, and the company's powers shall be the same. R.S.O. 1937, c. 257, s. 20.

Approval of company as executor etc.

(2) Where a trust company is authorized to execute the office of executor, administrator, trustee, receiver, liquidator, assignee, guardian or committee, and the Lieutenant-Governor in Council approves of the company being accepted as a trust company for the purposes of the Supreme Court, every court or judge having authority to appoint such an officer may, with the consent of the company, appoint the company to exercise any of such offices in respect of any estate or person under the authority of such court or judge, or may grant to the company probate of any will in which the company is named as an executor; but no company that has issued or has authority to issue debentures or debenture stock, or which has received or has authority to receive deposits, except in the manner authorized by this Act shall be approved.

Proviso.

Appoint-
ment of
company
as sole

(3) A trust company so approved may be appointed to be a sole trustee, notwithstanding that but for this Act it would be necessary to appoint more than one trustee.

or joint
trustee.

(4) A trust company so approved may be appointed to any of the offices mentioned in subsection 2 jointly with another person.

When ap-
pointment
may be made
by court.

Rev. Stat.,
c. 165.

(5) Such appointment may be made whether the trustee is required under the provisions of any deed, will or document creating a trust or whether the appointment is under the provisions of *The Trustee Act* or otherwise.

(6) Notwithstanding any rule or practice or any provision of any Act requiring security it shall not be necessary for the company to give any security for the due performance of its duty as such executor, administrator, trustee, receiver, liquidator, assignee, guardian or committee unless otherwise ordered. Security not required. 1 1

(7) The Lieutenant-Governor in Council may at any time revoke the approval given under this section. R.S.O. 1937, c. 257, s. 21. Revocation of approval.

80. Every trust company shall at all times maintain cash on hand and on deposit, debentures, bonds, stocks or other securities of a kind referred to in subsection 3 of section 142 and loans payable on demand and fully secured by such securities, to an aggregate amount of at least twenty per centum of the amount of money deposited with the company in the manner authorized by subsection 1 of section 76. *New.* Reserves required on deposits.

GENERAL POWERS.

81.—(1) Every corporation may establish and support or aid in the establishment and support of associations, institutions, funds, trusts and conveniences calculated to benefit employees or ex-employees of the company, or its predecessors in business, or the dependants or connections of such persons, and to grant pensions and allowances and make payments towards insurance or for any object similar to those set forth in this subsection, and to subscribe or guarantee money for charitable or benevolent objects, or for any exhibition or for any public, general or useful object. R.S.O. 1937, c. 257, s. 22; 1939, c. 47, s. 17 (1), *amended.* Powers of corporation as to benefit funds, etc., for employees and their families.

(2) Every provincial corporation shall be deemed to have possessed since the date of its incorporation the powers set forth in subsection 1 including the power to exercise such powers jointly with any registered corporation, by whatever authority incorporated, possessing the same or similar powers, in such a way as to benefit the employees, or ex-employees, of such corporations or predecessors in business of such corporations or the dependants or connections of such persons. 1939, c. 47, s. 17 (2), *amended.* Declaration as to powers of corporation.

82. The charter or other instrument of incorporation of a corporation may at any time, for cause shown to his satisfaction, be suspended or revoked by the Lieutenant-Governor in Council. R.S.O. 1937, c. 257, s. 23, *amended.* Suspension or revocation of charter.

83. Every provincial corporation shall, unless it is otherwise expressly declared in the Act or instrument creating it, have and be deemed from its creation to have had the general Capacity of corporations.

capacity that the common law ordinarily attaches to corporations created by charter. *New.*

Extension of business beyond the Province.

84.—(1) Where the existence or operation of a provincial corporation is not by the Act or instrument creating it, limited in time or area the corporation may, in general meeting of the shareholders, called for the purpose by notice duly given, pass a by-law authorizing its directors to extend the business of the corporation beyond Ontario, but in compliance with the law of the place to which the business may be so extended, and the directors may give effect to such by-law without being liable or responsible for any breach of trust in so doing.

Erection or purchase of buildings required for use of corporation in the foreign jurisdiction.

(2) Where, as provided in this section, a provincial corporation carries on business outside of Ontario the corporation may in general meeting of the shareholders, called for the purpose by notice duly given, pass a by-law authorizing the directors to invest the money of the corporation in the erection or purchase of buildings required for the occupation of the corporation in any place where the corporation is so carrying on business and in conformity with the law of such place. R.S.O. 1937, c. 257, s. 24, *amended.*

Reserve fund.

85. A corporation may maintain a reserve fund out of its earnings or other income not required to meet its present liabilities. R.S.O. 1937, c. 257, s. 37, *amended.*

Prohibition or limitation of loans upon shares.

86.—(1) A corporation may pass a by-law prohibiting the loaning to shareholders upon the security of their shares, or, subject to the limitations contained in this section, may pass a by-law fixing the aggregate amount that may be loaned on such shares, and neither of such by-laws shall be repealed until all liabilities of the corporation are discharged.

Limitation as to loans on its own stock.

(2) Subject to subsection 1 the corporation may lend upon its own paid up stock to an amount not exceeding at any one time in the aggregate of all such loans ten per centum of the corporation's paid up stock.

Margin.

(3) No such loan shall exceed eighty per centum of the market price of the stock. R.S.O. 1937, c. 257, s. 38.

Not to lend on own stock.

87. A corporation shall not, except in the manner provided by section 86, lend on its own shares with or without collateral security. R.S.O. 1937, c. 257, s. 39.

Prohibition against acting as insurance agent.

88.—(1) No corporation, and no director, officer or employee thereof, either personally or on behalf of such corporation, and no other company the majority of the capital stock of which is owned or controlled by such corporation,

its shareholders, directors, officers or employees, shall, either directly or indirectly, transact the business of or act as insurance agent or broker within the meaning of *The Insurance Act*, or exercise pressure upon any borrower or mortgagor to place insurance for the security of such corporation, in or through any particular agency or brokerage office; provided that nothing in this section shall prevent such corporation from stipulating in its contract of loan that any required insurance must be effected with an approved insurer. Rev. Stat., c. 256.

(2) Subsection 1 shall not apply to the director of a corporation who is able to satisfy the Superintendent of Insurance that the business of insurance is his major occupation. Exception. R.S.O. 1937, c. 257, s. 40.

89. A person not of the full age of twenty-one years may deposit money with a registered corporation in his own name, and the same may be repaid to him, and he may give a valid discharge therefor, notwithstanding his minority. Minors may make deposits. R.S.O. 1937, c. 257, s. 71.

90.—(1) A corporation shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any share of its stock, or any deposit, guaranteed investment certificate or debenture may be subject. Trusts.

(2) The receipt of the person in whose name any such share, deposit, guaranteed investment certificate or debenture stands in the books of the corporation shall be a sufficient discharge to the corporation for any payment made in respect thereof, and a direction to transfer, signed by the person in whose name any such share, deposit, guaranteed investment certificate or debenture stands in the books of the corporation, shall be sufficient authority to the corporation for any transfer made in respect thereof, notwithstanding any trust to which the same may then be subject and whether the corporation has or has not had notice of the trust. Sufficient discharge. R.S.O. 1937, c. 257, s. 72 (1, 2), *amended*.

(3) A corporation shall not be bound to see to the application of the money paid upon such receipt. Application of money paid. R.S.O. 1937, c. 257, s. 72 (3).

91. A provincial corporation may, by writing under its seal, empower any person, either generally or in respect of any specified matters, as its attorney, to execute on its behalf, deeds to which it is a party in any capacity in any place situate within or without Ontario, and every deed signed by such attorney, on behalf of the corporation and under his seal, shall bind the corporation and have the same effect as if it were under the seal of the corporation. Power of attorney by corporation. R.S.O. 1937, c. 257, s. 73, *amended*.

Power of corporation to have official seal for use abroad.

92.—(1) A provincial corporation may have a seal to be known as the "official seal" for use in any territory, district or place not situate in Ontario, which shall be a facsimile of the seal of the corporation, with the addition on its face of the name of the territory, district or place where it is to be used.

Authority to agent to affix seal.

(2) A corporation having an official seal may, by writing under its seal, authorize any person appointed for the purpose in any territory, district or place not situate in Ontario, to affix the same to any deed or other document to which the company is party in any capacity in that territory, district or place. R.S.O. 1937, c. 257, s. 74 (1, 2).

Certifying date and period of sealing.

(3) The person affixing an official seal shall, by writing under his hand, on the deed or other document to which the seal is affixed, certify the date and place of affixing the same.

Effect of official seal.

(4) A deed or other document to which an official seal is duly affixed shall bind the corporation as if it had been sealed with the seal of the corporation. R.S.O. 1937, c. 257, s. 74 (4, 5).

AMALGAMATION OF CORPORATIONS AND PURCHASE AND SALE OF ASSETS.

Power to unite with other corporations and to purchase or sell assets.

93.—(1) Any registered loan corporation or loaning land corporation may unite, merge, amalgamate and consolidate its stock, property, business and franchises with those of any other loan corporation or loaning land corporation in Canada, or may purchase the assets of any such corporation, or may sell its assets to any registered corporation, and for the purpose of carrying out such purchase or sale the purchasing corporation shall assume the liabilities of the vendor corporation, and may enter into such bond or agreement of indemnity with the corporation or the individual shareholders thereof, or both, as may be necessary, and the corporations may enter into the contracts and agreements necessary to such union, merger, amalgamation, consolidation, sale or purchase. R.S.O. 1937, c. 257, s. 59, *amended*.

Sections 94-101 not to apply.

(2) Sections 94 to 101 shall not apply to the purchase by a registered extra provincial corporation of the assets of a corporation that is not registered under this Act. *New*.

Directors may make agreement for amalgamation or for purchase or sale of assets.

94.—(1) The directors of any corporation mentioned in section 93 may enter provisionally into a joint agreement under the seal of each of the corporations for the union, merger, amalgamation or consolidation of the corporations, or for the sale or purchase by the one corporation of the assets of the other corporation. R.S.O. 1937, c. 257, s. 60 (1), *amended*.

(2) The agreement shall prescribe the terms and conditions of the proposed transaction, and the mode of carrying the same into effect. Matters to be specified in agreement.

(3) If the two corporations are to be merged into one corporation the agreement shall specify the name of the new or of the continuing corporation, and the number of directors and the officers thereof, and shall state who shall be the first directors and officers, the capital stock, the number of shares into which such stock is divided, the par value of the shares and the manner of converting the capital stock of each of the existing corporations into that of the new or continuing corporation. R.S.O. 1937, c. 257, s. 60 (2, 3). Idem.

(4) The agreement shall contain such other details as the directors of the corporations deem necessary to perfect the new organization, and the union, merger, amalgamation and consolidation, and the after management and working thereof, and to complete the terms and mode of payment for the assets of one corporation purchased or acquired by the other. R.S.O. 1937, c. 257, s. 60 (4), *amended*. Other details.

(5) In any agreement for the purchase and sale of assets, the consideration may consist wholly or in part of partly paid or of paid up shares of the permanent capital stock of the purchasing corporation. Consideration.

(6) Such agreement, or if no agreement has been entered into but an offer has been made by a corporation under its seal for the purchase of the assets of another corporation such offer, shall be submitted to the shareholders of each corporation at a meeting thereof to be held separately for the purpose of taking the agreement or the offer into consideration. Agreement to be subject to approval of shareholders.

(7) Notice of the time and place of the meeting of the corporation in which he holds shares and the objects thereof shall be given by written or printed notice addressed to every shareholder, together with a copy of the proposed agreement, at his last known post office address, and also by a general notice in a newspaper published at the chief place of business of the corporation once a week for six successive weeks. Notice of meeting to consider agreement.

(8) A like notice, together with two copies of the proposed agreement, shall be delivered to the Registrar at least one month before the date of either of the meetings of shareholders called to consider it. R.S.O. 1937, c. 257, s. 60 (5-8). Notice to Registrar.

95. At each of the meetings of shareholders the agreement or offer shall be considered, and if at each meeting the agreement or offer is ratified or accepted by resolution passed Proceedings to ratify agreement.

by at least a three-fourths vote of such shares as are represented in person or by proxy and representing at least fifty per centum of the issued capital stock of the corporation, that fact shall be certified upon the agreement or offer by the secretary or manager under the seal of the corporation. 1946, c. 48, s. 7.

Dispensing
with rati-
fication.

96. The Lieutenant-Governor in Council, in the case of a proposed purchase of assets, may dispense with the ratification or acceptance of the agreement or offer by the shareholders of the purchasing corporation where it is shown to his satisfaction that the shareholders, after due notice thereof, have ratified a general resolution or by-law authorizing the purchase of the assets of any loan corporation upon the basis and within the limits specified in such agreement or offer. R.S.O. 1937, c. 257, s. 63.

Ratified
agreement
to be filed
with
Registrar
for assent.

97.—(1) If the agreement is ratified or the offer is accepted at the meeting of the shareholders of each of the corporations, or in the case provided for in section 96 at the meeting of the shareholders of the selling corporation, the agreement or offer, with the certificates or certificate thereon, shall be filed with the Registrar.

Assent of
Lieutenant-
Governor
in Council.

(2) The Registrar shall submit the agreement or offer for the assent of the Lieutenant-Governor in Council.

Effect of
assent.

(3) If the Lieutenant-Governor in Council assents thereto, the agreement or offer shall be deemed to be the agreement and act of union, amalgamation and consolidation of the corporations, or the agreement and deed of purchase and acquisition of the assets of the selling corporation by the purchasing corporation. R.S.O. 1937, c. 257, s. 64.

Certificate
of assent by
Minister.

98.—(1) Upon proof that the foregoing requirements have been duly complied with the Minister shall issue a certificate under his hand and seal certifying the assent of the Lieutenant-Governor in Council and the date thereof, and declaring the purchase and the sale of the assets and the names of the corporations parties thereto, or, in the case of amalgamation, declaring the amalgamation of the corporations, naming them, and the name of the new or of the continuing corporation, together with such other matters, if any, as may appear to him necessary or desirable in the public interest.

Effect as
evidence.

(2) The certificate of the Minister shall for all purposes and in all courts be conclusive evidence of all matters therein certified or declared.

(3) The Registrar shall give public notice in the *Ontario Gazette* of the issue of the Minister's certificate. Publication.

(4) It shall be sufficient to register a certified copy of the Minister's certificate in each registry division or land titles office in which instruments affecting lands or interests in lands included or intended to be included in the transfer or amalgamation, are registered. Registration of certificate of assent to amalgamation.

(5) The fee payable for the registration shall be \$1 if the certificate is five folios or less, and ten cents for each additional folio. Fee payable for registration.

(6) Any document under the hand, or purporting to be under the hand, of the Registrar, certifying the document to be or to contain a true copy of the Minister's certificate or of any instrument referred to in the certificate, shall be registered in any registry division by the Registrar thereof, or by the master or local master of titles upon the same being tendered to him for registration accompanied by the proper fee. Certificate of Registrar registration of.

(7) The certificate shall be entered in the general register of the registry division or in the book kept in the land titles office. Registration in general register.

(8) Copies so certified of any such certificate or instrument shall be received by the master of titles and local masters of titles, under the provisions of *The Land Titles Act*, as conclusive evidence of all matters therein certified or declared. Certified copies of certificate as evidence before master of titles. Rev. Stat., c. 174.

(9) For the purpose of any instrument required to be registered or filed under *The Bills of Sale and Chattel Mortgage Act*, it shall be sufficient in order to show the transmission of title in respect of any personal property or interest in personal property included, or intended to be included, in a transfer or amalgamation, such as is mentioned in section 97 and this section, if the instrument affecting such property or interests recites the certificate registered as provided in subsection 4, and states the registry division in which the same is registered and its registration number. As to bills of sale and chattel mortgages. Rev. Stat., c. 181.

(10) This section shall extend to and include any such certificate or certified copy issued or purporting to have been issued under *The Loan Corporations Act* since the 13th day of April, 1897. Application of section. R.S.O. 1897, c. 205. R.S.O. 1937, c. 257, s. 65.

99. The Registrar may, by a certificate under his hand and seal, endorsed upon or identifying the agreement or offer mentioned in subsection 6 of section 94, or any counterpart or copy thereof, certify that the agreement or offer has been assented to by the Lieutenant-Governor in Council, and his Evidence of assent of the Lieutenant-Governor in Council.

certificate with a copy of the Order in Council attached shall be *prima facie* evidence of such assent. R.S.O. 1937, c. 257, s. 66.

Assets of selling corporation to vest in purchasing corporation.

100.—(1) In the case of a purchase and sale of assets so assented to, the assets of the selling corporation shall become vested in the purchasing corporation on and from the date of such assent without any further conveyance and the purchasing corporation shall thereupon become and be responsible for the liabilities of the selling corporation.

Disposal of assets by purchasing corporation.

(2) In dealing with the assets of the selling corporation it shall be sufficient for the purchasing corporation to recite the agreement and the assent of the Lieutenant-Governor in Council thereto, with the date of the assent.

Rights of creditors.

(3) No such transfer shall affect the rights of any creditor of the transferring corporation.

Privity of contract between purchasing corporation and each creditor of selling corporation.

(4) By every such agreement made or purporting to be made under this Act the purchasing corporation shall be deemed to covenant and agree with each creditor of the selling corporation that the purchasing corporation will pay to him the sum in which the selling corporation is indebted to him at such time and place as such sum would have been payable had such agreement not been made.

Dissolution of selling corporations and of corporations amalgamated.

(5) Where the Lieutenant-Governor in Council assents to an agreement for the sale of the assets of a corporation, or to an agreement for the amalgamation of two or more corporations, the selling corporation, or the several corporations amalgamated, as the case may be, shall, from the date of the assent, be dissolved except so far as is necessary to give full effect to the agreement. R.S.O. 1937, c. 257, s. 67.

Property and rights of both companies vested in new corporation.

101.—(1) In the case of an amalgamation the corporations parties thereto shall, from the date of the assent of the Lieutenant-Governor in Council, be consolidated and amalgamated and be merged in and form one corporation by the name stated in the Minister's certificate, and shall, subject to the law of Ontario, possess all the rights, privileges and franchises of each of the amalgamated corporations.

Business and property vested in new corporation.

(2) From the date of the assent all the business, real and personal property, and all the rights and incidents appurtenant thereto, all stock, mortgages, or other securities, subscriptions and other debts due, and other things in action belonging to each of the corporations shall be vested in the new or continuing corporation without further act or deed.

(3) All rights of creditors and liens upon the property of each of the corporations shall be unimpaired by the amalgamation. Creditors' rights.

(4) All debts, liabilities and duties of each of the amalgamated corporations shall thenceforth attach to the new or continuing corporation, and may be enforced against it to the same extent as if the same had been incurred or contracted by it. R.S.O. 1937, c. 257, s. 68. Debts and liabilities.

102.—(1) In this section "fiduciary" includes trustee, bailee, executor, administrator, assignee, guardian, committee, receiver, liquidator or agent, and "instrument" includes every will, codicil, or other testamentary document, settlement, instrument of creation, deed, mortgage, assignment, Act of the Legislature, and a judgment, decree, order, direction and appointment of any court, judge, or other constituted authority. R.S.O. 1937, c. 257, s. 69 (1), *amended*. Interpretation.—"fiduciary"; "instruments".

(2) Any registered trust company may unite, merge, amalgamate and consolidate its stock, property, business and franchises with those of any other trust company in Canada or may purchase the assets of any corporation in Canada and may sell its assets to any registered trust company, and for the purpose of carrying out such purchase or sale the purchasing corporation shall assume the liabilities of the vendor corporation, and may enter into such bond or agreement of indemnity with the vendor corporation or the individual shareholders thereof, or both, as may be necessary, and the corporations may enter into the agreements necessary to such union, merger, amalgamation, consolidation, sale or purchase, and subsection 2 of section 93 and sections 94 to 101 shall apply *mutatis mutandis* thereto. Power of trust companies to unite with other corporations and to purchase or sell assets.

(3) In the case of a purchase of the assets of a loan corporation by a trust company pursuant to subsection 2 the trust company shall definitely set aside in respect of any debentures and deposits of the loan corporation of which the trust company assumes payment, securities, or cash and securities, equal to the aggregate amount of such debentures and deposits, and for the purposes of this subsection "cash" includes moneys on deposit and "securities" includes loans made upon securities. R.S.O. 1937, c. 257, s. 69 (2), *amended*. Where trust company purchases assets of loan corporation.

(4) On and from the assent of the Lieutenant-Governor in Council, as provided in subsection 1 of section 98, to the purchase and sale, or to the amalgamation, all trusts of every kind and description, including incomplete or inchoate trusts, and every duty assumed by or binding upon either of the corporations, parties to the purchase and sale, or to the amalgamation, shall be vested in and bind and may be enforced Trusts to pass to new companies.

against the purchasing or new or continuing corporation as fully and effectually as if it had been originally named as the fiduciary in the instrument.

Subject matter of trust to vest in new company.

(5) Whenever in any instrument any estate, money or other property, or any interest, possibility or right is intended at the time or times of the publishing, making or signing of the instrument to be thereafter vested in or administered or managed by or put in the charge of the selling corporation or of either of the amalgamated corporations as the fiduciary, the name of the new or continuing corporation shall be deemed to be substituted for the name of the old corporation, and such instrument shall vest the subject matter therein described in the new or continuing corporation according to the tenor of, and at the time indicated or intended by the instrument, and the new or continuing corporation shall be deemed to stand in the place and stead of the old corporation.

References in will or codicil.

(6) Where the name of the selling corporation or of either of the amalgamated corporations appears as executor, trustee, guardian, or curator in a will or codicil such will or codicil shall be read, construed and enforced as if the new or continuing corporation was so named therein, and it shall, in respect of the will or codicil, have the same status and rights as the selling or amalgamating corporation.

Duties of old corporation not completed.

(7) In all probates, administrations, guardianships, curatorships or appointments of administrator or guardian *ad litem* issued or made by any court of Ontario to the selling corporation or to either of the amalgamated corporations, from which at the date of such assent it had not been finally discharged, the new or continuing corporations shall *ipso facto* be substituted therefor. R.S.O. 1937, c. 257, s. 69 (3-6).

REGISTRAR.

Appointment of Registrar and assistants.

103.—(1) There shall be a Registrar and an assistant registrar who shall be appointed by the Lieutenant-Governor in Council.

Assistant registrar, duties of.

(2) The assistant registrar shall perform the duties of the Registrar in the case of the latter's absence or illness, or of a vacancy in the office of Registrar, and shall also perform such other duties as may be assigned to him by the Lieutenant-Governor in Council, by the Minister or by the Registrar.

Actions against Registrar.

(3) Without the leave of the Attorney General, no action or proceeding shall be brought or taken against the Registrar or assistant registrar for anything done or omitted in the performance, or intended or supposed performance, of his duty under this Act. R.S.O. 1937, c. 257, s. 124.

104. The Registrar shall have a seal of office, which shall Official seal. bear upon its face the words "Registrar of Loan and Trust Corporations". R.S.O. 1937, c. 257, s. 125, *amended*.

105.—(1) The Registrar shall keep,— Registers.

(a) a register to be called the "Loan Companies' Register", wherein shall be recorded the names of such Loan Companies' Register. loan corporations as are from time to time entitled to registry;

(b) a register to be called the "Loaning Land Companies' Register", wherein shall be entered the names of Loaning Land Companies' Register. such loaning land corporations as are from time to time entitled to registry; and

(c) a register to be called the "Trust Companies' Register", wherein shall be entered the names of such Trust Companies' Register. trust companies as are from time to time entitled to registry. R.S.O. 1937, c. 257, s. 126 (1), *amended*.

(2) A corporation shall not be registered on more than one No corporation to be registered on more than one register. of such registers, and shall not transact or undertake business in Ontario other than the business for which it is registered. R.S.O. 1937, c. 257, s. 126 (2).

106.—(1) The duty of determining, distinguishing and Duties of Registrar. registering the corporations that under this Act are required to be registered and are entitled to registry, and of granting registry accordingly, shall devolve upon the Registrar subject to appeal as provided in section 120.

(2) For the purposes of his duties the Registrar may require Power to require evidence. to be made, or may take and receive affidavits or depositions, and may examine witnesses upon oath.

(3) The evidence and proceedings in any matter before the Registrar may be reported by a stenographer who has taken Employment of stenographer. an oath before the Registrar faithfully to report the same. R.S.O. 1937, c. 257, s. 127.

107.—(1) The Registrar shall prepare for the Minister Annual report. from statements filed by the corporations and from any inspection or inquiries made, an annual report, showing particulars of the business of each corporation as ascertained from such statements, inspection and inquiries and the report shall be printed and published forthwith after completion.

(2) In the report the Registrar shall allow as assets only Only authorized investments allowed as assets. such of the investments of the several corporations as are authorized by this Act or by their Acts of incorporation or by the general Acts applicable to such investments.

Corrections
in annual
statements
by Registrar.

(3) In the report the Registrar shall make all necessary corrections in the annual statements made by the corporations herein provided and shall be at liberty to increase or diminish the assets or liabilities of the corporations to the true and correct amounts thereof as ascertained by him in the examination of their affairs at the head office or any branch thereof or otherwise.

Appraisal-
ment of
over-valued
real estate.

(4) If it appears to the Registrar or if he has any reason to suppose from the statements prepared and delivered to him by the corporations or otherwise, that the value placed by any corporation upon the real estate owned by it or any parcel thereof, is too great, or that the amount secured by mortgage or hypothec upon any parcel of real estate, together with interest due and accrued thereon is greater than the value of the parcel or that the parcel is not sufficient for the loan and interest, or that the value of any investments of the funds of the corporation or of its trust funds is less than the amount of the value of the investments shown in the books of the corporation, he may either require the corporation to secure an appraisalment of such real estate or other security by one or more competent valuator or may himself procure such appraisalment at the expense of the corporation, and if it is made to appear that the value of such real estate or other security held, is less than the amount at which it is carried on the books of the corporation or is not adequate security for the loan and interest, he may write off such real estate, loan and interest, or investment, a sum sufficient to reduce the book value of the same to such amount as may fairly be realizable therefrom, such amount in no case to exceed the appraised value, and may insert such reduced amount in the report. R.S.O. 1937, c. 257, s. 122 (1-4).

Registrar
to have
access to
corporation
books, etc.

108.—(1) The Registrar or any person authorized under his hand and seal shall, with the approval of the Minister, have at any time within business hours access to the books, vouchers, securities and documents of a corporation, and any officer or person in charge, possession, custody or control of the books, vouchers, securities or documents refusing or neglecting to afford such access shall be guilty of an offence, and the corporation, if registered, shall be liable to have its registry suspended.

Cancellation
of registry
for refusing
access.

(2) The corporation, on continued refusal or neglect to afford such access, shall be liable to have its registry cancelled or not renewed after termination of the current certificate.

Special audit
in case of
fraud, illegal
acts or
default of
audit or
financial
statement.

(3) Where a corporation is three months in default in the delivery of the financial statement required by section 144 or upon proof that its accounts have been materially and

wilfully falsified, or that for eighteen consecutive months there has been no *bona fide* audit of the books and accounts, or where there is filed with the Registrar a requisition for audit bearing the signatures, addresses and occupations of at least twenty-five shareholders of the corporation, holding shares upon which not less than \$10,000 has been paid in, and alleging to the satisfaction of the Registrar specific fraudulent or illegal acts, or repudiation of contracts, or insolvency, and accompanied by a deposit of \$300 or such less sum as the Registrar may fix as security to cover the costs of the audit, the Registrar may nominate a competent accountant who shall under his direction make a special audit of the corporation's books, accounts and securities, and make to him a written report thereupon verified upon oath.

(4) A special auditor so appointed shall be sufficiently accredited if he delivers to the secretary or to any managing officer of the corporation a written statement under the hand and seal of the Registrar to the effect that the Registrar has nominated him to audit the books, accounts and securities of the corporation. Credentials of auditor.

(5) The expense of a special audit shall be borne by the corporation, and the auditor's account therefor when approved in writing by the Registrar shall be conclusive and shall be payable forthwith. Expenses of special audit.

(6) Where the facts alleged in the requisition appear to the Registrar to have been partly or wholly disproved by the audit, and he deems it just, he may pay the costs of the audit partly or wholly out of the deposit. Payment of costs out of deposit.

(7) The deposit or the balance, if any, remaining after payment of such costs shall be returned to the requisitioning shareholders upon the order of the Registrar. Return of balance of deposit.

(8) Where a corporation, by its officer, employee, servant or agent having in his custody, possession or power the funds, books, vouchers, securities, or documents of the corporation, refuses to have the same duly audited, as provided by section 65, or by this section or by section 109, or obstructs an auditor or examiner in the performance of his duties, the Registrar, upon proof of the fact, may suspend or cancel the registry of the corporation, or may terminate the registry upon the expiry of the current certificate of registry. Where corporation resists or obstructs audit.

(9) If the report of the special auditor appears to the Registrar to disclose fraudulent or illegal acts on the part of the corporation, or a repudiation of its contracts, or its insolvency, he shall notify the corporation accordingly and furnish it with a copy of the report, allowing two weeks for a statement in reply to be filed with him. Report of special auditor.

Registrar's
decision.

(10) Upon consideration of the report and of the corporation's statement in reply, and of such further evidence, documentary or oral, as he may require, the Registrar shall render his decision in writing, and may thereby continue or terminate, or suspend or cancel the registry of the corporation. R.S.O. 1937, c. 257, s. 147.

Appoint-
ment of
examiner by
Minister.

109.—(1) The Minister, of his own motion or upon an application being made to him in writing, may appoint any competent person to make a special examination and audit of the corporation's books, accounts and securities, and to inquire into the conduct of the business of the corporation generally.

Evidence
upon which
inquiry to
be ordered.

(2) The application shall be supported by such evidence as the Minister may require for the purpose of showing that there is good reason for requiring the investigation to be made, and that it is not prompted by malicious motives.

Security
for costs.

(3) The Minister may require security for the payment of the costs of the inquiry to be given before appointing the examiner.

Powers of
examiner as
to summon-
ing wit-
nesses, etc.

Rev. Stat.,
c. 19.

(4) The examiner may summon witnesses and take evidence under oath, and generally, for the purposes of such examination, audit and inquiry, shall have the like powers as may be conferred on a commissioner appointed under *The Public Inquiries Act*.

Report to
Minister.

(5) Upon the conclusion of the examination, audit and inquiry the examiner shall make his report in writing to the Minister.

Requiring
additional
information
or returns
from loan
and trust
corporations.

(6) The Registrar may, by notice in writing, whenever he sees fit, require a corporation to make in addition to its annual or other returns required by this Act, a return verified by affidavit of one of its officers, or to furnish information verified in the same manner upon any subject connected with its affairs, and the corporation shall make the return within the time mentioned in the notice requiring the same.

Notice
requiring
return or
information.

(7) The notice may be given to the president, secretary, managing director or other officer or officers having apparent control of the books of the corporation, or any of them in Ontario, and non-compliance with the notice shall be an offence. R.S.O. 1937, c. 257, s. 148 (1-7).

Appoint-
ment of
examiner at
request of
Dominion
Mortgage
Association.

(8) Upon the request of the Dominion Mortgage and Investments Association, the Minister shall appoint an examiner under subsection 1. R.S.O. 1937, c. 257, s. 148 (8), *amended*.

110.—(1) A notice published in the *Ontario Gazette* over the name of the Registrar or assistant registrar shall, without further proof, be *prima facie* evidence of the facts set forth in the notice. Evidence: Notice in Gazette.

(2) All copies of returns, reports or other official publications of the Registrar purporting to be printed by the King's Printer, or to be printed by order of the Assembly, shall, without further proof, be admitted as evidence of such publication and printing and as true copies of the originals. Official publications.

(3) A certificate under the hand of the Registrar or assistant registrar and the Registrar's seal of office, that on a stated day the corporation mentioned therein was or was not registered, or that the registry of any corporation was originally granted, or was renewed, suspended, revived or cancelled, on a stated day, shall be *prima facie* evidence of the facts stated in the certificate. Certificate as to registry.

(4) Copies of, or extracts from, any book, record, instrument or document in the office of the Registrar or of or from any official instrument or document issued under this Act shall, if certified by him or by the assistant registrar to be true copies or extracts and sealed with the Registrar's seal of office, be held as authentic and shall be *prima facie* evidence of the same legal effect as the original. R.S.O. 1937, c. 257, s. 150. Copies of or extracts from official documents.

111.—(1) The Registrar personally shall visit or cause a duly qualified member of his staff to visit at least once annually the head office of each registered corporation, other than a corporation as to which he adopts the inspection of another government, and he shall inspect and examine the statements of the condition and affairs of each corporation and make such inquiries as are necessary to ascertain its condition and ability to provide for the payment of its liabilities as and when they become due, and whether or not it has complied with this Act, and the Registrar shall report thereon to the Minister, as to all matters requiring his attention and decision. R.S.O. 1937, c. 257, s. 152 (1), *amended*. Annual inspection of registered corporations.

(2) Where the Registrar deems it necessary and expedient to make a further examination into the affairs of a corporation and so reports to the Minister, the Minister may in his discretion instruct the Registrar to visit or cause any duly qualified member of his staff to visit any branch office or offices of the corporation to inspect and examine into its affairs and to make such further inquiries as the Minister may require. Further inspection.

(3) For the purpose of an examination, the corporation shall prepare and submit to the Registrar such statements Material to be furnished on inspection.

with respect to its business, finances or other affairs of the corporation, in addition to the statement mentioned in this Act, as the Registrar may require, and the officers, agents and servants of the corporation shall cause their books to be open for inspection and shall otherwise facilitate such examination so far as it is in their power.

Production of books at head office or elsewhere as Registrar may direct.

(4) In order to facilitate the examination of the books and records of a corporation, the corporation may be required by the Registrar with the approval of the Minister, to produce the books and records at the head office or chief office of the corporation in Ontario, or at such other convenient place as the Registrar may direct.

Examination under oath.

(5) The Registrar or any person authorized by the Minister may examine under oath the officers, agents or servants of the corporation for the purpose of obtaining any information that he deems necessary for the purpose of the examination.

Expense of further inspection.

(6) Where an examination is made under subsection 2 of any branch or other office situated outside of Ontario, the corporation shall pay the account in connection with the examination upon the certificate of the Registrar approved by the Minister. R.S.O. 1937, c. 257, s. 152 (2-6).

Special report where condition unsound.

112.—(1) If, as the result of the examination, the Registrar is of opinion that the assets of the corporation are insufficient to justify its continuance in business, he shall make a special report to the Minister on the condition of the corporation. R.S.O. 1937, c. 257, s. 153, *amended*.

Power to cancel or suspend registry.

(2) If the Minister, after a reasonable time has been given to the corporation to be heard by him, and upon such further inquiry and investigation as he sees fit to make, reports to the Lieutenant-Governor in Council that he agrees with the opinion of the Registrar, the Lieutenant-Governor in Council may, if he also concurs in the opinion, suspend or cancel the registry of the corporation, and the corporation shall thereupon cease to transact further business; provided that the Minister may, during such suspension or cancellation, issue such conditional registry as he may deem necessary for the protection of the public.

Sale and transfer under conditional registry.

(3) If the Minister deems it advisable, the conditional registry may provide that the corporation shall, during the continuance of the conditional registry, arrange for the sale of its assets and for the transfer of its liabilities.

When registration cancelled.

(4) If upon the expiration of the conditional registry no arrangement satisfactory to the Minister has been made for such sale and transfer, and if in the opinion of the Minister

the corporation's condition is not then such as to warrant the restoration of the corporation's registry, the registration shall be cancelled. *New.*

REGISTRATION.

113.—(1) Applications for initial registry shall be made according to a form to be supplied by the Registrar, and the applicant shall deliver to the Registrar the application duly completed, together with such information, material and evidence as the form requires. Applications for initial registry.

(2) The applicant shall, if required, furnish such further information, material and evidence, and give such public notice of the application as the Registrar may direct. R.S.O. 1937, c. 257, s. 129 (1, 2). Material to be furnished.

(3) The applicant shall file with the application a statement in such form as may be required by the Registrar of the financial condition and affairs of the corporation on the 31st day of December next preceding or on the last day of the fiscal year of the corporation, if the last day is not more than twelve months before the filing of the statement, and the statement shall be signed and verified as prescribed by section 66. R.S.O. 1937, c. 257, s. 129 (3), *amended*. Financial statement to accompany application.

114.—(1) Where a corporation applying for registry has its head office elsewhere than in Ontario the application shall be accompanied by a power of attorney from the corporation to an agent or agents resident in Ontario. Registration of extra provincial corporations.

(2) The power of attorney shall be under the seal of the corporation, and shall be signed by the president and secretary or other proper officers thereof in the presence of a witness who shall make oath as to the due execution thereof. Execution of power of attorney.

(3) The official positions in the corporation held by the officers signing the power of attorney shall be verified by the oath of any person cognizant of the facts. Authentication.

(4) The power of attorney shall declare at what place in Ontario the chief agency of the corporation is, or is to be established, and shall expressly authorize the agent or agents to receive service of process in all actions and proceedings against the corporation in Ontario for any liability incurred by the corporation therein, and also to receive from the Registrar all notices that the law requires to be given, or which it is thought advisable to give, and shall declare that service of process for or in respect of such liability on any of the agents and receipt of the notices at the chief agency or personally by any of the agents shall be legal and binding on the corporation. Contents of power of attorney.

Filing of power of attorney.

(5) The power of attorney and the affidavit of execution shall be filed with the Registrar.

Authority conferred by power of attorney.

(6) The power of attorney may confer upon the agent or agents any further or other powers that the corporation may deem advisable.

Effect of copy as evidence.

(7) The production of a copy of the power of attorney certified by the Registrar shall be sufficient evidence for all purposes of the power and authority of the person or persons therein named to act on behalf of the corporation in the manner and for the purposes set forth in the certified copy.

Changes in chief agent or agency.

(8) Whenever the corporation changes any of its agents or the chief agency in Ontario, it shall file with the Registrar a similar power of attorney, stating the change or changes and containing a similar declaration as to service of process and notices.

Service of process thereafter.

(9) After the power of attorney is filed any process in any action or proceeding against the corporation for a liability incurred in Ontario may be validly served on the corporation at its chief agency; but nothing in this section shall render invalid service in any other mode in which a corporation may be lawfully served.

Application of section.

(10) This section shall apply notwithstanding any special or other legislation of Ontario affecting any registered corporation. R.S.O. 1937, c. 257, s. 130.

Recording registry; entries on register.

115.—(1) The Registrar shall cause to be entered on the proper register the name of every corporation entitled to registry, together with the date of the commencement of the registry and the term for which the registry is to endure.

Term of registry.

(2) The term shall begin on the date of such commencement and shall end not later than the 30th day of June next ensuing.

Particulars to be entered.

(3) The Registrar shall also cause to be entered on the register the place where the head office and the chief agency, if any, are situate, and if there is a chief agency the name and address of the chief agent, and of the agent or agents appointed under section 114.

Entering suspension, etc. of registry.

(4) If the registry is suspended, revived, revoked, or cancelled, the date of and authority for such suspension, revivor, revocation or cancellation shall also be entered.

Issue of certificate of registry.

(5) The Registrar shall issue under his hand and seal of office to every registered corporation a certificate of registry, setting forth that the corporation is entitled to registry as a

(describing the corporation) under this Act, and that the corporation is accordingly registered for the term stated in the certificate.

(6) Every certificate of registry shall specify the first day and the last day of the term for which the corporation is registered, and the corporation so registered shall be deemed to be registered from the commencement of the first day to the end of the last day so specified. Commencement and end of term.

(7) A certificate of registry that does not specify an earlier date of expiry shall, unless sooner suspended or cancelled, remain valid until the next ensuing 30th day of June, when, if the corporation has complied with the law and continues solvent, it shall be entitled to a certificate of renewed registry, and so on every succeeding 30th day of June thereafter. Duration of registry.

(8) Notwithstanding failure to comply with this Act within the prescribed time the Registrar may, upon payment of the prescribed fee, grant an interim certificate of registry or extend the currency of a subsisting certificate. R.S.O. 1937, c. 257, s. 131. Interim certificate.

116.—(1) No corporation shall be registered under a name identical with that under which any other existing corporation is registered, or under any other name likely, in the opinion of the Registrar, to deceive, mislead or confuse the public as to its identity. Restrictions upon use of names.

(2) No registered corporation shall be registered under a new or different name except upon proof that such new or different name is authorized by law. New names.

(3) Where a provincial corporation is desirous of adopting a name different from that by which it was incorporated, or where, in the opinion of the Registrar, the name by which the corporation was incorporated may be confused with that of another existing corporation, the Lieutenant-Governor in Council may change the name of the corporation to some other name to be stated in the Order in Council. Change of corporate name.

(4) No change of name shall affect the rights or obligations of the corporation. Not to affect rights or obligations.

(5) The location of the head office of a corporation may be changed in like manner. Change of head office.

(6) Such public notice shall be given of any change of name or head office, and of any application for such change, in the *Ontario Gazette* and otherwise as the Registrar may direct. R.S.O. 1937, c. 257, s. 132. Public notice.

What admissible to registry.

117.—(1) Trust companies whose powers do not include that of buying and selling land as beneficial owner except as authorized by this Act and do not exceed the powers that are conferred upon trust companies under this Act, loan corporations and loaning land corporations that are solvent and fall within one of the following classes, may, upon due application, be admissible to registry:

- (a) corporations duly constituted under the law of Ontario;
- (b) corporations which being duly incorporated or constituted under the laws of any other province of Canada, or of Canada, or of the United Kingdom, were in actual, active and *bona fide* operation in Ontario on the 16th day of April, 1912, but such corporations shall be admissible to registry only on due application and with the approval of the Minister and on such terms and conditions as he may prescribe;
- (c) corporations duly constituted as joint stock corporations under the laws of any other province of Canada or of Canada, that issue only permanent shares and have a subscribed permanent stock of not less than \$300,000, whereof \$100,000 is paid in and unimpaired. R.S.O. 1937, c. 257, s. 133 (1), *amended*.

Registry validated.

(2) Any registry purporting to have been made prior to 1st day of May, 1914, by any corporation mentioned in clause *b* of subsection 1 shall be deemed for all purposes to have been a registry under this Act from the date of commencement of such purported registry.

Corporations of other countries.

(3) A corporation incorporated under the laws of any other country may, upon due application, with the approval of the Minister, be admitted to registry on such terms and conditions as he may prescribe. R.S.O. 1937, c. 257, s. 133 (2, 3).

Company authorized by special Act.

(4) Any trust company authorized by a special Act of Ontario to carry on business in Ontario shall not be barred from registry merely because its powers exceed those conferred upon trust companies by this Act. *New*.

No others.

(5) Subject to subsection 3 of section 9 no other corporation shall be registered. R.S.O. 1937; c. 257, s. 133 (4).

Suspension or cancellation of registry.

118.—(1) Upon proof that registry or a certificate of registry has been obtained by fraud or mistake, or that a corporation exists for an illegal purpose, or is insolvent, or has failed to pay its obligations, or has wilfully, and after notice from the Registrar, contravened any of the provisions

of this Act, or of the Act or instrument incorporating the corporation, or of any law in force in Ontario, or has ceased to exist, the registry of the corporation may be suspended or cancelled by the Registrar.

(2) On the suspension or cancellation of the registry of any existing corporation the Registrar shall cause notice in writing thereof to be delivered to the corporation. Notice to be given to the corporation.

(3) Where the corporation has ceased to exist the notice shall be published in the *Ontario Gazette*. Publication in Gazette.

(4) After such suspension or cancellation, or after termination of registry without renewal, the corporation shall, unless again registered, cease to transact or undertake business in Ontario, except so far as is necessary for the winding up of its business; but any liability incurred by the corporation may be enforced against it as if such suspension, cancellation or termination had not taken place. R.S.O. 1937, c. 257, s. 134. Corporation to cease business except for winding-up purposes.

119. Where in any disputed case the Registrar decides that a corporation is or is not legally entitled to registry, or to renewal of registry, or where he suspends, revives, or cancels the registry of a corporation, his decision, except as otherwise provided, shall be given in writing and he shall cause a copy thereof certified under his seal of office to be delivered to the corporation. R.S.O. 1937, c. 257, s. 135 (1). Decision of Registrar to be in writing and to be delivered to corporation.

120.—(1) Any corporation whose registration or right to registration is affected by any decision of the Registrar may, by notice in writing served upon the Registrar within thirty days after the delivery of the copy of the decision under section 119, request a hearing and review of the matter by the Registrar. Review.

(2) Where a hearing and review is requested the Registrar shall send a notice in writing to the corporation notifying it of the time and place of the hearing. Notice of hearing.

(3) Upon a review the Registrar may hear such evidence as may be submitted to him which in his opinion is relevant to the matter in dispute, and he shall not be bound by any law respecting the admissibility of evidence, and all oral evidence submitted shall be taken down in writing and together with such documentary evidence and things as are received in evidence by the Registrar shall form the record. Evidence.

(4) Upon a review the Registrar may confirm or revoke his former decision or may make alterations therein or additions thereto as he may deem proper. Powers on review.

Decision
to be
delivered.

(5) Notice of his decision made upon a review shall be delivered forthwith to the corporation that requested the review.

Appeal to
Supreme
Court.

(6) Where the Registrar has reviewed a decision and given his decision upon the review, the corporation that requested the review may appeal to a justice of appeal of the Court of Appeal for Ontario.

Form of
appeal.

(7) Every appeal shall be by notice of motion served upon the Registrar within thirty days after the delivery of the decision under subsection 5 and the practice and procedure 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, provided that the Rules Committee may vary or amend such practice and procedure in respect of appeals taken under this section.

Certificate of
Registrar.

(8) The Registrar shall certify to the Registrar of the Supreme Court,—

- (a) the decision that has been reviewed by the Registrar;
- (b) the decision of the Registrar upon the review, together with any statement of reasons therefor;
- (c) the record of the review; and
- (d) all written submissions to the Registrar and other material that in the opinion of the Registrar are relevant to the appeal.

Counsel.

(9) The Attorney General may designate counsel to assist the judge upon the hearing of any appeal taken under this section.

Order of
judge.

(10) Where an appeal is taken under this section the judge may by his order direct the Registrar to make such decision as the Registrar is authorized to do under this Act and as the judge deems proper and thereupon the Registrar shall act accordingly.

Further
decision.

(11) The order of the judge shall be final and there shall be no appeal therefrom, but notwithstanding the order the Registrar shall have power to make any further decision upon new material or where there is a material change in the circumstances and every such further decision shall be subject to this section. *New.*

Cancellation
of registry
by request of
corporation.

121. The Registrar may at the request of the corporation, evidenced as he may direct, cancel its registry. R.S.O. 1937; c. 257, s. 137.

122. A corporation not registered on the 1st day of July, 1900, shall not be granted registry if the stock or shares of the corporation consist of or include terminating stock or shares. R.S.O. 1937, c. 257, s. 8 (3). Corporation not registered on 1st July, 1900, not to be registered if any part of its stock is terminating.

123. If on receiving an application for registry the Minister finds in the by-laws of the applicant anything repugnant to this Act or to the law of Ontario he may direct an amendment of the by-laws, and, upon their being amended as directed and returned certified as having been so amended, the application may be proceeded with. R.S.O. 1937, c. 257, s. 5, *part, amended*. Minister may direct amendment of by-laws.

124.—(1) Every corporation doing business in Ontario, if required so to do by the Registrar, shall furnish satisfactory evidence that any by-law has been duly passed, and is a legal and valid by-law according to the Act or instrument incorporating the corporation and also that the by-law conforms to the law of Ontario. Return of evidence as to by-laws.

(2) A corporation refusing or failing to furnish such evidence promptly shall be liable to have its registry suspended or cancelled. R.S.O. 1937, c. 257, s. 91. Refusal to furnish evidence.

125. No trust company shall be registered to transact business in Ontario that has not a capital paid in of at least \$100,000. R.S.O. 1937, c. 257, s. 126 (4). Capital required before registration.

126.—(1) No corporation shall under the penalty of becoming disentitled to registry or of having its registry suspended or cancelled make, print, publish, circulate, authorize or be a party or privy to the making, printing, publishing or circulating of any statement or representation that its solvency or financial standing is vouched for by the Registrar or that the publication of its statement in his report is a warranty or representation of the solvency of the corporation, or of the truth or accuracy of the statement in any particular. Representations that standing of corporation is vouched for by Registrar.

(2) Any director, auditor, officer, servant, employee or agent of a corporation who makes or uses or authorizes or is party or privy to the making or using of any such statement or representation shall be guilty of an offence. R.S.O. 1937, c. 257, s. 123. Offence.

UNREGISTERED CORPORATIONS.

127.—(1) No incorporated body or person acting in its behalf, other than a registered corporation and a person duly authorized by it to act in its behalf, shall undertake or transact in Ontario the business of a loan corporation, or of a loaning land corporation, or of a trust company. No unregistered corporation to undertake business.

Certain matters to be deemed undertaking business.

(2) Any setting up or exhibiting of a sign or inscription containing the name of the corporation, or any distribution or publication of any proposal, circular, card, advertisement, printed form or like document in the name of the corporation, or any written or oral solicitation on the corporation's behalf, or any collecting or taking of money on account of shares or of loans or advances shall, both as to the corporation and as to the person acting or purporting to act on its behalf, be deemed undertaking the business of the corporation within the meaning of this section.

No person to act as agent for unregistered corporation.

(3) Any promoter, organizer, manager, director, officer, collector, agent, employee, or person who undertakes or transacts any business of a corporation that is not registered under this Act shall be guilty of an offence. R.S.O. 1937, c. 257, s. 139.

Use of certain words in name of company while unregistered.

Rev. Stat. c. 256.

128. Any person, partnership, organization, society, association, company or corporation, not being a corporation registered under this Act or under *The Insurance Act*, assuming or using in Ontario a name which includes any of the words "Loan," "Mortgage," "Trust," "Trusts," or "Guarantee," in combination or connection with any of the words "Corporation," "Company," "Association" or "Society," or "Limited," or "Incorporated" or any abbreviations thereof, or in combination or connection with any similar collective term, or assuming or using in Ontario any similar name, or any name or combination of names that is likely to deceive or mislead the public shall be guilty of an offence, and any person acting on behalf of such person, partnership, organization, society, association, company or corporation shall also be guilty of an offence; but where any of such combinations of words formed part of the corporate name of any corporation duly incorporated by or under the authority of an Act of Ontario or of the Parliament of Canada prior to the 1st day of July, 1900, the combination may continue to be used in Ontario as part of the corporate name. R.S.O. 1937, c. 257, s. 140, *amended*.

Interpretation,—
"contract".

129.—(1) In this section "contract" means any contract, agreement, undertaking or promise,—

- (a) to pay to or for the contract holder any money or money's worth;
- (b) to sell, supply or procure any building or site or land or to bring about the purchase and sale or supply thereof; or
- (c) to construct or procure the construction of any house or building,

made upon any consideration that includes an entrance or membership fee, or expense contribution, initial, renewal, periodical or recurrent, or that includes any periodical or recurrent contribution to a fund, or account, or source for, or intended or alleged to be for, the carrying out of such contract, and includes any contract, agreement, undertaking, or promise, the benefit of which to the contract holder paying any such consideration is to be wholly or partly postponed or deferred until other contract holders have been provided for, or is to depend upon the number or the persistence of the other contract holders, or upon the accession of new contract holders, or upon the order or sequence of the contract.

(2) Any person, partnership, organization, society, association, company or corporation, not being a corporation registered under this Act or under *The Insurance Act*, undertaking or effecting, or offering to undertake or effect, any contract shall be guilty of an offence, and any person acting on behalf of such person, partnership, organization, society, association, company or corporation, shall also be guilty of an offence, and the convicting magistrate or justices, in addition to imposing the prescribed penalty, may at the time of conviction or thereafter make such order for the restitution of the money that was unlawfully taken as to him or them shall seem just, and in default of compliance with such order the offender shall be liable to imprisonment for a term not exceeding twelve months. R.S.O. 1937, c. 257, s. 141.

130. Where in any case arising under section 127, 128 or 129 it is found by the magistrate or justices that the person, partnership, organization, society, company or corporation charged or his or its agent is exhibiting or using any sign, inscription or name, or distributing, using or publishing any document, including any proposal, circular, card, advertisement, notice, application, contract or printed form which, in the opinion of the magistrate or justices, induces, or tends to induce, a violation of any such section, or is likely to deceive or mislead the public either as to the party or the status of the party undertaking the contract, or as to the nature, terms or effect of the contract, the magistrate or justices may summarily order the discontinuance of such sign, inscription, name or document, and non-compliance with such order shall be an offence. R.S.O. 1937, c. 257, s. 142.

INVESTMENTS.

131.—(1) A registered loan corporation and a registered loaning land corporation may purchase or invest in,—

- (a) mortgages, charges or hypothecs upon improved real estate in Ontario or elsewhere where the corporation

is authorized to extend its business under section 84, or mortgages or assignments of such life insurance policies as have at the date of the loan or investment an ascertained cash surrender value admitted by the insurer; R.S.O. 1937, c. 257, s. 29 (1), cl. (a), *amended*.

**Government
bonds.**

- (b) the debentures, bonds, stock or other securities of or guaranteed by the government of Canada or of or guaranteed by the government of any province of Canada, or of or guaranteed by the government of the United Kingdom, or of any of His Majesty's dominions, colonies or dependencies, or of any state forming part of any such dominion, colony or dependency, or of or guaranteed by any foreign country or state forming part of such foreign country where the interest on the securities of such foreign country or state has been paid regularly for the previous ten years, or of any municipality or school corporation in Canada, or elsewhere where the company is carrying on business, or guaranteed by any municipal corporation in Canada, or secured by rates or taxes levied under the authority of the government of any province of Canada on property situated in such province and collectible by the municipalities in which the property is situated; R.S.O. 1937, c. 257, s. 30 (1), cl. (b).

**Bonds
secured by
trust deed.**

- (c) the bonds, debentures, debenture stock, or other securities of any company or bank incorporated by Canada, or by any province of Canada, or by any former province now forming part of Canada, that are secured by a mortgage or hypothec to a trust company either singly or jointly with another trustee upon improved real estate of such company or bank or other assets of such company of the classes mentioned in clauses *a* and *b*; R.S.O. 1937, c. 257, s. 30 (1), cl. (c), *amended*.

**Dominion
subsidy
bonds.**

- (d) the bonds, debentures or other evidences of indebtedness of a corporation that are secured by the assignment to a trustee of payments that the government of Canada has agreed to make, if such payments are sufficient to meet the interest as it falls due on the bonds, debentures or other evidences of indebtedness outstanding and to meet the principal amount of the bonds, debentures or other evidences of indebtedness upon maturity;

**Provincial
subsidy
bonds.**

- (e) the bonds, debentures or other evidences of indebtedness of a corporation that are secured by the

assignment to a trustee of payments that are payable, by virtue of an Act of a province of Canada, by or under the authority of the province, if such payments are sufficient to meet the interest as it falls due on the bonds, debentures or other evidences of indebtedness outstanding and to meet the principal amount of the bonds, debentures or other evidences of indebtedness upon maturity;

- (f) equipment trust obligations or certificates issued to ^{Railroad securities.} finance the purchase of transportation equipment for a railway company incorporated in Canada or for a railway company owned or controlled by a railway company so incorporated which obligations or certificates are fully secured by an assignment of the transportation equipment to, or by the ownership thereof by, a trustee, and by a lease or conditional sale thereof to the railway company; *New.*
- (g) the debentures or other evidences of indebtedness ^{Debentures.} of any company or bank that has paid regular dividends on its preferred or on its common stocks for a term of at least five years immediately preceding the date of investment in the debentures or other evidences of indebtedness;
- (h) the preferred stocks of any company or bank that ^{Preferred stock.} has paid regular dividends upon such stocks or upon its common stocks for not less than five years preceding the purchase of the preferred stocks, or the stocks of any company that are guaranteed by a company that has paid regular dividends upon its preferred or common stocks for not less than five years preceding the purchase of the guaranteed stocks; provided that the amount of stocks so guaranteed is not in excess of fifty per centum of the amount of the preferred or common stocks, as the case may be, of the guaranteeing company; or
- (i) the common stocks of any company or bank upon ^{Common stock.} which regular dividends of at least four per centum per annum, or, in the case of stocks of no par value, of at least four dollars per share per annum, have been paid for the seven years next preceding the purchase of such stocks; provided that if any company has, pursuant to a voluntary re-organization of its capital account and without affecting the status or diminishing the value of its outstanding securities, including the capital stock, substituted common shares of no par value for shares of par value, then dividends declared on the said no par

value stock shall be deemed to be dividends of at least four dollars per share per annum if the sum thereof is equivalent to at least four per centum of the said common stock of par value and the proceeds of any additional issue of common stock made at the time of, or subsequent to, the aforesaid substitution of shares, and in such circumstances dividends of at least four per centum per annum on the common stock of par value immediately preceding the substitution shall be regarded as dividends on the no par value stock; and provided further that if any company has in any year paid dividends on its common stock amounting to not less than \$500,000, the payment of such dividends shall be deemed to be for the purposes of this section equivalent to the payment of a dividend of four per centum or four dollars per share for the said year. R.S.O. 1937, c. 257, s. 30 (1), cls. (d-f).

Investment
in national
housing.

1944-45,
c. 46 (Can.).

(2) In addition to investments it may make by lending on the security of or by purchasing mortgages, charges or hypothecs upon real estate pursuant to the provisions of *The National Housing Act, 1944* (Canada), or any amendments thereto, a registered loan corporation or a registered loaning land corporation may invest its funds to an aggregate amount not exceeding five per centum of its total assets in Canada allowed by the Registrar in any other classes or types of investments pursuant to the said Act, or any amendments thereto, including the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings. 1945 (2nd Sess.), c. 4, s. 1, *amended*.

Loans on
securities by
loan and
loaning land
corporations.

(3) A registered loan corporation and a registered loaning land corporation may lend money on the security of,—

- (a) any of the securities mentioned in clauses *a*, *b* and *c* of subsection 1, or on improved real estate or leaseholds, or on guaranteed investment certificates of a trust company; or
- (b) the bonds, debentures, notes, shares, or other securities of any company or bank, other than those mentioned in clause *c* of subsection 1, provided that the market value of the securities on which the loan is made shall at all times exceed the amount of the loan by at least twenty per centum of the market value, and provided further that the amount loaned on the security of the shares of any such company or bank shall not at any time exceed ten per centum of the market value of the total outstanding shares of such company or bank. R.S.O. 1937, c. 257, s. 30 (2), *amended*.

132.—(1) A registered trust company may invest its funds and moneys received for guaranteed investment or as deposits in any of the securities mentioned in subsection 1 of section 131, provided that at all times at least fifty per centum of moneys received for guaranteed investment in the manner authorized by subsection 1 of section 78 or as deposits in the manner authorized by subsection 1 of section 76 shall be invested in or loaned upon such securities only as are authorized by *The Trustee Act*. R.S.O. 1937, c. 257, ss. 30 (1), 17 (1), *amended*. Investments by trust companies. Rev. Stat., c. 165.

(2) In addition to the investments it may make by lending on the security of or by purchasing mortgages, charges or hypothecs upon real estate pursuant to the provisions of *The National Housing Act, 1944* (Canada), or any amendments thereto, a registered trust company may invest its funds to an aggregate amount not exceeding five per centum thereof and may, notwithstanding the provisions of subsection 1, invest moneys received for guaranteed investment or as deposits under sections 78 and 76 to an aggregate amount not exceeding five per centum of such moneys, in any other classes or types of investments pursuant to the said Act, or any amendments thereto, including the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings. 1945 (2nd Sess.), c. 4, s. 2, *amended*. Investment in national housing. 1944-45, c. 46 (Can.).

(3) Subject to the proviso in subsection 1 a registered trust company may lend its funds and moneys received for guaranteed investment or as deposits on the security of,— Loans on securities by trust companies.

(a) any of the securities mentioned in clauses *a*, *b* and *c* of subsection 1 of section 131, or on improved real estate or leaseholds, or on guaranteed investment certificates of a trust company; or Real estate, etc.

(b) the bonds, debentures, notes, stocks, or other securities of any company or bank, other than those mentioned in clause *c* of subsection 1 of section 131, provided that the market value of the securities on which the loan is made shall at all times exceed the amount of the loan by at least twenty per centum of the market value, and provided further that the amount loaned on the security of the stocks of any such company or bank shall not at any time exceed ten per centum of the market value of the total outstanding stocks of such company or bank. R.S.O. 1937, c. 257, s. 30 (2), *amended*. Bonds, debentures, etc.

133.—(1) A corporation may take personal security as collateral for any advance or for any debt due to the corporation. R.S.O. 1937, c. 257, s. 29 (3), *amended*. Personal security as collateral.

Power to do acts and to exercise remedies.

(2) The corporation may do all acts that are necessary for advancing sums of money, and for receiving and obtaining repayment thereof, and for compelling the payment of all interest accruing due thereon, and the observance and fulfilment of any conditions annexed to the advance, and for enforcing the forfeiture of any term or property consequent on the non-fulfilment of such conditions, or of conditions entered into for delay of payment. R.S.O. 1937, c. 257, s. 29 (5).

Restrictions on amount of investments.

134.—(1) On and after the 14th day of April, 1925, no corporation shall,—

(a) except as to securities issued or guaranteed by the government of Canada or the government of any province of Canada or by any municipal corporation in Ontario, invest in any one security or make a total investment in any one corporation, company or bank including the purchase of its stock or other securities, the lending to it on the security of its debentures, mortgages or other assets or any part thereof, of an amount exceeding fifteen per centum of its own paid in capital stock and reserve funds;

(b) make any investment the effect of which will be that the corporation will hold more than fifteen per centum of the stock or more than fifteen per centum of the debentures of any one corporation, company or bank. R.S.O. 1937, c. 257, s. 31 (1), cls. (a, b), *amended*.

Trust company.

(2) In the case of a trust company, subsection 1 shall apply only to the investment of its funds and of moneys received for guaranteed investment or as deposits under sections 78 and 76. *New*.

Not to apply to certain companies.

(3) This section shall not apply to an investment in the paid up capital stock of a trust company having its head office in Ontario if the same has been authorized by the Lieutenant-Governor in Council. R.S.O. 1937, c. 257, s. 31 (2), *amended*.

Other investments authorized by Lieutenant-Governor in Council.

135.—(1) The Lieutenant-Governor in Council may authorize the acceptance by a corporation of bonds, notes, stocks, debentures, or other assets not fulfilling the requirements of this Act,—

(a) obtained in payment or part payment for securities sold by the corporation; or

(b) obtained under a *bona fide* arrangement for the reorganization of a company whose securities were previously owned by the corporation; or

- (c) obtained under an amalgamation with another company of the company whose securities were previously owned by the corporation; or
- (d) obtained for the *bona fide* purpose of protecting investments previously made by the corporation; or
- (e) obtained by virtue of the purchase by the corporation of the assets of another corporation,

but the bonds, notes, stocks or debentures or other assets whose acceptance is so authorized shall be sold and disposed of within five years after the acquisition thereof, or within such further time not exceeding one year as the Lieutenant-Governor in Council shall, on report of the Minister, fix and determine unless it can be shown to the satisfaction of the Minister that the bonds, notes, stocks, debentures or other assets whose acceptance is so authorized are not inferior in status or value to the securities for which they have been substituted.

(2) For the purpose of determining the eligibility as investments under this Act of the preferred or common stocks of any company that has been voluntarily re-organized without the impairment of the status or value of its securities, dividends paid on the preferred and common stocks of the company before such re-organization may be counted as dividends paid on such stocks respectively of the re-organized company. Stocks of re-organized companies.
R.S.O. 1937, c. 257, s. 32.

136.—(1) A registered corporation may hold real estate which, having been mortgaged or hypothecated to it, has been acquired by it for the protection of its investment, and real estate conveyed to it in satisfaction of debts previously contracted in the course of its business, and may from time to time sell, mortgage, lease, exchange or otherwise dispose of the same, and may sell or otherwise dispose of as it deems advisable any mortgage or security that it has lawfully acquired. May hold certain estates and interests in land; and may dispose of same.

(2) The corporation, not being a loaning land corporation registered under this Act, shall, subject to section 137, sell any real estate acquired by it under any mortgage, charge or hypothecation, or in satisfaction of any debt, within twelve years after it has been so acquired, otherwise it may be forfeited to His Majesty for the use of Ontario; but no such forfeiture shall be enforced until the expiration of six calendar months after notice in writing to the corporation of the intention of His Majesty to claim such forfeiture. Limitation of time for holding except in case of loaning land corporation.

(3) The corporation may give receipts, acquittances and discharges, either absolutely and wholly or partially, and may grant or take such deeds, assignments or other instruments Powers as grantor or grantee, assignor or assignee.

Rights of
grantee or
assignee.

as are necessary for carrying any such holding, purchase, exchange or re-sale into effect, and the grantee or assignee in any such instrument shall stand in the place of, and be entitled to, and have all the same rights, powers and remedies, and shall be subject to the same obligations and liabilities as the grantor or assignor would have been entitled to or would have been subject to if the grant or assignment had not been made. R.S.O. 1937, c. 257, s. 33.

Power to
hold real
estate for
business.

137. A registered corporation may hold to its own use and benefit such real estate as is necessary for the transaction of its business, or is acquired or held *bona fide* for building upon or improving for that purpose, and may sell, mortgage or dispose of the same. R.S.O. 1937, c. 257, s. 34.

Power to
construct
larger
building and
to lease part
thereof.

138. A registered corporation, when so authorized by the letters patent or by the Lieutenant-Governor in Council, may acquire or may construct, on any lands held pursuant to section 137, a building larger than is required for the transaction of its business and may lease any part of the building not so required. R.S.O. 1937, c. 257, s. 35.

Limit of
amount
of invest-
ments in
buildings
for use of
corporations.

139. A provincial corporation shall not make or undertake any investment under section 137 or 138 that will cause the total amount at which such investments are carried on its books to exceed thirty-five per centum of its paid up capital and reserve funds. R.S.O. 1937, c. 257, s. 36 (3), *amended*.

Loans to
directors
and auditors
prohibited.

140. A corporation shall not lend or advance money to any of its directors or auditors or to the wife or child of any director or auditor. R.S.O. 1937, c. 257, s. 41.

Any corporation
may be
required to
dispose of
unauthorized
investments.

141. The Registrar may request any corporation to dispose of and realize any of its investments acquired after the 14th day of April, 1925, and not authorized by this Act, and the corporation shall within sixty days after receiving the request dispose of and realize such investments, and if the amount realized therefrom falls below the amount paid by the corporation for such investments, the directors of the corporation shall be jointly and severally liable for the payment to the corporation of the amount of the deficiency; provided that if any director present when any such investment is authorized, forthwith, or if any director then absent, within twenty-four hours after he becomes aware of such investment, and is able to do so, enters his written protest against the same, and within eight days thereafter notifies the Registrar in writing of his protest, the director may thereby, but not otherwise, exonerate himself from liability. R.S.O. 1937, c. 257, s. 122 (5), *amended*.

RETURNS.

142.—(1) Every trust company receiving deposits in the manner authorized by subsection 1 of section 76 shall make a return to the Registrar on or before the 15th day of January in each year, drawn in accordance with the form prescribed by the Registrar, showing the amount of the deposits, and showing all securities including loans made upon securities, and cash, including money on deposit, ear-marked and definitely set aside as provided in subsection 2 of section 76 as such amounts stood on the 31st day of December next preceding, and stating that the same were on such date so ear-marked and definitely set aside.

Annual returns of deposits and securities allocated.

(2) Every trust company receiving funds for guaranteed investment as mentioned in subsection 1 of section 78 shall make a return to the Registrar on or before the 15th day of January, in each year, drawn in accordance with the form prescribed by the Registrar, showing the amount of the funds, and showing all securities, including loans on securities, and cash, including money on deposit, ear-marked and definitely set aside as provided in subsection 3 of section 78 as such amounts stood on the 31st day of December next preceding, and stating that the same were on such date, so ear-marked and definitely set aside.

Annual returns of guaranteed funds and securities allocated.

(3) Every trust company receiving deposits in the manner authorized by subsection 1 of section 76 shall make a return to the Registrar on or before the 15th days of January and July in each year, drawn in accordance with the form prescribed by the Registrar, showing the amount of the deposits and showing the amount of cash on hand and on deposit, and the amount of debentures, bonds, stock or other securities of, or guaranteed by Canada, and of, or guaranteed by, any province of Canada, less any incumbrances thereon, and the amount of bonds, debentures and other securities of any municipal corporation in Ontario or of any city in Canada, less any incumbrances thereon and the bonds or debentures issued by any company incorporated in Canada in respect of which bonds or debentures annual or semi-annual subsidy payments sufficient to pay both principal and interest thereof are, by virtue of any Act of Canada or of a province thereof, payable by the government of Canada or province thereof to a trust company as trustee for the holders of such bonds or debentures, and the principal amount of any moneys payable to the company on demand, the payment of which is secured by the mortgage or pledge of any of the securities mentioned in this subsection as the said amounts stood at the end of the last preceding month, and including in such return all such cash and securities and loans as defined in this subsection, whether owned by the company or held by it for guaranteed

Semi-annual returns by trust companies as to deposits and liquid securities available.

investments under section 78 or 76 and stating that the same were at the date mentioned in such return on hand. R.S.O. 1937, c. 257, s. 19, *amended*.

Semi-annual
return by
loan com-
pany as to
deposits.

143. Every loan company receiving deposits shall make a return to the Registrar half-yearly on or before the 15th days of January and July in each year, drawn in accordance with the form prescribed by the Registrar, showing the amount of the deposits and showing the amount of cash on hand and on deposit and the amount of debentures, bonds, stock or other securities of or guaranteed by Canada, and of or guaranteed by any province of Canada less any incumbrances thereon and the amount of bonds, debentures and other securities of any municipal corporation in Ontario, or of any city in Canada, less any incumbrances thereon and the bonds or debentures issued by any company incorporated in Canada in respect of which bonds or debentures annual or semi-annual subsidy payments sufficient to pay both principal and interest thereof are, by virtue of any Act of Canada or of a province thereof, payable by the government of Canada or province thereof to a trust company as trustee for the holders of such bonds or debentures, and the principal amount of any moneys payable to the company on demand, the payment of which is secured by the mortgage or pledge of any of the securities mentioned in this section as such amounts stood at the end of the last preceding month, and stating that the same were at the date mentioned in such return on hand and available for depositors. R.S.O. 1937, c. 257, s. 49, *amended*.

Annual
statement
to the
Registrar.

144.—(1) The managing director, manager or secretary of every registered corporation shall prepare annually on the 1st day of January, or within two months thereafter, according to a printed form to be supplied on application to the Registrar, a statement of the financial condition and affairs of the corporation up to the 31st day of December next preceding.

Extra
provincial
corporation.

(2) In the case of an extra provincial corporation the Registrar may accept the statement required by subsection 1 as for the then last fiscal year of the corporation. R.S.O. 1937, c. 257, s. 121 (1, 2).

Certificate
of auditors
on annual
statement.

(3) Such annual statement shall be certified by the auditors of the corporation who shall make an affidavit thereon stating whether or not their requirements as auditors have been complied with, and,—

(a) that they have examined the statement and that it agrees with the books of the corporation;

- (b) that after due consideration they have formed an independent opinion as to the position of the corporation;
- (c) that with their independent opinion so formed and according to the best of their information and the explanations given them, they certify that in their opinion the statement sets forth fairly and truly the state of the affairs of the corporation;
- (d) that all transactions of the corporation that have come within their notice have been within the powers of the corporation. R.S.O. 1937, c. 257, s. 121 (3), *amended*.

(4) Such annual statement shall also be proved by the affidavit of the president or vice-president and of the managing director, or some other principal officer of the corporation and shall be accompanied by a certified copy of a resolution of the directors showing that the same had been adopted by them. Affidavit of president, etc.

(5) Such annual statement shall be filed with the Registrar on or before the 1st day of March next ensuing. Time for filing with Registrar.

(6) On sufficient cause shown and upon payment of the prescribed fee, the Registrar may by writing under his hand and seal of office, before or after the 1st day of March, extend the time for filing the statement. Extending time for filing of statement.

(7) Any corporation that does not file its statement as required by this section, or make prompt and explicit answer to any inquiries then or at any time put by the Registrar touching its contracts, finances, stock, shares, securities, obligations, by-laws or books or, if required, produce for examination its books, records, securities, accounts and vouchers shall be liable to suspension, cancellation, or non-renewal of registry, and shall incur a penalty of \$50 for each day of default, but not exceeding in the whole \$1,000. Penalty for failure to file statement or supply information.

(8) Where it is made to appear to the Registrar that an extra provincial corporation does not borrow moneys in Ontario by the sale of its bonds, debentures or other securities or by accepting deposits or other moneys for investment and does not exercise in Ontario any of the powers of a trust company other than the loaning of money in Ontario, the Registrar may direct that this section shall not apply to the corporation in which case the corporation shall make such returns and give such information as the Registrar shall require. What required in case of an extra provincial corporation not borrowing moneys in Ontario.

(9) The corporation shall file with the statement a certified copy of any statement furnished to shareholders during the year then ended. R.S.O. 1937, c. 257, s. 121 (4-9). Copy of periodical statement or statements.

MISCELLANEOUS.

Exemption.

145. Any amount not exceeding \$300 standing to the credit of any depositor in a registered corporation shall not, while in the hands of the corporation or while in course of transmission from the corporation, be liable to demand, seizure or detention under legal process as against the depositor or his nominee, assignee, or representative, or as against any person to whom the corporation is by sections 146 and 147 authorized to pay such amount. R.S.O. 1937, c. 257, s. 76.

Direction
as to dis-
position of
deposits or
debentures
on death.

146.—(1) A person who,—

- (a) has on deposit with a corporation a sum not exceeding \$600;
- (b) is the holder of debentures or guaranteed investment certificates issued by a corporation for a sum not exceeding \$600; or
- (c) has on deposit with a corporation a sum and holds debentures or guaranteed investment certificates issued by the corporation, the amounts of which in the aggregate do not exceed \$600,

may by a writing, signed by him and deposited with the corporation, nominate any person to receive the amount thereof at his death.

Rights of
corporation.
1939 (2nd
Sess.), c. 1.

(2) Subject to *The Succession Duty Act, 1939*, upon receiving an affidavit as to the death of a person who has made a nomination under subsection 1 the corporation may substitute on its books the name of the nominee in place of the name of such person or may forthwith pay to the nominee the amount due to such person. 1946, c. 48, s. 8, *part.*

Where no
direction.

147. Subject to *The Succession Duty Act, 1939*, where a depositor, debenture holder or holder of a guaranteed investment certificate as described in clause *a, b or c* of subsection 1 of section 146 dies without making a nomination in accordance with that section, the deposit, debenture or guaranteed investment certificate may, without letters probate or letters of administration being taken out, be paid or transferred to the person who appears to the corporation to be entitled (under the will of such depositor, debenture holder or holder of a guaranteed investment certificate or in the case of an intestacy under the law relating to devolution of property) to receive the same, upon receiving an affidavit of the death and that

the person claiming is so entitled. 1946, c. 48, s. 8, *part, amended.*

148. Where the corporation, after the death of a depositor, debenture holder or holder of a guaranteed investment certificate, has paid or transferred the deposit, debenture or guaranteed investment certificate to the person who at the time appeared to be entitled thereto, the payment or transfer shall be valid and effectual with respect to any demand from any other person as the legatee or next of kin or as the lawful representative of the deceased against the corporation, but the legatee, next of kin or representative shall be entitled to recover the amount of the deposit, debenture or guaranteed investment certificate from the recipient or transferee. 1946, c. 48, s. 8, *part, amended.*

Payments by mistake.

149. Delivery of any written notice or document to a corporation for any purpose of this Act, where the mode is not otherwise expressly provided, may be by letter delivered at the head or chief office of the corporation in Ontario or its chief agency therein, or sent by registered post addressed to the corporation, its manager or agent at such head or chief office or agency, or by delivering it personally to an authorized agent of the corporation. R.S.O. 1937, c. 257, s. 138.

Service of notices.

150. Except where the provisions of this Act are inconsistent, Part XIV of *The Companies Act* shall apply, substituting for the words "Provincial Secretary" the word "Registrar". R.S.O. 1937, c. 257, s. 156, *amended.*

Application of certain sections of Rev. Stat. c. 251.

OFFENCES AND PENALTIES.

151. Every director, manager, auditor, officer, agent, collector, servant, or employee of a corporation who refuses or neglects to make any proper entry in any book of record, entry or account of the corporation, or to exhibit the same, or to allow the same to be inspected or audited, either for the general purposes of the corporation or for the purposes of this Act, and extracts to be taken therefrom shall be guilty of an offence. R.S.O. 1937, c. 257, s. 149.

Refusal to make entries or exhibit same, etc.

152.—(1) Every person who makes any wilfully false or deceptive statement in any account, statement, return, report or other document respecting the affairs of a corporation shall be guilty of an offence and shall be liable, on conviction thereof, to imprisonment for a term not exceeding five years.

False statements or returns.

(2) Every president, vice-president, director, auditor, manager or other officer of a corporation, who,—

Officers' liability.

- (a) prepares, signs, approves, or concurs in any such account, statement, return, report or document containing such false or deceptive statement; or

(b) uses the same with intent to deceive or mislead any person,

shall be held to have wilfully made such false or deceptive statement, and shall further be responsible for all damages sustained by any person in consequence thereof. R.S.O. 1937, c. 257, s. 144 (1, 2).

Offences for which no special penalty provided.

153.—(1) For every contravention of this Act, which is declared to be an offence and for which no other penalty is provided, the offender shall, for the first offence, incur a penalty of not less than \$20 and not more than \$200, and for any subsequent offence of the same kind shall be liable to imprisonment for any term not less than three months and not more than twelve months, or in the case of an organization, society, association, company or corporation to a penalty not more than \$1,000.

Limitations of prosecutions.

(2) The information or complaint shall be laid or made in writing within one year after the commission of the offence. R.S.O. 1937, c. 257, s. 143 (1, 3).

Recovery of penalties.

Rev. Stat., c. 136.

(3) The penalties imposed under this Act shall be recoverable under *The Summary Convictions Act* and shall belong to His Majesty for the use of Ontario. *New.*

FEES.

Fees for incorporation.

154.—(1) The fees for letters patent of incorporation under this Act shall be those set out in Schedule A.

Other fees.

(2) The fees set out in Schedule B shall be payable in respect of the matters therein mentioned.

Payment to Registrar.

(3) The fees shall be payable to the Registrar.

Commutation on proposed discontinuance of business.

(4) Where a registered corporation proves to the satisfaction of the Registrar that it is discontinuing business in Ontario, and has given such public notice of intended discontinuance as shall be required, the fee for registry or renewal of registry, as the case may be, may, on the certificate of the Registrar, be commuted to one-fourth of the prescribed fee; but registry at such commuted fee shall not be granted for more than four years in all, unless for cause shown to the satisfaction of the Registrar, in which case registry may be granted year by year for an additional number of years. R.S.O. 1937, c. 257, s. 154, *amended.*

Time of payment.

(5) In the case of an application or other document or instrument to be filed, examined or deposited, the fee shall be

paid before the application or other document or instrument is dealt with, and in the case of registry or certificates of registry the fee shall be paid before the corporation is registered. R.S.O. 1937, c. 257, s. 155.

REPEAL.

155. *The Loan and Trust Corporations Act*, section 17 of Rev. Stat., c. 257;
The Statute Law Amendment Act, 1939, sections 9 and 10 of 1939, c. 47,
The Statute Law Amendment Act, 1944, *The Loan and Trust* 1944, c. 58,
Corporations Amendment Act, 1945, and *The Loan and Trust* 1945,
Corporations Amendment Act, 1946, are repealed. (2nd Sess.),
c. 4;
1946, c. 48,
repealed.

SHORT TITLE.

156. This Act may be cited as *The Loan and Trust Corporations Act, 1949*. Short title.

SCHEDULE OF FEES.

SCHEDULE A.

Fee for Letters Patent of Incorporation:

For a corporation with an authorized capital stock of:—

(a) \$300,000 but less than \$500,000.....	\$200 00
(b) \$500,000 but less than \$1,000,000.....	250 00
(c) \$1,000,000.....	350 00
and \$25 for each additional \$100,000 or part thereof.	
(d) Supplementary Letters Patent.....	50 00

R.S.O. 1937, c. 257, Sched. A.

SCHEDULE B.

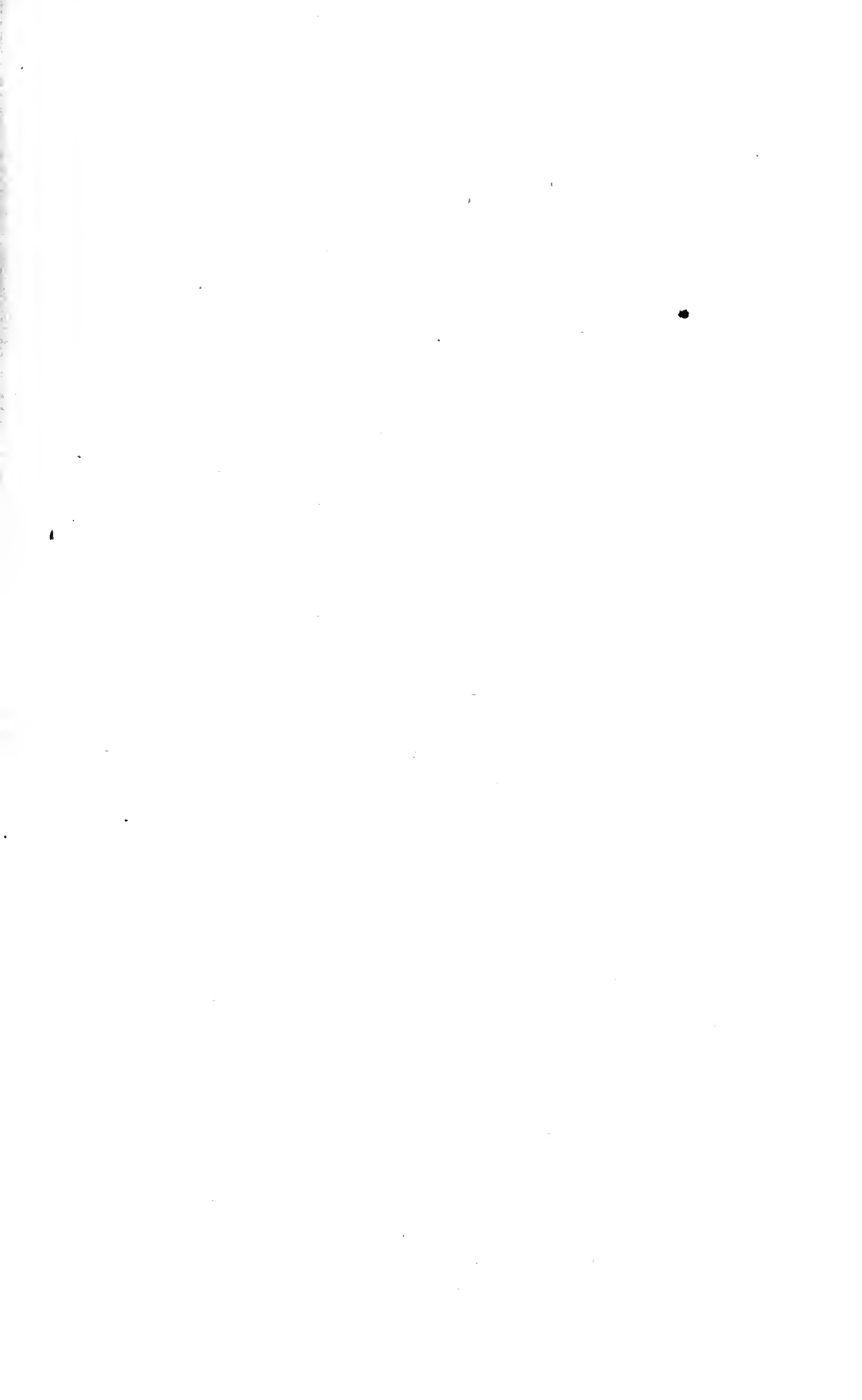
1. Application for initial registry (s. 113).....	\$5 00
2. Extension of time not exceeding seven days, or any renewal thereof not exceeding seven days, for filing annual statement, application for renewal of registry, or any other documents or information required under the authority of this Act, provided that the Registrar may grant relief from the payment of this fee in any case in which he thinks for reasons appearing to him to be sufficient, that it should not be imposed.....	10 00
3. Filing power of attorney in case of corporations mentioned in section 114.....	5 00
4. Filing new power or change of attorney (s. 114).....	5 00
5. Initial registry Loan or Loaning Land Corporations.....	100 00
6. Initial registry Trust Companies.....	150 00
7. Certificate of renewed registry (s. 115):	
(a) Where the assets of the corporation amount to not more than \$250,000.....	35 00
(b) Where the assets of the corporation exceed \$250,000 but do not exceed \$500,000.....	50 00
(c) Where the assets of the corporation exceed \$500,000 but do not exceed \$1,000,000.....	75 00
(d) Where the assets of the corporation exceed \$1,000,000 but do not exceed \$1,500,000.....	100 00
(e) Where the assets of the corporation exceed \$1,500,000 but do not exceed \$2,000,000.....	125 00
(f) Where the assets of the corporation exceed \$2,000,000 but do not exceed \$2,500,000.....	150 00
(g) Where the assets of the corporation exceed \$2,500,000 but do not exceed \$3,000,000.....	175 00
(h) Where the assets of the corporation exceed \$3,000,000 but do not exceed \$5,000,000.....	200 00
(i) Where the assets of the corporation exceed \$5,000,000 but do not exceed \$10,000,000.....	250 00
(j) Where the assets of the corporation exceed \$10,000,000.....	300 00
(k) Minimum under section 154 (4).....	35 00

For purposes of this article, capital stock uncalled shall not be deemed an asset.

8. Interim certificate of registry or extension of certificate (s. 115).....	\$5 00
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9. Revivor of registry after suspension (s. 115):	
For a corporation within article 7 (a).....	\$10 00
For a corporation within article 7 (b).....	15 00
For a corporation within article 7 (c).....	20 00
For a corporation within article 7 (d).....	25 00
For a corporation within article 7 (e, f and g).....	30 00
For other corporations.....	35 00
10. Change of corporate name (s. 116).....	25 00
11. Change of head office (s. 116).....	25 00
12. Filing annual statement (s. 144).....	5 00
13. Filing new by-laws or amendments thereto after initial registry (s. 28).....	2 00
14. Application for increase, decrease, conversion or alteration of capital stock or shares or declaration or alteration of powers.....	10 00
(a) Certificate of decrease, conversion or alteration of capital stock or shares or declaration or alteration of powers.....	150 00
(b) Order-in-Council increasing capital stock:	
i. \$300,000 but less than \$500,000.....	200 00
ii. \$500,000 but less than \$1,000,000.....	250 00
iii. \$1,000,000.....	350 00
iv. Supplementary letters patent.....	50 00
15. Application for increase in borrowing powers under section 72 (2).....	25 00
(a) Order-in-Council.....	200 00
16. Copy of decision of Registrar, per folio of 100 words.....	10
Also for certificate of Registrar.....	1 00
17. Certified copy of entry on register or of certificate.....	1 00
18. Copies of or extracts from documents filed with Registrar per folio of 100 words.....	10
Also for certificate of Registrar.....	1 00
19. Examining and passing upon applications or documents under sections 93 to 101.....	25 00
Order-in-Council and certificate.....	200 00
20. Examining and passing upon applications or documents under sections 26 and 27 of <i>The Trustee Act</i> (Rev. Stat., c. 165) Order-in-Council.....	25 00 100 00
21. Examining and passing upon applications or documents under section 79.....	25 00
Order-in-Council.....	100 00

R.S.O. 1937, c. 257, Sched. B, *amended*.



BILL

The Loan and Trust Corporations
Act, 1949

1st Reading

March 1st, 1949

2nd Reading

3rd Reading

MR. BLACKWELL

No. 103

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

The Loan and Trust Corporations Act, 1949.

MR. BLACKWELL

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



BILL

The Loan and Trust Corporations Act, 1949.

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) “accountant” means a member of the Institute of Chartered Accountants of Ontario or of the Certified Public Accountants Association of Ontario or such other person as may be approved by the Registrar as being a qualified accountant for the purpose of auditing the books and accounts of corporations under this Act; 1946, c. 48, s. 1. ^{“accountant”;}
- (b) “chief agency” means the principal office or place of business in Ontario of a corporation that has its head office out of Ontario; ^{“chief agency”;}
- (c) “corporation” means a loan corporation, a loaning land corporation or a trust company; ^{“corporation”;}
- (d) “due application” includes the furnishing of information, evidence and material required by the Registrar, and the payment of the prescribed fees in respect of any application, certificate or document required or issued under this Act; and also the payment to the Treasurer of Ontario of all taxes due and payable by the applicant company under any Act of Ontario; ^{“due application”;}
- (e) “extra provincial corporation” means a corporation other than one incorporated under the law of Ontario; ^{“extra-provincial corporation”;}
- (f) “head office” means the place where the chief executive officers of the corporation transact its business; ^{“head office”;}
- (g) “law of Ontario” includes any laws of the former Province of Canada or of Upper Canada, continued as the law of Ontario, or consolidated or incorporated ^{“law of Ontario”;}

with the law of Ontario; R.S.O. 1937, c. 257, s. 1, cls. (b-g).

"loan corporation";

(h) "loan corporation" means every incorporated company, association or society, constituted, authorized or operated for the purpose of lending money on the security of real estate, or for that and any other purpose, but does not include a chartered bank, an insurance corporation, a loaning land corporation or a trust company;

"loaning land corporation";

(i) "loaning land corporation" means a corporation incorporated for the purpose of lending money on the security of real estate and of carrying on the business of buying and selling land; R.S.O. 1937, c. 257, s. 1, cls. (h, i), *amended*.

"Minister";

(j) "Minister" means the member of the Executive Council under whose direction this Act is administered;

"paid in";

(k) "paid in" as applied to the capital stock of a corporation or to any shares thereof means the amount paid to the corporation on its shares, not including the premium if any paid on such shares, whether such shares are or are not fully paid up;

"paid up";

(l) "paid up", when applied to any share, means a share on which there remains no liability, actual or contingent, to the issuing corporation;

"permanent stock";
"permanent shares";

(m) "permanent stock" or "permanent shares" includes all stock or all shares of permanent or fixed capital not liable to be withdrawn from or repaid by the corporation; R.S.O. 1937, c. 257, s. 1, cls. (j-m).

"provincial corporation";

(n) "provincial corporation" means a corporation incorporated under the law of Ontario; R.S.O. 1937, c. 257, s. 1, cl. (n), *amended*.

"real estate";

(o) "real estate" includes messuages, lands, rents and hereditaments, whether freehold or of any other tenure, and whether corporeal or incorporeal, and leasehold estates, and any undivided share thereof, and any estate, right or interest therein;

"registered corporation";

(p) "registered corporation" means a corporation registered under this Act;

"Registrar";

(q) "Registrar" means Registrar appointed under this Act; R.S.O. 1937, c. 257, s. 1, cls. (o-q).

"trust company";

(r) "trust company" means a company constituted or operated for the purpose of acting as trustee, bailee, agent, executor, administrator, receiver, liquidator, assignee, guardian of a minor's estate, or committee

of a mentally incompetent person's estate. R.S.O. 1937, c. 257, s. 1, cl. (r), *amended*.

APPLICATION OF ACT.

2.—(1) This Act shall apply, according to its context, to every corporation within the meaning of this Act. ^{Application of Act.}

(2) With respect to every provincial corporation whether formed or incorporated before or after the passing of this Act and whether formed or incorporated by or under a special or general Act or by letters patent or otherwise, any provision of the Act or letters patent or other instrument of incorporation that is inconsistent or in conflict with the provisions of this Act shall not apply. ^{Idem.}

(3) Sections 3 to 57, except sections 28 and 44, shall apply only to provincial corporations. ^{Idem.} *New*.

INCORPORATION OF LOAN CORPORATIONS, LOANING LAND CORPORATIONS AND TRUST COMPANIES.

3.—(1) An application for the incorporation of a loan corporation, a loaning land corporation or a trust company shall be made by petition to the Lieutenant-Governor in Council through the Minister in the prescribed form, and shall be delivered to the Registrar. R.S.O. 1937, c. 257, s. 2 (1), *amended*. ^{Application for incorporation.}

(2) The applicants shall for one month next before filing their application with the Registrar publish a notice thereof in the *Ontario Gazette*, and shall also before such filing give the like notice at least once in a newspaper published in the locality in which the head office is to be established. ^{Notice of application.}

(3) The notice shall state the proposed corporate name, the location of the head office, which shall be in Ontario, the purposes of the corporation, and for what amount of permanent capital stock authorization will be asked, with the number of shares and the par value of the shares. ^{Contents.}

(4) The applicants shall furnish such further information as may be required by the Minister or the Registrar. ^{Further information.}

(5) The application shall be accompanied by the original, or one of the duplicate originals, of a declaration adopted at a general meeting of the promoters, and executed under their respective hands and seals by at least twenty-five persons present at the meeting who are subscribers for shares. ^{Application to be accompanied by a declaration.}

(6) The declaration shall set out the names in full and the address and calling of each of the declarants and shall ^{Contents of declaration.}

clare: that the said declarants assembled at _____ on _____
 (*naming the place and time*); _____ being chairman, and
 _____ being secretary of the meeting (*naming them*) did
 there and then agree to constitute themselves a provisional
 corporation by the name of (*mentioning the proposed cor-
 porate name*) under *The Loan and Trust Corporations Act, 1949*
 and under the proposed by-laws there and then adopted, and
 annexed to the declaration; also that the following persons,
 five in number (*naming them*) were elected provisional direc-
 tors.

Reference to Registrar. (7) The Minister may refer the application or any question arising thereunder to the Registrar for a report, and the Registrar shall report thereon. R.S.O. 1937, c. 257, s. 2 (2-7).

By-laws to accompany declaration. 4.—(1) Three copies of the proposed by-laws shall accompany the declaration, one copy duly certified being annexed thereto. R.S.O. 1937, c. 257, s. 3 (1).

What they shall provide for. (2) Subject to this Act, the by-laws shall,—

- (a) provide for the proposed corporate name, and the location of the head office of the corporation;
- (b) set out the purposes for which the corporation is to be constituted;
- (c) declare that the capital stock of the corporation consists exclusively of permanent capital stock divided into a stated number of shares each of a stated uniform amount, and declare what respective amounts of such capital stock are before the commencement of business to be authorized, subscribed, and paid in, with the proviso that no shares shall be issued at a discount, or upon any terms, agreement or understanding that the taker or holder shall be liable for any less amount than the par value of the shares, less the calls paid thereon; R.S.O. 1937, c. 257, s. 3 (2), cls. (a-c).
- (d) in the case of a loan or a loaning land corporation, define and regulate the exercise of such general powers of borrowing as are by this Act conferred upon loan corporations and loaning land corporations, and declare within what limits such borrowing powers are to be exercised, and whether by issuing debentures or otherwise;
- (e) provide for the holding of general meetings, ordinary and special, of the shareholders; R.S.O. 1937, c. 257, s. 3 (2), cls. (d, e), *amended*.

- (f) provide for the election of directors, prescribe their number, powers, duties, and term of office, and the number necessary to constitute a quorum; R.S.O. 1937, c. 257, s. 3 (2), cl. (f).
- (g) provide that security in amounts satisfactory to the board of directors shall be taken for the fidelity of the person or persons having custody or control of the funds of the corporation; R.S.O. 1937, c. 257, s. 3 (2), cl. (g), *amended*.
- (h) provide for the proper audit, at least yearly, of the books and accounts of the corporation by two or more accountants, who shall not be otherwise employed by the corporation or be otherwise officers thereof;
- (i) require that there shall be mailed or delivered to each shareholder, at least ten days before the annual meeting, a statement, verified by the auditors, of the assets and liabilities and income and expenditure of the corporation to a date not more than two months before the meeting, such statement to be drawn in accordance with the form from time to time prescribed by the Registrar; R.S.O. 1937, c. 257, s. 3 (2), cls. (h, i).
- (j) provide for their amendment by the shareholders in general meeting; and R.S.O. 1937, c. 257, s. 3 (2), cl. (j), *part*.
- (k) provide that no transfer of shares of the corporation may be made that has the effect of reducing the number of shareholders to less than twenty-five. R.S.O. 1937, c. 257, s. 3 (2), cl. (k).

5. A sworn copy of the stock subscription shall also be filed with the Registrar containing such particulars as he may require. R.S.O. 1937, c. 257, s. 4. Stock sub-
scription.

6. If on receiving an application for incorporation the Minister finds in the by-laws anything repugnant to this Act or to the law of Ontario he may direct an amendment of the by-laws, and, upon their being amended as directed and returned certified as having been so amended, the application may be proceeded with. R.S.O. 1937, c. 257, s. 5, *part, amended*. Minister
may direct
amendment
of by-laws.

7. The by-laws accompanying the declaration mentioned in section 3 with such amendments as may have been required by the Minister, shall be the first by-laws of the corporation and shall take effect on the date of the incorporation. R.S.O. 1937, c. 257, s. 13, *amended*. First
by-laws of
corporation.

Affidavit
as to sub-
scription
and pay-
ment.

8.—(1) For the purpose of incorporation the applicants shall file with the Registrar an affidavit showing that at least \$300,000 of stock has been subscribed for and taken up *bona fide* by at least twenty-five responsible subscribers, each of the applicants holding in his own name and for his own use shares of an aggregate par value of at least \$1,000 and has paid in cash all calls due thereon and all liabilities incurred by him to the corporation, and that in the case of trust companies at least \$100,000 and in other cases at least \$50,000 of such subscribed stock has been paid in cash by the subscribers into a branch in Ontario of a chartered bank, in trust for the proposed corporation, free from all liability on the part of the proposed corporation or any of the subscribers to make repayment of the same or any part thereof to any person, firm, or corporation, and that each subscriber has out of his own money, contributed to the amount so paid in rateably according to the amount of shares subscribed for by him. R.S.O. 1937, c. 257, s. 6 (1), *amended*.

New cor-
poration
acquiring
assets of
existing cor-
poration.

(2) Where the corporation is to be constituted for the purpose of acquiring the assets of one or more existing corporations and the proposed consideration for the transfer of such assets is to consist wholly or in part of shares of the capital stock of the new corporation, the Lieutenant-Governor in Council may dispense with the requirements of subsection 1 as to subscription and payment to such extent as he may deem proper. R.S.O. 1937, c. 257, s. 6 (2), *amended*.

All stock
to be
permanent.

9.—(1) All stock and shares in any corporation incorporated after the 17th day of March, 1900, shall be fixed, permanent and non-withdrawable.

Unless issued
prior to 17th
March, 1900.

(2) Any corporation that did not issue terminating stock or shares on or before the 17th day of March, 1900, shall not make or issue such stock or shares. R.S.O. 1937, c. 257, s. 8 (1, 2), *amended*.

Saving as
to law
applicable to
terminating
shares.

(3) Notwithstanding the repeal of certain Acts and parts of Acts by section 143 of *The Loan and Trust Corporations Act*, being chapter 34 of the Statutes of Ontario, 1912, the law of Ontario which, on the 16th day of April, 1912, was in force and applied to corporations having terminating or withdrawable stock or shares, shall continue in force and shall apply to such corporations so long as such stock or shares subsist. R.S.O. 1937, c. 257, s. 158.

Letters
patent.

10.—(1) A grant of incorporation shall be by letters patent.

Contents.

(2) The letters patent shall set forth the name under which, and the date at which, the corporation became incorporated, the location of the head office, the amount of stock authorized, and the business to be undertaken by the corporation, distinguishing between the classes of business mentioned in section 105. R.S.O. 1937, c. 257, s. 9.

11. Incorporation may be granted without limitation of ^{Term.} time, or for any limited term of years not less than ten.

12.—(1) Where incorporation is granted for a limited term ^{Term to be specified if limited.} of years the letters patent shall specify the first and the last day of the term. R.S.O. 1937, c. 257, s. 11 (1, 2).

(2) Where incorporation has been granted for a limited ^{Renewal of terminating charter.} term application may, upon the like notice as is required by section 3, be made on or before the expiry of the term for the renewal or extension of the incorporation, and the incorporation may be renewed or extended by letters patent either without limitation of time or for a limited term. R.S.O. 1937, c. 257, s. 11 (5).

13.—(1) If a corporation does not go into actual *bona fide* ^{Forfeiture of charter for non-user.} operation within two years after incorporation, or at any time for two consecutive years does not use its corporate powers for the purposes set forth in the Act or instrument of incorporation, such non-user shall *ipso facto* work a forfeiture of the corporate powers except so far as may be necessary for winding up the corporation.

(2) In any action or proceeding where such non-user is ^{Onus of proof of user.} alleged, proof of user shall lie upon the corporation. R.S.O. 1937, c. 257, s. 11 (3, 4).

(3) No such forfeiture shall affect prejudicially the rights ^{Rights of creditors not affected.} of creditors as they exist at the date of the forfeiture.

(4) The Lieutenant-Governor in Council may upon appli- ^{Charter may be revived.} cation revive any charter so forfeited, upon compliance with such conditions and upon payment of such fees as the Lieutenant-Governor in Council may designate. R.S.O. 1937, c. 251, s. 28 (3, 4).

14. Unless preference shares, debentures or bonds are ^{Consent of holders to redemption.} issued subject to redemption or conversion the same shall not be subject to redemption or conversion without the consent of the holders thereof. R.S.O. 1937, c. 251, s. 81, *amended*.

15. Where incorporation is granted, the provisional direc- ^{First directors of the corporation.} tors named in the declaration of the applicants shall be the first directors of the corporation, and shall continue in office until their successors are duly elected. R.S.O. 1937, c. 257, s. 12.

16.—(1) Letters patent of incorporation of a trust com- ^{When letters patent of trust company may issue.} pany may issue where it is shown to the satisfaction of the Lieutenant-Governor in Council that, in the locality in which the head office of the proposed company is to be situate, there

exists a public necessity for a trust company or for an additional trust company.

Satisfying
Lieutenant-
Governor of
fitness of
applicants.

(2) Such letters patent shall not issue unless the Lieutenant-Governor in Council is satisfied that the fitness of the applicants to discharge the duties of a trust company is such as to command the confidence of the public, and that the public convenience and advantage will be promoted by granting to the company the powers applied for. R.S.O. 1937, c. 257, s. 14 (1, 4).

Transfer of
papers.

17. After the issue of letters patent to any corporation required or authorized to register under this Act, the Provincial Secretary shall transfer all papers in his Department connected with the corporation to the office of the Registrar. R.S.O. 1937, c. 257, s. 128.

STATUTORY MEETING.

Statutory
meetings.

18.—(1) Every corporation shall, within a period of not less than one month and not more than three months from the date at which the corporation is entitled to commence business, hold a general meeting of its shareholders which shall be called the statutory meeting. R.S.O. 1937, c. 257, s. 80 (1).

Report to
be sent to
share-
holders.

(2) The directors shall, at least ten days before the day on which the meeting is to be held, forward to every shareholder of the corporation a report certified by not less than two directors of the corporation showing,—

- (a) the total number of shares allotted, distinguishing shares allotted as fully or partly paid up otherwise than in cash, and stating in the case of shares partly paid up the extent to which they are so paid up, and in either case the consideration for which they have been allotted;
- (b) the total amount of cash received by the corporation in respect of such shares, distinguished as aforesaid;
- (c) an abstract of the receipts and payments of the corporation on capital account to the date of the report, and an account or estimate of the preliminary expenses of the corporation;
- (d) the names, addresses and descriptions of the directors, auditors, if any, manager, if any, and secretary of the corporation; and
- (e) the particulars of any contract, the modification of which is to be submitted to the meeting for its

approval, together with the particulars of the modification or proposed modification.

(3) The report, so far as it relates to the shares allotted by the corporation, and to the cash received in respect of such shares, and to the receipts and payments of the corporation on capital account, shall be certified as correct by the auditors, if any, of the corporation. Report to be certified by auditors.

(4) The directors shall cause a copy of the certified report to be filed with the Registrar forthwith after sending it to the shareholders. Report to be filed with Registrar.

(5) The directors shall cause a list showing the names and addresses of the shareholders, and the number of shares held by each of them, to be produced at the commencement of the meeting, and to remain open and accessible to any shareholder of the corporation during the continuance of the meeting. Lists of shareholders to be produced at meeting.

(6) The shareholders present at the meeting shall be at liberty to discuss any matter relating to the formation of the corporation, or arising out of the report, whether previous notice has been given or not, but no resolution of which notice has not been duly given may be passed. Shareholders may discuss business of company at meeting.

(7) The meeting may adjourn from time to time, and at any such adjourned meeting any resolution of which notice has been duly given, either before or subsequently to the former meeting, may be passed, and an adjourned meeting shall have the same powers as the original meeting. Adjournments.

(8) If default is made in filing the report or in holding the statutory meeting, then at the expiration of fourteen days after the last day on which the meeting ought to have been held any shareholder may petition the court for the winding up of the corporation, and the court may either direct that the corporation be wound up or give directions for the report being filed or a meeting being held, or make such other order as may be just, and may order that the costs of the petition be paid by the persons who, in the opinion of the court, are responsible for the default. R.S.O. 1937, c. 257, s. 80 (2-8). Application to court if default made.

GENERAL MEETINGS OF SHAREHOLDERS.

19.—(1) A general meeting of the shareholders shall be held at least once in each year for the purpose of considering the financial statement of the corporation, and the election of directors and auditors, and the transaction of such other business as is proper at such general meeting under the law of Ontario and the by-laws of the corporation. R.S.O. 1937, c. 257, s. 81 (1). Annual meeting.

Notice of
annual
meeting.

(2) Notice of the time and place of the holding of the annual general meeting of the shareholders shall be delivered, or shall be sent by post to the address of each shareholder so far as the same is known, or, on request, to his proxy residing in North America or the United Kingdom, and such notice of the meeting shall be so delivered or sent at least ten days before the time fixed for holding the meeting, and a copy of the annual statement of the directors to a date not more than four months before the date of the meeting shall accompany the notice. R.S.O. 1937, c. 257, s. 81 (2), *amended*.

Special
general
meetings.

20.—(1) The directors shall have the right at any time by resolution of the board passed in that behalf to call a special general meeting of the shareholders for the transaction of any business specified in the resolution.

On requisition of shareholders.

(2) One-fourth part in value of the shareholders of the corporation shall, by requisition delivered to the manager, acting manager, or secretary thereof, have at all times the right to have a special general meeting called by such officer for the transaction of any business specified in the requisition.

Notice.

(3) Notice of the holding of a special general meeting of the shareholders, specifying the time and place of the meeting and the business to be transacted thereat, shall be delivered, or shall be sent by registered post, to the address of each shareholder, so far as the same is known, at least ten days before the day appointed for the meeting.

Other
business.

(4) No other business shall be transacted at any special general meeting unless all the shareholders are present in person or by proxy and unanimously consent thereto.

Proof of
notice.

(5) Before the business of any special general meeting is proceeded with there shall be produced and read a statutory declaration of the manager, acting manager or secretary of the corporation that the requirements of this section as to notice have been fully complied with.

Minutes

(6) A copy of the notice so delivered or sent, and of such declaration in relation thereto, shall be entered in the minute book of the corporation as part of the proceedings of the meeting. R.S.O. 1937, c. 257, s. 82.

Penalty

21. Any director or officer wilfully neglecting or omitting to give effect to the requisition mentioned in section 20, or to give the notice of any general meeting required by section 19 or 20 shall be guilty of an offence. R.S.O. 1937, c. 257, s. 83.

22. At all meetings of shareholders of the corporation a shareholder shall have one vote for each share held by him upon which he is not six months in arrear. R.S.O. 1937, c. 257, s. 84. Voting power of shareholders.

23. A shareholder may either vote in person or be represented and vote by a proxy who is a shareholder of the corporation and not six months in arrear. R.S.O. 1937, c. 257, s. 85. Proxies.

24. The transactions of all annual and special general meetings of the corporation and of all meetings of the board of directors shall be entered in a book to be known as the minute book of the corporation. R.S.O. 1937, c. 257, s. 86, *amended.* Minute book.

BY-LAWS.

25. A meeting of the shareholders, called with due notice thereof, may make such lawful and proper by-laws for the government of the corporation, not repugnant to this Act or any other law in force in Ontario, as the majority of the shareholders present in person or by proxy deem meet. R.S.O. 1937, c. 257, s. 87. Shareholders may make by-laws.

26. Every by-law shall be reduced to writing and shall have affixed thereto the seal of the corporation, and shall be receivable in evidence without proof of the seal or of the signature or of the official character of the person or persons appearing to have signed the same, and without further proof thereof. R.S.O. 1937, c. 257, s. 88. To be sealed.

27.—(1) The by-laws shall be forthwith recorded in a book to be kept by the corporation for that purpose and to be known as the "By-law Book". By-laws to be recorded.

(2) Such book shall, without the payment of any fee or charge, be open during business hours for inspection by any shareholder, depositor, debenture holder or holder of a guaranteed investment certificate, by himself or his agent, and any such person may make extracts therefrom. R.S.O. 1937, c. 257, s. 89, *amended.* Right to inspect By-law Book.

28. Every corporation shall deliver to the Registrar within one month after the passing thereof a certified copy of its by-laws and of every repeal, or addition to, or amendment or consolidation thereof. R.S.O. 1937, c. 257, s. 90. Copy of by-laws, etc., to be filed with Registrar.

29.—(1) The shareholders in meeting may by by-law, of which, as proposed, notice shall be given to each shareholder with the notice of the meeting, empower the directors to make, amend and repeal by-laws for the corporation. Delegating to directors power to make or amend by-laws.

Confirmation
necessary.

(2) Every such by-law of the directors and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the corporation duly called for that purpose, shall have force only until the next annual meeting of the corporation, and in default of confirmation thereat shall, at and from that time, cease to have force, and in that case no new by-law to the same or the like effect or re-enactment thereof shall have any force until confirmed at a general meeting.

By-laws
may be
varied.

(3) The corporation may at a general meeting duly called for the purpose or at an annual meeting repeal, amend, vary or otherwise deal with any by-law passed by the directors; but no act done or right acquired under any by-law shall be prejudicially affected by any such repeal, amendment, variation, or other dealing. R.S.O. 1937, c. 257, s. 92.

Alteration
at general
meeting.

30. At a general meeting the shareholders may alter or amend such by-laws, and may confirm the same as so altered and amended. R.S.O. 1937, c. 257, s. 93, *amended*.

By-laws for
particular
purposes.

31. The directors of a corporation, authorized as provided by section 29, may make by-laws, not repugnant to this Act or any other law in force in Ontario, to regulate,—

- (a) the allotment and issue of shares, the making of calls thereon, the payment thereof, the issue and registration of certificates of shares, the forfeiture of shares for non-payment, the disposal of forfeited shares and of the proceeds thereof, the transfer of shares, and subject to section 57 the subdivision of existing shares into shares of smaller amount;
- (b) the declaration and payment of dividends;
- (c) subject to section 65, the appointment, functions, duties and removal of agents, officers and servants of the corporation, and their remuneration;
- (d) the calling of meetings of the directors and the procedure at such meetings; and
- (e) the conduct in all other particulars of the affairs of the corporation. R.S.O. 1937, c. 257, s. 103, *amended*.

DIRECTORS.

Term of
office

32.—(1) The term of office of the directors of a corporation shall not exceed two years. R.S.O. 1937, c. 257, s. 94 (1), *amended*.

(2) Where the term of office is one year only the number of directors shall not be less than five. Number.

(3) Where the term of office is two years the number of directors shall be an even number not less than six, and one-half of the directors shall retire annually at the general meeting in rotation, but shall, if otherwise qualified, be eligible for re-election. Idem.

(4) Where the term of office is two years the first elected directors shall at their first meeting determine by lot which of them shall retire at the end of the first year. R.S.O. 1937, c. 257, s. 94 (2-4). Retirement by lot.

33.—(1) The election of directors shall be by ballot. Ballot.

(2) No person shall be qualified to be a director unless he is of the full age of twenty-one years and is a shareholder holding, in his own right, shares of the corporation, on which at least \$1,000 has been paid in, and is not in arrear in respect of any call thereon. R.S.O. 1937, c. 257, s. 95 (1, 2). Qualification of directors.

(3) The majority of the directors shall at all times be resident in Canada and subjects of His Majesty by birth or naturalization. R.S.O. 1937, c. 257, s. 95 (3), *amended*. Majority to be residents and British subjects.

(4) Where more than the prescribed number of non-residents and aliens are elected, a new election shall be held forthwith to fill all the directorships to which aliens or non-residents have been elected, and so on until the number of non-residents or aliens is reduced to the prescribed number. New election to fill directorships in such case.

(5) The remuneration of directors shall be fixed by the shareholders in general meeting. R.S.O. 1937, c. 257, s. 95 (4, 5). Remuneration.

34. If at any time an election of directors is not held, or does not take effect at the proper time, the corporation shall not be thereby dissolved, but the election may take place at any general meeting of the corporation duly called for that purpose, and the retiring directors shall continue in office until their successors are elected. R.S.O. 1937, c. 257, s. 96. Provision in case of failure of election.

35. Vacancies occurring in the board of directors may be filled for the unexpired remainder of the term by the board from among the qualified shareholders of the corporation. R.S.O. 1937, c. 257, s. 97. Interim vacancies.

36. The directors may lawfully exercise all the powers of the corporation except as to such matters as are directed by law or by the by-laws of the corporation to be transacted at a Powers of directors.

general meeting and have not been delegated to the directors by a general meeting as provided by section 29. R.S.O. 1937, c. 257, s. 98, *amended*.

President
and vice-
president.

37.—(1) The directors shall from time to time elect from among themselves a president and one or more vice-presidents, and the directors shall in all things delegated to them act for and in the name of the corporation, and, subject to subsection 2, the concurrence of a majority of the directors present at any meeting shall at all times be necessary to any act of the board. R.S.O. 1937, c. 257, s. 99, *amended*.

Casting
vote.

(2) On any question before the board each director shall have one vote, and in the event of an equality of votes the president or presiding officer shall have a second or casting vote. R.S.O. 1937, c. 257, s. 100.

Executive
committee.

38.—(1) The shareholders of a corporation having more than six directors may, at a general meeting called for the purpose, by resolution of two-thirds of the shareholders present in person or by proxy, authorize the directors to delegate any of their powers to an executive committee consisting of not less than three to be elected by the directors from their number. R.S.O. 1937, c. 257, s. 101 (1).

Committee's
powers.

(2) A committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed upon them by such resolution or by the directors.

Delegated
powers to be
recorded in
minute book.

(3) Where directors delegate any of their powers to an executive committee the powers so delegated shall be stated in writing and entered in the minute book of the corporation. R.S.O. 1937, c. 257, s. 101 (2, 3).

General
powers of
directors.

39. Subject to this Act, and to the Act or instrument constituting the corporation and to the by-laws of the corporation, the directors may,—

- (a) use or cause to be used and affixed the seal of the corporation, and may affix or cause it to be affixed to any document or paper which in their judgment may require the same;
- (b) make and enforce calls upon the shares of the respective shareholders;
- (c) declare the forfeiture of all shares on which such calls are not paid;
- (d) make any payments and advances of money they may deem expedient that are authorized to be made by or on behalf of the corporation, and enter

into all contracts for the execution of the purposes of the corporation, and for all other matters necessary to the transaction of its affairs;

- (e) generally deal with, sell, exchange, lease and dispose of the lands, property and effects of the corporation in such manner as they deem expedient and conducive to the benefit of the corporation;
- (f) do and authorize, assent to or adopt all acts required for the due exercise of any further powers and authorities conferred by this Legislature. R.S.O. 1937, c. 257, s. 102.

40.—(1) Where the directors entertain reasonable doubts as to the legality of any claim to or upon any share, bond, debenture, or obligation of a corporation, or to or upon any dividend, coupon or the proceeds thereof, they may apply to the Supreme Court, stating such doubt, for an order or judgment adjudicating upon such claim, and awarding such share, bond, debenture, obligation, dividend, coupon or proceeds to the person legally entitled to the same, and the Court may restrain any action or proceeding against the corporation, or the directors or officers thereof, for the same subject-matter, pending the determination of the application.

Where directors have reasonable doubts as to legality of claim.

(2) If the order or judgment of the Court is obeyed the corporation and the directors and officers shall be fully protected and indemnified against all actions, claims and demands in respect of the matters in question in such application and the proceedings thereupon. R.S.O. 1937, c. 257, s. 106.

Order of Court to be indemnity to company.

41. The secretary or treasurer or secretary-treasurer or other officer of the corporation may be styled "Manager", and when the officer is also a director he may be styled "Managing Director". R.S.O. 1937, c. 257, s. 116.

"Manager" and "Managing Director".

42. Every officer or other person appointed to any office in anywise concerning the receipt, safe-keeping or proper application of money shall furnish security according to the by-laws of the corporation and to the satisfaction of the directors for the just and faithful execution of the duties of his office, and any person entrusted with the performance of any other service may be required by the directors to furnish similar security. R.S.O. 1937, c. 257, s. 117.

Certain persons in service of corporation to furnish security.

43. The directors shall not declare or pay any dividend or bonus when the corporation is insolvent, or that renders the corporation insolvent or diminishes its capital; and if any director, present when any such dividend or bonus is declared, forthwith, or if any director then absent, within twenty-four hours after he becomes aware thereof, and is able to do so,

Liability of directors declaring a dividend when corporation is insolvent, etc.

enters his written protest against the same, and within eight days thereafter notifies the Registrar in writing of his protest, the director may thereby, but not otherwise, exonerate himself from liability. R.S.O. 1937, c. 251, s. 94 (1), *amended*.

Liability of directors for wages.

44.—(1) The directors of any corporation shall be jointly and severally liable to its labourers, servants and apprentices for all debts not exceeding one year's wages due for services performed for the corporation while they are such directors. R.S.O. 1937, c. 251, c. 97 (1), *amended*.

Where no liability.

(2) A director shall not be liable under subsection 1 unless,—

- (a) the corporation has been sued for the debt within one year after it has become due and execution has been returned unsatisfied in whole or in part; or
- (b) the corporation has, within that period, gone into liquidation or has been ordered to be wound up and the claim for such debt has been duly filed and proved,

and unless he is sued for such debt while a director or within one year after he has ceased to be a director.

Liability for amount unsatisfied on execution.

(3) If execution has so issued the amount recoverable against the director shall be the amount remaining unsatisfied on the execution.

On payment director entitled to assignment of judgment, etc.

(4) If the claim for such debt has been proved in liquidation or winding-up proceedings a director, upon payment of the debt, shall be entitled to any preference which the creditor paid would have been entitled to, and where a judgment has been recovered he shall be entitled to an assignment of the judgment. R.S.O. 1937, c. 251, s. 97 (2-4).

SHARES—CALLS ON CAPITAL STOCK.

Calling in instalments.

45.—(1) The directors may call in and demand from the shareholders the amount unpaid on shares by them subscribed or held at such times and places and in such payments or instalments as the special Act, letters patent, supplementary letters patent, or this Act, or the by-laws of the corporation require or allow, and interest shall accrue upon the amount of any unpaid call from the day appointed for payment thereof.

Demand to state liability to forfeiture.

(2) The demand shall state that in the event of non-payment the shares in respect of which the call was made will be liable to be forfeited.

(3) If after the demand any call is not paid in accordance therewith, the directors, by resolution duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the corporation and may be disposed of as, by by-law or otherwise, the corporation may ordain; but such forfeiture shall not relieve the shareholder of any liability to the corporation or to any creditor. R.S.O. 1937, c. 257, s. 25, *amended*. Forfeiture of share.

46. Every shareholder, until the whole amount of his shares has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the corporation has been returned unsatisfied in whole or in part, and the amount due on the execution, but not beyond the amount so unpaid on such shares, shall be the amount recoverable, with costs, against the shareholder. R.S.O. 1937, c. 257, s. 26 (1). Liability of shareholders.

47. In any action under section 46 a shareholder may plead by way of defence, in whole or in part, any set-off that he could set up against the corporation, except a claim for unpaid dividend, or a salary or allowance as a president or a director of the corporation. R.S.O. 1937, c. 257, s. 26 (2). Set-off.

48. The par value of a share of capital stock shall be any multiple of \$5 but shall not be less than \$10 and not more than \$100. 1946, c. 48, s. 2. Par value of shares.

49.—(1) No person holding shares in the corporation as executor, administrator, guardian, committee of a mentally incompetent person, or trustee of or for any estate, trust or person named in the books of the corporation as being so represented by him, shall be personally subject to any liability as a shareholder, but the estate and funds in his hands shall be liable in like manner and to the same extent as the testator, intestate, ward or person interested in such trust fund would be if living and competent to hold the shares in his own name. Representatives, guardians, or trustees not to be personally liable.

(2) If the trust is for a living person, not under disability, such person also shall be liable as a shareholder. Liability of beneficiary.

(3) If such testator, intestate, ward, mentally incompetent person or person so represented is not named in the books of the corporation, the executor, administrator, guardian, committee or trustee shall be personally liable in respect of such shares as if he held them in his own name as owner thereof. R.S.O. 1937, c. 257, s. 72 (4-6). Where beneficiary, etc., not named, trustee, etc., liable.

Payments on shares in advance of calls.

50.—(1) Except with the consent of the directors, no payment on account of capital stock shall be made in advance of calls thereon.

Right to participate in dividends.

(2) In respect of any sum so paid a shareholder shall be entitled to participate in any dividend declared, but it shall not bear interest and shall not constitute a loan to or a debt of the corporation.

To be credited as against subsequent calls.

(3) The shareholder shall be entitled to have any such advance payment credited to him *pro tanto* as against subsequent calls. R.S.O. 1937, c. 257, s. 104.

Restrictions on transfer.

51. Subject to section 52, no by-law shall be passed which in any way restricts the right of a holder of paid up shares to transfer the same, but nothing in this section shall prevent the regulation of the mode of transfer thereof. R.S.O. 1937, c. 257, s. 107, *amended*.

When directors' consent required.

52.—(1) No transfer of shares, the whole amount whereof has not been paid, shall be made without the consent of the directors.

Their liability.

(2) Where any such transfer is made with the consent of the directors to a person who is not apparently of sufficient means to fully pay up such shares, the directors shall, subject to subsection 3, be jointly and severally liable to the creditors of the corporation in the same manner and to the same extent as the transferring shareholder, but for such transfer, would have been. R.S.O. 1937, c. 257, s. 108 (1, 2).

Relief from liability by entering protest.

(3) If any director present when any such transfer is allowed, forthwith, or if any director then absent, within twenty-four hours after he becomes aware of such transfer, and is able to do so, enters his written protest against the same, and within eight days thereafter notifies the Registrar in writing of his protest, the director may thereby, but not otherwise, exonerate himself from liability. R.S.O. 1937, c. 257, s. 108 (3), *amended*.

Liability where call remains unpaid.

(4) Where a share upon which a call is unpaid is transferred with the consent of the directors, the transferee shall be liable for the call to the same extent and with the same liability to forfeiture of the share if the call remains unpaid, as if he had been the holder when the call was made, and the transferor shall remain liable also for the call until it has been paid.

Where transferor indebted.

(5) Where the letters patent, supplementary letters patent or by-laws of a corporation confer the power on the directors they may decline to register a transfer of shares belonging to a shareholder who is indebted to the corporation. R.S.O. 1937, c. 257, s. 108 (4, 5).

53. If a share certificate is defaced, lost or destroyed, it may be renewed on payment of such fee, if any, not exceeding twenty-five cents and on such terms, if any, as to evidence and indemnity as the directors think fit. R.S.O. 1937, c. 251, s. 55. Lost certificate.

54. No transfer of shares, unless made by sale under execution or under the order or judgment of a competent court, shall, until entry thereof has been duly made, be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and, if absolute, as rendering the transferee and the transferor jointly and severally liable to the corporation and its creditors until entry thereof has been duly made in the books of the corporation. R.S.O. 1937, c. 251, s. 60. Transfer valid only after entry.

55.—(1) The directors may, for the purpose of notifying the person registered therein as owner of such shares, refuse to allow the entry in any such books of a transfer of shares, and in that event shall forthwith give notice to the owner of the application for the entry of the transfer. Transferor may be notified.

(2) The owner may lodge a caveat against the entry of the transfer and thereupon the transfer shall not be made for a period of forty-eight hours. R.S.O. 1937, c. 251, s. 61 (1, 2). Owner may lodge caveat.

(3) If no order of a competent court enjoining the entry of the transfer is served upon the corporation within one week from the giving of the notice or the expiration of the period of forty-eight hours, whichever last expires, the transfer may be entered. R.S.O. 1937, c. 251, s. 61 (3), *amended*. Transfer may be entered if no order served.

(4) Where a transfer is entered after the proceedings mentioned in this section the corporation shall, in respect of the shares so transferred, be free from liability to a person whose rights are purported to be transferred, but without prejudice to any claim which the transferor may have against the transferee. R.S.O. 1937, c. 251, s. 61 (4). Corporation not to be liable if section complied with.

56.—(1) Subject to the provisions of *The Succession Duty Act, 1939*, where,— Deposit of foreign probate, letters of administration, etc., with officer of corporation.

(a) a transmission of shares or other securities of a corporation takes place by virtue of any testamentary act or instrument, or in consequence of an intestacy; and 1939 (2nd Sess.), c. 1.

(b) the probate of the will or letters of administration or document testamentary, or other judicial or official instrument under which the title, whether beneficial or as trustee, or the administration or control of the

personal estate of the deceased is claimed to vest, purports to be granted by any court or authority in Canada, or in any of the British Commonwealth of Nations, or in any of His Majesty's dominions, colonies or dependencies, or in any foreign country,

the probate of the will or the letters of administration or the document testamentary or, in the case of a transmission by notarial will in the Province of Quebec, a copy thereof duly certified in accordance with the laws of Quebec, or the other judicial or official instrument, or an authenticated copy thereof or official extract therefrom under the seal of the court or other authority, without any proof of the authenticity of the seal or other proof whatever, shall be produced, and a true copy thereof, together with a declaration in writing showing the nature of the transmission, signed and executed by such one or more of the persons claiming by virtue thereof as the corporation may require, or, if any such person be a company, signed and executed by an officer thereof, shall be deposited with an officer of the corporation or other person authorized by the directors of the corporation to receive them. 1947, c. 15, s. 4, *amended*.

Transmission of interest on death. Securing payment of succession duty.

(2) Such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, coupon, bond, debenture, deposit, guaranteed investment certificate, obligation or share, or transferring, or consenting to the transfer of any bond, debenture, deposit, guaranteed investment certificate, obligation or share, in pursuance of, and in conformity to such probate, letters of administration or other such document aforesaid, but the payment, transfer or consent to transfer, shall not be made unless and until the provisions of *The Succession Duty Act, 1939* are complied with. R.S.O. 1937, c. 251, s. 62 (2), *amended*.

1939 (2nd Sess.), c. 1.

INCREASE OR DECREASE OF CAPITAL STOCK AND SUBDIVISION OF SHARES.

Increase of permanent capital stock.

57.—(1) The directors of any provincial corporation may, at any time after ninety per centum of the permanent capital stock of the corporation has been subscribed and ninety per centum thereof paid in, but not sooner, by by-law provide for the increase of the permanent capital stock to any amount that the directors may consider requisite.

Decrease of permanent capital stock.

(2) The directors may at any time by by-law provide for the decrease of the permanent capital stock to any amount, not less than \$100,000, that they may consider sufficient.

(3) The by-law shall declare the number and par value of the shares of the stock so increased or decreased and provide for the manner in which they are to be allotted, or the rule or rules by which the allotment is to be made. R.S.O. 1937, c. 257, s. 109 (1-3). By-law to declare number and par value of new shares.

(4) The directors may pass a by-law providing upon terms therein stated for the conversion of partly paid up shares into paid up shares or for subdividing shares or altering the par value of shares of its permanent capital stock. R.S.O. 1937, c. 257, s. 109 (4), *amended*. Conversion of partly paid up shares.

(5) The liability of shareholders to persons who, at the time the stock or shares are so increased, decreased, converted or altered, are creditors of the corporation shall remain as though the stock or shares had not been increased, decreased, converted or altered. R.S.O. 1937, c. 257, s. 109 (5). Rights of creditors preserved.

(6) Where it is proposed to pass a by-law under this section that will have the effect of increasing or decreasing the permanent capital stock of the corporation or altering the liability of any holder of such stock, a copy of the proposed by-law shall be delivered to the Registrar and shall not be passed for at least six weeks thereafter. Copy to Registrar.

(7) Before submission of any such by-law to a meeting of shareholders, as provided in subsection 8, such notice shall be given by publication and otherwise as the Registrar shall direct. Notice of by-law to shareholders.

(8) No by-law for, or having the effect of, increasing or decreasing the permanent capital stock of the corporation, whether such stock is or is not subscribed or issued, or for, or having the effect of, sub-dividing the shares of the corporation or altering the par value of such shares, or altering the liability of any holder of such shares, or converting partly paid up shares into paid up shares, shall have any force or validity until it has been duly adopted and ratified by a vote of shareholders present or represented by proxy at a general meeting of the corporation duly called for considering such by-law, and holding not less than two-thirds of the issued capital stock of the corporation represented at such meeting, and has afterwards been confirmed by the Lieutenant-Governor in Council. R.S.O. 1937, c. 257, s. 109 (6-8), *amended*. Such by-laws relating to stock to be confirmed by Order in Council.

(9) The Lieutenant-Governor in Council may grant such confirmation, if he is satisfied of the *bona fide* character of the changes provided for in the by-law, unless it appears that the confirmation of the by-law would not be in the public interest. When confirmation may be granted.

Varying
by-law on
confirmation.

(10) With the consent of the corporation, evidenced by a resolution of the directors, the changes provided for in any such by-law may be varied or amended by the confirming Order in Council, and may be made subject to such conditions as the Lieutenant-Governor in Council may deem proper.

Evidence of
confirmation
by
Lieutenant-
Governor
in Council.

(11) The confirmation by the Lieutenant-Governor in Council may be evidenced by a certificate of the Minister or by a certified copy of the Minister's certificate in the like manner and with the like effect as provided in sections 98 and 99.

Certificate
to be
conclusive.

(12) Such certificate shall be conclusive evidence of all matters therein certified or declared, and of the due performance of all matters precedent or preliminary to the granting thereof. R.S.O. 1937, c. 257, s. 109 (9-12).

BOOKS.

Record
books to
be kept, and
contents
thereof.

58.—(1) Every corporation having its head office in Ontario shall cause the secretary, or some other officer specially charged with the duty, to keep a book or books wherein shall be kept recorded,—

- (a) a copy of the letters patent and of any supplementary letters patent issued to the corporation and, if incorporated by special Act, a copy of such Act, and the by-laws of the corporation duly authenticated;
- (b) the names, post office addresses, so far as known, of all persons who are or have been directors of the corporation, with the date on which each became and ceased to be a director;
- (c) the names, alphabetically arranged, of all persons who are shareholders of the corporation;
- (d) the post office address, so far as known, of every such person while he is a shareholder;
- (e) the number of shares held by each shareholder;
- (f) the amounts paid in, and remaining unpaid, on the shares of each shareholder; and
- (g) the date and other particulars of all transfers of shares in the order in which they were made.

Books to be
kept at
head office.

(2) Such books shall be kept at the head office of the corporation.

(3) Any director, officer or employee of a corporation who removes or assists in removing such books from Ontario or who otherwise contravenes the provisions of this section shall incur a penalty of \$200. Penalty.

(4) Upon necessity therefor being shown and adequate assurance given that such books may be inspected within Ontario by any person entitled thereto after application for such inspection to the Registrar, the Lieutenant-Governor in Council may relieve any corporation from the provisions of subsection 2 upon such terms as he may see fit. 1944, c. 58, s. 10, *amended*. Relief from operation of section.

(5) Such books shall, without the payment of any fee or charge, be open during business hours for inspection by any shareholder, depositor, debenture holder or holder of a guaranteed investment certificate, by himself, his agent or his personal representative, and any such person may make extracts therefrom. R.S.O. 1937, c. 257, s. 110 (2), *amended*. Books to be open for inspection.

(6) Every such corporation that neglects to keep such book or books shall be liable to forfeit its registry under this Act, and, if a provincial corporation, shall also be liable to forfeit its corporate franchise and rights. Forfeiture for neglect.

(7) No auditor, director, officer or servant of the corporation shall knowingly make or assist in making any untrue entry in any such book, or shall refuse or neglect to make any proper entry therein. Penalty for false entries.

(8) Any person violating this section shall be liable in damages for all loss or injury that any person interested may have sustained thereby. R.S.O. 1937, c. 257, s. 110 (3-5). Liability for damages.

59. Every corporation shall keep a register or registers of all securities held by the corporation. R.S.O. 1937, c. 257, s. 111 (1), *amended*. Register of securities.

60.—(1) Every loan corporation in which and so long as there are any holders of terminating shares or stock shall keep a book, or books, to be known as the "Terminating Shares Book", in which shall be entered the name and address of every such shareholder, the number and amount of shares from time to time taken by him, and his several payments thereon, the interest or profits earned by his shares, also the repayments or the advances, if any, made by the corporation on account of his shares. R.S.O. 1937, c. 257, s. 112 (1), *amended*. Terminating Shares Book.

(2) In any case of forfeiture of shares an entry shall be made thereof, with the date of the forfeiture. R.S.O. 1937, c. 257, s. 112 (2). Entry of forfeiture.

Application
of subss.
6 to 8 of
s. 58.

61. Subsections 6 to 8 of section 58 shall apply to the registers prescribed by section 59 and subsections 5 to 8 of section 58 shall apply to the books prescribed by section 60. R.S.O. 1937, c. 257, s. 112 (3), *amended*.

Property in
books of
account.

62.—(1) The books used by any auditor, officer, collector or agent for verifying or recording money received for the corporation shall be the property of the corporation.

Idem.

(2) Neither the foregoing persons, nor any solicitor, counsel or other person shall have in or upon these or any other of the books of account or record of the corporation any ownership or proprietary right or any right of lien.

Penalty.

(3) Any person who, in contravention of this section, withdraws, withholds or detains any of such books from the possession or control of the directors, or from the receiver or liquidator of the corporation, shall be guilty of an offence. R.S.O. 1937, c. 257, s. 118.

After
decease,
bankruptcy,
etc., of
officer,
books, etc.,
to be de-
livered to
corporation.

63. Where a person who has been but has ceased to be a director, manager, auditor, officer, agent, collector, servant or employee of a corporation, or any other person unlawfully retains possession of any accounts, books, money, securities, papers, matters or things that are the property of the corporation, a judge of the Supreme Court or of a county or district court, on application of the corporation or any depositor or shareholder therein or of the Registrar, and upon notice to the person affected, may order that such accounts, books, money, securities, papers, matters and things be forthwith delivered to such person as the judge may direct and in default that the person so retaining possession shall be imprisoned for such period as the judge may direct or until he complies with the direction of the order, and may authorize the sheriff of any county or district in which the same may be found forthwith to seize and take such accounts, books, money, securities, papers, matters and things and deliver the same to the person to whom they have been directed to be delivered. R.S.O. 1937, c. 257, s. 119.

Books as
evidence.

64.—(1) In any action or proceeding against a corporation the books mentioned in sections 58 and 59 shall be *prima facie* evidence of the facts purported to be thereby stated.

Idem.

(2) The books of a corporation shall be *prima facie* evidence of the truth of all matters purporting to be therein recorded as between the corporation and its shareholders, and as between its shareholders. R.S.O. 1937, c. 257, s. 151, *amended*.

AUDIT; STATEMENT TO SHAREHOLDERS.

65.—(1) The accounts of a registered corporation shall be examined at least once in every year and the correctness of the balance sheet shall be ascertained by two or more auditors, who shall be accountants. Annual audit.

(2) The first auditors of a corporation may be appointed by the directors before the first meeting of the shareholders and shall hold office until the first general meeting. First auditors.

(3) Thereafter the auditors shall be appointed at a general meeting of the corporation and shall hold office until the next annual meeting unless previously removed by a resolution of the shareholders in general meeting. R.S.O. 1937, c. 257, s. 113 (1-3). Appointment of auditors.

(4) The auditors may be shareholders in the corporation, but no person shall be eligible as an auditor who is interested otherwise than as a shareholder in any transaction of the corporation, and no director, officer or employee of the corporation shall be eligible during his continuance in office. R.S.O. 1937, c. 257, s. 113 (4), *amended*. Auditors may be shareholders.

(5) If an appointment of auditors is not made at an annual meeting the Registrar may, on the application of any shareholder of the corporation, appoint an auditor of the corporation for the current year, and fix the remuneration, if any, to be paid to him by the corporation for his services. Registrar may appoint.

(6) The directors may fill any casual vacancy in the office of auditor, but while any such vacancy continues the surviving or continuing auditor or auditors, if any, may act, and any auditor shall be eligible for re-appointment. Directors may fill vacancies.

(7) The directors may, by a two-thirds vote, suspend any auditor for incapacity, misconduct or negligence until the next general meeting of the corporation, and in the event of suspension shall appoint an auditor *ad interim*. Suspension of auditors.

(8) The remuneration of the auditors shall be fixed by the corporation in general meeting, except that the remuneration of any auditors appointed before the first general meeting or to fill any casual vacancy may be fixed by the directors. Remuneration of auditors.

(9) Every auditor shall have the right of access at all times to the books and accounts, cash, securities, documents and vouchers of the corporation, and shall be entitled to require from the directors and officers of the corporation such information and explanation as he may require. R.S.O. 1937, c. 257, s. 113 (5-9). Auditor's right of access to books.

Checking
cash and
verifying
securities.

(10) It shall be the duty of the auditors, at least once during their term of office, to check the cash and verify the securities of the corporation at the chief office of the corporation, against the entries in regard thereto in the books of the corporation, and, should they deem it necessary, to check and verify in the same manner the cash and securities at any branch or agency. R.S.O. 1937, c. 257, s. 113 (10).

Report to
share-
holders.

(11) The auditors shall make report to the shareholders,—

- (a) that they have examined the books for the year ending 31st day of December and have verified the cash, bank balances and securities of the corporation and stating whether or not their requirements as auditors have been complied with;
- (b) that they have examined the statement and that it agrees with the books of the corporation;
- (c) that after due consideration they have formed an independent opinion as to the position of the corporation;
- (d) that with their independent opinion so formed and according to the best of their information and the explanations given them they certify that in their opinion the statement sets forth fairly and truly the state of the affairs of the corporation;
- (e) that all transactions of the corporation that have come within their notice have been within the powers of the corporation. R.S.O. 1937, c. 257, s. 113 (11), *amended*.

Annual
statement
to share-
holders.

66.—(1) Every corporation shall at least once in every year cause to be prepared a general statement of its affairs in the form prescribed by the Registrar.

To state that
it is corpora-
tion's state-
ment.

(2) Every such statement shall have on the head thereof a printed notice in conspicuous type stating that the statement is the statement of the corporation.

Attesting
and
verifying.

(3) Every such statement shall be attested by the signature of the president or vice-president and the managing director or some other principal officer of the corporation and shall contain a certificate signed by the auditors reporting as provided in section 65.

To be mailed
or delivered
to share-
holders.

(4) A copy of such statement shall be mailed or delivered without charge to every shareholder of the corporation at least ten days before the annual meeting. R.S.O. 1937, c. 257, s. 114 (1-4).

(5) A copy of such statement shall be mailed or delivered without charge to any debenture holder, holder of guaranteed investment certificate or depositor of the corporation who requests the same. 1946, c. 48, s. 9, *amended*.

To debenture holders, etc.

BORROWING POWERS OF LOAN AND LOANING LAND CORPORATIONS.

67. Sections 68 to 73 shall apply to every loan corporation and loaning land corporation incorporated under the law of Ontario or having its head office in Ontario, and also to every loan corporation borrowing in Ontario by taking deposits or issuing debentures or like obligations, and to every loaning land corporation so borrowing by issuing debentures or like obligations. R.S.O. 1937, c. 257, s. 46, *amended*.

Application of ss. 68 to 73.

68.—(1) No corporation constituted with joint stock capital, unless and until it has a subscribed permanent stock of at least \$300,000 on which at least \$100,000 has been actually paid in and is unimpaired, and no corporation constituted without joint stock capital, unless and until it has a paid up, unimpaired, permanent and non-withdrawable capital of at least \$100,000, shall exercise any of the borrowing powers conferred by this Act. R.S.O. 1937, c. 257, s. 47 (1).

Amount of capital to be subscribed and paid before borrowing.

(2) Where a corporation constituted with joint stock capital has subscribed permanent stock of at least \$300,000, on which at least \$100,000 has been actually paid in and is unimpaired, or where a corporation constituted without joint stock capital has a paid up, unimpaired, permanent and non-withdrawable capital of at least \$100,000, subject to the limitations and restrictions contained in this Act, the directors, pursuant to powers conferred in that behalf by any by-laws or rules of the corporation passed at any general meeting, called with due notice of such proposed by-laws and rules, may borrow money on behalf of the corporation at such rates of interest, and upon such terms as they from time to time think proper, and may for that purpose, subject as hereinafter provided, receive money on loan or on deposit, other than and in addition to money received in respect of shares of the corporation, and issue terminable debentures, bonds and other obligations, as well as execute mortgages under the seal of the corporation, for sums of not less than \$100 each, or may assign, transfer or deposit by way of equitable mortgage or otherwise, for the sum so borrowed, any of the documents of title, deed, muniments, securities or property of the corporation, and either with or without power of sale or other special provisions, as they deem expedient. R.S.O. 1937, c. 257, s. 47 (2), *amended*.

Borrowing powers.

69.—(1) A corporation shall not, without the express consent of the shareholders given at a general meeting called

Loan corporation receiving money on deposit.

with due notice of the proposal, receive money on deposit, otherwise than in respect of shares of the corporation, and when money is otherwise received on deposit the same shall, for the purposes of this Act, be deemed to be money borrowed by the corporation, and with interest thereon as agreed shall be repayable by the corporation either at a time certain, or upon notice, not being less than thirty days, unless notice, or such notice, is waived. R.S.O. 1937, c. 257, s. 48 (1), *amended*.

Loaning
land cor-
poration.

(2) A loaning land corporation shall not be entitled to receive deposits.

Ranking of
creditors
on deposits.

(3) In respect of deposits, creditors shall rank upon the assets of the corporation *pari passu* with the holders of debentures. R.S.O. 1937, c. 257, s. 48 (2, 3), *amended*.

Limit of
deposits.

(4) The amount to be received by any corporation entitled to receive deposits shall not at any time exceed an amount equal to twice the aggregate amount of the then actually paid in and unimpaired permanent capital and of the then actual reserve fund of the corporation plus the amount of its cash actually in hand or in any chartered bank to the credit of the corporation and beneficially owned by the corporation and not included in either the permanent capital or reserve fund; provided that subject to the limitation set out in subsection 2 of section 72, the Lieutenant-Governor in Council may, upon such terms and conditions as may be prescribed, increase the amount of deposits that may be received by any such corporation. R.S.O. 1937, c. 257, s. 48 (4); 1946, c. 48, s. 5, *amended*.

Proviso.

Dividends,
etc., not to
be paid out
of reserve.

(5) No dividend or bonus shall be paid or declared either wholly or in part out of the reserve fund that has the effect of diminishing such aggregate below the amount required by this Act for the borrowings of the corporation. R.S.O. 1937, c. 257, s. 48 (5).

Confirming
by-law.

70. No by-law for any of the purposes mentioned in sections 68 and 69 shall take effect until it is confirmed by a vote of shareholders present or represented by proxy at a general meeting of the corporation duly called for considering such by-law, and holding not less than two-thirds of the issued capital stock of the corporation represented at such meeting. R.S.O. 1937, c. 251, s. 79, *amended*.

Reserves
required on
deposits.

71. Every loan corporation shall at all times maintain cash on hand and on deposit, debentures, bonds, stock or other securities of a kind referred to in section 143, and loans payable on demand and fully secured by such securities, to an aggregate amount of at least twenty per centum of the amount of money deposited with the corporation. 1946, c. 48, s. 6.

72.—(1) Debentures shall be for such sums, not being less than \$100, and in such currency as the directors deem advisable, and shall be payable not less than one year from the issue thereof, at such place as may be therein mentioned. R.S.O. 1937, c. 257, s. 50 (1); 1945 (2nd Sess.), c. 4, s. 3.

Denomina-
tion and
term of
debentures.

(2) The total amount borrowed by a corporation on debentures and other securities and by way of deposits shall not exceed four times the aggregate amount of the then actually paid in and unimpaired permanent capital and of the then actual reserve fund of the corporation, plus the amount of its cash actually on hand or in any chartered bank of Canada, to the credit of the corporation and beneficially owned by the corporation and not included in either the permanent capital or reserve fund provided that the Lieutenant-Governor in Council may, on the report of the Registrar, and upon such terms and conditions as may be prescribed, increase the amount which may be borrowed, to a sum not exceeding ten times the aggregate amount from time to time of such permanent capital and reserve fund plus cash. R.S.O. 1937, c. 257, s. 50 (2), *amended*.

Limit of
borrowing
powers of
loan cor-
porations.

73. In ascertaining the extent of the borrowing powers of a corporation all loans or advances to its shareholders upon the security of their shares shall be deducted from the amount of the paid in capital. R.S.O. 1937, c. 257, s. 51.

Deduction to
be made in
estimating
the paid in
capital.

POWERS OF TRUST COMPANIES.

74. Subject to sections 76, 77 and 78, a provincial trust company may and any other registered trust company that has capacity to do so may,—

Powers con-
ferred on
trust
companies.

- (a) take, receive and hold all estates and real and personal property that may be granted, committed, transferred or conveyed to the company with its consent, upon any trust or trusts whatsoever not contrary to law, at any time or times, by any person or persons, body or bodies corporate, or by any court of competent jurisdiction;
- (b) take and receive as trustee or as bailee, upon such terms and for such remuneration as may be agreed upon, deeds, wills, policies of insurance, bonds, debentures or other valuable papers or securities for money, jewelry, plate or other chattel property of any kind, and to guarantee the safe-keeping of the same; R.S.O. 1937, c. 257, s. 18 (1), cls. (a, b).
- (c) receive and store for safe-keeping all kinds of securities and personal property and rent spaces or compart-

ments for the storage of securities or personal property and enter into all legal contracts for regulating the terms and conditions upon which such business shall be carried on; *New.*

- (d) act generally as attorney or agent for the transaction of business, the management of estates, the collection of loans, rents, interest, dividends, debts, mortgages, debentures, bonds, bills, notes, coupons and other securities for money;
- (e) act as agent for the purpose of issuing or countersigning certificates of stock, bonds or other obligations of any association or municipal or other corporation, and to receive, invest and manage any sinking fund therefor on such terms as may be agreed upon;
- (f) accept and execute the offices of executor, administrator, trustee, receiver, liquidator, assignee, custodian, trustee in bankruptcy, or of trustee for the benefit of creditors, and of guardian of any minor's estate, or committee of any mentally incompetent person's estate, and to accept the duty of and act generally in the winding up of estates, partnerships, companies and corporations;
- (g) invest any trust money in the hands of the company in any securities in which private trustees may by law invest trust money;
- (h) guarantee any investment made by the company as trustee, agent or otherwise;
- (i) sell, pledge or mortgage any mortgage or other security, or any other real or personal property held by the company, and make and execute all requisite conveyances and assurances in respect thereof;
- (j) make, enter into, deliver, accept and receive all deeds, conveyances, assurances, transfers, assignments, grants and contracts necessary to carry out the purposes of the company, and promote its objects and business;
- (k) charge, collect and receive all proper remuneration, legal, usual and customary costs, charges and expenses for all such services, duties and trusts. R.S.O. 1937, c. 257, s. 18 (1), cls. (c-j).

75. A provincial trust company shall not have power to take deposits by way of borrowing money. R.S.O. 1937, c. 257, s. 16 (2), *amended*.

Trust companies not to borrow by accepting deposits.

76.—(1) Subject to section 132, a provincial trust company, and any other registered trust company that has capacity to do so, may receive deposits of money repayable upon demand or after notice and may pay interest thereon at such rates and on such terms as the company may from time to time establish and the company shall be entitled to retain the interest and profit resulting from the investment or loaning of such deposit money in excess of the amount of interest payable to depositors.

Deposits,—power to receive.

(2) Every trust company receiving deposits in the manner authorized by subsection 1 shall be deemed to hold the same as trustee for the depositors and to guarantee repayment thereof and there shall be ear-marked and definitely set aside in respect thereof securities, or cash and securities, equal to the full aggregate amount thereof, and for the purposes of this subsection "cash" includes moneys on deposit and "securities" includes loans made upon securities.

To be deemed trust moneys and to be guaranteed.

(3) Every trust company receiving moneys on deposit under this section shall keep a record in the form approved by the Registrar, in which shall be entered all sums so received and the names and addresses so far as known, of the persons from whom they are received. R.S.O. 1937, c. 257, s. 18 (3-5), *amended*.

Record of deposits.

77. A provincial trust company shall not have power to borrow money by issuing debentures. R.S.O. 1937, c. 257, s. 16 (1), *amended*.

Trust companies not to borrow on debentures.

78.—(1) Subject to section 132, a provincial trust company, and any other registered trust company that has capacity to do so, may receive money for the purpose of its being invested by the company and may guarantee the repayment of money so received and the payment of the interest thereon at such rate as may be agreed upon on fixed days.

Trust companies may receive money for investment and guarantee repayment.

(2) Such guarantee by the company shall not be deemed to be a debenture and the money shall not be deemed to be money borrowed by the company by issuing debentures but to be money received in trust, and, in such cases, the company shall be entitled to retain the interest and profits resulting from the investment or loaning of such moneys in excess of the amount of interest payable thereon. R.S.O. 1937, c. 257, s. 16 (1), *amended*.

Guarantee not to be deemed debenture.

Entitlement to interest, etc.

Securities allocated to guaranteed investment.

(3) Where it is provided by the agreement under which moneys are received by the company for guaranteed investment as mentioned in subsection 1 that specific securities shall be allocated in respect thereof, such securities shall be ear-marked and definitely set aside in respect thereof, and in respect of all other moneys received for guaranteed investment as mentioned in subsection 1 there shall be ear-marked and definitely set aside in respect thereof securities, or cash and securities, equal to the full aggregate amount thereof, and for the purposes of this subsection "cash" includes moneys on deposit and "securities" includes loans made upon securities. R.S.O. 1937, c. 257, s. 17 (2), *amended*.

Liability,—
extent of.

79.—(1) The liability of a trust company to persons interested in an estate held by the company as executor, administrator, trustee, receiver, liquidator, assignee, guardian, or committee shall be the same as if the estate had been held by any private person in the like capacity, and the company's powers shall be the same. R.S.O. 1937, c. 257, s. 20.

Approval of company as executor etc.

(2) Where a trust company is authorized to execute the office of executor, administrator, trustee, receiver, liquidator, assignee, guardian or committee, and the Lieutenant-Governor in Council approves of the company being accepted as a trust company for the purposes of the Supreme Court, every court or judge having authority to appoint such an officer may, with the consent of the company, appoint the company to exercise any of such offices in respect of any estate or person under the authority of such court or judge, or may grant to the company probate of any will in which the company is named as an executor; but no company that has issued or has authority to issue debentures or debenture stock, or which has received or has authority to receive deposits, except in the manner authorized by this Act shall be approved.

Proviso.

Appointment of company as sole

(3) A trust company so approved may be appointed to be a sole trustee, notwithstanding that but for this Act it would be necessary to appoint more than one trustee.

or joint trustee.

(4) A trust company so approved may be appointed to any of the offices mentioned in subsection 2 jointly with another person.

When appointment may be made by court.

Rev. Stat., c. 165.

(5) Such appointment may be made whether the trustee is required under the provisions of any deed, will or document creating a trust or whether the appointment is under the provisions of *The Trustee Act* or otherwise.

(6) Notwithstanding any rule or practice or any provision of any Act requiring security it shall not be necessary for the company to give any security for the due performance of its duty as such executor, administrator, trustee, receiver, liquidator, assignee, guardian or committee unless otherwise ordered. Security not required.

(7) The Lieutenant-Governor in Council may at any time revoke the approval given under this section. R.S.O. 1937, c. 257, s. 21. Revocation of approval.

80. Every trust company shall at all times maintain cash on hand and on deposit, debentures, bonds, stocks or other securities of a kind referred to in subsection 3 of section 142 and loans payable on demand and fully secured by such securities, to an aggregate amount of at least twenty per centum of the amount of money deposited with the company in the manner authorized by subsection 1 of section 76. *New.* Reserves required on deposits.

GENERAL POWERS.

81.—(1) Every corporation may establish and support or aid in the establishment and support of associations, institutions, funds, trusts and conveniences calculated to benefit employees or ex-employees of the company, or its predecessors in business, or the dependants or connections of such persons, and to grant pensions and allowances and make payments towards insurance or for any object similar to those set forth in this subsection, and to subscribe or guarantee money for charitable or benevolent objects, or for any exhibition or for any public, general or useful object. R.S.O. 1937, c. 257, s. 22; 1939, c. 47, s. 17 (1), *amended.* Powers of corporation as to benefit funds, etc., for employees and their families.

(2) Every provincial corporation shall be deemed to have possessed since the date of its incorporation the powers set forth in subsection 1 including the power to exercise such powers jointly with any registered corporation, by whatever authority incorporated, possessing the same or similar powers, in such a way as to benefit the employees, or ex-employees, of such corporations or predecessors in business of such corporations or the dependants or connections of such persons. 1939, c. 47, s. 17 (2), *amended.* Declaration as to powers of corporation.

82. The charter or other instrument of incorporation of a corporation may at any time, for cause shown to his satisfaction, be suspended or revoked by the Lieutenant-Governor in Council. R.S.O. 1937, c. 257, s. 23, *amended.* Suspension or revocation of charter.

83. Every provincial corporation shall, unless it is otherwise expressly declared in the Act or instrument creating it, have and be deemed from its creation to have had the general Capacity of corporations.

capacity that the common law ordinarily attaches to corporations created by charter. *New.*

Extension of business beyond the Province.

84.—(1) Where the existence or operation of a provincial corporation is not by the Act or instrument creating it, limited in time or area the corporation may, in general meeting of the shareholders, called for the purpose by notice duly given, pass a by-law authorizing its directors to extend the business of the corporation beyond Ontario, but in compliance with the law of the place to which the business may be so extended, and the directors may give effect to such by-law without being liable or responsible for any breach of trust in so doing.

Erection or purchase of buildings required for use of corporation in the foreign jurisdiction.

(2) Where, as provided in this section, a provincial corporation carries on business outside of Ontario the corporation may in general meeting of the shareholders, called for the purpose by notice duly given, pass a by-law authorizing the directors to invest the money of the corporation in the erection or purchase of buildings required for the occupation of the corporation in any place where the corporation is so carrying on business and in conformity with the law of such place. R.S.O. 1937, c. 257, s. 24, *amended.*

Reserve fund.

85. A corporation may maintain a reserve fund out of its earnings or other income not required to meet its present liabilities. R.S.O. 1937, c. 257, s. 37, *amended.*

Prohibition or limitation of loans upon shares.

86.—(1) A corporation may pass a by-law prohibiting the loaning to shareholders upon the security of their shares, or, subject to the limitations contained in this section, may pass a by-law fixing the aggregate amount that may be loaned on such shares, and neither of such by-laws shall be repealed until all liabilities of the corporation are discharged.

Limitation as to loans on its own stock.

(2) Subject to subsection 1 the corporation may lend upon its own paid up stock to an amount not exceeding at any one time in the aggregate of all such loans ten per centum of the corporation's paid up stock.

Margin.

(3) No such loan shall exceed eighty per centum of the market price of the stock. R.S.O. 1937, c. 257, s. 38.

Not to lend on own stock.

87. A corporation shall not, except in the manner provided by section 86, lend on its own shares with or without collateral security. R.S.O. 1937, c. 257, s. 39.

Prohibition against acting as insurance agent.

88.—(1) No corporation, and no director, officer or employee thereof, either personally or on behalf of such corporation, and no other company the majority of the capital stock of which is owned or controlled by such corporation,

its shareholders, directors, officers or employees, shall, either directly or indirectly, transact the business of or act as insurance agent or broker within the meaning of *The Insurance Act*, or exercise pressure upon any borrower or mortgagor to place insurance for the security of such corporation, in or through any particular agency or brokerage office; provided that nothing in this section shall prevent such corporation from stipulating in its contract of loan that any required insurance must be effected with an approved insurer. Rev. Stat., c. 256.

(2) Subsection 1 shall not apply to the director of a corporation who is able to satisfy the Superintendent of Insurance that the business of insurance is his major occupation. Exception. R.S.O. 1937, c. 257, s. 40.

89. A person not of the full age of twenty-one years may deposit money with a registered corporation in his own name, and the same may be repaid to him, and he may give a valid discharge therefor, notwithstanding his minority. Minors may make deposits. R.S.O. 1937, c. 257, s. 71.

90.—(1) A corporation shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any share of its stock, or any deposit, guaranteed investment certificate or debenture may be subject. Trusts.

(2) The receipt of the person in whose name any such share, deposit, guaranteed investment certificate or debenture stands in the books of the corporation shall be a sufficient discharge to the corporation for any payment made in respect thereof, and a direction to transfer, signed by the person in whose name any such share, deposit, guaranteed investment certificate or debenture stands in the books of the corporation, shall be sufficient authority to the corporation for any transfer made in respect thereof, notwithstanding any trust to which the same may then be subject and whether the corporation has or has not had notice of the trust. Sufficient discharge. R.S.O. 1937, c. 257, s. 72 (1, 2), *amended*.

(3) A corporation shall not be bound to see to the application of the money paid upon such receipt. Application of money paid. R.S.O. 1937, c. 257, s. 72 (3).

91. A provincial corporation may, by writing under its seal, empower any person, either generally or in respect of any specified matters, as its attorney, to execute on its behalf, deeds to which it is a party in any capacity in any place situate within or without Ontario, and every deed signed by such attorney, on behalf of the corporation and under his seal, shall bind the corporation and have the same effect as if it were under the seal of the corporation. Power of attorney by corporation. R.S.O. 1937, c. 257, s. 73, *amended*.

Power of corporation to have official seal for use abroad.

92.—(1) A provincial corporation may have a seal to be known as the "official seal" for use in any territory, district or place not situate in Ontario, which shall be a facsimile of the seal of the corporation, with the addition on its face of the name of the territory, district or place where it is to be used.

Authority to agent to affix seal.

(2) A corporation having an official seal may, by writing under its seal, authorize any person appointed for the purpose in any territory, district or place not situate in Ontario, to affix the same to any deed or other document to which the company is party in any capacity in that territory, district or place. R.S.O. 1937, c. 257, s. 74 (1, 2).

Certifying date and period of sealing.

(3) The person affixing an official seal shall, by writing under his hand, on the deed or other document to which the seal is affixed, certify the date and place of affixing the same.

Effect of official seal.

(4) A deed or other document to which an official seal is duly affixed shall bind the corporation as if it had been sealed with the seal of the corporation. R.S.O. 1937, c. 257, s. 74 (4, 5).

AMALGAMATION OF CORPORATIONS AND PURCHASE AND SALE OF ASSETS.

Power to unite with other corporations and to purchase or sell assets.

93.—(1) Any registered loan corporation or loaning land corporation may unite, merge, amalgamate and consolidate its stock, property, business and franchises with those of any other loan corporation or loaning land corporation in Canada, or may purchase the assets of any such corporation, or may sell its assets to any registered corporation, and for the purpose of carrying out such purchase or sale the purchasing corporation shall assume the liabilities of the vendor corporation, and may enter into such bond or agreement of indemnity with the corporation or the individual shareholders thereof, or both, as may be necessary, and the corporations may enter into the contracts and agreements necessary to such union, merger, amalgamation, consolidation, sale or purchase. R.S.O. 1937, c. 257, s. 59, *amended*.

Sections 94-101 not to apply.

(2) Sections 94 to 101 shall not apply to the purchase by a registered extra provincial corporation of the assets of a corporation that is not registered under this Act. *New*.

Directors may make agreement for amalgamation or for purchase or sale of assets.

94.—(1) The directors of any corporation mentioned in section 93 may enter provisionally into a joint agreement under the seal of each of the corporations for the union, merger, amalgamation or consolidation of the corporations, or for the sale or purchase by the one corporation of the assets of the other corporation. R.S.O. 1937, c. 257, s. 60 (1), *amended*.

(2) The agreement shall prescribe the terms and conditions of the proposed transaction, and the mode of carrying the same into effect. Matters to be specified in agreement.

(3) If the two corporations are to be merged into one corporation the agreement shall specify the name of the new or of the continuing corporation, and the number of directors and the officers thereof, and shall state who shall be the first directors and officers, the capital stock, the number of shares into which such stock is divided, the par value of the shares and the manner of converting the capital stock of each of the existing corporations into that of the new or continuing corporation. R.S.O. 1937, c. 257, s. 60 (2, 3). Idem.

(4) The agreement shall contain such other details as the directors of the corporations deem necessary to perfect the new organization, and the union, merger, amalgamation and consolidation, and the after management and working thereof, and to complete the terms and mode of payment for the assets of one corporation purchased or acquired by the other. R.S.O. 1937, c. 257, s. 60 (4), *amended*. Other details.

(5) In any agreement for the purchase and sale of assets, the consideration may consist wholly or in part of partly paid or of paid up shares of the permanent capital stock of the purchasing corporation. Consideration.

(6) Such agreement, or if no agreement has been entered into but an offer has been made by a corporation under its seal for the purchase of the assets of another corporation such offer, shall be submitted to the shareholders of each corporation at a meeting thereof to be held separately for the purpose of taking the agreement or the offer into consideration. Agreement to be subject to approval of shareholders.

(7) Notice of the time and place of the meeting of the corporation in which he holds shares and the objects thereof shall be given by written or printed notice addressed to every shareholder, together with a copy of the proposed agreement, at his last known post office address, and also by a general notice in a newspaper published at the chief place of business of the corporation once a week for six successive weeks. Notice of meeting to consider agreement.

(8) A like notice, together with two copies of the proposed agreement, shall be delivered to the Registrar at least one month before the date of either of the meetings of shareholders called to consider it. R.S.O. 1937, c. 257, s. 60 (5-8). Notice to Registrar.

95. At each of the meetings of shareholders the agreement or offer shall be considered, and if at each meeting the agreement or offer is ratified or accepted by resolution passed Proceedings to ratify agreement.

by at least a three-fourths vote of such shares as are represented in person or by proxy and representing at least fifty per centum of the issued capital stock of the corporation, that fact shall be certified upon the agreement or offer by the secretary or manager under the seal of the corporation. 1946, c. 48, s. 7.

Dispensing
with rati-
fication.

96. The Lieutenant-Governor in Council, in the case of a proposed purchase of assets, may dispense with the ratification or acceptance of the agreement or offer by the shareholders of the purchasing corporation where it is shown to his satisfaction that the shareholders, after due notice thereof, have ratified a general resolution or by-law authorizing the purchase of the assets of any loan corporation upon the basis and within the limits specified in such agreement or offer. R.S.O. 1937, c. 257, s. 63.

Ratified
agreement
to be filed
with
Registrar
for assent.

97.—(1) If the agreement is ratified or the offer is accepted at the meeting of the shareholders of each of the corporations, or in the case provided for in section 96 at the meeting of the shareholders of the selling corporation, the agreement or offer, with the certificates or certificate thereon, shall be filed with the Registrar.

Assent of
Lieutenant-
Governor
in Council.

(2) The Registrar shall submit the agreement or offer for the assent of the Lieutenant-Governor in Council.

Effect of
assent.

(3) If the Lieutenant-Governor in Council assents thereto, the agreement or offer shall be deemed to be the agreement and act of union, amalgamation and consolidation of the corporations, or the agreement and deed of purchase and acquisition of the assets of the selling corporation by the purchasing corporation. R.S.O. 1937, c. 257, s. 64.

Certificate
of assent by
Minister.

98.—(1) Upon proof that the foregoing requirements have been duly complied with the Minister shall issue a certificate under his hand and seal certifying the assent of the Lieutenant-Governor in Council and the date thereof, and declaring the purchase and the sale of the assets and the names of the corporations parties thereto, or, in the case of amalgamation, declaring the amalgamation of the corporations, naming them, and the name of the new or of the continuing corporation, together with such other matters, if any, as may appear to him necessary or desirable in the public interest.

Effect as
evidence.

(2) The certificate of the Minister shall for all purposes and in all courts be conclusive evidence of all matters therein certified or declared.

(3) The Registrar shall give public notice in the *Ontario Gazette* of the issue of the Minister's certificate. Publication.

(4) It shall be sufficient to register a certified copy of the Minister's certificate in each registry division or land titles office in which instruments affecting lands or interests in lands included or intended to be included in the transfer or amalgamation, are registered. Registration of certificate of assent to amalgamation.

(5) The fee payable for the registration shall be \$1 if the certificate is five folios or less, and ten cents for each additional folio. Fee payable for registration.

(6) Any document under the hand, or purporting to be under the hand, of the Registrar, certifying the document to be or to contain a true copy of the Minister's certificate or of any instrument referred to in the certificate, shall be registered in any registry division by the Registrar thereof, or by the master or local master of titles upon the same being tendered to him for registration accompanied by the proper fee. Certificate of Registrar, registration of.

(7) The certificate shall be entered in the general register of the registry division or in the book kept in the land titles office. Registration in general register.

(8) Copies so certified of any such certificate or instrument shall be received by the master of titles and local masters of titles, under the provisions of *The Land Titles Act*, as conclusive evidence of all matters therein certified or declared. Certified copies of certificate as evidence before master of titles. Rev. Stat., c. 174.

(9) For the purpose of any instrument required to be registered or filed under *The Bills of Sale and Chattel Mortgage Act*, it shall be sufficient in order to show the transmission of title in respect of any personal property or interest in personal property included, or intended to be included, in a transfer or amalgamation, such as is mentioned in section 97 and this section, if the instrument affecting such property or interests recites the certificate registered as provided in subsection 4, and states the registry division in which the same is registered and its registration number. As to bills of sale and chattel mortgages. Rev. Stat., c. 181.

(10) This section shall extend to and include any such certificate or certified copy issued or purporting to have been issued under *The Loan Corporations Act* since the 13th day of April, 1897. R.S.O. 1937, c. 257, s. 65. Application of section. R.S.O. 1897, c. 205.

99. The Registrar may, by a certificate under his hand and seal, endorsed upon or identifying the agreement or offer mentioned in subsection 6 of section 94, or any counterpart or copy thereof, certify that the agreement or offer has been assented to by the Lieutenant-Governor in Council, and his Evidence of assent of the Lieutenant-Governor in Council.

certificate with a copy of the Order in Council attached shall be *prima facie* evidence of such assent. R.S.O. 1937, c. 257, s. 66.

Assets of selling corporation to vest in purchasing corporation.

100.—(1) In the case of a purchase and sale of assets so assented to, the assets of the selling corporation shall become vested in the purchasing corporation on and from the date of such assent without any further conveyance and the purchasing corporation shall thereupon become and be responsible for the liabilities of the selling corporation.

Disposal of assets by purchasing corporation.

(2) In dealing with the assets of the selling corporation it shall be sufficient for the purchasing corporation to recite the agreement and the assent of the Lieutenant-Governor in Council thereto, with the date of the assent.

Rights of creditors.

(3) No such transfer shall affect the rights of any creditor of the transferring corporation.

Privity of contract between purchasing corporation and each creditor of selling corporation.

(4) By every such agreement made or purporting to be made under this Act the purchasing corporation shall be deemed to covenant and agree with each creditor of the selling corporation that the purchasing corporation will pay to him the sum in which the selling corporation is indebted to him at such time and place as such sum would have been payable had such agreement not been made.

Dissolution of selling corporations and of corporations amalgamated.

(5) Where the Lieutenant-Governor in Council assents to an agreement for the sale of the assets of a corporation, or to an agreement for the amalgamation of two or more corporations, the selling corporation, or the several corporations amalgamated, as the case may be, shall, from the date of the assent, be dissolved except so far as is necessary to give full effect to the agreement. R. S.O. 1937, c. 257, s. 67.

Property and rights of both companies vested in new corporation.

101.—(1) In the case of an amalgamation the corporations parties thereto shall, from the date of the assent of the Lieutenant-Governor in Council, be consolidated and amalgamated and be merged in and form one corporation by the name stated in the Minister's certificate, and shall, subject to the law of Ontario, possess all the rights, privileges and franchises of each of the amalgamated corporations.

Business and property vested in new corporation.

(2) From the date of the assent all the business, real and personal property, and all the rights and incidents appurtenant thereto, all stock, mortgages, or other securities, subscriptions and other debts due, and other things in action belonging to each of the corporations shall be vested in the new or continuing corporation without further act or deed.

(3) All rights of creditors and liens upon the property of each of the corporations shall be unimpaired by the amalgamation. Creditors' rights.

(4) All debts, liabilities and duties of each of the amalgamated corporations shall thenceforth attach to the new or continuing corporation, and may be enforced against it to the same extent as if the same had been incurred or contracted by it. R.S.O. 1937, c. 257, s. 68. Debts and liabilities.

102.—(1) In this section "fiduciary" includes trustee, bailee, executor, administrator, assignee, guardian, committee, receiver, liquidator or agent, and "instrument" includes every will, codicil, or other testamentary document, settlement, instrument of creation, deed, mortgage, assignment, Act of the Legislature, and a judgment, decree, order, direction and appointment of any court, judge, or other constituted authority. R.S.O. 1937, c. 257, s. 69 (1), *amended*. Interpretation,— "fiduciary"; "instruments".

(2) Any registered trust company may unite, merge, amalgamate and consolidate its stock, property, business and franchises with those of any other trust company in Canada or may purchase the assets of any corporation in Canada or may sell its assets to any registered trust company, and for the purpose of carrying out such purchase or sale the purchasing corporation shall assume the liabilities of the vendor corporation, and may enter into such bond or agreement of indemnity with the vendor corporation or the individual shareholders thereof, or both, as may be necessary, and the corporations may enter into the agreements necessary to such union, merger, amalgamation, consolidation, sale or purchase, and subsection 2 of section 93 and sections 94 to 101 shall apply *mutatis mutandis* thereto. Power of trust companies to unite with other corporations and to purchase or sell assets.

(3) In the case of a purchase of the assets of a loan corporation by a trust company pursuant to subsection 2 the trust company shall definitely set aside in respect of any debentures and deposits of the loan corporation of which the trust company assumes payment, securities, or cash and securities, equal to the aggregate amount of such debentures and deposits, and for the purposes of this subsection "cash" includes moneys on deposit and "securities" includes loans made upon securities. R.S.O. 1937, c. 257, s. 69 (2), *amended*. Where trust company purchases assets of loan corporation.

(4) On and from the assent of the Lieutenant-Governor in Council, as provided in subsection 1 of section 98, to the purchase and sale, or to the amalgamation, all trusts of every kind and description, including incomplete or inchoate trusts, and every duty assumed by or binding upon either of the corporations, parties to the purchase and sale, or to the amalgamation, shall be vested in and bind and may be enforced Trusts to pass to new companies.

against the purchasing or new or continuing corporation as fully and effectually as if it had been originally named as the fiduciary in the instrument.

Subject matter of trust to vest in new company.

(5) Whenever in any instrument any estate, money or other property, or any interest, possibility or right is intended at the time or times of the publishing, making or signing of the instrument to be thereafter vested in or administered or managed by or put in the charge of the selling corporation or of either of the amalgamated corporations as the fiduciary, the name of the new or continuing corporation shall be deemed to be substituted for the name of the old corporation, and such instrument shall vest the subject matter therein described in the new or continuing corporation according to the tenor of, and at the time indicated or intended by the instrument, and the new or continuing corporation shall be deemed to stand in the place and stead of the old corporation.

References in will or codicil.

(6) Where the name of the selling corporation or of either of the amalgamated corporations appears as executor, trustee, guardian, or curator in a will or codicil such will or codicil shall be read, construed and enforced as if the new or continuing corporation was so named therein, and it shall, in respect of the will or codicil, have the same status and rights as the selling or amalgamating corporation.

Duties of old corporation not completed.

(7) In all probates, administrations, guardianships, curatorships or appointments of administrator or guardian *ad litem* issued or made by any court of Ontario to the selling corporation or to either of the amalgamated corporations, from which at the date of such assent it had not been finally discharged, the new or continuing corporations shall *ipso facto* be substituted therefor. R.S.O. 1937, c. 257, s. 69 (3-6):

REGISTRAR.

Appointment of Registrar and assistants.

103.—(1) There shall be a Registrar and an assistant registrar who shall be appointed by the Lieutenant-Governor in Council.

Assistant registrar, duties of.

(2) The assistant registrar shall perform the duties of the Registrar in the case of the latter's absence or illness, or of a vacancy in the office of Registrar, and shall also perform such other duties as may be assigned to him by the Lieutenant-Governor in Council, by the Minister or by the Registrar.

Actions against Registrar.

(3) Without the leave of the Attorney General, no action or proceeding shall be brought or taken against the Registrar or assistant registrar for anything done or omitted in the performance, or intended or supposed performance, of his duty under this Act. R.S.O. 1937, c. 257, s. 124.

104. The Registrar shall have a seal of office, which shall bear upon its face the words "Registrar of Loan and Trust Corporations". R.S.O. 1937, c. 257, s. 125, *amended*. Official seal.

105.—(1) The Registrar shall keep,— Registers.

(a) a register to be called the "Loan Companies' Register", wherein shall be recorded the names of such loan corporations as are from time to time entitled to registry; Loan Companies' Register.

(b) a register to be called the "Loaning Land Companies' Register", wherein shall be entered the names of such loaning land corporations as are from time to time entitled to registry; and Loaning Land Companies' Register.

(c) a register to be called the "Trust Companies' Register", wherein shall be entered the names of such trust companies as are from time to time entitled to registry. R.S.O. 1937, c. 257, s. 126 (1), *amended*. Trust Companies' Register.

(2) A corporation shall not be registered on more than one of such registers, and shall not transact or undertake business in Ontario other than the business for which it is registered. R.S.O. 1937, c. 257, s. 126 (2). No corporation to be registered on more than one register.

106.—(1) The duty of determining, distinguishing and registering the corporations that under this Act are required to be registered and are entitled to registry, and of granting registry accordingly, shall devolve upon the Registrar subject to appeal as provided in section 120. Duties of Registrar.

(2) For the purposes of his duties the Registrar may require to be made, or may take and receive affidavits or depositions, and may examine witnesses upon oath. Power to require evidence.

(3) The evidence and proceedings in any matter before the Registrar may be reported by a stenographer who has taken an oath before the Registrar faithfully to report the same. R.S.O. 1937, c. 257, s. 127. Employment of stenographer.

107.—(1) The Registrar shall prepare for the Minister from statements filed by the corporations and from any inspection or inquiries made, an annual report, showing particulars of the business of each corporation as ascertained from such statements, inspection and inquiries and the report shall be printed and published forthwith after completion. Annual report.

(2) In the report the Registrar shall allow as assets only such of the investments of the several corporations as are authorized by this Act or by their Acts of incorporation or by the general Acts applicable to such investments. Only authorized investments allowed as assets.

Corrections
in annual
statements
by Registrar.

(3) In the report the Registrar shall make all necessary corrections in the annual statements made by the corporations herein provided and shall be at liberty to increase or diminish the assets or liabilities of the corporations to the true and correct amounts thereof as ascertained by him in the examination of their affairs at the head office or any branch thereof or otherwise.

Appraise-
ment of
over-valued
real estate.

(4) If it appears to the Registrar or if he has any reason to suppose from the statements prepared and delivered to him by the corporations or otherwise, that the value placed by any corporation upon the real estate owned by it or any parcel thereof, is too great, or that the amount secured by mortgage or hypothec upon any parcel of real estate, together with interest due and accrued thereon is greater than the value of the parcel or that the parcel is not sufficient for the loan and interest, or that the value of any investments of the funds of the corporation or of its trust funds is less than the amount of the value of the investments shown in the books of the corporation, he may either require the corporation to secure an appraisal of such real estate or other security by one or more competent valuers or may himself procure such appraisal at the expense of the corporation and if it is made to appear that the value of such real estate or other security held, is less than the amount at which it is carried on the books of the corporation or is not adequate security for the loan and interest, he may write off such real estate, loan and interest, or investment, a sum sufficient to reduce the book value of the same to such amount as may fairly be realizable therefrom, such amount in no case to exceed the appraised value, and may insert such reduced amount in the report. R.S.O. 1937, c. 257, s. 122 (1-4).

Registrar
to have
access to
corporation
books, etc.

108.—(1) The Registrar or any person authorized under his hand and seal shall, with the approval of the Minister, have at any time within business hours access to the books, vouchers, securities and documents of a corporation, and any officer or person in charge, possession, custody or control of the books, vouchers, securities or documents refusing or neglecting to afford such access shall be guilty of an offence, and the corporation, if registered, shall be liable to have its registry suspended.

Cancellation
of registry
for refusing
access.

(2) The corporation, on continued refusal or neglect to afford such access, shall be liable to have its registry cancelled or not renewed after termination of the current certificate.

Special audit
in case of
fraud, illegal
acts or
default of
audit or
financial
statement.

(3) Where a corporation is three months in default in the delivery of the financial statement required by section 144 or upon proof that its accounts have been materially and

wilfully falsified, or that for eighteen consecutive months there has been no *bona fide* audit of the books and accounts, or where there is filed with the Registrar a requisition for audit bearing the signatures, addresses and occupations of at least twenty-five shareholders of the corporation, holding shares upon which not less than \$10,000 has been paid in, and alleging to the satisfaction of the Registrar specific fraudulent or illegal acts, or repudiation of contracts, or insolvency, and accompanied by a deposit of \$300 or such less sum as the Registrar may fix as security to cover the costs of the audit, the Registrar may nominate a competent accountant who shall under his direction make a special audit of the corporation's books, accounts and securities, and make to him a written report thereupon verified upon oath.

(4) A special auditor so appointed shall be sufficiently Credentials of auditor. accredited if he delivers to the secretary or to any managing officer of the corporation a written statement under the hand and seal of the Registrar to the effect that the Registrar has nominated him to audit the books, accounts and securities of the corporation.

(5) The expense of a special audit shall be borne by the Expenses of special audit. corporation, and the auditor's account therefor when approved in writing by the Registrar shall be conclusive and shall be payable forthwith.

(6) Where the facts alleged in the requisition appear to Payment of costs out of deposit. the Registrar to have been partly or wholly disproved by the audit, and he deems it just, he may pay the costs of the audit partly or wholly out of the deposit.

(7) The deposit or the balance, if any, remaining after Return of balance of deposit. payment of such costs shall be returned to the requisitioning shareholders upon the order of the Registrar.

(8) Where a corporation, by its officer, employee, servant or agent having in his custody, possession or power the funds, books, vouchers, securities, or documents of the corporation, Where corporation resists or obstructs audit. refuses to have the same duly audited, as provided by section 65, or by this section or by section 109, or obstructs an auditor or examiner in the performance of his duties, the Registrar, upon proof of the fact, may suspend or cancel the registry of the corporation, or may terminate the registry upon the expiry of the current certificate of registry.

(9) If the report of the special auditor appears to the Report of special auditor. Registrar to disclose fraudulent or illegal acts on the part of the corporation, or a repudiation of its contracts, or its insolvency, he shall notify the corporation accordingly and furnish it with a copy of the report, allowing two weeks for a statement in reply to be filed with him.

Registrar's
decision.

(10) Upon consideration of the report and of the corporation's statement in reply, and of such further evidence, documentary or oral, as he may require, the Registrar shall render his decision in writing, and may thereby continue or terminate, or suspend or cancel the registry of the corporation. R.S.O. 1937, c. 257, s. 147.

Appoint-
ment of
examiner by
Minister.

109.—(1) The Minister, of his own motion or upon an application being made to him in writing, may appoint any competent person to make a special examination and audit of the corporation's books, accounts and securities, and to inquire into the conduct of the business of the corporation generally.

Evidence
upon which
inquiry to
be ordered.

(2) The application shall be supported by such evidence as the Minister may require for the purpose of showing that there is good reason for requiring the investigation to be made, and that it is not prompted by malicious motives.

Security
for costs.

(3) The Minister may require security for the payment of the costs of the inquiry to be given before appointing the examiner.

Powers of
examiner as
to summon-
ing wit-
nesses, etc.

Rev. Stat.,
c. 19.

(4) The examiner may summon witnesses and take evidence under oath, and generally, for the purposes of such examination, audit and inquiry, shall have the like powers as may be conferred on a commissioner appointed under *The Public Inquiries Act*.

Report to
Minister.

(5) Upon the conclusion of the examination, audit and inquiry the examiner shall make his report in writing to the Minister.

Requiring
additional
information
or returns
from loan
and trust
corpora-
tions.

(6) The Registrar may, by notice in writing, whenever he sees fit, require a corporation to make in addition to its annual or other returns required by this Act, a return verified by affidavit of one of its officers, or to furnish information verified in the same manner upon any subject connected with its affairs, and the corporation shall make the return within the time mentioned in the notice requiring the same.

Notice
requiring
return or
information.

(7) The notice may be given to the president, secretary, managing director or other officer or officers having apparent control of the books of the corporation, or any of them in Ontario, and non-compliance with the notice shall be an offence. R.S.O. 1937, c. 257, s. 148 (1-7).

Appoint-
ment of
examiner at
request of
Dominion
Mortgage
Association.

(8) Upon the request of the Dominion Mortgage and Investments Association, the Minister shall appoint an examiner under subsection 1. R.S.O. 1937, c. 257, s. 148 (8), *amended*.

110.—(1) A notice published in the *Ontario Gazette* over the name of the Registrar or assistant registrar shall, without further proof, be *prima facie* evidence of the facts set forth in the notice. Evidence: Notice in Gazette.

(2) All copies of returns, reports or other official publications of the Registrar purporting to be printed by the King's Printer, or to be printed by order of the Assembly, shall, without further proof, be admitted as evidence of such publication and printing and as true copies of the originals. Official publication^a

(3) A certificate under the hand of the Registrar or assistant registrar and the Registrar's seal of office, that on a stated day the corporation mentioned therein was or was not registered, or that the registry of any corporation was originally granted, or was renewed, suspended, revived or cancelled, on a stated day, shall be *prima facie* evidence of the facts stated in the certificate. Certificate as to registry.

(4) Copies of, or extracts from, any book, record, instrument or document in the office of the Registrar or of or from any official instrument or document issued under this Act shall, if certified by him or by the assistant registrar to be true copies or extracts and sealed with the Registrar's seal of office, be held as authentic and shall be *prima facie* evidence of the same legal effect as the original. R.S.O. 1937, c. 257, s. 150. Copies of or extracts from official documents.

111.—(1) The Registrar personally shall visit or cause a duly qualified member of his staff to visit at least once annually the head office of each registered corporation, other than a corporation as to which he adopts the inspection of another government, and he shall inspect and examine the statements of the condition and affairs of each corporation and make such inquiries as are necessary to ascertain its condition and ability to provide for the payment of its liabilities as and when they become due, and whether or not it has complied with this Act, and the Registrar shall report thereon to the Minister, as to all matters requiring his attention and decision. R.S.O. 1937, c. 257, s. 152 (1), *amended*. Annual inspection of registered corporations.

(2) Where the Registrar deems it necessary and expedient to make a further examination into the affairs of a corporation and so reports to the Minister, the Minister may in his discretion instruct the Registrar to visit or cause any duly qualified member of his staff to visit any branch office or offices of the corporation to inspect and examine into its affairs and to make such further inquiries as the Minister may require. Further inspection.

(3) For the purpose of an examination, the corporation shall prepare and submit to the Registrar such statements Material to be furnished on inspection.

with respect to its business, finances or other affairs of the corporation, in addition to the statement mentioned in this Act, as the Registrar may require, and the officers, agents and servants of the corporation shall cause their books to be open for inspection and shall otherwise facilitate such examination so far as it is in their power.

Production of books at head office or elsewhere as Registrar may direct.

(4) In order to facilitate the examination of the books and records of a corporation, the corporation may be required by the Registrar with the approval of the Minister, to produce the books and records at the head office or chief office of the corporation in Ontario, or at such other convenient place as the Registrar may direct.

Examination under oath.

(5) The Registrar or any person authorized by the Minister may examine under oath the officers, agents or servants of the corporation for the purpose of obtaining any information that he deems necessary for the purpose of the examination.

Expense of further inspection.

(6) Where an examination is made under subsection 2 of any branch or other office situated outside of Ontario, the corporation shall pay the account in connection with the examination upon the certificate of the Registrar approved by the Minister. R.S.O. 1937, c. 257, s. 152 (2-6).

Special report where condition unsound.

112.—(1) If, as the result of the examination, the Registrar is of opinion that the assets of the corporation are insufficient to justify its continuance in business, he shall make a special report to the Minister on the condition of the corporation. R.S.O. 1937, c. 257, s. 153, *amended*.

Power to cancel or suspend registry.

(2) If the Minister, after a reasonable time has been given to the corporation to be heard by him, and upon such further inquiry and investigation as he sees fit to make, reports to the Lieutenant-Governor in Council that he agrees with the opinion of the Registrar, the Lieutenant-Governor in Council may, if he also concurs in the opinion, suspend or cancel the registry of the corporation, and the corporation shall thereupon cease to transact further business; provided that the Minister may, during such suspension or cancellation, issue such conditional registry as he may deem necessary for the protection of the public.

Sale and transfer under conditional registry.

(3) If the Minister deems it advisable, the conditional registry may provide that the corporation shall, during the continuance of the conditional registry, arrange for the sale of its assets and for the transfer of its liabilities.

When registration cancelled.

(4) If upon the expiration of the conditional registry no arrangement satisfactory to the Minister has been made for such sale and transfer, and if in the opinion of the Minister

the corporation's condition is not then such as to warrant the restoration of the corporation's registry, the registration shall be cancelled. *New.*

REGISTRATION.

113.—(1) Applications for initial registry shall be made according to a form to be supplied by the Registrar, and the applicant shall deliver to the Registrar the application duly completed, together with such information, material and evidence as the form requires. Applications for initial registry.

(2) The applicant shall, if required, furnish such further information, material and evidence, and give such public notice of the application as the Registrar may direct. Material to be furnished. R.S.O. 1937, c. 257, s. 129 (1, 2).

(3) The applicant shall file with the application a statement in such form as may be required by the Registrar of the financial condition and affairs of the corporation on the 31st day of December next preceding or on the last day of the fiscal year of the corporation, if the last day is not more than twelve months before the filing of the statement, and the statement shall be signed and verified as prescribed by section 66. Financial statement to accompany application. R.S.O. 1937, c. 257, s. 129 (3), *amended.*

114.—(1) Where a corporation applying for registry has its head office elsewhere than in Ontario the application shall be accompanied by a power of attorney from the corporation to an agent or agents resident in Ontario. Registration of extra provincial corporations.

(2) The power of attorney shall be under the seal of the corporation, and shall be signed by the president and secretary or other proper officers thereof in the presence of a witness who shall make oath as to the due execution thereof. Execution of power of attorney.

(3) The official positions in the corporation held by the officers signing the power of attorney shall be verified by the oath of any person cognizant of the facts. Authentication.

(4) The power of attorney shall declare at what place in Ontario the chief agency of the corporation is, or is to be established, and shall expressly authorize the agent or agents to receive service of process in all actions and proceedings against the corporation in Ontario for any liability incurred by the corporation therein, and also to receive from the Registrar all notices that the law requires to be given, or which it is thought advisable to give, and shall declare that service of process for or in respect of such liability on any of the agents and receipt of the notices at the chief agency or personally by any of the agents shall be legal and binding on the corporation. Contents of power of attorney.

Filing of power of attorney.

(5) The power of attorney and the affidavit of execution shall be filed with the Registrar.

Authority conferred by power of attorney.

(6) The power of attorney may confer upon the agent or agents any further or other powers that the corporation may deem advisable.

Effect of copy as evidence.

(7) The production of a copy of the power of attorney certified by the Registrar shall be sufficient evidence for all purposes of the power and authority of the person or persons therein named to act on behalf of the corporation in the manner and for the purposes set forth in the certified copy.

Changes in chief agent or agency.

(8) Whenever the corporation changes any of its agents or the chief agency in Ontario, it shall file with the Registrar a similar power of attorney, stating the change or changes and containing a similar declaration as to service of process and notices.

Service of process thereafter.

(9) After the power of attorney is filed any process in any action or proceeding against the corporation for a liability incurred in Ontario may be validly served on the corporation at its chief agency; but nothing in this section shall render invalid service in any other mode in which a corporation may be lawfully served.

Application of section.

(10) This section shall apply notwithstanding any special or other legislation of Ontario affecting any registered corporation. R.S.O. 1937, c. 257, s. 130.

Recording registry entries on register.

115.—(1) The Registrar shall cause to be entered on the proper register the name of every corporation entitled to registry, together with the date of the commencement of the registry and the term for which the registry is to endure.

Term of registry.

(2) The term shall begin on the date of such commencement and shall end not later than the 30th day of June next ensuing.

Particulars to be entered.

(3) The Registrar shall also cause to be entered on the register the place where the head office and the chief agency, if any, are situate, and if there is a chief agency the name and address of the chief agent, and of the agent or agents appointed under section 114.

Entering suspension, etc. of registry.

(4) If the registry is suspended, revived, revoked, or cancelled, the date of and authority for such suspension, revivor, revocation or cancellation shall also be entered.

Issue of certificate of registry.

(5) The Registrar shall issue under his hand and seal of office to every registered corporation a certificate of registry, setting forth that the corporation is entitled to registry as a

(describing the corporation) under this Act, and that the corporation is accordingly registered for the term stated in the certificate.

(6) Every certificate of registry shall specify the first day and the last day of the term for which the corporation is registered, and the corporation so registered shall be deemed to be registered from the commencement of the first day to the end of the last day so specified. Commencement and end of term.

(7) A certificate of registry that does not specify an earlier date of expiry shall, unless sooner suspended or cancelled, remain valid until the next ensuing 30th day of June, when, if the corporation has complied with the law and continues solvent, it shall be entitled to a certificate of renewed registry, and so on every succeeding 30th day of June thereafter. Duration of registry.

(8) Notwithstanding failure to comply with this Act within the prescribed time the Registrar may, upon payment of the prescribed fee, grant an interim certificate of registry or extend the currency of a subsisting certificate. R.S.O. 1937, c. 257, s. 131. Interim certificate.

116.—(1) No corporation shall be registered under a name identical with that under which any other existing corporation is registered, or under any other name likely, in the opinion of the Registrar, to deceive, mislead or confuse the public as to its identity. Restrictions upon use of names.

(2) No registered corporation shall be registered under a new or different name except upon proof that such new or different name is authorized by law. New names.

(3) Where a provincial corporation is desirous of adopting a name different from that by which it was incorporated, or where, in the opinion of the Registrar, the name by which the corporation was incorporated may be confused with that of another existing corporation, the Lieutenant-Governor in Council may change the name of the corporation to some other name to be stated in the Order in Council. Change of corporate name.

(4) No change of name shall affect the rights or obligations of the corporation. Not to affect rights or obligations.

(5) The location of the head office of a corporation may be changed in like manner. Change of head office.

(6) Such public notice shall be given of any change of name or head office, and of any application for such change, in the *Ontario Gazette* and otherwise as the Registrar may direct. R.S.O. 1937, c. 257, s. 132. Public notice.

What admissible to registry.

117.—(1) Trust companies whose powers do not include that of buying and selling land as beneficial owner except as authorized by this Act and do not exceed the powers that are conferred upon trust companies under this Act, loan corporations and loaning land corporations that are solvent and fall within one of the following classes, may, upon due application, be admissible to registry:

- (a) corporations duly constituted under the law of Ontario;
- (b) corporations which being duly incorporated or constituted under the laws of any other province of Canada, or of Canada, or of the United Kingdom, were in actual, active and *bona fide* operation in Ontario on the 16th day of April, 1912, but such corporations shall be admissible to registry only on due application and with the approval of the Minister and on such terms and conditions as he may prescribe;
- (c) corporations duly constituted as joint stock corporations under the laws of any other province of Canada or of Canada, that issue only permanent shares and have a subscribed permanent stock of not less than \$300,000, whereof \$100,000 is paid in and unimpaired. R.S.O. 1937, c. 257, s. 133 (1), *amended*.

Registry validated.

(2) Any registry purporting to have been made prior to 1st day of May, 1914, by any corporation mentioned in clause *b* of subsection 1 shall be deemed for all purposes to have been a registry under this Act from the date of commencement of such purported registry.

Corporations of other countries.

(3) A corporation incorporated under the laws of any other country may, upon due application, with the approval of the Minister, be admitted to registry on such terms and conditions as he may prescribe. R.S.O. 1937, c. 257, s. 133 (2, 3).

Company authorized by special Act.

(4) Any trust company authorized by a special Act of Ontario to carry on business in Ontario shall not be barred from registry merely because its powers exceed those conferred upon trust companies by this Act. *New*.

No others.

(5) Subject to subsection 3 of section 9 no other corporation shall be registered. R.S.O. 1937, c. 257, s. 133 (4).

Suspension or cancellation of registry.

118.—(1) Upon proof that registry or a certificate of registry has been obtained by fraud or mistake, or that a corporation exists for an illegal purpose, or is insolvent, or has failed to pay its obligations, or has wilfully, and after notice from the Registrar, contravened any of the provisions

of this Act, or of the Act or instrument incorporating the corporation, or of any law in force in Ontario, or has ceased to exist, the registry of the corporation may be suspended or cancelled by the Registrar.

(2) On the suspension or cancellation of the registry of any existing corporation the Registrar shall cause notice in writing thereof to be delivered to the corporation. Notice to be given to the corporation.

(3) Where the corporation has ceased to exist the notice shall be published in the *Ontario Gazette*. Publication in *Gazette*.

(4) After such suspension or cancellation, or after termination of registry without renewal, the corporation shall, unless again registered, cease to transact or undertake business in Ontario, except so far as is necessary for the winding up of its business; but any liability incurred by the corporation may be enforced against it as if such suspension, cancellation or termination had not taken place. R.S.O. 1937, c. 257, s. 134. Corporation to cease business except for winding-up purposes.

119. Where in any disputed case the Registrar decides that a corporation is or is not legally entitled to registry, or to renewal of registry, or where he suspends, revives, or cancels the registry of a corporation, his decision, except as otherwise provided, shall be given in writing and he shall cause a copy thereof certified under his seal of office to be delivered to the corporation. R.S.O. 1937, c. 257, s. 135 (1). Decision of Registrar to be in writing and to be delivered to corporation.

120.—(1) Any corporation whose registration or right to registration is affected by any decision of the Registrar may, by notice in writing served upon the Registrar within thirty days after the delivery of the copy of the decision under section 119, request a hearing and review of the matter by the Registrar. Review.

(2) Where a hearing and review is requested the Registrar shall send a notice in writing to the corporation notifying it of the time and place of the hearing. Notice of hearing.

(3) Upon a review the Registrar may hear such evidence as may be submitted to him which in his opinion is relevant to the matter in dispute, and he shall not be bound by any law respecting the admissibility of evidence, and all oral evidence submitted shall be taken down in writing and together with such documentary evidence and things as are received in evidence by the Registrar shall form the record. Evidence.

(4) Upon a review the Registrar may confirm or revoke his former decision or may make alterations therein or additions thereto as he may deem proper. Powers on review.

Decision to be delivered.

(5) Notice of his decision made upon a review shall be delivered forthwith to the corporation that requested the review.

Appeal to Supreme Court.

(6) Where the Registrar has reviewed a decision and given his decision upon the review, the corporation that requested the review may appeal to a justice of appeal of the Court of Appeal for Ontario.

Form of appeal.

(7) Every appeal shall be by notice of motion served upon the Registrar within thirty days after the delivery of the decision under subsection 5 and the practice and procedure 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, provided that the Rules Committee may vary or amend such practice and procedure in respect of appeals taken under this section.

Certificate of Registrar.

(8) The Registrar shall certify to the Registrar of the Supreme Court,—

- (a) the decision that has been reviewed by the Registrar;
- (b) the decision of the Registrar upon the review, together with any statement of reasons therefor;
- (c) the record of the review; and
- (d) all written submissions to the Registrar and other material that in the opinion of the Registrar are relevant to the appeal.

Counsel.

(9) The Attorney General may designate counsel to assist the judge upon the hearing of any appeal taken under this section.

Order of judge.

(10) Where an appeal is taken under this section the judge may by his order direct the Registrar to make such decision as the Registrar is authorized to do under this Act and as the judge deems proper and thereupon the Registrar shall act accordingly.

Further decision.

(11) The order of the judge shall be final and there shall be no appeal therefrom, but notwithstanding the order the Registrar shall have power to make any further decision upon new material or where there is a material change in the circumstances and every such further decision shall be subject to this section. *New.*

Cancellation of registry by request of corporation.

121. The Registrar may at the request of the corporation, if evidenced as he may direct, cancel its registry. R.S.O. 1937, c. 257, s. 137.

122. A corporation not registered on the 1st day of July, 1900, shall not be granted registry if the stock or shares of the corporation consist of or include terminating stock or shares. R.S.O. 1937, c. 257, s. 8 (3).

Corporation not registered on 1st July, 1900, not to be registered if any part of its stock is terminating.

123. If on receiving an application for registry the Minister finds in the by-laws of the applicant anything repugnant to this Act or to the law of Ontario he may direct an amendment of the by-laws, and, upon their being amended as directed and returned certified as having been so amended, the application may be proceeded with. R.S.O. 1937, c. 257, s. 5, *part, amended.*

Minister may direct amendment of by-laws.

124.—(1) Every corporation doing business in Ontario, if required so to do by the Registrar, shall furnish satisfactory evidence that any by-law has been duly passed, and is a legal and valid by-law according to the Act or instrument incorporating the corporation and also that the by-law conforms to the law of Ontario.

Return of evidence as to by-laws.

(2) A corporation refusing or failing to furnish such evidence promptly shall be liable to have its registry suspended or cancelled. R.S.O. 1937, c. 257, s. 91.

Refusal to furnish evidence.

125. No trust company shall be registered to transact business in Ontario that has not a capital paid in of at least \$100,000. R.S.O. 1937, c. 257, s. 126 (4).

Capital required before registration.

126.—(1) No corporation shall under the penalty of becoming disentitled to registry or of having its registry suspended or cancelled make, print, publish, circulate, authorize or be a party or privy to the making, printing, publishing or circulating of any statement or representation that its solvency or financial standing is vouched for by the Registrar or that the publication of its statement in his report is a warranty or representation of the solvency of the corporation, or of the truth or accuracy of the statement in any particular.

Representations that standing of corporation is vouched for by Registrar.

(2) Any director, auditor, officer, servant, employee or agent of a corporation who makes or uses or authorizes or is party or privy to the making or using of any such statement or representation shall be guilty of an offence. R.S.O. 1937, c. 257, s. 123.

Offence.

UNREGISTERED CORPORATIONS.

127.—(1) No incorporated body or person acting in its behalf, other than a registered corporation and a person duly authorized by it to act in its behalf, shall undertake or transact in Ontario the business of a loan corporation, or of a loaning land corporation, or of a trust company.

No unregistered corporation to undertake business.

Certain matters to be deemed undertaking business.

(2) Any setting up or exhibiting of a sign or inscription containing the name of the corporation, or any distribution or publication of any proposal, circular, card, advertisement, printed form or like document in the name of the corporation, or any written or oral solicitation on the corporation's behalf, or any collecting or taking of money on account of shares or of loans or advances shall, both as to the corporation and as to the person acting or purporting to act on its behalf, be deemed undertaking the business of the corporation within the meaning of this section.

No person to act as agent for unregistered corporation.

(3) Any promoter, organizer, manager, director, officer, collector, agent, employee, or person who undertakes or transacts any business of a corporation that is not registered under this Act shall be guilty of an offence. R.S.O. 1937, c. 257, s. 139.

Use of certain words in name of company while unregistered.

Rev. Stat. c. 256.

128. Any person, partnership, organization, society, association, company or corporation, not being a corporation registered under this Act or under *The Insurance Act*, assuming or using in Ontario a name which includes any of the words "Loan," "Mortgage," "Trust," "Trusts," or "Guarantee," in combination or connection with any of the words "Corporation," "Company," "Association" or "Society," or "Limited," or "Incorporated" or any abbreviations thereof, or in combination or connection with any similar collective term, or assuming or using in Ontario any similar name, or any name or combination of names that is likely to deceive or mislead the public shall be guilty of an offence, and any person acting on behalf of such person, partnership, organization, society, association, company or corporation shall also be guilty of an offence; but where any of such combinations of words formed part of the corporate name of any corporation duly incorporated by or under the authority of an Act of Ontario or of the Parliament of Canada prior to the 1st day of July, 1900, the combination may continue to be used in Ontario as part of the corporate name. R.S.O. 1937, c. 257, s. 140, *amended*.

Interpretation,—
"contract".

129.—(1) In this section "contract" means any contract, agreement, undertaking or promise,—

- (a) to pay to or for the contract holder any money or money's worth;
- (b) to sell, supply or procure any building or site or land or to bring about the purchase and sale or supply thereof; or
- (c) to construct or procure the construction of any house or building,

made upon any consideration that includes an entrance or membership fee, or expense contribution, initial, renewal, periodical or recurrent, or that includes any periodical or recurrent contribution to a fund, or account, or source for, or intended or alleged to be for, the carrying out of such contract, and includes any contract, agreement, undertaking, or promise, the benefit of which to the contract holder paying any such consideration is to be wholly or partly postponed or deferred until other contract holders have been provided for, or is to depend upon the number or the persistence of the other contract holders, or upon the accession of new contract holders, or upon the order or sequence of the contract.

(2) Any person, partnership, organization, society, association, company or corporation, not being a corporation registered under this Act or under *The Insurance Act*, undertaking or effecting, or offering to undertake or effect, any contract shall be guilty of an offence, and any person acting on behalf of such person, partnership, organization, society, association, company or corporation, shall also be guilty of an offence, and the convicting magistrate or justices, in addition to imposing the prescribed penalty, may at the time of conviction or thereafter make such order for the restitution of the money that was unlawfully taken as to him or them shall seem just, and in default of compliance with such order the offender shall be liable to imprisonment for a term not exceeding twelve months. R.S.O. 1937, c. 257, s. 141.

130. Where in any case arising under section 127, 128 or 129 it is found by the magistrate or justices that the person, partnership, organization, society, company or corporation charged or his or its agent is exhibiting or using any sign, inscription or name, or distributing, using or publishing any document, including any proposal, circular, card, advertisement, notice, application, contract or printed form which, in the opinion of the magistrate or justices, induces, or tends to induce, a violation of any such section, or is likely to deceive or mislead the public either as to the party or the status of the party undertaking the contract, or as to the nature, terms or effect of the contract, the magistrate or justices may summarily order the discontinuance of such sign, inscription, name or document, and non-compliance with such order shall be an offence. R.S.O. 1937, c. 257, s. 142.

INVESTMENTS.

131.—(1) A registered loan corporation and a registered loaning land corporation may purchase or invest in,—

- (a) mortgages, charges or hypothecs upon improved real estate in Ontario or elsewhere where the corporation

is authorized to extend its business under section 84, or mortgages or assignments of such life insurance policies as have at the date of the loan or investment an ascertained cash surrender value admitted by the insurer; R.S.O. 1937, c. 257, s. 29 (1), cl. (a), *amended*.

**Government
bonds.**

- (b) the debentures, bonds, stock or other securities of or guaranteed by the government of Canada or of or guaranteed by the government of any province of Canada, or of or guaranteed by the government of the United Kingdom, or of any of His Majesty's dominions, colonies or dependencies, or of any state forming part of any such dominion, colony or dependency, or of or guaranteed by any foreign country or state forming part of such foreign country where the interest on the securities of such foreign country or state has been paid regularly for the previous ten years, or of any municipality or school corporation in Canada, or elsewhere where the company is carrying on business, or guaranteed by any municipal corporation in Canada, or secured by rates or taxes levied under the authority of the government of any province of Canada on property situated in such province and collectible by the municipalities in which the property is situated; R.S.O. 1937, c. 257, s. 30 (1), cl. (b).

**Bonds
secured by
trust deed.**

- (c) the bonds, debentures, debenture stock, or other securities of any company or bank incorporated by Canada, or by any province of Canada, or by any former province now forming part of Canada, that are secured by a mortgage or hypothec to a trust company either singly or jointly with another trustee upon improved real estate of such company or bank or other assets of such company of the classes mentioned in clauses *a* and *b*; R.S.O. 1937, c. 257, s. 30 (1), cl. (c), *amended*.

**Dominion
subsidy
bonds.**

- (d) the bonds, debentures or other evidences of indebtedness of a corporation that are secured by the assignment to a trustee of payments that the government of Canada has agreed to make, if such payments are sufficient to meet the interest as it falls due on the bonds, debentures or other evidences of indebtedness outstanding and to meet the principal amount of the bonds, debentures or other evidences of indebtedness upon maturity;

**Provincial
subsidy
bonds.**

- (e) the bonds, debentures or other evidences of indebtedness of a corporation that are secured by the

assignment to a trustee of payments that are payable, by virtue of an Act of a province of Canada, by or under the authority of the province, if such payments are sufficient to meet the interest as it falls due on the bonds, debentures or other evidences of indebtedness outstanding and to meet the principal amount of the bonds, debentures or other evidences of indebtedness upon maturity;

- (f) equipment trust obligations or certificates issued to finance the purchase of transportation equipment for a railway company incorporated in Canada or for a railway company owned or controlled by a railway company so incorporated which obligations or certificates are fully secured by an assignment of the transportation equipment to, or by the ownership thereof by, a trustee, and by a lease or conditional sale thereof to the railway company; *New.* ^{Railroad securities.}
- (g) the debentures or other evidences of indebtedness of any company or bank that has paid regular dividends on its preferred or on its common stocks for a term of at least five years immediately preceding the date of investment in the debentures or other evidences of indebtedness; ^{Debentures.}
- (h) the preferred stocks of any company or bank that has paid regular dividends upon such stocks or upon its common stocks for not less than five years preceding the purchase of the preferred stocks, or the stocks of any company that are guaranteed by a company that has paid regular dividends upon its preferred or common stocks for not less than five years preceding the purchase of the guaranteed stocks; provided that the amount of stocks so guaranteed is not in excess of fifty per centum of the amount of the preferred or common stocks, as the case may be, of the guaranteeing company; or ^{Preferred stock.}
- (i) the common stocks of any company or bank upon which regular dividends of at least four per centum per annum, or, in the case of stocks of no par value, of at least four dollars per share per annum, have been paid for the seven years next preceding the purchase of such stocks; provided that if any company has, pursuant to a voluntary re-organization of its capital account and without affecting the status or diminishing the value of its outstanding securities, including the capital stock, substituted common shares of no par value for shares of par value, then dividends declared on the said no par ^{Common stock.}

value stock shall be deemed to be dividends of at least four dollars per share per annum if the sum thereof is equivalent to at least four per centum of the said common stock of par value and the proceeds of any additional issue of common stock made at the time of, or subsequent to, the aforesaid substitution of shares, and in such circumstances dividends of at least four per centum per annum on the common stock of par value immediately preceding the substitution shall be regarded as dividends on the no par value stock; and provided further that if any company has in any year paid dividends on its common stock amounting to not less than \$500,000, the payment of such dividends shall be deemed to be for the purposes of this section equivalent to the payment of a dividend of four per centum or four dollars per share for the said year. R.S.O. 1937, c. 257, s. 30 (1), cls. (d-f).

Investment
in national
housing.
1944-45,
c. 46 (Can.).

(2) In addition to investments it may make by lending on the security of or by purchasing mortgages, charges or hypothecs upon real estate pursuant to the provisions of *The National Housing Act, 1944* (Canada), or any amendments thereto, a registered loan corporation or a registered loaning land corporation may invest its funds to an aggregate amount not exceeding five per centum of its total assets in Canada allowed by the Registrar in any other classes or types of investments pursuant to the said Act, or any amendments thereto, including the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings. 1945 (2nd Sess.), c. 4, s. 1, *amended*.

Loans on
securities by
loan and
loaning land
corporations.

(3) A registered loan corporation and a registered loaning land corporation may lend money on the security of,—

- (a) any of the securities mentioned in clauses *a*, *b* and *c* of subsection 1, or on improved real estate or leaseholds, or on guaranteed investment certificates of a trust company; or
- (b) the bonds, debentures, notes, shares, or other securities of any company or bank, other than those mentioned in clause *c* of subsection 1, provided that the market value of the securities on which the loan is made shall at all times exceed the amount of the loan by at least twenty per centum of the market value, and provided further that the amount loaned on the security of the shares of any such company or bank shall not at any time exceed ten per centum of the market value of the total outstanding shares of such company or bank. R.S.O. 1937, c. 257, s. 30 (2), *amended*.

132.—(1) A registered trust company may invest its funds and moneys received for guaranteed investment or as deposits in any of the securities mentioned in subsection 1 of section 131, provided that at all times at least fifty per centum of moneys received for guaranteed investment in the manner authorized by subsection 1 of section 78 or as deposits in the manner authorized by subsection 1 of section 76 shall be invested in or loaned upon such securities only as are authorized by *The Trustee Act*. R.S.O. 1937, c. 257, ss. 30 (1), 17 (1), *amended*. Investments by trust companies. Rev. Stat., c. 165.

(2) In addition to the investments it may make by lending on the security of or by purchasing mortgages, charges or hypothecs upon real estate pursuant to the provisions of *The National Housing Act, 1944* (Canada), or any amendments thereto, a registered trust company may invest its funds to an aggregate amount not exceeding five per centum thereof and may, notwithstanding the provisions of subsection 1, invest moneys received for guaranteed investment or as deposits under sections 78 and 76 to an aggregate amount not exceeding five per centum of such moneys, in any other classes or types of investments pursuant to the said Act, or any amendments thereto, including the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings. 1945 (2nd Sess.), c. 4, s. 2, *amended*. Investment in national housing. 1944-45, c. 46 (Can.).

(3) Subject to the proviso in subsection 1 a registered trust company may lend its funds and moneys received for guaranteed investment or as deposits on the security of,— Loans on securities by trust companies.

(a) any of the securities mentioned in clauses *a*, *b* and *c* of subsection 1 of section 131, or on improved real estate or leaseholds, or on guaranteed investment certificates of a trust company; or Real estate, etc.

(b) the bonds, debentures, notes, stocks, or other securities of any company or bank, other than those mentioned in clause *c* of subsection 1 of section 131, provided that the market value of the securities on which the loan is made shall at all times exceed the amount of the loan by at least twenty per centum of the market value, and provided further that the amount loaned on the security of the stocks of any such company or bank shall not at any time exceed ten per centum of the market value of the total outstanding stocks of such company or bank. R.S.O. 1937, c. 257, s. 30 (2), *amended*. Bonds, debentures, etc.

133.—(1) A corporation may take personal security as collateral for any advance or for any debt due to the corporation. R.S.O. 1937, c. 257, s. 29 (3), *amended*. Personal security as collateral.

Power to do acts and to exercise remedies.

(2) The corporation may do all acts that are necessary for advancing sums of money, and for receiving and obtaining repayment thereof, and for compelling the payment of all interest accruing due thereon, and the observance and fulfilment of any conditions annexed to the advance, and for enforcing the forfeiture of any term or property consequent on the non-fulfilment of such conditions, or of conditions entered into for delay of payment. R.S.O. 1937, c. 257, s. 29 (5).

Restrictions on amount of investments.

134.—(1) On and after the 14th day of April, 1925, no corporation shall,—

- (a) except as to securities issued or guaranteed by the government of Canada or the government of any province of Canada or by any municipal corporation in Ontario, invest in any one security or make a total investment in any one corporation, company or bank including the purchase of its stock or other securities, the lending to it on the security of its debentures, mortgages or other assets or any part thereof, of an amount exceeding fifteen per centum of its own paid in capital stock and reserve funds;
- (b) make any investment the effect of which will be that the corporation will hold more than fifteen per centum of the stock or more than fifteen per centum of the debentures of any one corporation, company or bank. R.S.O. 1937, c. 257, s. 31 (1), cls. (a), (b), *amended*.

Trust company.

(2) In the case of a trust company, subsection 1 shall apply only to the investment of its funds and of moneys received for guaranteed investment or as deposits under sections 78 and 76. *New*.

Not to apply to certain companies.

(3) This section shall not apply to an investment in the paid up capital stock of a trust company having its head office in Ontario if the same has been authorized by the Lieutenant-Governor in Council. R.S.O. 1937, c. 257, s. 31 (2), *amended*.

Other investments authorized by Lieutenant-Governor in Council.

135.—(1) The Lieutenant-Governor in Council may authorize the acceptance by a corporation of bonds, notes, stocks, debentures, or other assets not fulfilling the requirements of this Act,—

- (a) obtained in payment or part payment for securities sold by the corporation; or
- (b) obtained under a *bona fide* arrangement for the re-organization of a company whose securities were previously owned by the corporation; or

- (c) obtained under an amalgamation with another company of the company whose securities were previously owned by the corporation; or
- (d) obtained for the *bona fide* purpose of protecting investments previously made by the corporation; or
- (e) obtained by virtue of the purchase by the corporation of the assets of another corporation,

but the bonds, notes, stocks or debentures or other assets whose acceptance is so authorized shall be sold and disposed of within five years after the acquisition thereof, or within such further time not exceeding one year as the Lieutenant-Governor in Council shall, on report of the Minister, fix and determine unless it can be shown to the satisfaction of the Minister that the bonds, notes, stocks, debentures or other assets whose acceptance is so authorized are not inferior in status or value to the securities for which they have been substituted.

(2) For the purpose of determining the eligibility as investments under this Act of the preferred or common stocks of any company that has been voluntarily re-organized without the impairment of the status or value of its securities, dividends paid on the preferred and common stocks of the company before such re-organization may be counted as dividends paid on such stocks respectively of the re-organized company. Stocks of re-organized companies.
 R.S.O. 1937, c. 257, s. 32.

136.—(1) A registered corporation may hold real estate which, having been mortgaged or hypothecated to it, has been acquired by it for the protection of its investment, and real estate conveyed to it in satisfaction of debts previously contracted in the course of its business, and may from time to time sell, mortgage, lease, exchange or otherwise dispose of the same, and may sell or otherwise dispose of as it deems advisable any mortgage or security that it has lawfully acquired. May hold certain estates and interests in land; and may dispose of same.

(2) The corporation, not being a loaning land corporation registered under this Act, shall, subject to section 137, sell any real estate acquired by it under any mortgage, charge or hypothecation, or in satisfaction of any debt, within twelve years after it has been so acquired, otherwise it may be forfeited to His Majesty for the use of Ontario; but no such forfeiture shall be enforced until the expiration of six calendar months after notice in writing to the corporation of the intention of His Majesty to claim such forfeiture. Limitation of time for holding except in case of loaning land corporation.

(3) The corporation may give receipts, acquittances and discharges, either absolutely and wholly or partially, and may grant or take such deeds, assignments or other instruments Powers as grantor or grantee, assignor or assignee.

Rights of
grantee or
assignee.

as are necessary for carrying any such holding, purchase, exchange or re-sale into effect, and the grantee or assignee in any such instrument shall stand in the place of, and be entitled to, and have all the same rights, powers and remedies, and shall be subject to the same obligations and liabilities as the grantor or assignor would have been entitled to or would have been subject to if the grant or assignment had not been made. R.S.O. 1937, c. 257, s. 33.

Power to
hold real
estate for
business.

137. A registered corporation may hold to its own use and benefit such real estate as is necessary for the transaction of its business, or is acquired or held *bona fide* for building upon or improving for that purpose, and may sell, mortgage or dispose of the same. R.S.O. 1937, c. 257, s. 34.

Power to
construct
larger
building and
to lease part
thereof.

138. A registered corporation, when so authorized by the letters patent or by the Lieutenant-Governor in Council, may acquire or may construct, on any lands held pursuant to section 137, a building larger than is required for the transaction of its business and may lease any part of the building not so required. R.S.O. 1937, c. 257, s. 35.

Limit of
amount
of invest-
ments in
buildings
for use of
corpora-
tions.

139. A provincial corporation shall not make or undertake any investment under section 137 or 138 that will cause the total amount at which such investments are carried on its books to exceed thirty-five per centum of its paid up capital and reserve funds. R.S.O. 1937, c. 257, s. 36 (3), *amended*.

Loans to
directors
and auditors
prohibited.

140. A corporation shall not lend or advance money to any of its directors or auditors or to the wife or child of any director or auditor. R.S.O. 1937, c. 257, s. 41.

Any cor-
poration
may be
required to
dispose of
unauthorized
investments.

141. The Registrar may request any corporation to dispose of and realize any of its investments acquired after the 14th day of April, 1925, and not authorized by this Act, and the corporation shall within sixty days after receiving the request dispose of and realize such investments, and if the amount realized therefrom falls below the amount paid by the corporation for such investments, the directors of the corporation shall be jointly and severally liable for the payment to the corporation of the amount of the deficiency; provided that if any director present when any such investment is authorized, forthwith, or if any director then absent, within twenty-four hours after he becomes aware of such investment, and is able to do so, enters his written protest against the same, and within eight days thereafter notifies the Registrar in writing of his protest, the director may thereby, but not otherwise, exonerate himself from liability. R.S.O. 1937, c. 257, s. 122 (5), *amended*.

RETURNS.

142.—(1) Every trust company receiving deposits in the manner authorized by subsection 1 of section 76 shall make a return to the Registrar on or before the 15th day of January in each year, drawn in accordance with the form prescribed by the Registrar, showing the amount of the deposits, and showing all securities including loans made upon securities, and cash, including money on deposit, ear-marked and definitely set aside as provided in subsection 2 of section 76 as such amounts stood on the 31st day of December next preceding, and stating that the same were on such date so ear-marked and definitely set aside.

Annual returns of deposits and securities allocated.

(2) Every trust company receiving funds for guaranteed investment as mentioned in subsection 1 of section 78 shall make a return to the Registrar on or before the 15th day of January, in each year, drawn in accordance with the form prescribed by the Registrar, showing the amount of the funds, and showing all securities, including loans on securities, and cash, including money on deposit, ear-marked and definitely set aside as provided in subsection 3 of section 78 as such amounts stood on the 31st day of December next preceding, and stating that the same were on such date, so ear-marked and definitely set aside.

Annual returns of guaranteed funds and securities allocated.

(3) Every trust company receiving deposits in the manner authorized by subsection 1 of section 76 shall make a return to the Registrar on or before the 15th days of January and July in each year, drawn in accordance with the form prescribed by the Registrar, showing the amount of the deposits and showing the amount of cash on hand and on deposit, and the amount of debentures, bonds, stock or other securities of, or guaranteed by Canada, and of, or guaranteed by, any province of Canada, less any incumbrances thereon, and the amount of bonds, debentures and other securities of any municipal corporation in Ontario or of any city in Canada, less any incumbrances thereon and the bonds or debentures issued by any company incorporated in Canada in respect of which bonds or debentures annual or semi-annual subsidy payments sufficient to pay both principal and interest thereof are, by virtue of any Act of Canada or of a province thereof, payable by the government of Canada or province thereof to a trust company as trustee for the holders of such bonds or debentures, and the principal amount of any moneys payable to the company on demand, the payment of which is secured by the mortgage or pledge of any of the securities mentioned in this subsection as the said amounts stood at the end of the last preceding month, and including in such return all such cash and securities and loans as defined in this subsection, whether owned by the company or held by it for guaranteed

Semi-annual returns by trust companies as to deposits and liquid securities available.

investments under section 78 or 76 and stating that the same were at the date mentioned in such return on hand. R.S.O. 1937, c. 257, s. 19, *amended*.

Semi-annual
return by
loan com-
pany as to
deposits.

143. Every loan company receiving deposits shall make a return to the Registrar half-yearly on or before the 15th days of January and July in each year, drawn in accordance with the form prescribed by the Registrar, showing the amount of the deposits and showing the amount of cash on hand and on deposit and the amount of debentures, bonds, stock or other securities of or guaranteed by Canada, and of or guaranteed by any province of Canada less any incumbrances thereon and the amount of bonds, debentures and other securities of any municipal corporation in Ontario, or of any city in Canada, less any incumbrances thereon and the bonds or debentures issued by any company incorporated in Canada in respect of which bonds or debentures annual or semi-annual subsidy payments sufficient to pay both principal and interest thereof are, by virtue of any Act of Canada or of a province thereof, payable by the government of Canada or province thereof to a trust company as trustee for the holders of such bonds or debentures, and the principal amount of any moneys payable to the company on demand, the payment of which is secured by the mortgage or pledge of any of the securities mentioned in this section as such amounts stood at the end of the last preceding month, and stating that the same were at the date mentioned in such return on hand and available for depositors. R.S.O. 1937, c. 257, s. 49, *amended*.

Annual
statement
to the
Registrar.

144.—(1) The managing director, manager or secretary of every registered corporation shall prepare annually on the 1st day of January, or within two months thereafter, according to a printed form to be supplied on application to the Registrar, a statement of the financial condition and affairs of the corporation up to the 31st day of December next preceding.

Extra
provincial
corporation.

(2) In the case of an extra provincial corporation the Registrar may accept the statement required by subsection 1 as for the then last fiscal year of the corporation. R.S.O. 1937, c. 257, s. 121 (1, 2).

Certificate
of auditors
on annual
statement.

(3) Such annual statement shall be certified by the auditors of the corporation who shall make an affidavit thereon stating whether or not their requirements as auditors have been complied with, and,—

(a) that they have examined the statement and that it agrees with the books of the corporation;

- (b) that after due consideration they have formed an independent opinion as to the position of the corporation;
- (c) that with their independent opinion so formed and according to the best of their information and the explanations given them, they certify that in their opinion the statement sets forth fairly and truly the state of the affairs of the corporation;
- (d) that all transactions of the corporation that have come within their notice have been within the powers of the corporation. R.S.O. 1937, c. 257, s. 121 (3), *amended*.

(4) Such annual statement shall also be proved by the affidavit of the president or vice-president and of the managing director, or some other principal officer of the corporation and shall be accompanied by a certified copy of a resolution of the directors showing that the same had been adopted by them. Affidavit of president, etc.

(5) Such annual statement shall be filed with the Registrar on or before the 1st day of March next ensuing. Time for filing with Registrar.

(6) On sufficient cause shown and upon payment of the prescribed fee, the Registrar may by writing under his hand and seal of office, before or after the 1st day of March, extend the time for filing the statement. Extending time for filing of statement.

(7) Any corporation that does not file its statement as required by this section, or make prompt and explicit answer to any inquiries then or at any time put by the Registrar touching its contracts, finances, stock, shares, securities, obligations, by-laws or books or, if required, produce for examination its books, records, securities, accounts and vouchers shall be liable to suspension, cancellation, or non-renewal of registry, and shall incur a penalty of \$50 for each day of default, but not exceeding in the whole \$1,000. Penalty for failure to file statement or supply information.

(8) Where it is made to appear to the Registrar that an extra provincial corporation does not borrow moneys in Ontario by the sale of its bonds, debentures or other securities or by accepting deposits or other moneys for investment and does not exercise in Ontario any of the powers of a trust company other than the loaning of money in Ontario, the Registrar may direct that this section shall not apply to the corporation in which case the corporation shall make such returns and give such information as the Registrar shall require. What required in case of an extra provincial corporation not borrowing moneys in Ontario.

(9) The corporation shall file with the statement a certified copy of any statement furnished to shareholders during the year then ended. R.S.O. 1937, c. 257, s. 121 (4-9). Copy of periodical statement or statements.

MISCELLANEOUS.

Exemption.

145. Any amount not exceeding \$300 standing to the credit of any depositor in a registered corporation shall not, while in the hands of the corporation or while in course of transmission from the corporation, be liable to demand, seizure or detention under legal process as against the depositor or his nominee, assignee, or representative, or as against any person to whom the corporation is by sections 146 and 147 authorized to pay such amount. R.S.O. 1937, c. 257, s. 76.

Direction as to disposition of deposits or debentures on death.

146.—(1) A person who,—

- (a) has on deposit with a corporation a sum not exceeding \$600;
- (b) is the holder of debentures or guaranteed investment certificates issued by a corporation for a sum not exceeding \$600; or
- (c) has on deposit with a corporation a sum and holds debentures or guaranteed investment certificates issued by the corporation, the amounts of which in the aggregate do not exceed \$600,

may by a writing, signed by him and deposited with the corporation, nominate any person to receive the amount thereof at his death.

Rights of corporation.
1939 (2nd Sess.), c. 1.

(2) Subject to *The Succession Duty Act, 1939*, upon receiving an affidavit as to the death of a person who has made a nomination under subsection 1 the corporation may substitute on its books the name of the nominee in place of the name of such person or may forthwith pay to the nominee the amount due to such person. 1946, c. 48, s. 8, *part.*

Where no direction.

147. Subject to *The Succession Duty Act, 1939*, where a depositor, debenture holder or holder of a guaranteed investment certificate as described in clause *a, b or c* of subsection 1 of section 146 dies without making a nomination in accordance with that section, the deposit, debenture or guaranteed investment certificate may, without letters probate or letters of administration being taken out, be paid or transferred to the person who appears to the corporation to be entitled (under the will of such depositor, debenture holder or holder of a guaranteed investment certificate or in the case of an intestacy under the law relating to devolution of property) to receive the same, upon receiving an affidavit of the death and that

the person claiming is so entitled. 1946, c. 48, s. 8, *part, amended.*

148. Where the corporation, after the death of a depositor, debenture holder or holder of a guaranteed investment certificate, has paid or transferred the deposit, debenture or guaranteed investment certificate to the person who at the time appeared to be entitled thereto, the payment or transfer shall be valid and effectual with respect to any demand from any other person as the legatee or next of kin or as the lawful representative of the deceased against the corporation, but the legatee, next of kin or representative shall be entitled to recover the amount of the deposit, debenture or guaranteed investment certificate from the recipient or transferee. 1946, c. 48, s. 8, *part, amended.* Payments by mistake.

149. Delivery of any written notice or document to a corporation for any purpose of this Act, where the mode is not otherwise expressly provided, may be by letter delivered at the head or chief office of the corporation in Ontario or its chief agency therein, or sent by registered post addressed to the corporation, its manager or agent at such head or chief office or agency, or by delivering it personally to an authorized agent of the corporation. R.S.O. 1937, c. 257, s. 138. Service of notices.

150. Except where the provisions of this Act are inconsistent, Part XIV of *The Companies Act* shall apply, substituting for the words "Provincial Secretary" the word "Registrar". R.S.O. 1937, c. 257, s. 156, *amended.* Application of certain sections of Rev. Stat. c. 251.

OFFENCES AND PENALTIES.

151. Every director, manager, auditor, officer, agent, collector, servant, or employee of a corporation who refuses or neglects to make any proper entry in any book of record, entry or account of the corporation, or to exhibit the same, or to allow the same to be inspected or audited, either for the general purposes of the corporation or for the purposes of this Act, and extracts to be taken therefrom shall be guilty of an offence. R.S.O. 1937, c. 257, s. 149. Refusal to make entries or exhibit same, etc.

152.—(1) Every person who makes any wilfully false or deceptive statement in any account, statement, return, report or other document respecting the affairs of a corporation shall be guilty of an offence and shall be liable, on conviction thereof, to imprisonment for a term not exceeding five years. False statements or returns.

(2) Every president, vice-president, director, auditor, manager or other officer of a corporation, who,— Officers' liability.

- (a) prepares, signs, approves, or concurs in any such account, statement, return, report or document containing such false or deceptive statement; or

(b) uses the same with intent to deceive or mislead any person,

shall be held to have wilfully made such false or deceptive statement, and shall further be responsible for all damages sustained by any person in consequence thereof. R.S.O. 1937, c. 257, s. 144 (1, 2).

Offences for which no special penalty provided.

153.—(1) For every contravention of this Act, which is declared to be an offence and for which no other penalty is provided, the offender shall, for the first offence, incur a penalty of not less than \$20 and not more than \$200, and for any subsequent offence of the same kind shall be liable to imprisonment for any term not less than three months and not more than twelve months, or in the case of an organization, society, association, company or corporation to a penalty not more than \$1,000.

Limitations of prosecutions.

(2) The information or complaint shall be laid or made in writing within one year after the commission of the offence. R.S.O. 1937, c. 257, s. 143 (1, 3).

Recovery of penalties.

Rev. Stat., c. 136.

(3) The penalties imposed under this Act shall be recoverable under *The Summary Convictions Act* and shall belong to His Majesty for the use of Ontario. *New.*

FEEES.

Fees for incorporation.

154.—(1) The fees for letters patent of incorporation under this Act shall be those set out in Schedule A.

Other fees.

(2) The fees set out in Schedule B shall be payable in respect of the matters therein mentioned.

Payment to Registrar.

(3) The fees shall be payable to the Registrar.

Commutation on proposed discontinuance of business.

(4) Where a registered corporation proves to the satisfaction of the Registrar that it is discontinuing business in Ontario, and has given such public notice of intended discontinuance as shall be required, the fee for registry or renewal of registry, as the case may be, may, on the certificate of the Registrar, be commuted to one-fourth of the prescribed fee; but registry at such commuted fee shall not be granted for more than four years in all, unless for cause shown to the satisfaction of the Registrar, in which case registry may be granted year by year for an additional number of years. R.S.O. 1937, c. 257, s. 154, *amended.*

Time of payment.

(5) In the case of an application or other document or instrument to be filed, examined or deposited, the fee shall be

paid before the application or other document or instrument is dealt with, and in the case of registry or certificates of registry the fee shall be paid before the corporation is registered. R.S.O. 1937, c. 257, s. 155.

REPEAL.

155. *The Loan and Trust Corporations Act*, section 17 of *Rev. Stat., c. 257;*
The Statute Law Amendment Act, 1939, sections 9 and 10 of *1939, c. 47,*
The Statute Law Amendment Act, 1944, *The Loan and Trust* *s. 17;*
Corporations Amendment Act, 1945, and *The Loan and Trust* *1944, c. 58,*
Corporations Amendment Act, 1946, are repealed. *ss. 9, 10;*
1945
(2nd Sess.),
c. 4;
1946, c. 48,
repealed.

SHORT TITLE.

156. This Act may be cited as *The Loan and Trust Cor-* *Short title.*
porations Act, 1949.

SCHEDULE OF FEES.

SCHEDULE A.

Fee for Letters Patent of Incorporation:

For a corporation with an authorized capital stock of:—

(a) \$300,000 but less than \$500,000.....	\$200 00
(b) \$500,000 but less than \$1,000,000.....	250 00
(c) \$1,000,000.....	350 00
and \$25 for each additional \$100,000 or part thereof.	
(d) Supplementary Letters Patent.....	50 00

R.S.O. 1937, c. 257, Sched. A.

SCHEDULE B.

1. Application for initial registry (s. 113).....	\$5 00
2. Extension of time not exceeding seven days, or any renewal thereof not exceeding seven days, for filing annual statement, application for renewal of registry, or any other documents or information required under the authority of this Act, provided that the Registrar may grant relief from the payment of this fee in any case in which he thinks for reasons appearing to him to be sufficient, that it should not be imposed.....	10 00
3. Filing power of attorney in case of corporations mentioned in section 114.....	5 00
4. Filing new power or change of attorney (s. 114).....	5 00
5. Initial registry Loan or Loaning Land Corporations.....	100 00
6. Initial registry Trust Companies.....	150 00
7. Certificate of renewed registry (s. 115):	
(a) Where the assets of the corporation amount to not more than \$250,000.....	35 00
(b) Where the assets of the corporation exceed \$250,000 but do not exceed \$500,000.....	50 00
(c) Where the assets of the corporation exceed \$500,000 but do not exceed \$1,000,000.....	75 00
(d) Where the assets of the corporation exceed \$1,000,000 but do not exceed \$1,500,000.....	100 00
(e) Where the assets of the corporation exceed \$1,500,000 but do not exceed \$2,000,000.....	125 00
(f) Where the assets of the corporation exceed \$2,000,000 but do not exceed \$2,500,000.....	150 00
(g) Where the assets of the corporation exceed \$2,500,000 but do not exceed \$3,000,000.....	175 00
(h) Where the assets of the corporation exceed \$3,000,000 but do not exceed \$5,000,000.....	200 00
(i) Where the assets of the corporation exceed \$5,000,000 but do not exceed \$10,000,000.....	250 00
(j) Where the assets of the corporation exceed \$10,000,000.....	300 00
(k) Minimum under section 154 (4).....	35 00

For purposes of this article, capital stock uncalled shall not be deemed an asset.

8. Interim certificate of registry or extension of certificate (s. 115).....	\$5 00
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9. Revivor of registry after suspension (s. 115):	
For a corporation within article 7 (a).....	\$10 00
For a corporation within article 7 (b).....	15 00
For a corporation within article 7 (c).....	20 00
For a corporation within article 7 (d).....	25 00
For a corporation within article 7 (e, f and g).....	30 00
For other corporations.....	35 00
10. Change of corporate name (s. 116).....	25 00
11. Change of head office (s. 116).....	25 00
12. Filing annual statement (s. 144).....	5 00
13. Filing new by-laws or amendments thereto after initial registry (s. 28).....	2 00
14. Application for increase, decrease, conversion or alteration of capital stock or shares or declaration or alteration of powers.....	10 00
(a) Certificate of decrease, conversion or alteration of capital stock or shares or declaration or alteration of powers.....	150 00
(b) Order-in-Council increasing capital stock:	
i. \$300,000 but less than \$500,000.....	200 00
ii. \$500,000 but less than \$1,000,000.....	250 00
iii. \$1,000,000..... and \$25 for each additional \$100,000 or part thereof.	350 00
iv. Supplementary letters patent.....	50 00
15. Application for increase in borrowing powers under section 72 (2).....	25 00
(a) Order-in-Council.....	200 00
16. Copy of decision of Registrar, per folio of 100 words.....	10
Also for certificate of Registrar.....	1 00
17. Certified copy of entry on register or of certificate.....	1 00
18. Copies of or extracts from documents filed with Registrar per folio of 100 words.....	10
Also for certificate of Registrar.....	1 00
19. Examining and passing upon applications or documents under sections 93 to 101.....	25 00
Order-in-Council and certificate.....	200 00
20. Examining and passing upon applications or documents under sections 26 and 27 of <i>The Trustee Act</i> (Rev. Stat., c. 165).....	25 00
Order-in-Council.....	100 00
21. Examining and passing upon applications or documents under section 79.....	25 00
Order-in-Council.....	100 00

R.S.O. 1937, c. 257, Sched. B, *amended*.

BILL

**The Loan and Trust Corporations
Act, 1949**

1st Reading

March 1st, 1949

2nd Reading

March 7th, 1949

3rd Reading

March 17th, 1949

MR. BLACKWELL

No. 104

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Assessment Act.

MR. DUNBAR

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

EXPLANATORY NOTES

SECTION 1. The repealed clause defines "last revised assessment roll" and the definition is no longer necessary due to the provisions of sections 59 and 60 as re-enacted in section 5 of this Bill.

SECTION 2. The provision in the present subsection that the premiums or assessments of an insurance company shall not be assessable is omitted from the re-enactment as municipalities are no longer authorized to levy income tax.

SECTION 3—Subsection 1. The repealed subsection requires the assessor to enquire as to the births and deaths in any family during the preceding year and to enter them on the assessment roll. Information regarding births and deaths is collected under *The Vital Statistics Act, 1948* and the requirement serves no useful purpose.

Subsection 2. The new requirement under this section is the insertion in the assessment roll of the percentage of the assessed value on which business assessment is based.

Subsection 3. The information placed in the assessment roll under Column 26 is no longer required due to the abolition of statute labour in organized municipalities. The information under Columns 27 and 28 is obtainable under *The Vital Statistics Act, 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. Clause *j* of section 1 of *The Assessment Act* is repealed. Rev. Stat., c. 272, s. 1, cl. *j*, repealed.
2. Subsection 10 of section 8 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 8, subs. 10, re-enacted.
 - (10) No subordinate lodge of any registered friendly society and no officer thereof shall be liable to any business assessment in respect of any business of such subordinate lodge. Friendly society subordinate lodges.
- 3.—(1) Subsection 2 of section 23 of *The Assessment Act* is repealed. Rev. Stat., c. 272, s. 23, subs. 2, repealed.
 - (2) Subsection 3 of section 23 of *The Assessment Act*, as amended by section 15 of *The Assessment Amendment Act, 1947* and section 2 of *The Assessment Amendment Act, 1948*, is further amended by striking out "Column 20.—Amount of business assessment under section 8" and inserting in lieu thereof:

Column 20.—Percentage of the total assessed value of the land determining the amount of business assessment under section 8.

Column 21.—Amount of business assessment under section 8.
- (3) The said subsection 3 is further amended by striking out: Rev. Stat., c. 272, s. 23, subs. 3, amended.
 - Column 26.—Number of days statute labour for which each person is liable.
 - Column 27.—Births.
 - Column 28.—Deaths.

Rev. Stat., c. 272, s. 23, subs. 6, cl. a (1941, c. 6, s. 1), repealed. (4) Clause a of subsection 6 of the said section 23, as enacted by section 1 of *The Assessment Amendment Act, 1941*, is repealed.

Rev. Stat., c. 272, s. 33, re-enacted. 4. Section 33 of *The Assessment Act* and the heading thereto are repealed and the following substituted therefor:

Census.

Yearly census of inhabitants. 33.—(1) The assessor of every municipality shall take a yearly census of the inhabitants of the municipality according to the following age groups:

Group	Age	Group	Age	Group	Age
1.—	3 and under	5.—	8 and 9	9.—	16 to 19
2.—	4	6.—	10 to 13	10.—	20 to 59
3.—	5	7.—	14	11.—	60 to 64
4.—	6 and 7	8.—	15	12.—	65 to 69
				13.—	70 and over

Register of census. (2) The assessor shall enter the census in a register to be provided for the purpose by the clerk of the municipality, the register being according to the form and giving the particulars approved by the Department.

Return of the census. (3) The register duly completed by the assessor shall be returned to the clerk with the assessment roll or at such other time of the year as the council may by by-law direct.

Rev. Stat., c. 272, ss. 59, 60, re-enacted. 5. Section 59 as amended by subsections 1 and 2 of section 13 of *The Assessment Amendment Act, 1946* and subsections 1 and 2 of section 7 of *The Assessment Amendment Act, 1948*, and section 60 as amended by section 5 of *The Assessment Amendment Act, 1939*, section 14 of *The Assessment Amendment Act, 1946* and section 8 of *The Assessment Amendment Act, 1948*, of *The Assessment Act* are repealed and the following substituted therefor:

Time for yearly assessment and return of assessment roll. 59.—(1) Except as provided in subsections 2 and 3, in every municipality the assessment shall be taken yearly between the 1st day of January and the 30th day of September and the assessment roll shall be returned to the clerk not later in the same year than the 1st day of October.

Authority to expedite return of assessment roll. (2) The council of a municipality may by by-law provide that the assessment shall be taken between the 1st day of January and such day thereafter as is named in the by-law and that the assessment roll shall be returned to the clerk not later in the same year than

Subsection 4. The repealed clause provided that to facilitate mechanical methods of preparing the assessment roll the year of birth could be entered instead of the age. This is now done in any event by virtue of a 1948 amendment so the clause is no longer required.

SECTION 4. The requirement for a census for school purposes is replaced by a requirement of general census of all the inhabitants of the municipality.

SECTION 5. Sections 59 and 60 are rewritten to present a clear-cut picture of the times and periods provided for taking the yearly assessment, return of assessment rolls and completion of appeals to the court of revision. When that court finishes its work it will certify the roll and thereby it will become the last revised assessment roll of the municipality and the tax rates for the ensuing year will be levied according to the roll as so revised. Provision is continued for the assessment being taken by wards in municipalities so divided and a new provision is added for the assessment being taken by groups of polling subdivisions where a municipality which has no wards desires to avail itself of the privilege. Protection is given for proceeding with assessment appeals beyond the court of revision, notwithstanding that the roll has been finally revised by that court and provision is made for subsequent adjustment of taxes, if assessments are altered by the judge or Municipal Board.

Authority is also included for an extension of time for return of the assessment roll and disposing of appeals where that proves necessary and the approval of the Department of Municipal Affairs is given.

the day named in the by-law, but the day named for return of the assessment roll shall be not earlier than the 1st day of July and not later than the 1st day of October in the same year.

- (3) The council of a municipality divided into wards, Special mode for yearly assessment by wards or polling subdivision groups. or where there are no wards, divided into not less than ten polling subdivisions, may by by-law provide that the assessment shall be taken and the assessment roll returned to the clerk by wards or divisions of wards or, where there are no wards, by separate specified groupings of polling subdivisions each group comprising not less than two polling subdivisions; and the by-law shall fix prior and separate periods, dates and times for taking the assessment, for return of the assessment roll and for assessment appeals to the court of revision, in respect of each ward or division of a ward or each group of polling subdivisions, as the case may be, but in no case shall,—
- (a) the time named for return of any of the assessment rolls be later than the 1st day of October;
- (b) the period named for assessment appeals to the court of revision be less than ten days or more than fourteen days from the day on which the relevant assessment roll is returned;
- (c) the time fixed for hearing any assessment appeal by the court of revision be earlier than ten days from the day upon which the appeal may last be made or be later than the 15th day of November.
- (4) The provisions of section 73 so far as they are not inconsistent with the provisions of a by-law passed Application of section 73. under subsection 3 shall apply to appeals to the court of revision.
- (5) A by-law passed under subsection 2 or 3 shall remain By-laws to have continuing effect. in force from year to year until repealed.
- (6) Where in any year it appears to the council of a Special extension of time for return of assessment roll. municipality that the assessment roll will not be returned to the clerk by the 1st day of October, the council may, by by-law passed with the approval of the Department, extend the time for return of that assessment roll for such period, not exceeding sixty days, subsequent to the 1st day of October as appears

necessary; provided that when such a by-law is passed, the time for closing the court of revision for that year shall be extended for a period corresponding to that for which the time for return of the assessment roll has been extended.

Time of passing and approval of by-law.

- (7) No by-law passed under subsection 6 shall be valid unless it is approved by the Department and passed by the council on or before the 1st day of October.

Time for closing court of revision.

- (8) Except as provided in subsection 6, in every municipality the court of revision shall hear and dispose of all appeals and certify the assessment roll in every year on or before the 15th day of November.

Special Act superseded.

- (9) Where the provisions of a special Act conflict with the provisions of this section, the latter shall prevail.

Last revised assessment roll.

- 60.—(1) The yearly assessment roll of a municipality last returned to the clerk, when corrected, revised and certified by the court of revision shall be for all purposes the last revised assessment roll of the municipality.

Last revised assessment roll where assessment taken by wards, etc.

- (2) Where in a municipality the assessment roll is returned by wards or divisions of wards or by groups of polling subdivisions, as provided for in subsection 3 of section 59, the assessment rolls of all the wards or divisions of wards or of all the groups of polling subdivisions last returned to the clerk, when corrected, revised and certified by the court of revision, shall be for all purposes the last revised assessment roll of the municipality.

Last revised assessment roll where no appeals are made.

- (3) Where in a municipality no appeals are made to the court of revision and the time for appealing has elapsed, the assessment roll shall be presented by the clerk to the court of revision to be certified, and the assessment roll as so certified shall be for all purposes the last revised assessment roll of the municipality.

Taxation to be levied on last revised assessment roll.

- (4) In every municipality the rate of taxation for each year shall be fixed and levied on the assessment taken in the preceding year according to the last revised assessment roll thereof.

Rights of appeal preserved.

- (5) Nothing in this section shall in any way deprive any person of any right of appeal provided for in this Act, and the same may be exercised and the appeal proceeded with in accordance with this Act, not-

SECTION 6. This new section authorizes an alternative method of constituting courts of revision in large cities.

SECTION 7. The witness fee payable on assessment appeals is increased to make it comparable to witness fees payable in other cases.

withstanding that the assessment roll has been certified by the court of revision and become the last revised assessment roll.

- (6) Where as the result of an appeal to the county judge or the Ontario Municipal Board any assessment is added, reduced, increased or otherwise amended or altered, the taxes levied and payable with respect to such assessment shall be adjusted accordingly and, if the taxes levied have been paid, any over-payment shall be refunded by the municipality. Adjustment of taxes as result of appeal.
- (7) Where the provisions of a special Act conflict with the provisions of this section the latter shall prevail. Special Act superseded.

6. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat., c. 272, amended.

- 65a.—(1) In a city having a population of not less than 200,000 in lieu of the court of revision being constituted as provided in section 65, the council may by by-law constitute one or more courts of revision each of which shall consist of one or three members, as the by-law may provide. Alternative form of court of revision in cities of 200,000 population.
- (2) Every member of a court of revision shall be appointed by by-law and hold office during pleasure of the council. Appointment of members.
- (3) No person who is or during the preceding year was a member of the city council or an officer or employee of the corporation may be appointed or hold office as a member of a court of revision. Persons ineligible to be members.
- (4) Where a court of revision consists of three members, two shall form a quorum. Quorum.
- (5) Each member of the court of revision shall be paid such sum for his services as the council may by by-law provide. Compensation.
- (6) A by-law passed under subsection 1 shall remain in force from year to year until it is repealed and while it is in force no court of revision shall be constituted or continue in existence under section 65. Continuing effect of by-law.

7. Section 72 of *The Assessment Act* is amended by striking out the words "seventy-five cents" in the fifth line and inserting in lieu thereof the symbol and figure "\$3", so that the section shall read as follows: Rev. Stat., c. 272, s. 72, amended.

Penalty for failure to attend as witness.

72. Any person summoned to attend the court of revision or before a county judge under the provisions of this Act as a witness who fails, without good and sufficient reason, to attend, having first been tendered compensation for his time at the rate of \$3 per day and his proper travelling expenses if he resides more than three miles from the place of trial, or who having attended, or being present in court, refuses to be sworn, if required to give evidence, shall incur a penalty not exceeding \$25.

Rev. Stat., c. 272, s. 74, amended.

8. Section 74 of *The Assessment Act*, as amended by section 11 of *The Assessment Amendment Act, 1948*, is further amended by striking out the words "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" in the first, second and third lines and inserting in lieu thereof the words "The roll as finally revised and certified by the court of revision shall, subject to subsections 5 and 6 of section 60", so that the section shall read as follows:

Roll to be binding notwithstanding errors in it or in notice sent to persons assessed.

74. The roll as finally revised and certified by the court of revision shall, subject to subsections 5 and 6 of section 60, 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 who has given the clerk or assessment commissioner the notice provided for in subsection 4 of section 52.

Rev. Stat., c. 272, s. 76, subs. 2, amended.

9.—(1) Subsection 2 of section 76 of *The Assessment Act*, as amended by section 19 of *The Assessment Amendment Act, 1946*, is further amended by striking out the words and figures "the provisions of sections 59 to 63, and to the provisions of" in the first and second lines, so that the subsection shall read as follows:

Service of notice of appeal.

- (2) Subject to any special Act affecting any particular municipality, the person appealing shall, in person or by his solicitor or agent, serve upon the clerk of the municipality (or assessment commissioner, if any there be), within ten days after the date herein limited for the closing of the court of revision, or in case the court shall sit to hear appeals after the said date, then within ten days after the closing of the court, or in case the decision of the court is reserved,

SECTION 8. Complementary to section 5 of this Bill.

SECTION 9. The references to sections 59 to 63 in subsections 2 and 7 of section 76 of the Act are no longer applicable due to recent amendments and to the re-enactment of sections 59 and 60 in section 5 of this Bill. Subsections 7a and 7b are new and are complementary to the re-enactment of sections 59 and 60 in section 5 of this Bill.

SECTION 10. Self-explanatory.

then within ten days after notice thereof has been given by the clerk under subsection 24 of section 73, a written notice of his intention to appeal to the county judge.

(2) Subsection 7 of the said section 76 is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 76, subs. 7, re-enacted.

(7) At the court so held the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure, but so that, subject to any special Act affecting a particular municipality, all appeals are determined not later than the 15th day of December in the year in which the appeals are made. Appeals to be determined by December 15th.

(7a) Where the assessment is taken and the assessment roll is returned by wards or divisions of wards or by groups of polling subdivisions in any municipality, the county judge shall arrange from time to time throughout the year to sit and hear appeals from the court of revision upon the determination of appeals made to the court with respect to each roll, but so that all appeals are determined not later than the 15th day of December in the year in which the appeals are made. Judge to hear appeals continuously where roll returned by wards, etc.

(7b) Where in any year the time for closing the court of revision in a municipality is extended under subsection 6 of section 59, the time for the judge to determine appeals is correspondingly extended. Extension of time for determination of appeals.

10. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat., c. 272, amended.

90a.—(1) The council of a county may in any year by by-law approved by the Department and passed on or before the 1st day of July extend the time,— Extensions of time for equalization proceedings.

(a) for making the report of the county assessor mentioned in subsection 1 of section 89a, for such period, not exceeding sixty days after the 1st day of June, as the by-law may provide;

(b) for examining the assessment rolls and passing the equalization by-law mentioned in section 90, for such period, not exceeding sixty days after the 1st day of July, as the by-law may provide;

- (c) for disposition of an equalization appeal under section 91, for such period, not exceeding sixty days after the 1st day of January next following, as the by-law may provide.

Rev. Stat.,
c. 272, s. 91,
amended.

11. Section 91 of *The Assessment Act* is amended by adding thereto the following paragraph:

Appointment
of Ontario
Municipal
Board in
lieu of a
court.

- 4a. The Lieutenant-Governor in Council in lieu of appointing persons to form a court as provided in paragraph 4 may direct that the appeal be heard and determined by the Ontario Municipal Board, in which case the Board shall hear and determine the appeal as if it were being heard and determined by the county judge.

Rev. Stat.,
c. 272, s. 120,
subs. 4
and 5,
re-enacted.

12. Subsections 4 and 5 of section 120 of *The Assessment Act* are repealed and the following substituted therefor:

Collectors'
interim
returns in
cities, towns
and villages.

- (4) The collector of every city, town and village shall, until the final return of the roll, pay over to the treasurer of the city, town or village the amount of his collections once every week or more often if the council by by-law so requires.

Collectors'
interim
returns in
townships.

- (5) The collector of every township shall, until the final return of the roll, pay over to the treasurer of the township the amount of his collections once every two weeks or more often if the council by by-law so requires.

Rev. Stat.,
c. 272, s. 134,
amended.

13.—(1) Section 134 of *The Assessment Act* is amended by striking out the words "or fifteen days before such other date as may be fixed by any by-law passed under sections 59 to 63 for the assessor to begin to make his assessment roll" in the eleventh, twelfth, thirteenth and fourteenth lines, so that subsection 1 of the section shall read as follows:

Lists of lands
three years
in arrears for
taxes to be
furnished
to clerks.

- (1) The treasurer of every county shall furnish to the clerk of each municipality in the county except those whose officers have power to sell lands for arrears of taxes, and the treasurer of every such last mentioned municipality shall furnish to the clerk of the municipality (or in cities having an assessment commissioner, the treasurer of the city shall furnish to the assessment commissioner) a list of all the lands in the municipality in respect of which any taxes have been in arrears for the three years next preceding the 1st day of January in any year, and the said list shall be so furnished on or before the 1st day of February in every year and shall be headed

SECTION 11. This new section authorizes the hearing of county equalization appeals by the Ontario Municipal Board instead of by a court of three persons appointed by the Lieutenant-Governor in Council.

SECTION 12. At present collectors in cities, towns and villages and collectors in townships can be required to make interim returns of collections only once a week and once every two weeks respectively. These amendments authorize the councils by by-law to require more frequent interim returns.

SECTION 13—Subsection 1. The words struck out are no longer applicable in view of the re-enactment of sections 59 and 60 by section 5 of this Bill.

Subsection 2. At present there is no provision in the Act for striking lands off the list of lands liable to be sold for arrears of taxes where payment of taxes has been made after the list is given to the clerk or assessment commissioner.

SECTION 14. This amendment is complementary to the amendment made to section 134 by subsection 2 of section 13 of this Bill.

SECTION 15. Subsection 2 of section 161 at present provides that a tax deed shall not be valid unless the statutory declaration is affixed thereto. Since the treasurer may not be available at the time of the execution of the tax deed, this amendment ensures that the statutory declaration will be available..

SECTION 16. This Form was the form for school census which is no longer applicable due to section 4 of this Bill.

in the words following: "*List of lands liable to be sold for arrears of taxes in the year 19* ;" and, for the purpose of the computation of such three years, the taxes for each year shall be deemed to have been in arrears on and from the 1st day of January in such year.

(2) The said section 134 is further amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 134, amended.

(2) Where in any year the list referred to in subsection 1 has been furnished to the clerk or assessment commissioner of a municipality, the treasurer who furnished the same shall not later than the 15th day of September in that year, or such earlier date as the clerk or assessment commissioner may request in writing, furnish a supplemental list to the clerk or assessment commissioner showing thereon the lands, if any, included in the earlier list which at the date of the supplemental list are no longer liable to be sold for arrears of taxes. Treasurer to furnish supplemental list of lands no longer liable to be sold.

14. Section 135 of *The Assessment Act* is amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 135, amended.

(1a) Where in any year the clerk or assessment commissioner of a municipality is furnished with the supplemental list mentioned in subsection 2 of section 134, he shall forthwith deliver a copy thereof to the assessor and after its delivery to the assessor subsections 1 and 2 shall cease to apply in respect of the lands shown on the supplemental list. Assessor to be furnished with copy of supplemental list of lands no longer liable to be sold.

15. Section 178 of *The Assessment Act* is amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 178, amended.

(3a) The notice mentioned in subsection 3 shall have attached thereto or endorsed thereon a statutory declaration of the treasurer setting forth the names and addresses of all persons to whom he has sent the notice required by subsection 2 and the date of sending the same to each such person. Registered notice to be verified by affidavit as to sending of notices.

16. Form 2 of *The Assessment Act* is repealed. Rev. Stat., c. 272, Form 2, repealed.

17.—(1) This Act except sections 1, 3, 4, 5, 8, 9, 10 and 16 shall come into force on the 1st day of June, 1949. Commencement of Act.

(2) Sections 1, 3, 4, 5, 8, 9, 10 and 16 shall come into force on the 1st day of January, 1950. Idem.

18. This Act may be cited as *The Assessment Amendment Act, 1949.* Short title.

BILL

An Act to amend The Assessment Act.

1st Reading

March 2nd, 1949

2nd Reading

3rd Reading

MR. DUNBAR

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Assessment Act.

MR. DUNBAR

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

EXPLANATORY NOTES

SECTION 1. The repealed clause defines "last revised assessment roll" and the definition is no longer necessary due to the provisions of sections 59 and 60 as re-enacted in section 5 of this Bill.

SECTION 2. The provision in the present subsection that the premiums or assessments of an insurance company shall not be assessable is omitted from the re-enactment as municipalities are no longer authorized to levy income tax.

SECTION 3—Subsection 1. The repealed subsection requires the assessor to enquire as to the births and deaths in any family during the preceding year and to enter them on the assessment roll. Information regarding births and deaths is collected under *The Vital Statistics Act, 1948* and the requirement serves no useful purpose.

Subsection 2. The new requirement under this section is the insertion in the assessment roll of the percentage of the assessed value on which business assessment is based.

Subsection 3. The information placed in the assessment roll under Column 26 is no longer required due to the abolition of statute labour in organized municipalities. The information under Columns 27 and 28 is obtainable under *The Vital Statistics Act, 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. Clause *j* of section 1 of *The Assessment Act* is repealed. Rev. Stat., c. 272, s. 1, cl. *j*, repealed.

2. Subsection 10 of section 8 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 8, subs. 10, re-enacted.

(10) No subordinate lodge of any registered friendly society and no officer thereof shall be liable to any business assessment in respect of any business of such subordinate lodge. Friendly society subordinate lodges.

3.—(1) Subsection 2 of section 23 of *The Assessment Act* is repealed. Rev. Stat., c. 272, s. 23, subs. 2, repealed.

(2) Subsection 3 of section 23 of *The Assessment Act*, as amended by section 15 of *The Assessment Amendment Act, 1947* and section 2 of *The Assessment Amendment Act, 1948*, is further amended by striking out "Column 20.—Amount of business assessment under section 8" and inserting in lieu thereof: Rev. Stat., c. 272, s. 23, subs. 3, amended.

Column 20.—Percentage applied in determining the amount of business assessment under section 8.

Column 21.—Amount of business assessment under section 8.

(3) The said subsection 3 is further amended by striking out: Rev. Stat., c. 272, s. 23, subs. 3, amended.

Column 26.—Number of days statute labour for which each person is liable.

Column 27.—Births.

Column 28.—Deaths.

Rev. Stat., c. 272, s. 23, subs. 6, cl. a (1941, c. 5, s. 1), repealed. (4) Clause *a* of subsection 6 of the said section 23, as enacted by section 1 of *The Assessment Amendment Act, 1941*, is repealed.

Rev. Stat., c. 272, s. 33, re-enacted. 4. Section 33 of *The Assessment Act* and the heading thereto are repealed and the following substituted therefor:

Census.

Yearly census of inhabitants.

33.—(1) The assessor of every municipality shall take a yearly census of the inhabitants of the municipality according to the following age groups:

Group	Age	Group	Age	Group	Age
1.—3 and under		5.—8 and 9		9.—16 to 19	
2.—4		6.—10 to 13		10.—20 to 59	
3.—5		7.—14		11.—60 to 64	
4.—6 and 7		8.—15		12.—65 to 69	
				13.—70 and over	

Register of census.

(2) The assessor shall enter the census in a register to be provided for the purpose by the clerk of the municipality, the register being according to the form and giving the particulars approved by the Department.

Return of the census.

(3) The register duly completed by the assessor shall be returned to the clerk with the assessment roll or at such other time of the year as the council may by by-law direct.

Rev. Stat., c. 272, ss. 59, 60, re-enacted.

5. Section 59 as amended by subsections 1 and 2 of section 13 of *The Assessment Amendment Act, 1946* and subsections 1 and 2 of section 7 of *The Assessment Amendment Act, 1948*, and section 60 as amended by section 5 of *The Assessment Amendment Act, 1939*, section 14 of *The Assessment Amendment Act, 1946* and section 8 of *The Assessment Amendment Act, 1948*, of *The Assessment Act* are repealed and the following substituted therefor:

Time for yearly assessment and return of assessment roll.

59.—(1) Except as provided in subsections 2 and 3, in every municipality the assessment shall be taken yearly between the 1st day of January and the 30th day of September and the assessment roll shall be returned to the clerk not later in the same year than the 1st day of October.

Authority to expedite return of assessment roll.

(2) The council of a municipality may by by-law provide that the assessment shall be taken between the 1st day of January and such day thereafter as is named in the by-law and that the assessment roll shall be returned to the clerk not later in the same year than

Subsection 4. The repealed clause provided that to facilitate mechanical methods of preparing the assessment roll the year of birth could be entered instead of the age. This is now done in any event by virtue of a 1948 amendment so the clause is no longer required.

SECTION 4. The requirement for a census for school purposes is replaced by a requirement of general census of all the inhabitants of the municipality.

SECTION 5. Sections 59 and 60 are rewritten to present a clear-cut picture of the times and periods provided for taking the yearly assessment, return of assessment rolls and completion of appeals to the court of revision. When that court finishes its work it will certify the roll and thereby it will become the last revised assessment roll of the municipality and the tax rates for the ensuing year will be levied according to the roll as so revised. Provision is continued for the assessment being taken by wards in municipalities so divided and a new provision is added for the assessment being taken by groups of polling subdivisions where a municipality which has no wards desires to avail itself of the privilege. Protection is given for proceeding with assessment appeals beyond the court of revision, notwithstanding that the roll has been finally revised by that court and provision is made for subsequent adjustment of taxes, if assessments are altered by the judge or Municipal Board.

Authority is also included for an extension of time for return of the assessment roll and disposing of appeals where that proves necessary and the approval of the Department of Municipal Affairs is given.



the day named in the by-law, but the day named for return of the assessment roll shall be not earlier than the 1st day of July and not later than the 1st day of October in the same year.

- (3) The council of a municipality divided into wards, Special mode for yearly assessment by wards or polling subdivision groups. or where there are no wards, divided into not less than ten polling subdivisions, may by by-law provide that the assessment shall be taken and the assessment roll returned to the clerk by wards or divisions of wards or, where there are no wards, by separate specified groupings of polling subdivisions each group comprising not less than two polling subdivisions; and the by-law shall fix prior and separate periods, dates and times for taking the assessment, for return of the assessment roll and for assessment appeals to the court of revision, in respect of each ward or division of a ward or each group of polling subdivisions, as the case may be, but in no case shall,—
- (a) the time named for return of any of the assessment rolls be later than the 1st day of October;
- (b) the period named for assessment appeals to the court of revision be less than ten days or more than fourteen days from the day on which the relevant assessment roll is returned;
- (c) the time fixed for hearing any assessment appeal by the court of revision be earlier than ten days from the day upon which the appeal may last be made or be later than the 15th day of November.
- (4) The provisions of section 73 so far as they are not inconsistent with the provisions of a by-law passed under subsection 3 shall apply to appeals to the court of revision. Application of section 73.
- (5) A by-law passed under subsection 2 or 3 shall remain in force from year to year until repealed. By-laws to have continuing effect.
- (6) Where in any year it appears to the council of a municipality that the assessment roll or the assessment roll of any ward, division of a ward or group of polling subdivisions will not be returned to the clerk by the 1st day of October, the council may, by by-law passed with the approval of the Department, extend the time for return of that assessment roll for such Special extension of time for return of assessment roll.

period, not exceeding sixty days, subsequent to the 1st day of October as appears necessary; provided that when such a by-law is passed, the time for closing the court of revision for that year shall be extended for a period corresponding to that for which the time for return of the assessment roll has been extended.

Time of passing and approval of by-law.

- (7) No by-law passed under subsection 6 shall be valid unless it is approved by the Department and passed by the council on or before the 1st day of October.

Time for closing court of revision.

- (8) Except as provided in subsection 6, in every municipality the court of revision shall hear and dispose of all appeals and certify the assessment roll in every year on or before the 15th day of November.

Special Act superseded.

- (9) Where the provisions of a special Act conflict with the provisions of this section, the latter shall prevail.

Last revised assessment roll.

- 60.—(1) The yearly assessment roll of a municipality last returned to the clerk, when corrected, revised and certified by the court of revision shall be for all purposes the last revised assessment roll of the municipality.

Last revised assessment roll where assessment taken by wards, etc.

- (2) Where in a municipality the assessment roll is returned by wards or divisions of wards or by groups of polling subdivisions, as provided for in subsection 3 of section 59, the assessment rolls of all the wards or divisions of wards or of all the groups of polling subdivisions last returned to the clerk, when corrected, revised and certified by the court of revision, shall be for all purposes the last revised assessment roll of the municipality.

Last revised assessment roll where no appeals are made.

- (3) Where in a municipality no appeals are made to the court of revision and the time for appealing has elapsed, the assessment roll shall be presented by the clerk to the court of revision to be certified, and the assessment roll as so certified shall be for all purposes the last revised assessment roll of the municipality.

Taxation to be levied on last revised assessment roll.

- (4) In every municipality the rate of taxation for each year shall be fixed and levied on the assessment taken in the preceding year according to the last revised assessment roll thereof.

Rights of appeal preserved.

- (5) Nothing in this section shall in any way deprive any person of any right of appeal provided for in this Act, and the same may be exercised and the appeal proceeded with in accordance with this Act, not-



SECTION 6. This new section authorizes an alternative method of constituting courts of revision in large cities.

SECTION 7. The witness fee payable on assessment appeals is increased to make it comparable to witness fees payable in other cases.

withstanding that the assessment roll has been certified by the court of revision and become the last revised assessment roll.

- (6) Where as the result of an appeal to the county judge or the Ontario Municipal Board any assessment is added, reduced, increased or otherwise amended or altered, the taxes levied and payable with respect to such assessment shall be adjusted accordingly and, if the taxes levied have been paid, any over-payment shall be refunded by the municipality. Adjustment of taxes as result of appeal.
- (7) Where the provisions of a special Act conflict with the provisions of this section the latter shall prevail. Special Act superseded.

6. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat., c. 272, amended.

- 65a.—(1) In a city having a population of not less than 200,000 in lieu of the court of revision being constituted as provided in section 65, the council may by by-law constitute one or more courts of revision each of which shall consist of one or three members, as the by-law may provide. Alternative form of court of revision in cities of 200,000 population.
- (2) Every member of a court of revision shall be appointed by by-law and hold office during pleasure of the council. Appointment of members.
- (3) No person who is or during the preceding year was a member of the city council or an officer or employee of the corporation may be appointed or hold office as a member of a court of revision. Persons ineligible to be members.
- (4) Where a court of revision consists of three members, two shall form a quorum. Quorum.
- (5) Each member of the court of revision shall be paid such sum for his services as the council may by by-law provide. Compensation.
- (6) A by-law passed under subsection 1 shall remain in force from year to year until it is repealed and while it is in force no court of revision shall be constituted or continue in existence under section 65. Continuing effect of by-law.

7. Section 72 of *The Assessment Act* is amended by striking out the words "seventy-five cents" in the fifth line and inserting in lieu thereof the symbol and figure "\$3", so that the section shall read as follows: Rev. Stat., c. 272, s. 72, amended.

Penalty for failure to attend as witness.

72. Any person summoned to attend the court of revision or before a county judge under the provisions of this Act as a witness who fails, without good and sufficient reason, to attend, having first been tendered compensation for his time at the rate of \$3 per day and his proper travelling expenses if he resides more than three miles from the place of trial, or who having attended, or being present in court, refuses to be sworn, if required to give evidence, shall incur a penalty not exceeding \$25.

Rev. Stat., c. 272, s. 74, amended.

8. Section 74 of *The Assessment Act*, as amended by section 11 of *The Assessment Amendment Act, 1948*, is further amended by striking out the words "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" in the first, second and third lines and inserting in lieu thereof the words "The roll as finally revised and certified by the court of revision shall, subject to subsections 5 and 6 of section 60", so that the section shall read as follows:

Roll to be binding notwithstanding errors in it or in notice sent to persons assessed.

74. The roll as finally revised and certified by the court of revision shall, subject to subsections 5 and 6 of section 60, 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 who has given the clerk or assessment commissioner the notice provided for in subsection 4 of section 52.

Rev. Stat., c. 272, s. 76, subs. 2, amended.

- 9.—(1) Subsection 2 of section 76 of *The Assessment Act*, as amended by section 19 of *The Assessment Amendment Act, 1946*, is further amended by striking out the words and figures "the provisions of sections 59 to 63, and to the provisions of" in the first and second lines, so that the subsection shall read as follows:

Service of notice of appeal.

- (2) Subject to any special Act affecting any particular municipality, the person appealing shall, in person or by his solicitor or agent, serve upon the clerk of the municipality (or assessment commissioner, if any there be), within ten days after the date herein limited for the closing of the court of revision, or in case the court shall sit to hear appeals after the said date, then within ten days after the closing of the court, or in case the decision of the court is reserved,

SECTION 8. Complementary to section 5 of this Bill.

SECTION 9. The references to sections 59 to 63 in subsections 2 and 7 of section 76 of the Act are no longer applicable due to recent amendments and to the re-enactment of sections 59 and 60 in section 5 of this Bill. Subsections *7a* and *7b* are new and are complementary to the re-enactment of sections 59 and 60 in section 5 of this Bill.

SECTION 10. Self-explanatory.

then within ten days after notice thereof has been given by the clerk under subsection 24 of section 73, a written notice of his intention to appeal to the county judge.

(2) The said section 76 is further amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 76, amended.

(2a) In any municipality in which a by-law has been passed under subsection 3 of section 59, the provisions of this section so far as they are not inconsistent with the provisions of such by-law, shall apply to appeals to the county judge, except that the time for appealing shall be within ten days after the decision of the court of revision where it is given at the hearing of the appeal, and where it is reserved, within ten days after written notice of such decision has been delivered to the appellant or sent to him by registered mail by the clerk of the court. Where by-law under s. 59, subs. 3, in force.

(3) Subsection 7 of the said section 76 is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 76, subs. 7, re-enacted.

(7) At the court so held the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure, but so that, subject to any special Act affecting a particular municipality, all appeals are determined not later than the 15th day of December in the year in which the appeals are made. Appeals to be determined by December 15th.

(7a) Where the assessment is taken and the assessment roll is returned by wards or divisions of wards or by groups of polling subdivisions in any municipality, the county judge shall arrange from time to time throughout the year to sit and hear appeals from the court of revision upon the determination of appeals made to the court with respect to each roll, but so that all appeals are determined not later than the 15th day of December in the year in which the appeals are made. Judge to hear appeals continuously where roll returned by wards, etc.

(7b) Where in any year the time for closing the court of revision in a municipality is extended under subsection 6 of section 59, the time for the judge to determine appeals is correspondingly extended. Extension of time for determination of appeals.

10. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat., c. 272, amended.

90a.—(1) The council of a county may in any year by by-law approved by the Department and passed on or before the 1st day of July extend the time,— Extensions of time for equalization proceedings.

- (a) for making the report of the county assessor mentioned in subsection 1 of section 89a, for such period, not exceeding sixty days after the 1st day of June, as the by-law may provide;
- (b) for examining the assessment rolls and passing the equalization by-law mentioned in section 90, for such period, not exceeding sixty days after the 1st day of July, as the by-law may provide;
- (c) for disposition of an equalization appeal under section 91, for such period, not exceeding sixty days after the 1st day of January next following, as the by-law may provide.

Rev. Stat.,
c. 272, s. 91,
amended.

11. Section 91 of *The Assessment Act* is amended by adding thereto the following paragraph:

Appointment
of Ontario
Municipal
Board in
lieu of a
court.

- 4a. The Lieutenant-Governor in Council in lieu of appointing persons to form a court as provided in paragraph 4 may direct that the appeal be heard and determined by the Ontario Municipal Board, in which case the Board shall hear and determine the appeal as if it were being heard and determined by the county judge.

Rev. Stat.,
c. 272, s. 120,
subs. 4
and 5,
re-enacted.

12. Subsections 4 and 5 of section 120 of *The Assessment Act* are repealed and the following substituted therefor:

Collectors'
interim
returns in
cities, towns
and villages.

- (4) The collector of every city, town and village shall, until the final return of the roll, pay over to the treasurer of the city, town or village the amount of his collections once every week or more often if the council by by-law so requires.

Collectors'
interim
returns in
townships.

- (5) The collector of every township shall, until the final return of the roll, pay over to the treasurer of the township the amount of his collections once every two weeks or more often if the council by by-law so requires.

Rev. Stat.,
c. 272, s. 134,
amended.

13.—(1) Section 134 of *The Assessment Act* is amended by striking out the words "or fifteen days before such other date as may be fixed by any by-law passed under sections 59 to 63 for the assessor to begin to make his assessment roll" in the eleventh, twelfth, thirteenth and fourteenth lines, so that subsection 1 of the section shall read as follows:

Lists of lands
three years
in arrears for
taxes to be
furnished
to clerks.

- (1) The treasurer of every county shall furnish to the clerk of each municipality in the county except those whose officers have power to sell lands for arrears of taxes, and the treasurer of every such last

SECTION 11. This new section authorizes the hearing of county equalization appeals by the Ontario Municipal Board instead of by a court of three persons appointed by the Lieutenant-Governor in Council.

SECTION 12. At present collectors in cities, towns and villages and collectors in townships can be required to make interim returns of collections only once a week and once every two weeks respectively. These amendments authorize the councils by by-law to require more frequent interim returns.

SECTION 13—Subsection 1. The words struck out are no longer applicable in view of the re-enactment of sections 59 and 60 by section 5 of this Bill.

Subsection 2. At present there is no provision in the Act for striking lands off the list of lands liable to be sold for arrears of taxes where payment of taxes has been made after the list is given to the clerk or assessment commissioner.

SECTION 14. This amendment is complementary to the amendment made to section 134 by subsection 2 of section 13 of this Bill.

SECTION 15. Subsection 2 of section 181 at present provides that a tax deed shall not be valid unless the statutory declaration is affixed thereto. Since the treasurer may not be available at the time of the execution of the tax deed, this amendment ensures that the statutory declaration will be available.

mentioned municipality shall furnish to the clerk of the municipality (or in cities having an assessment commissioner, the treasurer of the city shall furnish to the assessment commissioner) a list of all the lands in the municipality in respect of which any taxes have been in arrears for the three years next preceding the 1st day of January in any year, and the said list shall be so furnished on or before the 1st day of February in every year and shall be headed in the words following: "*List of lands liable to be sold for arrears of taxes in the year 19* "; and, for the purpose of the computation of such three years, the taxes for each year shall be deemed to have been in arrears on and from the 1st day of January in such year.

(2) The said section 134 is further amended by adding thereto the following subsection: Rev. Stat.,
c. 272, s. 134,
amended.

(2) Where in any year the list referred to in subsection 1 has been furnished to the clerk or assessment commissioner of a municipality, the treasurer who furnished the same shall not later than the 15th day of September in that year, or such earlier date as the clerk or assessment commissioner may request in writing, furnish a supplemental list to the clerk or assessment commissioner showing thereon the lands, if any, included in the earlier list which at the date of the supplemental list are no longer liable to be sold for arrears of taxes. 1 Treasurer to
furnish sup-
plemental list
of lands no
longer liable
to be sold.

14. Section 135 of *The Assessment Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 272, s. 135,
amended.

(1a) Where in any year the clerk or assessment commissioner of a municipality is furnished with the supplemental list mentioned in subsection 2 of section 134, he shall forthwith deliver a copy thereof to the assessor and after its delivery to the assessor subsections 1 and 2 shall cease to apply in respect of the lands shown on the supplemental list. Assessor to
be furnished
with copy of
supplemental
list of lands
no longer
liable to be
sold.

15. Section 178 of *The Assessment Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 272, s. 178,
amended.

(3a) The notice mentioned in subsection 3 shall have attached thereto or endorsed thereon a statutory declaration of the treasurer setting forth the names and addresses of all persons to whom he has sent the notice required by subsection 2 and the date of sending the same to each such person. Registered
notice to be
verified by
affidavit as
to sending
of notices.

Rev. Stat.,
c. 272,
Form 2,
repealed.

16. Form 2 of *The Assessment Act* is repealed.

Commence-
ment of Act.

17.—(1) This Act except sections 1, 3, 4, 5, 8, 9, 10 and 16 shall come into force on the 1st day of June, 1949.

Idem.

(2) Sections 1, 3, 4, 5, 8, 9, 10 and 16 shall come into force on the 1st day of January, 1950.

Short title.

18. This Act may be cited as *The Assessment Amendment Act, 1949*.

SECTION 16. This Form was the form for school census which is no longer applicable due to section 4 of this Bill.

BILL

An Act to amend The Assessment Act.

1st Reading

March 2nd, 1949

2nd Reading

March 7th, 1949

3rd Reading

MR. DUNBAR

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

No. 104

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Assessment Act.

MR. DUNBAR

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



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. Clause *j* of section 1 of *The Assessment Act* is repealed. Rev. Stat., c. 272, s. 1, cl. *j*, repealed.
2. Subsection 10 of section 8 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 8, subs. 10, re-enacted.
 - (10) No subordinate lodge of any registered friendly society and no officer thereof shall be liable to any business assessment in respect of any business of such subordinate lodge. Friendly subordinate lodges.
- 3.—(1) Subsection 2 of section 23 of *The Assessment Act* is repealed. Rev. Stat., c. 272, s. 23, subs. 2, repealed.
 - (2) Subsection 3 of section 23 of *The Assessment Act*, as amended by section 15 of *The Assessment Amendment Act, 1947* and section 2 of *The Assessment Amendment Act, 1948*, is further amended by striking out "Column 20.—Amount of business assessment under section 8" and inserting in lieu thereof:

Column 20.—Percentage applied in determining the amount of business assessment under section 8.

Column 21.—Amount of business assessment under section 8.
- (3) The said subsection 3 is further amended by striking out: Rev. Stat., c. 272, s. 23, subs. 3, amended.
 - Column 26.—Number of days statute labour for which each person is liable.
 - Column 27.—Births.
 - Column 28.—Deaths.

Rev. Stat.,
c. 272, s. 23,
subs. 6, cl. a
(1941,
c. 5, s. 1),
repealed. (4) Clause *a* of subsection 6 of the said section 23, as re-
enacted by section 1 of *The Assessment Amendment Act, 1941*,
is repealed.

Rev. Stat.,
c. 272, s. 33,
re-enacted. 4. Section 33 of *The Assessment Act* and the heading thereto
are repealed and the following substituted therefor:

Census.

Yearly cen-
sus of in-
habitants.

33.—(1) The assessor of every municipality shall take
a yearly census of the inhabitants of the municipality
according to the following age groups:

Group	Age	Group	Age	Group	Age
1.—3	and under	5.—8	and 9	9.—16	to 19
2.—4		6.—10	to 13	10.—20	to 59
3.—5		7.—14		11.—60	to 64
4.—6	and 7	8.—15		12.—65	to 69
				13.—70	and over

Register
of census.

(2) The assessor shall enter the census in a register to be
provided for the purpose by the clerk of the muni-
cipality, the register being according to the form and
giving the particulars approved by the Department.

Return of
the census.

(3) The register duly completed by the assessor shall be
returned to the clerk with the assessment roll or at
such other time of the year as the council may by
by-law direct.

Rev. Stat.,
c. 272, ss.
59, 60,
re-enacted.

5. Section 59 as amended by subsections 1 and 2 of section
13 of *The Assessment Amendment Act, 1946* and subsections 1
and 2 of section 7 of *The Assessment Amendment Act, 1948*,
and section 60 as amended by section 5 of *The Assessment
Amendment Act, 1939*, section 14 of *The Assessment Amend-
ment Act, 1946* and section 8 of *The Assessment Amendment
Act, 1948*, of *The Assessment Act* are repealed and the follow-
ing substituted therefor:

Time for
yearly
assessment
and return
of assess-
ment roll.

59.—(1) Except as provided in subsections 2 and 3, in
every municipality the assessment shall be taken
yearly between the 1st day of January and the 30th
day of September and the assessment roll shall be
returned to the clerk not later in the same year than
the 1st day of October.

Authority to
expedite
return of
assessment
roll.

(2) The council of a municipality may by by-law provide
that the assessment shall be taken between the 1st
day of January and such day thereafter as is named
in the by-law and that the assessment roll shall be
returned to the clerk not later in the same year than

the day named in the by-law, but the day named for return of the assessment roll shall be not earlier than the 1st day of July and not later than the 1st day of October in the same year.

- (3) The council of a municipality divided into wards, or where there are no wards, divided into not less than ten polling subdivisions, may by by-law provide that the assessment shall be taken and the assessment roll returned to the clerk by wards or divisions of wards or, where there are no wards, by separate specified groupings of polling subdivisions each group comprising not less than two polling subdivisions; and the by-law shall fix prior and separate periods, dates and times for taking the assessment, for return of the assessment roll and for assessment appeals to the court of revision, in respect of each ward or division of a ward or each group of polling subdivisions, as the case may be, but in no case shall,—
- (a) the time named for return of any of the assessment rolls be later than the 1st day of October;
- (b) the period named for assessment appeals to the court of revision be less than ten days or more than fourteen days from the day on which the relevant assessment roll is returned;
- (c) the time fixed for hearing any assessment appeal by the court of revision be earlier than ten days from the day upon which the appeal may last be made or be later than the 15th day of November.
- (4) The provisions of section 73 so far as they are not inconsistent with the provisions of a by-law passed under subsection 3 shall apply to appeals to the court of revision.
- (5) A by-law passed under subsection 2 or 3 shall remain in force from year to year until repealed.
- (6) Where in any year it appears to the council of a municipality that the assessment roll or the assessment roll of any ward, division of a ward or group of polling subdivisions will not be returned to the clerk by the 1st day of October, the council may, by by-law passed with the approval of the Department, extend the time for return of that assessment roll for such

Special mode
for yearly
assessment
by wards or
polling sub-
division
groups.

Application
of section 73.

By-laws to
have con-
tinuing
effect.

Special
extension
of time for
return of
assessment
roll.

period, not exceeding sixty days, subsequent to the 1st day of October as appears necessary; provided that when such a by-law is passed, the time for closing the court of revision for that year shall be extended for a period corresponding to that for which the time for return of the assessment roll has been extended.

Time of passing and approval of by-law.

(7) No by-law passed under subsection 6 shall be valid unless it is approved by the Department and passed by the council on or before the 1st day of October.

Time for closing court of revision.

(8) Except as provided in subsection 6, in every municipality the court of revision shall hear and dispose of all appeals and certify the assessment roll in every year on or before the 15th day of November.

Special Act superseded.

(9) Where the provisions of a special Act conflict with the provisions of this section, the latter shall prevail.

Last revised assessment roll.

60.—(1) The yearly assessment roll of a municipality last returned to the clerk, when corrected, revised and certified by the court of revision shall be for all purposes the last revised assessment roll of the municipality.

Last revised assessment roll where assessment taken by wards, etc.

(2) Where in a municipality the assessment roll is returned by wards or divisions of wards or by groups of polling subdivisions, as provided for in subsection 3 of section 59, the assessment rolls of all the wards or divisions of wards or of all the groups of polling subdivisions last returned to the clerk, when corrected, revised and certified by the court of revision, shall be for all purposes the last revised assessment roll of the municipality.

Last revised assessment roll where no appeals are made.

(3) Where in a municipality no appeals are made to the court of revision and the time for appealing has elapsed, the assessment roll shall be presented by the clerk to the court of revision to be certified, and the assessment roll as so certified shall be for all purposes the last revised assessment roll of the municipality.

Taxation to be levied on last revised assessment roll.

(4) In every municipality the rate of taxation for each year shall be fixed and levied on the assessment taken in the preceding year according to the last revised assessment roll thereof.

Rights of appeal preserved.

(5) Nothing in this section shall in any way deprive any person of any right of appeal provided for in this Act, and the same may be exercised and the appeal proceeded with in accordance with this Act, not-

withstanding that the assessment roll has been certified by the court of revision and become the last revised assessment roll.

- (6) Where as the result of an appeal to the county judge or the Ontario Municipal Board any assessment is added, reduced, increased or otherwise amended or altered, the taxes levied and payable with respect to such assessment shall be adjusted accordingly and, if the taxes levied have been paid, any over-payment shall be refunded by the municipality. Adjustment of taxes as result of appeal.
- (7) Where the provisions of a special Act conflict with the provisions of this section the latter shall prevail. Special Act superseded.

6. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat., c. 272, amended.

- 65a.—(1) In a city having a population of not less than 200,000 in lieu of the court of revision being constituted as provided in section 65, the council may by by-law constitute one or more courts of revision each of which shall consist of one or three members, as the by-law may provide. Alternative form of court of revision in cities of 200,000 population.
- (2) Every member of a court of revision shall be appointed by by-law and hold office during pleasure of the council. Appointment of members.
- (3) No person who is or during the preceding year was a member of the city council or an officer or employee of the corporation may be appointed or hold office as a member of a court of revision. Persons ineligible to be members.
- (4) Where a court of revision consists of three members, two shall form a quorum. Quorum.
- (5) Each member of the court of revision shall be paid such sum for his services as the council may by by-law provide. Compensation.
- (6) A by-law passed under subsection 1 shall remain in force from year to year until it is repealed and while it is in force no court of revision shall be constituted or continue in existence under section 65. Continuing effect of by-law.

7. Section 72 of *The Assessment Act* is amended by striking out the words "seventy-five cents" in the fifth line and inserting in lieu thereof the symbol and figure "\$3", so that the section shall read as follows: Rev. Stat., c. 272, s. 72, amended.

Penalty for failure to attend as witness.

72. Any person summoned to attend the court of revision or before a county judge under the provisions of this Act as a witness who fails, without good and sufficient reason, to attend, having first been tendered compensation for his time at the rate of \$3 per day and his proper travelling expenses if he resides more than three miles from the place of trial, or who having attended, or being present in court, refuses to be sworn, if required to give evidence, shall incur a penalty not exceeding \$25.

Rev. Stat., c. 272, s. 74, amended.

8. Section 74 of *The Assessment Act*, as amended by section 11 of *The Assessment Amendment Act, 1948*, is further amended by striking out the words "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" in the first, second and third lines and inserting in lieu thereof the words "The roll as finally revised and certified by the court of revision shall, subject to subsections 5 and 6 of section 60", so that the section shall read as follows:

Roll to be binding notwithstanding errors in it or in notice sent to persons assessed.

74. The roll as finally revised and certified by the court of revision shall, subject to subsections 5 and 6 of section 60, 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 who has given the clerk or assessment commissioner the notice provided for in subsection 4 of section 52.

Rev. Stat., c. 272, s. 76, subs. 2, amended.

9.—(1) Subsection 2 of section 76 of *The Assessment Act*, as amended by section 19 of *The Assessment Amendment Act, 1946*, is further amended by striking out the words and figures "the provisions of sections 59 to 63, and to the provisions of" in the first and second lines, so that the subsection shall read as follows:

Service of notice of appeal.

- (2) Subject to any special Act affecting any particular municipality, the person appealing shall, in person or by his solicitor or agent, serve upon the clerk of the municipality (or assessment commissioner, if any there be), within ten days after the date herein limited for the closing of the court of revision, or in case the court shall sit to hear appeals after the said date, then within ten days after the closing of the court, or in case the decision of the court is reserved,

then within ten days after notice thereof has been given by the clerk under subsection 24 of section 73, a written notice of his intention to appeal to the county judge.

(2) The said section 76 is further amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 76, amended.

(2a) In any municipality in which a by-law has been passed under subsection 3 of section 59, the provisions of this section so far as they are not inconsistent with the provisions of such by-law, shall apply to appeals to the county judge, except that the time for appealing shall be within ten days after the decision of the court of revision where it is given at the hearing of the appeal, and where it is reserved, within ten days after written notice of such decision has been delivered to the appellant or sent to him by registered mail by the clerk of the court. Where by-law under s. 59, subs. 3, in force.

(3) Subsection 7 of the said section 76 is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 76, subs. 7, re-enacted.

(7) At the court so held the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure, but so that, subject to any special Act affecting a particular municipality, all appeals are determined not later than the 15th day of December in the year in which the appeals are made. Appeals to be determined by December 15th.

(7a) Where the assessment is taken and the assessment roll is returned by wards or divisions of wards or by groups of polling subdivisions in any municipality, the county judge shall arrange from time to time throughout the year to sit and hear appeals from the court of revision upon the determination of appeals made to the court with respect to each roll, but so that all appeals are determined not later than the 15th day of December in the year in which the appeals are made. Judge to hear appeals continuously where roll returned by wards, etc.

(7b) Where in any year the time for closing the court of revision in a municipality is extended under subsection 6 of section 59, the time for the judge to determine appeals is correspondingly extended. Extension of time for determination of appeals.

10. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat., c. 272, amended.

90a.—(1) The council of a county may in any year by by-law approved by the Department and passed on or before the 1st day of July extend the time,— Extensions of time for equalization proceedings.

- (a) for making the report of the county assessor mentioned in subsection 1 of section 89a, for such period, not exceeding sixty days after the 1st day of June, as the by-law may provide;
- (b) for examining the assessment rolls and passing the equalization by-law mentioned in section 90, for such period, not exceeding sixty days after the 1st day of July, as the by-law may provide;
- (c) for disposition of an equalization appeal under section 91, for such period, not exceeding sixty days after the 1st day of January next following, as the by-law may provide.

Rev. Stat.,
c. 272, s. 91,
amended.

11. Section 91 of *The Assessment Act* is amended by adding thereto the following paragraph:

Appointment
of Ontario
Municipal
Board in
lieu of a
court.

- 4a. The Lieutenant-Governor in Council in lieu of appointing persons to form a court as provided in paragraph 4 may direct that the appeal be heard and determined by the Ontario Municipal Board, in which case the Board shall hear and determine the appeal as if it were being heard and determined by the county judge.

Rev. Stat.,
c. 272, s. 120,
subs. 4
and 5,
re-enacted.

12. Subsections 4 and 5 of section 120 of *The Assessment Act* are repealed and the following substituted therefor:

Collectors'
interim
returns in
cities, towns
and villages.

- (4) The collector of every city, town and village shall, until the final return of the roll, pay over to the treasurer of the city, town or village the amount of his collections once every week or more often if the council by by-law so requires.

Collectors'
interim
returns in
townships.

- (5) The collector of every township shall, until the final return of the roll, pay over to the treasurer of the township the amount of his collections once every two weeks or more often if the council by by-law so requires.

Rev. Stat.,
c. 272, s. 134,
amended.

13.—(1) Section 134 of *The Assessment Act* is amended by striking out the words "or fifteen days before such other date as may be fixed by any by-law passed under sections 59 to 63 for the assessor to begin to make his assessment roll" in the eleventh, twelfth, thirteenth and fourteenth lines, so that subsection 1 of the section shall read as follows:

Lists of lands
three years
in arrears for
taxes to be
furnished
to clerks.

- (1) The treasurer of every county shall furnish to the clerk of each municipality in the county except those whose officers have power to sell lands for arrears of taxes, and the treasurer of every such last

mentioned municipality shall furnish to the clerk of the municipality (or in cities having an assessment commissioner, the treasurer of the city shall furnish to the assessment commissioner) a list of all the lands in the municipality in respect of which any taxes have been in arrears for the three years next preceding the 1st day of January in any year, and the said list shall be so furnished on or before the 1st day of February in every year and shall be headed in the words following: "*List of lands liable to be sold for arrears of taxes in the year 19* ," and, for the purpose of the computation of such three years, the taxes for each year shall be deemed to have been in arrears on and from the 1st day of January in such year.

(2) The said section 134 is further amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 134, amended.

(2) Where in any year the list referred to in subsection 1 has been furnished to the clerk or assessment commissioner of a municipality, the treasurer who furnished the same shall not later than the 15th day of September in that year, or such earlier date as the clerk or assessment commissioner may request in writing, furnish a supplemental list to the clerk or assessment commissioner showing thereon the lands, if any, included in the earlier list which at the date of the supplemental list are no longer liable to be sold for arrears of taxes. Treasurer to furnish supplemental list of lands no longer liable to be sold.

14. Section 135 of *The Assessment Act* is amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 135, amended.

(1a) Where in any year the clerk or assessment commissioner of a municipality is furnished with the supplemental list mentioned in subsection 2 of section 134, he shall forthwith deliver a copy thereof to the assessor and after its delivery to the assessor subsections 1 and 2 shall cease to apply in respect of the lands shown on the supplemental list. Assessor to be furnished with copy of supplemental list of lands no longer liable to be sold.

15. Section 178 of *The Assessment Act* is amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 178, amended.

(3a) The notice mentioned in subsection 3 shall have attached thereto or endorsed thereon a statutory declaration of the treasurer setting forth the names and addresses of all persons to whom he has sent the notice required by subsection 2 and the date of sending the same to each such person. Registered notice to be verified by affidavit as to sending of notices.

Rev. Stat.,
c. 272,
Form 2,
repealed.

16. Form 2 of *The Assessment Act* is repealed.

Commence-
ment of Act.

17.—(1) This Act except sections 1, 3, 4, 5, 8, 9, 10 and 16 shall come into force on the 1st day of June, 1949.

Idem.

(2) Sections 1, 3, 4, 5, 8, 9, 10 and 16 shall come into force on the 1st day of January, 1950.

Short title.

18. This Act may be cited as *The Assessment Amendment Act, 1949*.



BILL

An Act to amend The Assessment Act.

1st Reading

March 2nd, 1949

2nd Reading

March 7th, 1949

3rd Reading

March 25th, 1949

Mr. DUNBAR

No. 105

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Presqu'ile Park Act.

MR. DUNBAR

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

EXPLANATORY NOTE

SECTION 1. This amendment permits the Commission, with the approval of the Department of Municipal Affairs to sell, lease or otherwise dispose of the property of the Commission, and in the case of an interest in land being purchased at a tax sale to dispose of such interest without consent.

SECTION 2. This Act has heretofore been under the jurisdiction of the Department of Lands and Forests and all by-laws and most other action of the Commission has been required to be approved by order-in-council. The Act will henceforth be under the administration of the Department of Municipal Affairs which will exercise the supervision of the acts of the Commission without the necessity of orders-in-council. Since the Commission is in effect a municipality it is made clear that it must operate by by-law and for this purpose the references to regulations are removed.

BILL

An Act to amend The Presqu'ile Park 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 Presqu'ile Park Act* is repealed and the following substituted therefor: Rev. Stat., c. 97, s. 4, re-enacted.

4. With respect to property now or hereafter vested in the Commission or which it may manage or control, it may demand, collect and recover from any person having the occupation or use thereof any money due for rent or otherwise and with the approval of the Department of Municipal Affairs may dispose of any such property by sale, lease or otherwise, provided that the Commission may, without such approval, dispose of by sale, lease or otherwise any interest in property purchased by the Commission at a tax sale. Collections of revenues from and sale of properties.

2. *The Presqu'ile Park Act*, as amended by *The Presqu'ile Park Amendment Act, 1946*, is further amended as follows: Rev. Stat., c. 97, amended.

1. Section 5 is amended by striking out the words "Lieutenant-Governor in Council" in the first and second lines and inserting in lieu thereof the words "Department of Municipal Affairs".
2. Subsection 2 of section 7 is amended by striking out the words "make regulations and" in the first line.
3. Section 8 is amended by striking out the words "make regulations and" in the first line.
4. Section 9 is amended by striking out the words "make regulations and" in the first line.
5. Section 10 is amended by striking out the words "make such other regulations and" in the first and second lines, by striking out the words "Lieutenant-

Governor in Council” in the third and fourth lines and inserting in lieu thereof the words “Department of Municipal Affairs” and by striking out the words “regulations and” in the fourth line.

6. Section 17 is amended by striking out the words “or regulation” in the first line and by striking out the words “Lieutenant-Governor in Council” in the fourth line and inserting in lieu thereof the words “Department of Municipal Affairs”.
7. Section 18 is amended by striking out the words “Lieutenant-Governor in Council” in the ninth and tenth lines and inserting in lieu thereof the words “Department of Municipal Affairs”.
8. Subsection 1 of section 20 is amended by striking out the words “Lieutenant-Governor in Council” in the seventh line and inserting in lieu thereof the words “Department of Municipal Affairs”.
9. Section 21 is amended by striking out the words “Lieutenant-Governor in Council” where they occur in the second and third lines and in the seventh line respectively and inserting in lieu thereof the words “Department of Municipal Affairs” and by striking out the word “he” in the eighth line and inserting in lieu thereof the word “it”.

Commence-
ment of Act.

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

Short title.

4. This Act may be cited as *The Presqu'ile Park Amendment Act, 1949*.



BILL

An Act to amend The Presqu'ile Park Act.

1st Reading

March 2nd, 1949

2nd Reading

3rd Reading

MR. DUNBAR

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Presqu'ile Park Act.

MR. DUNBAR

BILL

An Act to amend The Presqu'ile Park 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 Presqu'ile Park Act* is repealed and the following substituted therefor: Rev. Stat., c. 97, s. 4, re-enacted.

4. With respect to property now or hereafter vested in the Commission or which it may manage or control, it may demand, collect and recover from any person having the occupation or use thereof any money due for rent or otherwise and with the approval of the Department of Municipal Affairs may dispose of any such property by sale, lease or otherwise, provided that the Commission may, without such approval, dispose of by sale, lease or otherwise any interest in property purchased by the Commission at a tax sale. Collections of revenues from and sale of properties.

2. *The Presqu'ile Park Act*, as amended by *The Presqu'ile Park Amendment Act, 1946*, is further amended as follows: Rev. Stat., c. 97, amended.

1. Section 5 is amended by striking out the words "Lieutenant-Governor in Council" in the first and second lines and inserting in lieu thereof the words "Department of Municipal Affairs".
2. Subsection 2 of section 7 is amended by striking out the words "make regulations and" in the first line.
3. Section 8 is amended by striking out the words "make regulations and" in the first line.
4. Section 9 is amended by striking out the words "make regulations and" in the first line.
5. Section 10 is amended by striking out the words "make such other regulations and" in the first and second lines, by striking out the words "Lieutenant-

Governor in Council” in the third and fourth lines and inserting in lieu thereof the words “Department of Municipal Affairs” and by striking out the words “regulations and” in the fourth line.

6. Section 17 is amended by striking out the words “or regulation” in the first line and by striking out the words “Lieutenant-Governor in Council” in the fourth line and inserting in lieu thereof the words “Department of Municipal Affairs”.
7. Section 18 is amended by striking out the words “Lieutenant-Governor in Council” in the ninth and tenth lines and inserting in lieu thereof the words “Department of Municipal Affairs”.
8. Subsection 1 of section 20 is amended by striking out the words “Lieutenant-Governor in Council” in the seventh line and inserting in lieu thereof the words “Department of Municipal Affairs”.
9. Section 21 is amended by striking out the words “Lieutenant-Governor in Council” where they occur in the second and third lines and in the seventh line respectively and inserting in lieu thereof the words “Department of Municipal Affairs” and by striking out the word “he” in the eighth line and inserting in lieu thereof the word “it”.

Commence-
ment of Act.

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

Short title.

4. This Act may be cited as *The Presqu'île Park Amendment Act, 1949*.

BILL

An Act to amend The Presqu'ile Park Act.

1st Reading

March 2nd, 1949

2nd Reading

March 7th, 1949

3rd Reading

March 17th, 1949

Mr. DUNBAR

No. 106

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Long Point Park Act.

MR. DUNBAR

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

EXPLANATORY NOTE

This is a companion bill to *The Presqu'île Park Amendment Act, 1949*, Bill (No. 105).

This Act has heretofore been under the jurisdiction of the Department of Lands and Forests and all by-laws and most other action of the Commission has been required to be approved by Order-in-Council. The Act will henceforth be under the administration of the Department of Municipal Affairs which will exercise the supervision of the acts of the Commission without the necessity of Orders-in-Council. Since the Commission is in effect a municipality, it is made clear that it must operate by by-law and for this purpose the references to regulations are removed.

BILL

An Act to amend The Long Point Park Act.

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

1. *The Long Point Park Act*, as amended by sections 24 Rev. Stat., c. 96, and 25 of *The Statute Law Amendment Act, 1943* and *The Long Point Park Amendment Act, 1946*, is further amended as follows:

1. Section 4 is amended by striking out the words "Lieutenant-Governor in Council" in the sixth line and inserting in lieu thereof the words "Department of Municipal Affairs".
2. Section 5 is amended by striking out the words "Lieutenant-Governor in Council" in the first and second lines and inserting in lieu thereof the words "Department of Municipal Affairs".
3. Subsection 2 of section 7 is amended by striking out the words "make regulations and" in the first line.
4. Section 8 is amended by striking out the words "make regulations and" in the first line.
5. Section 9 is amended by striking out the words "make regulations and" in the first line.
6. Section 10 is amended by striking out the words "make such other regulations and" in the first and second lines, by striking out the words "Lieutenant-Governor in Council" in the third and fourth lines and inserting in lieu thereof the words "Department of Municipal Affairs" and by striking out the words "regulations and" in the fourth line.
7. Section 17 is amended by striking out the words "or regulation" in the first line and by striking out the

words "Lieutenant-Governor in Council" in the fourth line and inserting in lieu thereof the words "Department of Municipal Affairs".

8. Section 18 is amended by striking out the words "Lieutenant-Governor in Council" in the tenth line and inserting in lieu thereof the words "Department of Municipal Affairs".
9. Subsection 1 of section 20 is amended by striking out the words "Lieutenant-Governor in Council" in the seventh line and inserting in lieu thereof the words "Department of Municipal Affairs".
10. Section 21 is amended by striking out the words "Lieutenant-Governor in Council" where they occur in the second and third lines and in the seventh line respectively and inserting in lieu thereof the words "Department of Municipal Affairs" and by striking out the word "he" in the eighth line and inserting in lieu thereof the word "it".

Commence-
ment of Act.

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

Short title.

3. This Act may be cited as *The Long Point Park Amendment Act, 1949*.

BILL

An Act to amend The Long Point Park Act.

1st Reading

March 2nd, 1949

2nd Reading

3rd Reading

MR. DUNBAR

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Long Point Park Act.

MR. DUNBAR

BILL

An Act to amend The Long Point Park Act.

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

1. *The Long Point Park Act*, as amended by sections 24 ^{Rev. Stat. c. 96,} and 25 of *The Statute Law Amendment Act, 1943* and *The Long Point Park Amendment Act, 1946*, is further amended as follows:

1. Section 4 is amended by striking out the words "Lieutenant-Governor in Council" in the sixth line and inserting in lieu thereof the words "Department of Municipal Affairs".
2. Section 5 is amended by striking out the words "Lieutenant-Governor in Council" in the first and second lines and inserting in lieu thereof the words "Department of Municipal Affairs".
3. Subsection 2 of section 7 is amended by striking out the words "make regulations and" in the first line.
4. Section 8 is amended by striking out the words "make regulations and" in the first line.
5. Section 9 is amended by striking out the words "make regulations and" in the first line.
6. Section 10 is amended by striking out the words "make such other regulations and" in the first and second lines, by striking out the words "Lieutenant-Governor in Council" in the third and fourth lines and inserting in lieu thereof the words "Department of Municipal Affairs" and by striking out the words "regulations and" in the fourth line.
7. Section 17 is amended by striking out the words "or regulation" in the first line and by striking out the

words "Lieutenant-Governor in Council" in the fourth line and inserting in lieu thereof the words "Department of Municipal Affairs".

8. Section 18 is amended by striking out the words "Lieutenant-Governor in Council" in the tenth line and inserting in lieu thereof the words "Department of Municipal Affairs".
9. Subsection 1 of section 20 is amended by striking out the words "Lieutenant-Governor in Council" in the seventh line and inserting in lieu thereof the words "Department of Municipal Affairs".
10. Section 21 is amended by striking out the words "Lieutenant-Governor in Council" where they occur in the second and third lines and in the seventh line respectively and inserting in lieu thereof the words "Department of Municipal Affairs" and by striking out the word "he" in the eighth line and inserting in lieu thereof the word "it".

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

Short title. **3.** This Act may be cited as *The Long Point Park Amendment Act, 1949*.

BILL

An Act to amend The Long Point Park Act.

1st Reading

March 2nd, 1949

2nd Reading

March 7th, 1949

3rd Reading

March 17th, 1949

MR. DUNBAR

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL
The Fire Departments Act, 1949.

MR. BLACKWELL

EXPLANATORY NOTES

Part I of this bill is mainly the re-enactment of the present Act re-worded to bring its language into line with Part II with minor changes in principle in section 2 (3) where a maximum work week of 72 hours is established for all full-time fire fighters and 4 (1) where the fire chiefs are excluded from the collective bargaining provisions.

Part II of this bill is to provide provincial aid to municipalities to assist them in operating their fire departments at adequate and efficient levels.

This assistance will be provided in three ways,—

- (i) by paying a provincial subsidy to each municipality that has a fire department;
- (ii) by providing for the inspection of fire departments; and
- (iii) by establishing provincial training schools for fire department officers and men.

In addition, provision is made to encourage the establishment of new municipal fire departments.

BILL

The Fire Departments Act, 1949.

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) “fire department” means fire department organized under *The Municipal Act* and equipped with one or more motorized fire pumpers meeting the prescribed standards; “fire department”; Rev. Stat., c. 266.
- (b) “Fire Marshal” means Fire Marshal of Ontario; “Fire Marshal”;
- (c) “full-time fire fighter” means person regularly employed in the fire department on a full-time salaried basis and assigned exclusively to fire protection or fire prevention duties and includes officers and technicians; “full-time fire fighter”;
- (d) “population” means population ascertained from the last revised assessment roll; “population”;
- (e) “prescribed standards” means standards prescribed by the regulations; “prescribed standards”;
- (f) “regulations” means regulations made under this Act; and “regulations”;
- (g) “volunteer fire fighter” means person who voluntarily acts as a fire fighter for a nominal consideration or honorarium. *New.* “volunteer fire fighter”.

PART I

2.—(1) In every municipality having a population of not less than 10,000, the full-time fire fighters assigned to fire-fighting duties shall work according to,— Hours of work.

Two-platoon system.

(a) the two-platoon system where the full-time fire fighters are divided into two platoons, the hours of work of which shall be,

(i) for each platoon twenty-four consecutive hours on duty followed immediately by twenty-four consecutive hours off duty, or

(ii) for one platoon in day-time ten consecutive hours on duty followed immediately by fourteen consecutive hours off duty and for the other platoon in night-time fourteen consecutive hours on duty followed immediately by ten consecutive hours off duty,

and the platoons shall alternate at least every two weeks from night work to day work and vice versa;

Three-platoon system.

(b) the three-platoon system where the full-time fire fighters are divided into three platoons, the hours of work of which shall be eight consecutive hours on duty followed immediately by sixteen consecutive hours off duty, and the platoons shall rotate in their periods of duty and time off as may be arranged for the purpose of changing shifts at least every two weeks; or

Alternative systems.

(c) any other system of platoons or hours of work under which the maximum hours of work or hours on duty are not more than seventy-two hours on the average in any work week. 1947, c. 37, ss. 2, 3, 4, *part, amended.*

Other personnel.

(2) Full-time fire fighters assigned to other than fire-fighting duties shall work such hours as may be determined, but in no case shall such hours of work exceed the average work week of the other full-time fire fighters. 1947, c. 37, s. 4, *part.*

Maximum hours.

(3) No full-time fire fighter shall be required to be on duty more than seventy-two hours on the average in any work week. *New.*

Weekly day off duty.

(4) Every full-time fire fighter shall be off duty for one full day of twenty-four hours in every calendar week, but where a two-platoon system or a three-platoon system is in operation, the twenty-four hours release at the change of platoons shall not be regarded as a day off duty for the purposes of this section. 1947, c. 37, s. 5 (1), *amended.*

(5) Nothing in this Act shall prohibit any municipality ^{Time off duty.} from granting the full-time fire fighters more than one day off duty in every calendar week. 1947, c. 37, s. 5 (2), *amended.*

(6) The hours off duty of full-time fire fighters shall be ^{Free from calls.} free from fire department duties or calls. 1947, c. 37, s. 4, *part, amended.*

(7) Notwithstanding the provisions of this section, in the ^{Recall in emergency.} case of a serious emergency requiring the services of every full-time fire fighter, the chief or other officer in charge of the fire department in his discretion may recall to duty the full-time fire fighters who are not on duty. 1947, c. 37, s. 4, *part, amended.*

3. No deduction shall be made from the pay or the holidays ^{Act not to affect salaries or holidays of employees.} of the full-time fire fighters by reason of the provisions of this Act. 1947, c. 37, s. 6.

4.—(1) When requested in writing by a majority of the ^{Bargaining.} full-time fire fighters, the council of the municipality shall bargain in good faith with a bargaining committee of the full-time fire fighters for the purpose of defining, determining and providing for remuneration and working conditions of the full-time fire fighters other than the chief of the fire department. 1947, c. 37, s. 7 (1); 1948, c. 31, s. 1, *amended.*

(2) Where not less than fifty per centum of the full-time ^{Trade union.} fire fighters belong to a trade union any request made under subsection 1 shall be made by the union. 1947, c. 37, s. 7 (2).

(3) In every case the members of the bargaining committee ^{Affiliated bodies.} shall be full-time fire fighters, but where not less than fifty per centum of the full-time fire fighters belong to a trade union the bargaining committee may, at all meetings held with the council of the municipality or any committee thereof for the purpose of bargaining, be accompanied by,—

(a) where the trade union is affiliated with a provincial body, one member of the provincial body; and

(b) where the trade union is affiliated with an international body, one member of the international body,

each of whom shall attend in an advisory capacity only. 1947, c. 37, s. 7 (2, 3), *amended.*

5.—(1) Where, after bargaining under section 4, the council ^{Board of arbitration.} of the municipality or the bargaining committee is satisfied than an agreement cannot be reached, it may by notice in

writing to the bargaining committee or the council, as the case may be, require all matters in dispute to be referred to a board of arbitration of three members in which case the council and the bargaining committee shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

Failure to
appoint
member.

(2) Where either party fails to appoint a member of the board of arbitration within a reasonable time, or having appointed a person who is unable or unwilling to act, fails to appoint another member within a reasonable time, the Attorney General may, upon the written request of the other party, appoint a member in lieu thereof.

Failure to
appoint
chairman.

(3) Where the two members of the board of arbitration appointed by the parties fail, within five days of the appointment of the one last appointed, to agree upon a third member, the Attorney General may, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint the third member. 1947, c. 37, s. 8 (1-3).

Decision of
board of
arbitration.

(4) 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. 1948, c. 31, s. 2.

Costs.

(5) Each party shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally. 1947, c. 37, s. 8 (4).

Effect of
agreement
or award.

6. (1) Every agreement made under section 4 and every decision or award of a majority of the members of the board of arbitration under section 5, shall be binding upon the council of the municipality and the full-time fire fighters. 1947, c. 37, s. 9 (1).

Duration of
agreement
or award.

(2) Nothing in this Act shall require the continuance in force of any agreement, decision or award for more than one year from the date upon which it commenced to be in force. 1947, c. 37, s. 9 (3).

Agreement,
decision or
award,—
when to
have effect.

7.—(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.

(2) Where, pursuant to subsection 1, another day is named ^{Idem.} 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. 1948, c. 31, s. 4 (1), *part.*

8.—(1) Where a request in writing is made under subsection 1 of section 4 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. ^{Payment of expenditures.}

(2) Where the council of a municipality fails to comply with subsection 1, the Lieutenant-Governor in Council may, ^{Withholding of provincial grant.}—

- (a) upon being requested in writing by a majority of the full-time fire fighters; 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 full-time fire fighters belong to a trade union, any request made under subsection 2 shall be made by the union. ^{Request by union.}

(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 subject to any terms or conditions that he may deem advisable. 1948, c. 31, s. 4 (1), *part.* ^{Revocation of direction.}

9. This Act shall have effect notwithstanding any by-law or regulation of a municipality relating to the fire department. ^{Act to prevail over municipality by-laws.} 1947, c. 37, s. 10, *amended.*

10. Every person who requires or requests a full-time fire fighter to be on duty in violation of this Act shall be guilty ^{Offence.}

of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$100. 1947, c. 37, s. 11, *amended*.

PART II

Grants
in aid.

11.—(1) Subject to sections 13, 14 and 15 the Treasurer of Ontario may make an annual grant out of the Consolidated Revenue Fund to every municipality having a fire department, and the amount of such grant shall be equal to the following proportion of the cost of the fire department for the year preceding the year in which the grant is made,—

- (a) where the population of the municipality is less than 10,000, twenty-five per centum;
- (b) where the population of the municipality is 10,000 or more and less than 25,000, twenty per centum;
- (c) where the population of the municipality is 25,000 or more and less than 70,000, fifteen per centum; and
- (d) where the population of the municipality is 70,000 or more, ten per centum.

Fire areas in
townships.

(2) Where there is one or more fire areas within a township, the population of the fire area or areas shall be deemed to be the population of the municipality for the purposes of this section. *New.*

Cost,—
how de-
termined.

12.—(1) For the purposes of this Act the cost of the fire department shall be the total of the amounts paid during the year by the municipality in respect of,—

- (a) the services of full-time fire fighters;
- (b) the services of volunteer fire fighters;
- (c) uniforms and personal equipment for full-time and volunteer fire fighters;
- (d) office supplies and equipment and clerical assistance;
- (e) *The Workmen's Compensation Act* or benefit plan approved by the Superintendent of Insurance;
- (f) liability and fire insurance premiums;
- (g) contributions to any pension plan for full-time fire fighters where the plan is approved by the Superintendent of Insurance;

Rev. Stat.,
c. 204.

- (h) membership in and expenses of representatives attending the annual meeting of the Dominion Association of Fire Chiefs, the International Association of Fire Chiefs or the Association of Canadian Fire Marshals and any fire college or fire school conducted under the auspices of the Fire Marshal;
- (i) the purchase of fire apparatus and fire-fighting equipment meeting the prescribed standards;
- (j) fire alarm and communication systems and equipment;
- (k) the normal operation, maintenance or repair of fire apparatus and fire-fighting equipment, and fire alarm and communication systems and equipment; and
- (l) such other matters and things as the Lieutenant-Governor in Council may prescribe.

(2) In reckoning the cost of the fire department under subsection 1, any portion of the cost that is to be raised or paid in any subsequent year, or that is provided for by the issue of debentures, shall not be included. What not to be included.

(3) Where any municipality has an agreement under *The Municipal Act* for fire protection services to be furnished to it by any other municipality,— Fire protection agreements. Rev. Stat., c. 266.

- (a) it shall be deemed to have a fire department, and the payments made during the year under any such agreement shall be deemed to be the cost thereof;
- (b) the amount of the grant shall be based upon the population of the municipality or fire area or areas therein receiving the fire protection services and the adequacy and efficiency of the fire protection services furnished; and
- (c) the municipality receiving payment for fire protection services furnished shall deduct the amount thereof from the total of its cost before any claim is made by it under this Act. *New.*

13.—(1) No part of any grant under section 11 shall be paid,— Conditions precedent to grants.

- (a) unless all full-time and volunteer fire fighters are under *The Workmen's Compensation Act* or a benefit plan approved by the Superintendent of Insurance; Rev. Stat., c. 204.

- (b) where the municipality is in default under this Act or any agreement, decision or award under the collective bargaining provisions of this Act; and
- (c) unless in the case of a municipality employing any full-time fire fighters, a pension plan approved by the Superintendent of Insurance has been established under which each full-time fire fighter contributes not less than five per centum of his salary or wages and the municipality contributes not less than an equal amount.

Claims
in 1949.

(2) A municipality may make a claim in the year 1949 based upon the cost of the fire department for the year 1948 whether or not the requirements of subsection 1 were met in the year 1948. *New.*

Claim
for grants.

14.—(1) The treasurer of a municipality making claim in any year to a grant under section 11 shall, so soon as may be in the year after the cost of the fire department for the preceding year has been determined, send to the Fire Marshal a statement in the form prescribed by the Fire Marshal signed by the head of the municipality and himself showing,—

- (a) that the requirements of section 13 have been met; and
- (b) the cost of the fire department for the preceding year, together with such particulars thereof as the Fire Marshal may require.

Fire
Marshal's
certificate.

(2) The Fire Marshal shall examine the statement and if he is satisfied as to the correctness thereof he shall so certify to the Treasurer of Ontario.

Payment.

(3) Upon receipt of the certificate the Treasurer of Ontario may pay to the municipality so soon as may be after the 1st day of November of the year in which the claim is made, an amount equal to one-half of the grant provided by section 11. *New.*

Balance
of grants.

15.—(1) Where under section 14 a municipality is entitled to be paid one-half of the grant provided by section 11, the Treasurer of Ontario may pay to the municipality so soon as may be after the 1st day of November of the year in which the claim is made, the remaining one-half of such grant or such portion thereof as the Fire Marshal may recommend having regard to the adequacy and efficiency of the fire department.

(2) In determining the adequacy and efficiency of the fire department the Fire Marshal shall have regard to,— Inspection of fire departments.

- (a) the number of the members of the fire department;
- (b) the number, type, size, age and condition of the fire apparatus and fire-fighting equipment;
- (c) the fire halls and the communication systems;
- (d) the general standards of fire fighting and training; and
- (e) the fire prevention and inspection programme,

and for such purposes may inspect the fire department.

(3) Where the Fire Marshal recommends an amount that is less than the remaining one-half of such grant he shall notify the treasurer of the municipality of his recommendation, and the council of the municipality within fourteen days of the receipt of the notice by the treasurer, may appeal the recommendation to the Ontario Municipal Board and the Board may vary the amount so recommended. *New.* Appeal to Municipal Board.

16.—(1) The Treasurer of Ontario may make an additional grant out of the Consolidated Revenue Fund to any municipality that for the first time purchases a motorized fire pumper meeting the prescribed standards as part of the organization or re-organization of its fire department, of an amount equal to ten per centum of the purchase price of such pumper. Fire pumper grants.

(2) The treasurer of the municipality shall send to the Fire Marshal a statement in the form prescribed by the Fire Marshal, signed by the head of the municipality and himself, showing such purchase and the amount paid. Treasurer's statement.

(3) The Fire Marshal shall examine the statement and if he is satisfied of the correctness thereof, he shall so certify to the Treasurer of Ontario. Fire Marshal's certificate.

(4) Upon receipt of the certificate the Treasurer of Ontario may make the grant provided for in this section. *New.* Payment.

17. The Fire Marshal may,—

Fire schools.

- (a) establish, maintain and operate a central fire college for the training of fire department officers;

(b) establish and operate regional fire schools for the training of fire fighters; and

(c) provide travelling instructors for fire fighters,

and the cost thereof shall be payable out of such moneys as may be appropriated by the Legislature for the purpose.

Regulations. **18.** The Lieutenant-Governor in Council may make regulations,—

(a) prescribing standards for fire apparatus and fire-fighting equipment; and

(b) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

1947, c. 37;
1948, c. 31,
repealed.

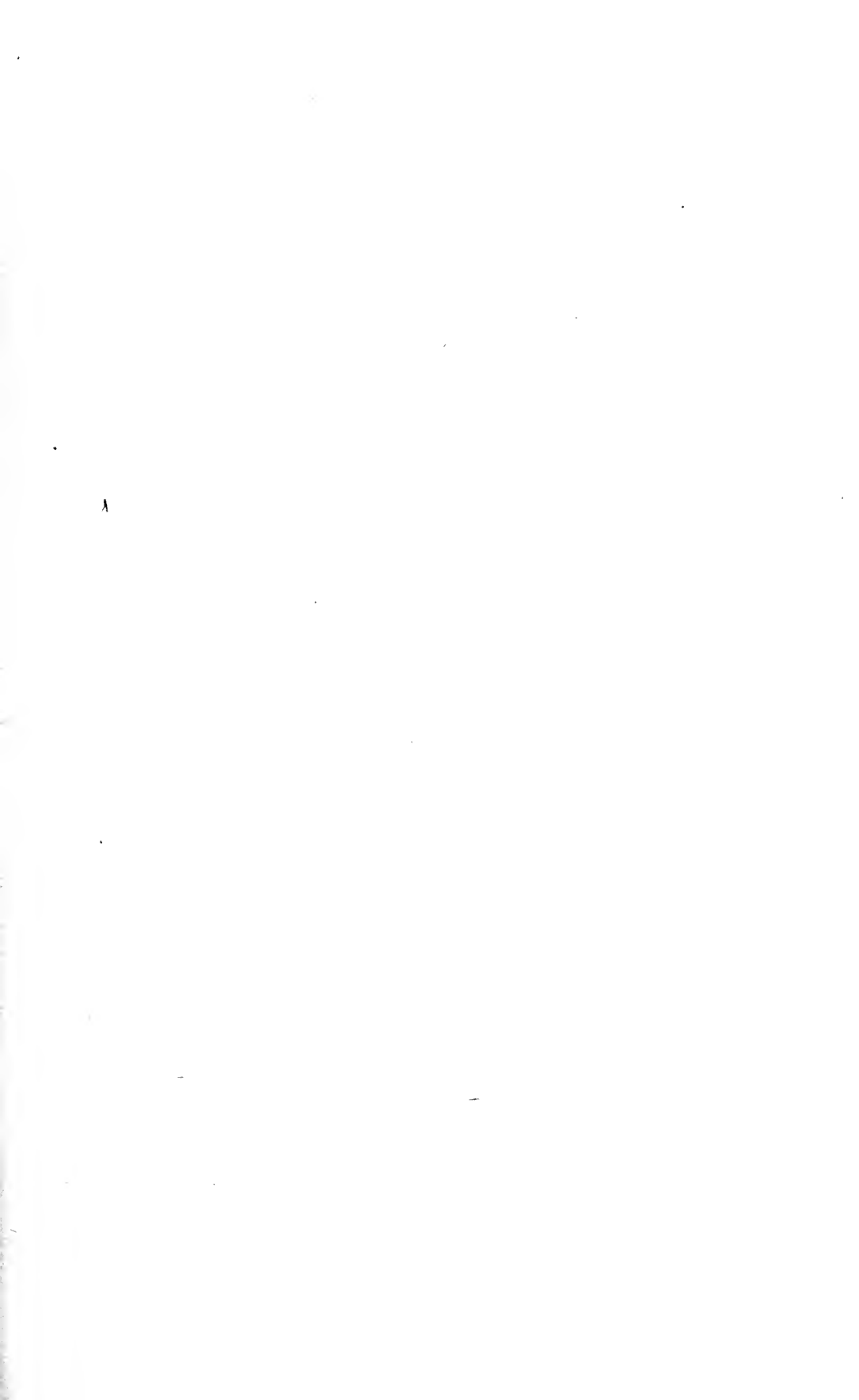
19. *The Fire Departments Act, 1947 and The Fire Departments Amendment Act, 1948* are repealed.

Effective
date.

20. This Act shall be deemed to have come into force on the 1st day of January, 1949.

Short title.

21. This Act may be cited as *The Fire Departments Act, 1949*.



BILL

The Fire Departments Act, 1949

1st Reading

March 4th, 1949

2nd Reading

3rd Reading

MR. BLACKWELL

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

The Fire Departments Act, 1949.

MR. BLACKWELL

(Reprinted as amended in Committee of the Whole House.)



BILL

The Fire Departments Act, 1949.

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 department” means fire department organized under <i>The Municipal Act</i> and equipped with one or more motorized fire pumpers meeting the prescribed standards; | “fire de-
partment”;
Rev. Stat.,
c. 266. |
| (b) “Fire Marshal” means Fire Marshal of Ontario; | “Fire
Marshal”; |
| (c) “full-time fire fighter” means person regularly employed in the fire department on a full-time salaried basis and assigned exclusively to fire protection or fire prevention duties and includes officers and technicians; | “full-time
fire fighter”; |
| (d) “population” means population ascertained from the last revised assessment roll; | “popula-
tion”; |
| (e) “prescribed standards” means standards prescribed by the regulations; | “prescribed
standards”; |
| (f) “regulations” means regulations made under this Act; and | “regula-
tions”; |
| (g) “volunteer fire fighter” means person who voluntarily acts as a fire fighter for a nominal consideration or honorarium. <i>New.</i> | “volunteer
fire fighter”. |

PART I

2.—(1) In every municipality having a population of not less than 10,000, the full-time fire fighters assigned to fire-fighting duties shall work according to,—

Hours of
work.

Two-platoon system.

(a) the two-platoon system where the full-time fire fighters are divided into two platoons, the hours of work of which shall be,

- (i) for each platoon twenty-four consecutive hours on duty followed immediately by twenty-four consecutive hours off duty, or
- (ii) for one platoon in day-time ten consecutive hours on duty followed immediately by fourteen consecutive hours off duty and for the other platoon in night-time fourteen consecutive hours on duty followed immediately by ten consecutive hours off duty,

and the platoons shall alternate at least every two weeks from night work to day work and vice versa;

Three-platoon system.

(b) the three-platoon system where the full-time fire fighters are divided into three platoons, the hours of work of which shall be eight consecutive hours on duty followed immediately by sixteen consecutive hours off duty, and the platoons shall rotate in their periods of duty and time off as may be arranged for the purpose of changing shifts at least every two weeks; or

Alternative systems.

(c) any other system of platoons or hours of work under which the maximum hours of work or hours on duty are not more than seventy-two hours on the average in any work week. 1947, c. 37, ss. 2, 3, 4, *part, amended*.

Other personnel.

(2) Full-time fire fighters assigned to other than fire-fighting duties shall work such hours as may be determined, but in no case shall such hours of work exceed the average work week of the other full-time fire fighters. 1947, c. 37, s. 4, *part*.

Maximum hours.

(3) No full-time fire fighter shall be required to be on duty more than seventy-two hours on the average in any work week. *New*.

Weekly day off duty.

(4) Every full-time fire fighter shall be off duty for one full day of twenty-four hours in every calendar week, but where a two-platoon system or a three-platoon system is in operation, the twenty-four hours release at the change of platoons shall not be regarded as a day off duty for the purposes of this section. 1947, c. 37, s. 5 (1), *amended*.

(5) Nothing in this Act shall prohibit any municipality from granting the full-time fire fighters more than one day off duty in every calendar week. 1947, c. 37, s. 5 (2), *amended*. Time off duty.

(6) The hours off duty of full-time fire fighters shall be free from fire department duties or calls. 1947, c. 37, s. 4, *part, amended*. Free from calls.

(7) Notwithstanding the provisions of this section, in the case of a serious emergency requiring the services of every full-time fire fighter, the chief or other officer in charge of the fire department in his discretion may recall to duty the full-time fire fighters who are not on duty. 1947, c. 37, s. 4, *part, amended*. Recall in emergency.

3. No deduction shall be made from the pay or the holidays of the full-time fire fighters by reason of the provisions of this Act. 1947, c. 37, s. 6. Act not to affect salaries or holidays of employees.

4.—(1) When requested in writing by a majority of the full-time fire fighters, the council of the municipality shall bargain in good faith with a bargaining committee of the full-time fire fighters for the purpose of defining, determining and providing for remuneration and working conditions of the full-time fire fighters other than the chief of the fire department. 1947, c. 37, s. 7 (1); 1948, c. 31, s. 1, *amended*. Bargaining.

(2) Where not less than fifty per centum of the full-time fire fighters belong to a trade union any request made under subsection 1 shall be made by the union. 1947, c. 37, s. 7 (2). Trade union.

(3) In every case the members of the bargaining committee shall be full-time fire fighters, but where not less than fifty per centum of the full-time fire fighters belong to a trade union the bargaining committee may, at all meetings held with the council of the municipality or any committee thereof for the purpose of bargaining, be accompanied by,— Affiliated bodies.

(a) where the trade union is affiliated with a provincial body, one member of the provincial body; and

(b) where the trade union is affiliated with an international body, one member of the international body,

each of whom shall attend in an advisory capacity only. 1947, c. 37, s. 7 (2, 3), *amended*.

5.—(1) Where, after bargaining under section 4, the council of the municipality or the bargaining committee is satisfied than an agreement cannot be reached, it may by notice in Board of arbitration.

writing to the bargaining committee or the council, as the case may be, require all matters in dispute to be referred to a board of arbitration of three members in which case the council and the bargaining committee shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

Failure to
appoint
member.

(2) Where either party fails to appoint a member of the board of arbitration within a reasonable time, or having appointed a person who is unable or unwilling to act, fails to appoint another member within a reasonable time, the Attorney General may, upon the written request of the other party, appoint a member in lieu thereof.

Failure to
appoint
chairman.

(3) Where the two members of the board of arbitration appointed by the parties fail, within five days of the appointment of the one last appointed, to agree upon a third member, the Attorney General may, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint the third member. 1947, c. 37, s. 8 (1-3).

Decision of
board of
arbitration.

(4) 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. 1948, c. 31, s. 2.

Costs.

(5) Each party shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally. 1947, c. 37, s. 8 (4).

Effect of
agreement
or award.

6.—(1) Every agreement made under section 4 and every decision or award of a majority of the members of the board of arbitration under section 5, shall be binding upon the council of the municipality and the full-time fire fighters. 1947, c. 37, s. 9 (1).

Duration of
agreement
or award.

(2) Nothing in this Act shall require the continuance in force of any agreement, decision or award for more than one year from the date upon which it commenced to be in force. 1947, c. 37, s. 9 (3).

Agreement,
decision or
award—
when to
have effect.

7.—(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.

(2) Where, pursuant to subsection 1, another day is named ^{Idem.} 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. 1948, c. 31, s. 4 (1), *part.*

8.—(1) Where a request in writing is made under subsection 1 of section 4 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. ^{Payment of expenditures.}

(2) Where the council of a municipality fails to comply with subsection 1, the Lieutenant-Governor in Council may, — ^{Withholding of provincial grant.}

(a) upon being requested in writing by a majority of the full-time fire fighters; 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 full-time fire fighters belong to a trade union, any request made under subsection 2 shall be made by the union. ^{Request by union.}

(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 subject to any terms or conditions that he may deem advisable. 1948, c. 31, s. 4 (1), *part.* ^{Revocation of direction.}

9. This Act shall have effect notwithstanding any by-law or regulation of a municipality relating to the fire department. 1947, c. 37, s. 10, *amended.* ^{Act to prevail over municipality by-laws.}

10. Every person who requires or requests a full-time fire fighter to be on duty in violation of this Act shall be guilty ^{Offence.}

of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$100. 1947, c. 37, s. 11, *amended*.

Grants
in aid.

PART II

11.—(1) The Treasurer of Ontario may make an annual grant out of the Consolidated Revenue Fund to every municipality having a fire department, and the amount of such grants shall be equal to the following proportion of the cost of the fire department for the year preceding the year in which the grant is made,—

- (a) where the population of the municipality is less than 10,000, twenty-five per centum;
- (b) where the population of the municipality is 10,000 or more and less than 25,000, twenty per centum;
- (c) where the population of the municipality is 25,000 or more and less than 70,000, fifteen per centum; and
- (d) where the population of the municipality is 70,000 or more, ten per centum.

Fire areas in
townships.

(2) Where there is one or more fire areas within a township, the population of the fire area or areas shall be deemed to be the population of the municipality for the purposes of this section. *New.*

Cost,—
how de-
termined.

12.—(1) For the purposes of this Part the cost of the fire department shall be the total of the amounts paid during the year by the municipality in respect of,—

- (a) the services of full-time and volunteer fire fighters;
- (b) uniforms, clothing allowances and personal equipment for full-time and volunteer fire fighters;
- (c) office supplies and equipment and clerical assistance;
- (d) *The Workmen's Compensation Act* or benefit plan approved by the Workmen's Compensation Board;
- (e) liability and fire insurance premiums;
- (f) contributions to any pension plan for full-time fire fighters where the plan is approved by the Superintendent of Insurance;

Rev. Stat.,
c. 204.

- (g) membership in and expenses of representatives attending meetings of associations of fire marshals, fire chiefs or fire fighters or any fire college or fire school established under this Act;
- (h) fire apparatus and fire-fighting equipment meeting the prescribed standards and fire alarm and communication systems and equipment and the normal operation, maintenance and repair thereof; and
- (i) such matters and things as the Lieutenant-Governor in Council may prescribe.

(2) Where payment of any portion of the cost of the fire department has been deferred to any subsequent year or where the money required to pay any portion of the cost of the fire department has been raised by way of a loan or the issue of debentures, such portion shall, for the purposes of subsection 1, be deemed to be paid.

(3) Where any municipality has an agreement under *The Municipal Act* for fire protection services to be furnished to it by any other municipality,—

The Fire protection agreements. Rev. Stat., c. 266.

- (a) it shall be deemed to have a fire department, and the payments made during the year under any such agreement shall be deemed to be the cost thereof;
- (b) the amount of the grant shall be based upon the population of the municipality or fire area or areas therein receiving the fire protection services; and
- (c) the municipality receiving payment for fire protection services furnished shall deduct the amount thereof from the total of its cost before any claim is made by it under this Part. *New.*

13.—(1) No grant under section 11 shall be made,—

Conditions precedent to grants.

- (a) unless all full-time and volunteer fire fighters are under *The Workmen's Compensation Act* or a benefit plan approved by the Workmen's Compensation Board;
- (b) where the municipality is in default under Part I or under any agreement, decision or award made under the collective bargaining provisions of Part I; and
- (c) in the case of a municipality employing any full-time fire fighters, unless a pension plan approved by the

Rev. Stat., c. 204.

Superintendent of Insurance has been established under which the contributions of the full-time fire fighters and the municipality together equal or exceed ten per centum of their salaries and under which the contributions of the municipality equal or exceed the contributions of the full-time fire fighters.

Claims
in 1949.

(2) A municipality may make a claim in the year 1949 based upon the cost of the fire department for the year 1948 whether or not the requirements of subsection 1 were met in the year 1948. *New.*

Claim
for grants.

14.—(1) The treasurer of a municipality making claim in any year to a grant under section 11 shall, so soon as may be in the year after the cost of the fire department for the preceding year has been determined, send to the Fire Marshal a statement in the form prescribed by the Fire Marshal signed by the head of the municipality and himself showing,—

(a) that the requirements of section 13 have been met; and

(b) the cost of the fire department for the preceding year, together with such particulars thereof as the Fire Marshal may require.

Fire
Marshal's
certificate.

(2) The Fire Marshal shall examine the statement and if he is satisfied as to the correctness thereof he shall so certify to the Treasurer of Ontario.

Appeal to
Municipal
Board.

(3) Where the Fire Marshal notifies the treasurer of the municipality that he is not satisfied as to the correctness of the statement, the council of the municipality, within fourteen days of the receipt by the treasurer of the notice, may appeal any matter in dispute to the Ontario Municipal Board, whose decision thereon shall be final and shall be acted upon by the Fire Marshal. *New.*

Payment.

15. After receipt of the certificate of the Fire Marshal and so soon as may be after the 1st day of November of the year in which the claim is made, the Treasurer of Ontario may make the grant provided for in section 11. *New.*

Fire
pumper
grants.

16.—(1) The Treasurer of Ontario may make an additional grant out of the Consolidated Revenue Fund to any municipality that for the first time purchases a motorized fire pumper meeting the prescribed standards as part of the organization or re-organization of its fire department, of an amount equal to ten per centum of the purchase price of such pumper.

(2) The treasurer of the municipality shall send to the Fire Marshal a statement in the form prescribed by the Fire Marshal, signed by the head of the municipality and himself, showing such purchase and the amount of the purchase price. ^{Treasurer's statement.}

(3) The Fire Marshal shall examine the statement and if he is satisfied as to the correctness thereof, he shall so certify to the Treasurer of Ontario. ^{Fire Marshal's certificate.}

(4) Upon receipt of the certificate the Treasurer of Ontario may make the grant provided for in this section. ^{Payment.} *New.*

17. The Fire Marshal may,—

- (a) establish, maintain and operate a central fire college for the training of fire department officers;
- (b) establish and operate regional fire schools for the training of fire fighters; and
- (c) provide travelling instructors for fire fighters,

and the cost thereof shall be payable out of such moneys as may be appropriated by the Legislature for the purpose. *New.*

18. The Lieutenant-Governor in Council may make regulations,— ^{Regulations.}

- (a) prescribing standards for fire apparatus and fire-fighting equipment; and
- (b) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

19. *The Fire Departments Act, 1947 and The Fire Departments Amendment Act, 1948* are repealed. ^{1947, c. 37; 1948, c. 31, repealed.}

20. This Act shall be deemed to have come into force on the 1st day of January, 1949. ^{Effective date.}

21. This Act may be cited as *The Fire Departments Act, 1949.* ^{Short title.}

BILL

The Fire Departments Act, 1949.

1st Reading

March 4th, 1949

2nd Reading

March 21st, 1949

3rd Reading

MR. BLACKWELL

*(Reprinted as amended in Committee of the
Whole House.)*

No. 107

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL
The Fire Departments Act, 1949.

MR. BLACKWELL

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



BILL

The Fire Departments Act, 1949.

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) "fire department" means fire department organized under <i>The Municipal Act</i> and equipped with one or more motorized fire pumpers meeting the prescribed standards; | "fire department";
Rev. Stat.,
c. 266. |
| (b) "Fire Marshal" means Fire Marshal of Ontario; | "Fire Marshal"; |
| (c) "full-time fire fighter" means person regularly employed in the fire department on a full-time salaried basis and assigned exclusively to fire protection or fire prevention duties and includes officers and technicians; | "full-time fire fighter"; |
| (d) "population" means population ascertained from the last revised assessment roll; | "population"; |
| (e) "prescribed standards" means standards prescribed by the regulations; | "prescribed standards"; |
| (f) "regulations" means regulations made under this Act; and | "regulations"; |
| (g) "volunteer fire fighter" means person who voluntarily acts as a fire fighter for a nominal consideration or honorarium. <i>New.</i> | "volunteer fire fighter". |

PART I

2.—(1) In every municipality having a population of not less than 10,000, the full-time fire fighters assigned to fire-fighting duties shall work according to,—

Two-platoon system.

(a) the two-platoon system where the full-time fire fighters are divided into two platoons, the hours of work of which shall be,

(i) for each platoon twenty-four consecutive hours on duty followed immediately by twenty-four consecutive hours off duty, or

(ii) for one platoon in day-time ten consecutive hours on duty followed immediately by fourteen consecutive hours off duty and for the other platoon in night-time fourteen consecutive hours on duty followed immediately by ten consecutive hours off duty,

and the platoons shall alternate at least every two weeks from night work to day work and vice versa;

Three-platoon system.

(b) the three-platoon system where the full-time fire fighters are divided into three platoons, the hours of work of which shall be eight consecutive hours on duty followed immediately by sixteen consecutive hours off duty, and the platoons shall rotate in their periods of duty and time off as may be arranged for the purpose of changing shifts at least every two weeks; or

Alternative systems.

(c) any other system of platoons or hours of work under which the maximum hours of work or hours on duty are not more than seventy-two hours on the average in any work week. 1947, c. 37, ss. 2, 3, 4, *part, amended.*

Other personnel.

(2) Full-time fire fighters assigned to other than fire-fighting duties shall work such hours as may be determined, but in no case shall such hours of work exceed the average work week of the other full-time fire fighters. 1947, c. 37, s. 4, *part.*

Maximum hours.

(3) No full-time fire fighter shall be required to be on duty more than seventy-two hours on the average in any work week. *New.*

Weekly day off duty.

(4) Every full-time fire fighter shall be off duty for one full day of twenty-four hours in every calendar week, but where a two-platoon system or a three-platoon system is in operation, the twenty-four hours release at the change of platoons shall not be regarded as a day off duty for the purposes of this section. 1947, c. 37, s. 5 (1), *amended.*

(5) Nothing in this Act shall prohibit any municipality from granting the full-time fire fighters more than one day off duty in every calendar week. 1947, c. 37, s. 5 (2), *amended*. Time off duty.

(6) The hours off duty of full-time fire fighters shall be free from fire department duties or calls. 1947, c. 37, s. 4, *part, amended*. Free from calls.

(7) Notwithstanding the provisions of this section, in the case of a serious emergency requiring the services of every full-time fire fighter, the chief or other officer in charge of the fire department in his discretion may recall to duty the full-time fire fighters who are not on duty. 1947, c. 37, s. 4, *part, amended*. Recall in emergency.

3. No deduction shall be made from the pay or the holidays of the full-time fire fighters by reason of the provisions of this Act. 1947, c. 37, s. 6. Act not to affect salaries or holidays of employees.

4.—(1) When requested in writing by a majority of the full-time fire fighters, the council of the municipality shall bargain in good faith with a bargaining committee of the full-time fire fighters for the purpose of defining, determining and providing for remuneration and working conditions of the full-time fire fighters other than the chief of the fire department. 1947, c. 37, s. 7 (1); 1948, c. 31, s. 1, *amended*. Bargaining.

(2) Where not less than fifty per centum of the full-time fire fighters belong to a trade union any request made under subsection 1 shall be made by the union. 1947, c. 37, s. 7 (2). Trade union.

(3) In every case the members of the bargaining committee shall be full-time fire fighters, but where not less than fifty per centum of the full-time fire fighters belong to a trade union the bargaining committee may, at all meetings held with the council of the municipality or any committee thereof for the purpose of bargaining, be accompanied by,— Affiliated bodies.

(a) where the trade union is affiliated with a provincial body, one member of the provincial body; and

(b) where the trade union is affiliated with an international body, one member of the international body,

each of whom shall attend in an advisory capacity only. 1947, c. 37, s. 7 (2, 3), *amended*.

5.—(1) Where, after bargaining under section 4, the council of the municipality or the bargaining committee is satisfied than an agreement cannot be reached, it may by notice in Board of arbitration.

writing to the bargaining committee or the council, as the case may be, require all matters in dispute to be referred to a board of arbitration of three members in which case the council and the bargaining committee shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

Failure to
appoint
member.

(2) Where either party fails to appoint a member of the board of arbitration within a reasonable time, or having appointed a person who is unable or unwilling to act, fails to appoint another member within a reasonable time, the Attorney General may, upon the written request of the other party, appoint a member in lieu thereof.

Failure to
appoint
chairman.

(3) Where the two members of the board of arbitration appointed by the parties fail, within five days of the appointment of the one last appointed, to agree upon a third member, the Attorney General may, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint the third member. 1947, c. 37, s. 8 (1-3).

Decision of
board of
arbitration.

(4) 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. 1948, c. 31, s. 2.

Costs.

(5) Each party shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally. 1947, c. 37, s. 8 (4).

Effect of
agreement
or award.

6.—(1) Every agreement made under section 4 and every decision or award of a majority of the members of the board of arbitration under section 5, shall be binding upon the council of the municipality and the full-time fire fighters. 1947, c. 37, s. 9 (1).

Duration of
agreement
or award.

(2) Nothing in this Act shall require the continuance in force of any agreement, decision or award for more than one year from the date upon which it commenced to be in force. 1947, c. 37, s. 9 (3).

Agreement,
decision or
award,—
when to
have effect.

7.—(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.

(2) Where, pursuant to subsection 1, another day is named ^{Idem.} 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. 1948, c. 31, s. 4 (1), *part.*

8.—(1) Where a request in writing is made under subsection ^{Payment of expenditures.} 1 of section 4 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.

(2) Where the council of a municipality fails to comply with subsection 1, the Lieutenant-Governor in Council may,— ^{Withholding of provincial grant.}

- (a) upon being requested in writing by a majority of the full-time fire fighters; 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 full-time ^{Request by union.} fire fighters belong to a trade union, any request made under subsection 2 shall be made by the union.

(4) Where a direction has been made under subsection 2, ^{Revocation of direction.} 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 subject to any terms or conditions that he may deem advisable. 1948, c. 31, s. 4 (1), *part.*

9. This Act shall have effect notwithstanding any by-law ^{Act to prevail over municipality by-laws.} or regulation of a municipality relating to the fire department. 1947, c. 37, s. 10, *amended.*

10. Every person who requires or requests a full-time fire ^{Offence.} fighter to be on duty in violation of this Act shall be guilty

of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$100. 1947, c. 37, s. 11, *amended*.

Grants
in aid.

PART II

11.—(1) The Treasurer of Ontario may make an annual grant out of the Consolidated Revenue Fund to every municipality having a fire department, and the amount of such grants shall be equal to the following proportion of the cost of the fire department for the year preceding the year in which the grant is made,—

- (a) where the population of the municipality is less than 10,000, twenty-five per centum;
- (b) where the population of the municipality is 10,000 or more and less than 25,000, twenty per centum;
- (c) where the population of the municipality is 25,000 or more and less than 70,000, fifteen per centum; and
- (d) where the population of the municipality is 70,000 or more, ten per centum.

Fire areas in
townships.

(2) Where there is one or more fire areas within a township, the population of the fire area or areas shall be deemed to be the population of the municipality for the purposes of this section. *New*.

Cost,—
how de-
termined.

12.—(1) For the purposes of this Part the cost of the fire department shall be the total of the amounts paid during the year by the municipality in respect of,—

- (a) the services of full-time and volunteer fire fighters;
- (b) uniforms, clothing allowances and personal equipment for full-time and volunteer fire fighters;
- (c) office supplies and equipment and clerical assistance;
- (d) *The Workmen's Compensation Act* or benefit plan approved by the Workmen's Compensation Board;
- (e) liability and fire insurance premiums;
- (f) contributions to any pension plan for full-time fire fighters where the plan is approved by the Superintendent of Insurance;

Rev. Stat.,
c. 204.

- (g) membership in and expenses of representatives attending meetings of associations of fire marshals, fire chiefs or fire fighters or any fire college or fire school established under this Act;
- (h) fire apparatus and fire-fighting equipment meeting the prescribed standards and fire alarm and communication systems and equipment and the normal operation, maintenance and repair thereof; and
- (i) such matters and things as the Lieutenant-Governor in Council may prescribe.

(2) Where payment of any portion of the cost of the fire department has been deferred to any subsequent year or where the money required to pay any portion of the cost of the fire department has been raised by way of a loan or the issue of debentures, such portion shall, for the purposes of subsection 1, be deemed to be paid.

(3) Where any municipality has an agreement under *The Municipal Act* for fire protection services to be furnished to it by any other municipality,—

Interpretation of "paid".
Fire protection agreements.
Rev. Stat., c. 266.

- (a) it shall be deemed to have a fire department, and the payments made during the year under any such agreement shall be deemed to be the cost thereof;
- (b) the amount of the grant shall be based upon the population of the municipality or fire area or areas therein receiving the fire protection services; and
- (c) the municipality receiving payment for fire protection services furnished shall deduct the amount thereof from the total of its cost before any claim is made by it under this Part. *New.*

13.—(1) No grant under section 11 shall be made,—

Conditions precedent to grants.

- (a) unless all full-time and volunteer fire fighters are under *The Workmen's Compensation Act* or a benefit plan approved by the Workmen's Compensation Board;
- (b) where the municipality is in default under Part I or under any agreement, decision or award made under the collective bargaining provisions of Part I; and
- (c) in the case of a municipality employing any full-time fire fighters, unless a pension plan approved by the

Rev. Stat., c. 204.

Superintendent of Insurance has been established under which the contributions of the full-time fire fighters and the municipality together equal or exceed ten per centum of their salaries and under which the contributions of the municipality equal or exceed the contributions of the full-time fire fighters.

Claims
in 1949.

(2) A municipality may make a claim in the year 1949 based upon the cost of the fire department for the year 1948 whether or not the requirements of subsection 1 were met in the year 1948. *New.*

Claim
for grants.

14.—(1) The treasurer of a municipality making claim in any year to a grant under section 11 shall, so soon as may be in the year after the cost of the fire department for the preceding year has been determined, send to the Fire Marshal a statement in the form prescribed by the Fire Marshal signed by the head of the municipality and himself showing,—

(a) that the requirements of section 13 have been met; and

(b) the cost of the fire department for the preceding year, together with such particulars thereof as the Fire Marshal may require.

Fire
Marshal's
certificate.

(2) The Fire Marshal shall examine the statement and if he is satisfied as to the correctness thereof he shall so certify to the Treasurer of Ontario.

Appeal to
Municipal
Board.

(3) Where the Fire Marshal notifies the treasurer of the municipality that he is not satisfied as to the correctness of the statement, the council of the municipality, within fourteen days of the receipt by the treasurer of the notice, may appeal any matter in dispute to the Ontario Municipal Board, whose decision thereon shall be final and shall be acted upon by the Fire Marshal. *New.*

Payment.

15. After receipt of the certificate of the Fire Marshal and so soon as may be after the 1st day of November of the year in which the claim is made, the Treasurer of Ontario may make the grant provided for in section 11. *New.*

Fire
pumper
grants.

16.—(1) The Treasurer of Ontario may make an additional grant out of the Consolidated Revenue Fund to any municipality that for the first time purchases a motorized fire pumper meeting the prescribed standards as part of the organization or re-organization of its fire department, of an amount equal to ten per centum of the purchase price of such pumper.

(2) The treasurer of the municipality shall send to the Fire Marshal a statement in the form prescribed by the Fire Marshal, signed by the head of the municipality and himself, showing such purchase and the amount of the purchase price. Treasurer's statement.

(3) The Fire Marshal shall examine the statement and if he is satisfied as to the correctness thereof, he shall so certify to the Treasurer of Ontario. Fire Marshal's certificate.

(4) Upon receipt of the certificate the Treasurer of Ontario may make the grant provided for in this section. *New.* Payment.

17. The Fire Marshal may,—

Fire schools.

- (a) establish, maintain and operate a central fire college for the training of fire department officers;
- (b) establish and operate regional fire schools for the training of fire fighters; and
- (c) provide travelling instructors for fire fighters,

and the cost thereof shall be payable out of such moneys as may be appropriated by the Legislature for the purpose. *New.*

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

- (a) prescribing standards for fire apparatus and fire-fighting equipment; and
- (b) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

19. *The Fire Departments Act, 1947* and *The Fire Departments Amendment Act, 1948* are repealed. 1947, c. 37; 1948, c. 31, repealed.

20. This Act shall be deemed to have come into force on the 1st day of January, 1949. Effective date.

21. This Act may be cited as *The Fire Departments Act, 1949*. Short title.

BILL

The Fire Departments Act, 1949.

1st Reading

March 4th, 1949

2nd Reading

March 21st, 1949

3rd Reading

March 25th, 1949

MR. BLACKWELL

No. 108

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

The Police Act, 1949.

MR. BLACKWELL

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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JUN 19

EXPLANATORY NOTE

This Bill is mainly the re-enactment of the present Act re-worded to bring it into line with Part III which is new and provides for provincial subsidies for municipal police forces.

BILL

The Police Act, 1949.

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

1.—(1) In this Act,—

Interpre-
tation,—

- (a) "association" means an association limited to one police force and having among its objects the improvement of conditions of service or remuneration of the members of a police force; ^{"association";}
- (b) "board" means board of commissioners of police; ^{"board";}
- (c) "Commissioner" means Commissioner of Police for Ontario; and ^{"Commissioner";}
- (d) "regulations" means regulations made under this Act. 1946, c. 72, s. 1; 1947, s. 77, s. 1, *amended*. ^{"regulations".}

(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 improvement districts.}
1948, c. 68, s. 1.

PART I.

DIVISION OF RESPONSIBILITY.

2.—(1) Every city and town shall be responsible for the policing of and maintenance of law and order in the municipality and for providing and maintaining an adequate police force in accordance with the police needs of the municipality. ^{Policing in cities and towns;}

(2) Every village and township which, or any part of which, has a density of population and real property assessment sufficient to warrant the maintenance of a police force and which has been so designated by the Lieutenant-Governor in Council shall, with regard to the municipality or part ^{in villages and townships.}

thereof, as the case may be, be responsible for the policing and maintenance of law and order and for providing and maintaining an adequate police force in accordance with the police needs of the municipality or part thereof. 1946, c. 72, s. 2 (1, 2), *amended*.

Special
circum-
stances.

(3) Where by reason of the establishment of any enterprise or because of any other reason special circumstances or abnormal conditions exist in any area which in the opinion of the Attorney General would render it inequitable that the responsibility for policing should be imposed on any municipality or on the Province the Lieutenant-Governor in Council may designate such area a special area and may require any company operating such enterprise or being the owner of such area to enter into an agreement for the policing of such area under section 52. 1946, c. 72, s. 2 (3).

Responsi-
bility of
Ontario
Provincial
Police
Force.

3.—(1) The Ontario Provincial Police Force shall be responsible for policing all that part of Ontario that is not within a municipality or part of a municipality referred to in section 2, provided that the Ontario Provincial Police Force shall not be responsible for policing any part of Ontario in which a municipal police force is maintained. 1946, c. 72, s. 3 (1), *amended*.

Additional
duties of
Ontario
Provincial
Police
Force.

(2) The Ontario Provincial Police Force, in addition to performing the policing services prescribed in subsection 1, shall,—

(a) maintain a traffic patrol on the King's Highways;

1946, c. 47.
Rev. Stat.,
c. 294.

(b) subject to any agreement in force under *The Liquor Licence Act, 1946*, enforce the provisions of *The Liquor Licence Act, 1946*, *The Liquor Control Act* and the regulations thereunder and any other laws designated by the Attorney General; and

(c) maintain a criminal investigation branch which shall be used to assist municipal police forces on the direction of the Attorney General or at the request of the Crown attorney. 1946, c. 72, s. 3 (2), cls. (a, c, d), *amended*.

Failure
to provide
police.

4. Where the Commissioner reports to the Attorney General that a municipality mentioned in section 2 does not maintain a police force and is not provided with police services pursuant to an agreement under section 51 or 52, the Attorney General may take such action as he may deem necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force and charge the municipality with the cost thereof which may be deducted from any grant payable out of pro-

vincial funds to the municipality, or may be recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty. *New.*

5.—(1) Where the Commissioner reports to the Attorney General that a municipality mentioned in section 2, or any other municipality that maintains its own police force, is not, in the maintenance of such police force, complying with this Act and the regulations, the Attorney General may communicate with the clerk of the municipality indicating that the provisions of this Act or the regulations are not being complied with and requesting the council of the municipality to take such steps as may be necessary to comply therewith. 1946, c. 72, s. 5 (1). Non-compliance with regulations.

(2) Where the council neglects to comply with a request made under subsection 1, the Attorney General may take such action as he may deem necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force and charge the municipality with the cost thereof which may be deducted from any grant payable out of provincial funds to the municipality, or may be recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty. 1947, c. 77, s. 3. Action by Attorney General.

6. Where an area has been designated under subsection 3 of section 2 and the company required to enter into an agreement under section 52 refuses or neglects to enter into an agreement, the Ontario Provincial Police Force shall police the area and the cost thereof may be recovered with costs from the company by action in any court of competent jurisdiction as a debt due to His Majesty. 1947, c. 77, s. 4. Where company fails to enter into agreement.

PART II.

MUNICIPAL POLICE FORCES.

7.—(1) Notwithstanding any special Act, every city shall have a board and any village or township having a population in excess of 5,000 according to the last revised assessment roll and every county and town may, by by-law, constitute a board. 1946, c. 72, s. 6 (1); 1947, c. 77, s. 5, *amended*. Constitution of boards.

(2) The board shall, except as provided in subsection 3, consist of,— Board, how composed.

(a) the head of the council;

(b) a judge of any county or district court designated by the Lieutenant-Governor in Council; and

(c) such magistrate or Crown attorney as the Lieutenant-Governor in Council may designate.

Vacancies. (3) Where a vacancy occurs on the board by reason of the death of any member designated by the Lieutenant-Governor in Council, or where such member is unable to carry on his duties as a member of the board by reason of his illness or absence, the Attorney General may in writing appoint some other judge, magistrate or Crown attorney to act as a member of the board for a period of two months from the date of such appointment unless the Lieutenant-Governor in Council sooner appoints another member. 1946, c. 72, s. 6 (2, 3).

Remuneration. (4) The council shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations, to the members of the board designated by the Lieutenant-Governor in Council or appointed by the Attorney General and may provide for the payment of an allowance to the head of the council. 1947, c. 77, s. 8.

Meetings. **8.**—(1) The board shall in each year hold such meetings as may be prescribed by the regulations and shall at its first meeting in each year elect a chairman.

Quorum. (2) A majority of the members of the board shall constitute a quorum.

Meetings open to public. (3) The meetings of the board shall be open to the public unless otherwise directed by the board. 1946, c. 72, s. 7.

Repeal of by-law. **9.** The by-law of a village, township, county or town constituting a board may, with the consent of the Attorney General, be repealed and if so repealed the board shall be dissolved on the 1st day of January next after the passing of the repealing by-law. 1946, c. 72, s. 8, *amended*.

By-law. **10.**—(1) A by-law of the board shall be sufficiently authenticated, if signed by its chairman or acting chairman, and a by-law purporting to be so signed shall be received in evidence in all courts, without proof of the signature.

Certified copy of by-law. (2) A copy of a by-law purporting to be certified by a member of the board to be a true copy, shall be received in evidence in all courts, without proof of the signature. 1946, c. 72, s. 9.

Board to summon witnesses. **11.** The board shall have the same power to summon and examine witnesses on oath as to any matter connected with the execution of its duties, to enforce their attendance, and to compel them to give evidence, as is vested in any court of law in civil cases. 1946, c. 72, s. 10.

12. The police force in a municipality having a board shall consist of a chief constable and as many constables and other police officers and such assistants as the council may deem necessary, but not fewer than the board reports to be required. 1946, c. 72, s. 12, *amended*. Police force.

13. The members of the police force in a municipality having a board shall be appointed by and hold office during the pleasure of the board. 1946, c. 72, s. 13, *part, amended*. Term of office.

14. Subject to the approval of the Lieutenant-Governor in Council, any board may by by-law make regulations not inconsistent with regulations under section 62 for the government of the police force, for preventing neglect or abuse, and for rendering it efficient in the discharge of its duties. 1947, c. 102, s. 7 (1). Regulations by board.

15.—(1) Notwithstanding the provisions of section 2, the board shall be responsible for the policing and maintenance of law and order in the municipality and the members of the police force shall be subject to the government of the board and shall obey its lawful direction. 1947, c. 77, s. 7. Police force subject to board.

(2) Every member of the police force, however appointed, for the municipality shall from and after the passing of a by-law establishing a board be subject to the government of the board to the same extent as if appointed by the board. 1946, c. 72, s. 15 (2). Constables to be subject to board.

16.—(1) Where any motor vehicle, bicycle or any personal property of any kind is in the possession of the board or a member of the police force by reason of having been stolen from its owner or by reason of having been found abandoned in any public place and the board is unable to ascertain the owner thereof, the board may cause the same to be sold or otherwise disposed of as hereinafter set forth and may retain to its own use the proceeds of such sale or disposition. Sale of stolen and abandoned property in possession of police.

(2) When such property is perishable the sale or disposition of the same may be made at any time without notice of any kind, and when such property is not perishable, the board may, after the expiration of three months, sell the same by public auction after at least ten days' notice of the time and place of holding such auction has been given by publication once in a newspaper published in the municipality, and any such sale may be adjourned from time to time until the property is sold. Procedure for sale.

(3) This section shall be subject to the provisions of *The Highway Traffic Act*. 1946, c. 72, s. 16. Rev. Stat., c. 288, not affected.

Submission
of estimates
to council.

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, equipment, clothing and other things for the accommodation, use and maintenance of the force. 1946, c. 72, s. 17; 1948, c. 68, s. 2, *amended*.

APPOINTMENT BY MUNICIPAL COUNCIL.

Municipalities,—
where no
board.

18.—(1) The council of every town, village, county or township, not having a board, may establish a police force consisting of one or more constables or other police officers appointed by the council. 1946, c. 72, ss. 19, 21, *amended*.

Chief
constable.

(2) Where the police force has two or more members the council may appoint one member to be chief constable. *New*.

Police
villages.

19.—(1) The trustees of a police village may establish a police force consisting of one or more constables appointed by the trustees.

Salary.

(2) Every member of the police force may be paid by salary or may keep for his own use the fees of his office as the trustees may determine.

When fees
to belong
to village.

(3) Where a member of the police force is paid by salary the trustees may require that the fees of his office be paid to the treasurer of the township in which the village is situate or where the village comprises parts of two or more townships, to the treasurer of any or either of them for the use of the village.

Equipment.

(4) The trustees may provide and pay for offices, arms, equipment, clothing and other things for the accommodation, use and maintenance of the members of the police force. 1946, c. 72, s. 20, *amended*.

Cost of
policing
by levy.

20.—(1) The cost incurred by a township in maintaining its own police force or by reason of an agreement under section 51 or 52 may, if the council deems proper, be paid by a rate levied on any area or areas defined by the council.

Exemption
of farm
lands and
buildings.

(2) Whether or not any area has been defined under subsection 1 the council may exempt lands and buildings used exclusively in connection with farming from any rate levied for the purpose of paying such cost. 1947, c. 102, s. 7 (2).

Salary and
remunera-
tion.

21. The council by which a member of a police force is appointed may provide for the payment to him of such salary

or remuneration as the council may determine. 1946, c. 72, s. 23.

22. The council may agree with a salaried member of the police force appointed either by the council or by the board that he shall keep for his own use the fees of his office, or may require them to be paid to the treasurer for the use of the municipality. 1946, c. 72, s. 24.

Fees of salaried police officer.

23.—(1) The council of a municipality may pay any sum required for the protection, defence or indemnification of any member of the police force, where an action or prosecution is brought against him, and costs are necessarily incurred or damages are recovered.

Indemnifying police officers,—

(2) In a municipality having a board such sum shall be paid only where the board certifies that the case is a proper one for such payment or indemnity. 1946, c. 72, s. 25.

in municipality having board.

24. The council may grant pecuniary aid or other assistance to the widows and children of members of the police force who are killed or die from injuries received, or from illness contracted in the discharge of their duties. 1946, c. 72, s. 26.

Aid to widows and children in certain cases.

25. Where there is no board any member of the police force who has been charged with an offence against discipline under the regulations may be suspended from office by the head of the council of the municipality pending the disposition of the charge. 1947, c. 77, s. 9.

Power of suspension.

BARGAINING AND ARBITRATION.

26. A member of a police force shall not remain or become a member of any trade union or of any organization that is affiliated directly or indirectly with a trade union. 1947, c. 77, s. 10, *part*.

Membership in trade union forbidden.

27.—(1) When requested in writing by a majority of the full-time members of the police force, the council of the municipality or where there is a board, the board shall bargain in good faith with a bargaining committee of the members of the police force for the purpose of defining, determining and providing for remuneration and working conditions of the members of the police force other than the chief constable, except such working conditions as may be governed by any regulations made by the Lieutenant-Governor in Council pursuant to this Act. 1947, c. 77, s. 10, *part*; 1948, c. 68, s. 3, *amended*.

Bargaining.

(2) Where not less than fifty per centum of the full-time

Association.

members of the police force belong to an association any request made under subsection 1 shall be made by the association.

Affiliated body.

(3) In every case the members of a bargaining committee shall be full-time members of the police force, but where,—

- (a) the association is affiliated with any police organization; or
- (b) not less than fifty per centum of the full-time members of the police force belong to any police organization,

at all meetings held with the council of the municipality or any committee thereof, or the board, as the case may be, for the purpose of bargaining, the bargaining committee may be accompanied by one member of such organization who is actively engaged in the occupation of a police officer and who shall attend in an advisory capacity only. 1947, c. 77, s. 10, *part.*

Board of arbitration.

28.—(1) Except in the case of a police force having less than five members, where after bargaining under section 27 the council of the municipality or where there is a board, the board, or the members of the police force, or where there is a bargaining committee, the bargaining committee, is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may by notice in writing to the other party require all matters in dispute to be referred to a board of arbitration of three members in which case the parties shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

Failure to appoint member.

(2) Where either party fails to appoint a member of the board of arbitration within a reasonable time, or having appointed a person who is unable or unwilling to act, fails to appoint another member within a reasonable time, the Attorney General may, upon the written request of the other party, appoint a member in lieu thereof.

Failure to appoint chairman.

(3) Where the two members of the board of arbitration appointed by the parties fail, within five days of the appointment of the one last appointed, to agree upon a third member, the Attorney General may, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint the third member. 1947, c. 77, s. 10, *part.*

Decision of board of arbitration.

(4) 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. 1948, c. 68, s. 4.

(5) Each party shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally. 1947, c. 77, s. 10, *part*. Costs.

29.—(1) In the case of a police force having less than five members, where after bargaining under section 27, the council of the municipality or where there is a board, the board, or the members of the police force, or where there is a bargaining committee, the bargaining committee, is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may refer the matter to the Attorney General. Reference to Attorney General.

(2) Where a matter is referred to the Attorney General under subsection 1, the Attorney General may cause such inquiry to be made as he deems necessary and shall report his findings to the parties. Inquiry and report.

(3) The Attorney General may cause the report of his findings to be published in such manner as he may deem advisable. 1947, c. 77, s. 10, *part*. Publication of report.

30.—(1) Every agreement made under section 27 and every decision or award of a majority of the members of the board of arbitration under section 28 shall be binding upon the council of the municipality, the board, where there is a board, and the full-time members of the police force. Effect of agreement or award.

(2) Nothing in this Act shall require the continuance in force of any agreement, decision or award for more than one year from the date upon which it commenced to be in force. 1947, c. 77, s. 10, *part*. Duration of agreement or award.

31.—(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. Effect of agreement, decision or award.

(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. 1948, c. 68, s. 6 (1), *part*. Idem.

Provision
for expen-
diture
involved
in request.

32.—(1) Where a request in writing is made under subsection 1 of section 27 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.

Non-
compliance
with subs. 1.

(2) Where the council of a municipality fails to comply with subsection 1, the Lieutenant-Governor in Council may,—

(a) upon being requested in writing by a majority of the full-time 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.

Where
members
belong to
association.

(3) Where not less than fifty per centum of the full-time members of the police force belong to an association, any request made under subsection 2 shall be made by the association.

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 subject to any terms or conditions which he may deem advisable. 1948, c. 68, s. 6 (1), *part.*

PART III.

PROVINCIAL SUBSIDIES FOR MUNICIPAL POLICE FORCES.

Interpre-
tation,—

33. In this Part,—

“member”;

(a) “member” means member of a police force;

“police
force”;

(b) “police force” means a police force within the meaning of Part II maintained by a city or town or by a village or township for the purpose of discharging its responsibility under subsection 2 of section 2; and

“popula-
tion”.

(c) “population” means population ascertained from the last revised assessment roll. *New.*

34.—(1) Subject to sections 36, 37 and 38, the Treasurer of Ontario may make an annual grant out of the Consolidated Revenue Fund to every municipality having a police force, and the amount of such grant shall be equal to the following proportion of the cost of the police force for the year preceding the year in which the grant is made,—

- (a) where the population of the municipality is less than 10,000, twenty-five per centum;
- (b) where the population of the municipality is 10,000 or more and less than 25,000, twenty per centum;
- (c) where the population of the municipality is 25,000 or more and less than 70,000, fifteen per centum; and
- (d) where the population of the municipality is 70,000 or more, ten per centum.

(2) Where a part of a village or township has a density of population and a real property assessment sufficient to warrant the maintenance of a police force and the part has been so designated by the Lieutenant-Governor in Council under subsection 2 of section 2, the population of the part or, where there is more than one part in any village or township, the total population of the parts shall be deemed to be the population of the municipality for the purposes of this Part. *New.*

35.—(1) For the purposes of this Part the cost of the police force shall be the total of the amounts paid during the year by the municipality in respect of,—

- (a) the services of the members;
- (b) uniforms, clothing allowances, arms and personal equipment for the members;
- (c) office supplies and equipment and clerical assistance;
- (d) *The Workmen's Compensation Act* or benefit plan approved by the Superintendent of Insurance;
- (e) liability and fire insurance premiums;
- (f) contributions to any pension plan for members where the plan is approved by the Superintendent of Insurance;
- (g) membership in and expenses of representatives attending meetings of police associations or any police college or police school established under this Act;

- (h) communication systems, motor cars, trucks, patrol wagons, motor bicycles and other vehicles, bicycles and horses, and equipment and the normal operation, maintenance or repair thereof; and
- (i) such other matters and things as the Lieutenant-Governor in Council may prescribe.

What not included.

(2) In reckoning the cost of the police force under subsection 1, any portion of the cost that is to be raised or paid in any subsequent year, or that is provided for by the issue of debentures, shall not be included.

Municipal policing agreements.

(3) Where a city provides police services in another municipality pursuant to an agreement made under section 51,—

- (a) the municipality shall be deemed to have a police force, and the payments made during the year under any such agreement shall be deemed to be the cost thereof;
- (b) the amount of the grant shall be based upon the population of the municipality receiving the police services and the adequacy and efficiency of the police services furnished;
- (c) the city receiving payment for such police services shall deduct the amount thereof from the total of its cost before any claim is made by it under this Act.

Provincial policing agreements.

(4) Where the Commissioner provides police services in a municipality mentioned in section 2 pursuant to an agreement under section 52 made after the 1st day of April, 1949, the Commissioner shall determine the police cost of the municipality and the amount of the grant that would be payable under this Part if the municipality maintained an adequate and efficient police force and shall deduct such amount from the amount payable under the agreement. *New.*

Requirements for payment.

36.—(1) No part of any grant under section 34 shall be paid,—

- (a) unless all members of the police force are under *The Workmen's Compensation Act* or a benefit plan approved by the Superintendent of Insurance;
- (b) where the council of the municipality or the board is in default under any agreement, decision or award under the collective bargaining provisions of this Act; and

- (c) unless a pension plan approved by the Superintendent of Insurance has been established under which each member contributes not less than five per centum of his salary or wages and the municipality or board contributes not less than an equal amount.

(2) A municipality may make a claim in the year 1949 based upon the cost of the police force for the year 1948 whether or not the requirements of subsection 1 were met in the year 1948. *New.* ^{Claims in 1949.}

37.—(1) The treasurer of a municipality making claim in any year to a grant under this Part shall, so soon as may be in the year, after the cost of the police force for the preceding year has been determined, send to the Commissioner a statement in the form prescribed by the Commissioner signed by the head of the municipality, or where there is a board, the chairman of the board, and himself showing,— ^{Treasurer's statement.}

(a) that the requirements of section 36 have been met; and

(b) the cost of the police force for the preceding year together with such particulars thereof as the Commissioner may require.

(2) The Commissioner shall examine the statement and if he is satisfied as to the correctness thereof he shall so certify to the Treasurer of Ontario. ^{Commissioner's certificate.}

(3) Upon receipt of the certificate of the Commissioner the Treasurer of Ontario may pay to the municipality so soon as may be after the 1st day of November of the year in which the claim is made an amount equal to one-half of the grant provided by section 34. *New.* ^{Payment.}

38.—(1) Where under section 37 a municipality is entitled to be paid one-half of the grant provided by section 34, the Treasurer of Ontario may pay to the municipality so soon as may be after the 1st day of November of the year in which the claim is made, the remaining one-half of such grant or such portion thereof as the Commissioner may recommend having regard to the adequacy and efficiency of the police force, and for such purpose the Commissioner may inspect the police force. ^{Balance of grant.}

(2) Where the Commissioner recommends an amount that is less than the remaining one-half of such grant he shall notify the treasurer of the municipality of his recommendation and the council of the municipality, or where there is a board, the board, within fourteen days of the receipt of the notice by the treasurer, may appeal the recommendation to the Ontario Municipal Board and the Board may vary the amount so recommended. *New.* ^{Appeal to Municipal Board.}

PART IV.

ONTARIO PROVINCIAL POLICE FORCE.

Appoint-
ment of
Commis-
sioner of
Police.

39.—(1) There shall be a Commissioner of Police for Ontario, who shall be appointed by the Lieutenant-Governor in Council. 1946, c. 72, s. 28 (1).

Powers and
duties of
Commis-
sioner.

(2) The Commissioner shall have the general control and administration of the Ontario Provincial Police Force and the employees connected therewith, and of all officers specially appointed for the enforcement of any statute of Ontario, and he and all such officers and employees and the members of the Force shall be responsible to the Attorney General. 1946, c. 72, s. 28 (2), *amended*.

Investiga-
tions by
Commis-
sioner.

(3) The Commissioner may hold an inquiry into the conduct of any member of the Ontario Provincial Police Force or of any officer or employee under his control and upon such inquiry shall have and may exercise all the powers and authority which may be conferred upon a person appointed under the provisions of *The Public Inquiries Act*. 1946, c. 72, s. 28 (3).

Rev. Stat.,
c. 19.

Commis-
sioner to be
ex officio
magistrate.

40.—(1) Unless otherwise provided by Order-in-Council, the Commissioner shall be *ex officio* a magistrate for the Province of Ontario and shall have and may exercise and perform the powers and duties of a magistrate, and may take informations and issue warrants or summonses in any city, town, county, provisional county or provisional judicial district or other locality in Ontario, and may make the same returnable in the city, town, county, provisional county, provisional judicial district or other locality in which the offence charged is alleged to have been committed.

Exercise of
jurisdiction.

(2) The jurisdiction conferred by subsection 1 may be exercised by the Commissioner notwithstanding that there is in the locality in which he acts, a magistrate, who, under *The Magistrates Act* or any other statute, has jurisdiction exclusive or otherwise. 1946, c. 72, s. 29.

Rev. Stat.,
c. 133.

Ontario
Provincial
Police
Force.

41.—(1) The Ontario Provincial Police Force shall consist of the Commissioner and such constables and other police officers as the Lieutenant-Governor in Council may appoint.

Employees.

(2) The Lieutenant-Governor in Council may appoint such employees as may be required in connection with the Force. 1946, c. 72, s. 30, *amended*.

Duties of
members of
Force.

42.—(1) It shall be the duty of the members of the Ontario Provincial Police Force subject to this Act and the orders of the Commissioner,—

- (a) to perform all duties which now are or hereafter shall be assigned to constables in relation to the preservation of the peace, the prevention of crime and of offences against the laws in force in the Province and the criminal laws of Canada and the apprehension of criminals and offenders and others who may be lawfully taken into custody;
- (b) to execute all warrants, perform all duties and services thereunder or in relation thereto which may, under the laws in force in the Province, be lawfully executed and performed by constables;
- (c) to perform all duties which may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners and mentally incompetent persons to and from any courts, places of punishment or confinement, hospitals or other places; and
- (d) generally to perform such duties as may from time to time be assigned to them by the Commissioner.

(2) Except under the provisions of an agreement entered into under section 52 the Ontario Provincial Police Force shall not be charged with any duties under or in connection with any municipal by-laws. 1946, c. 72, s. 31.

Ontario
Provincial
Police Force
not to be
charged with
duties under
municipal
by-laws.

43.—(1) Any money appropriated by the Legislature for the purpose of enforcing or preventing the contravention of the laws of Ontario or Canada, or of any regulation made thereunder shall be known as the "Law Enforcement Fund" and payments from the Fund shall be made under the direction of the Attorney General to such persons and for such purposes as he may think proper, to be expended in such law enforcement, including the cost of the Ontario Provincial Police Force.

Law En-
forcement
Fund.

(2) The certificate or order of the Attorney General that any sum of money is required to be paid out of the Fund shall be sufficient authority for the issue of a cheque by the Treasurer of Ontario for the amount named in such certificate or order, and the officer or other person to whom such cheque is issued shall account for the proper disbursement of the proceeds thereof to the Attorney General whose approval of the account shall be final.

Payment
out of
Fund.

(3) Where any member of the Ontario Provincial Police Force is engaged in a matter of extradition or other special investigation, or where he performs any act or discharges any duty with the authority and under the direction of the Attorney General, he shall be allowed such travelling, inci-

Expenses.

dental and other expenses as the Attorney General may approve and they shall be paid out of the Fund. 1946, c. 72, s. 32.

Service
badges.

44.—(1) The Lieutenant-Governor in Council may provide for the granting of service badges to the members of the Ontario Provincial Police Force or any class thereof and for money allowances to be paid to the members entitled to any service badge.

Allowances.

(2) The money allowance shall be paid out of the Law Enforcement Fund and shall be deemed to be part of the salary of the member. *New.*

PART V.

GENERAL.

Constables
empowered
to act
throughout
Ontario.

45. Every chief constable, constable and other police officer, except a special constable or a by-law enforcement officer, shall have authority to act as a constable throughout Ontario. 1946, c. 72, s. 34; 1947, c. 77, s. 13, *amended.*

Duties and
powers of
members of
police forces.

46. The members of police forces appointed under Part II shall be charged with the duty of preserving the peace, preventing robberies and other crimes and offences, including offences against the by-laws of the municipality, and apprehending offenders, and laying informations before the proper tribunal, and prosecuting and aiding in the prosecuting of offenders, and shall have generally all the powers and privileges and be liable to all the duties and responsibilities that belong to constables. 1946, c. 72, s. 35.

Investiga-
tion and
report by
Commis-
sioner.

47.—(1) The Attorney General may require the Commissioner or any other person, to investigate, inquire into and report to the Attorney General upon the conduct of any chief constable, constable, police officer, special constable or by-law enforcement officer, the administration of any police force, the system of policing any municipality and the police needs of any municipality,—

- (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
- (b) without the request of the council of a municipality, in which case the cost of such investigation shall be paid out of the Consolidated Revenue Fund. 1946, c. 72, s. 36 (1); 1948, c. 68, s. 9, *amended.*

(2) The person directed to hold such investigation shall have all the powers and authority which may be conferred upon a person appointed under *The Public Inquiries Act*. Powers of investigator. Rev. Stat., c. 19.

(3) The report of an investigation made at the request of the council of a municipality shall be communicated by the Attorney General to the council of such municipality. 1946, c. 72, s. 36 (2, 3). Report to be communicated to council.

48.—(1) The Crown attorney may request the services of the Ontario Provincial Police Force in any area for the policing of which a municipality or board is responsible and the cost of furnishing such services shall be certified by the Crown attorney or the Commissioner and, unless the Attorney General 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. 1947, c. 77, s. 11; 1948, c. 68, s. 7. Expenses of Ontario Provincial Police Force,—when payable by municipality.

(2) In a provisional judicial district the treasurer of the district may, on the written request of the Crown attorney, make an advance to any member of the Ontario Provincial Police Force for the purpose of paying reasonable and necessary expenses incurred in any criminal matter. 1946, c. 72, s. 33 (2). Advances to provincial police in districts.

49.—(1) A board or council responsible for the policing of a municipality or part thereof, may by resolution request the Commissioner to furnish the assistance of the Ontario Provincial Police Force in maintaining law and order or investigating an offence within the municipality and the Commissioner may provide such assistance as he deems necessary. 1947, c. 77, s. 12, *part*. Municipality may request assistance of Ontario Provincial Police.

(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. 1947, c. 77, s. 12, *part*; 1948, c. 68, s. 8. Expenses,—how payable.

50. The obligation of a municipality to provide and maintain a police force may be discharged by entering into an agreement under the provisions of section 51 or 52. 1946, c. 72, s. 37. Obligation of municipality to provide police force.

Officers and constables.— agreement as to services.

51. The board, or if none, the council of any municipality bordering on or situate within ten miles of a city, may by agreement with the board of the city provide that the services of members of the police force of the city shall be available in the municipality on such terms and conditions as may be set forth in the agreement, and the board of a city shall have power to enter into agreements under the authority of this section. 1947, c. 77, s. 14.

Agreement for Ontario Provincial Police Force to police municipalities.

52.—(1) Subject to the approval of the Lieutenant-Governor in Council the Commissioner may enter into an agreement with the council of any municipality for the policing of the municipality, or with any company for the policing of any area, by the Ontario Provincial Police Force. 1946, c. 72, s. 39 (1).

No agreement except on request of board.

(2) In municipalities having a board no agreement shall be entered into under this section except at the request of the board.

Rates of pay to be considered.

(3) No agreement shall be entered into under this section with a municipality at a cost which is less than the aggregate of police salaries paid by the municipality or where in the opinion of the Commissioner such an agreement is sought for the purpose of defeating the collective bargaining provisions of this Act. 1947, c. 77, s. 15, *part*.

Duties.

(4) Where an agreement has been entered into under subsection 1 the members of the Ontario Provincial Police Force assigned to duty in the municipality or area shall be charged with the duty of preserving the peace, preventing crime and other offences, including offences against the by-laws of the municipality, and shall perform such other duties as may be specified in the agreement.

Moneys to be paid into Consolidated Revenue Fund.

(5) The moneys received from a municipality or company pursuant to an agreement entered into under subsection 1 shall be paid into the Consolidated Revenue Fund. 1946, c. 72, s. 39 (2, 3).

Fines, etc.

(6) Where a municipality is entitled to receive fines or the proceeds of estreated recognizances because of prosecutions instituted by constables appointed by the council or by a board and the municipality has entered into an agreement with the Commissioner or with another municipality to furnish police services such members of the Ontario Provincial Police Force or of the police force of the other municipality as are assigned for duty under the agreement shall, for the purposes of the disposition of any such fines or proceeds, be deemed to be constables of the first-mentioned municipality. 1947, c. 77, s. 15, *part*.

53. Where pursuant to section 52 the Commissioner enters into an agreement with a municipality having a board, the provisions of sections 12, 13, 14 and 15 shall not apply but the board shall act in an advisory capacity to the senior officer of the Ontario Provincial Police Force in the municipality and to the Commissioner with respect to the policing of the municipality. 1947, c. 77, s. 16 (1), *part.* When board to act in advisory capacity.

54.—(1) Every person appointed to be a chief constable, constable or other police officer shall before entering on the duties of his office, and every special constable when thereunto required, take and subscribe the following oath: Oath.

I, _____, do swear that I will well and truly serve Our Sovereign Lord the King in the office of constable (*or as the case may be*) for the _____ of _____ without favour or affection, malice or ill-will; and that to the best of my power, I will cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to the law: So help me God.

C. D.

Sworn, etc.

(2) The oath of every member of a municipal police force shall be deposited in the office of the clerk of the municipality or of the secretary of the board of the municipality for which he is appointed. 1946, c. 72, s. 40. Oath to be deposited with clerk of municipality or secretary of board.

55. The expenses of and incidental to the calling out of the active militia in aid of the civil powers under the *Militia Act* shall be paid by the corporation of the city or separated town wherein their services are required and in the case of other municipalities, by the county. 1946, c. 72, s. 41. Active militia,— calling out. R.S.C., c. 132.

56. The Commissioner may suspend or dismiss from office any county constable heretofore appointed under *The Constables Act*. 1946, c. 72, s. 42. Suspension and dismissal. Rev. Stat., c. 140.

57. A municipality having any interest in a building or area beyond the boundaries of the municipality may undertake and agree to pay the whole or a portion of the cost of policing such building or area. 1947, c. 77, s. 16 (1), *part.* Policing building or area beyond boundaries of municipality.

58.—(1) The Commissioner, a county court judge, a district court judge or a magistrate may, by written authority, appoint any person to act as special constable for such period, area and purpose as to him may seem expedient. Special constables.

(2) Where an appointment is made by a judge or a magistrate, written notice of the appointment and the circumstances which render it expedient shall be forthwith transmitted to the Commissioner. Notice of appointment.

Suspension
or termina-
tion of
services.

(3) The judge or magistrate who has appointed a special constable, or the Commissioner, may suspend or terminate the services of such constable and written notice of the suspension or termination shall, if made by the judge or magistrate, be forthwith transmitted to the Commissioner.

Oath of
special
constable.

(4) Every authority appointing a special constable shall require him to take and subscribe an oath similar to that set out in subsection 1 of section 54. 1947, c. 77, s. 16 (1), *part.*

By-law
enforce-
ment
officer.

59. The council of any municipality or the trustees of any police village may appoint one or more by-law enforcement officers who shall have the authority of a constable with respect to the enforcement of the by-laws of the municipality or police village, as the case may be. *New.*

Causing
disaffection
—an offence.

60.—(1) Every person, including a member of a police force who,—

- (a) causes or attempts to cause, or does any act calculated to cause disaffection among the members of a police force;
- (b) induces or attempts to induce, or does any act calculated to induce a member of a police force to withhold his services or commit a breach of discipline; or
- (c) being a member of a police force, withholds his services,

Penalty.

shall be guilty of an offence and liable on summary conviction to a penalty of not more than \$500 or to imprisonment for a term not exceeding one year or both.

Assent of
Attorney
General
required.

(2) No prosecution shall be instituted under this section without the consent of the Attorney General.

Disqualifica-
tion and
forfeiture
of rights.

(3) Where a person convicted of an offence under subsection 1 is a member of a police force, he shall,—

- (a) cease to be a member and shall not thereafter be appointed to any police force; and
- (b) subject to any agreement with or by-law of the municipality, forfeit all pension rights under any pension scheme of such police force except his right to receive such moneys as he has paid into any fund under such scheme with interest at the rate payable under the scheme. 1947, c. 77, s. 16 (1), *part.*

61. The Commissioner may establish, maintain and operate a central police college for the training of members of police forces and may provide for such regional police schools and travelling instructors as he may deem advisable. *New.*

REGULATIONS.

62.—(1) The Lieutenant-Governor in Council may make regulations,—

- (a) for the government of police forces and governing the conduct and duties of members of police forces;
- (b) prescribing the qualification and age limits of persons to be appointed to police forces;
- (c) prescribing the minimum salary or other remuneration and allowances which shall be payable to members of police forces;
- (d) prescribing the minimum remuneration which shall be paid by a municipality to the members of boards who are designated by the Lieutenant-Governor in Council or appointed by the Attorney General;
- (e) prescribing the minimum number of members of police forces that shall be employed either upon a basis of population, area, property assessment or any combination thereof or upon any other basis;
- (f) prescribing requirements respecting clothing and equipment to be furnished by municipalities;
- (g) prescribing courses of training for members of police forces;
- (h) providing for or granting financial aid to and the administration and course of study in a police training school;
- (i) prescribing or regulating the number of meetings to be held by boards and the times and places at which they are to be held;
- (j) prescribing the records, returns, books and accounts to be kept and made by police forces or the members thereof;
- (k) prescribing the method of accounting for fees and costs and other money which comes into the hands of members of police forces;

- (l) respecting any matter relating to the Commissioner and the Ontario Provincial Police Force as may be deemed necessary; and
- (m) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1946, c. 72, s. 43 (1); 1947, c. 77, s. 17; 1948, c. 68, s. 10, *amended*.

Regulations may be general or particular.

- (2) Any regulations made under the authority of subsection 1 may be general or particular in their application. 1946, c. 72, s. 43 (2).

1946, c. 72;
1947, cc. 77,
102, s. 7;
1948, c. 68,
repealed.

- 63.** *The Police Act, 1946, The Police Amendment Act, 1947, section 7 of The Statute Law Amendment Act, 1947 (No. 2) and The Police Amendment Act, 1948* are repealed.

Commence-
ment of Act.

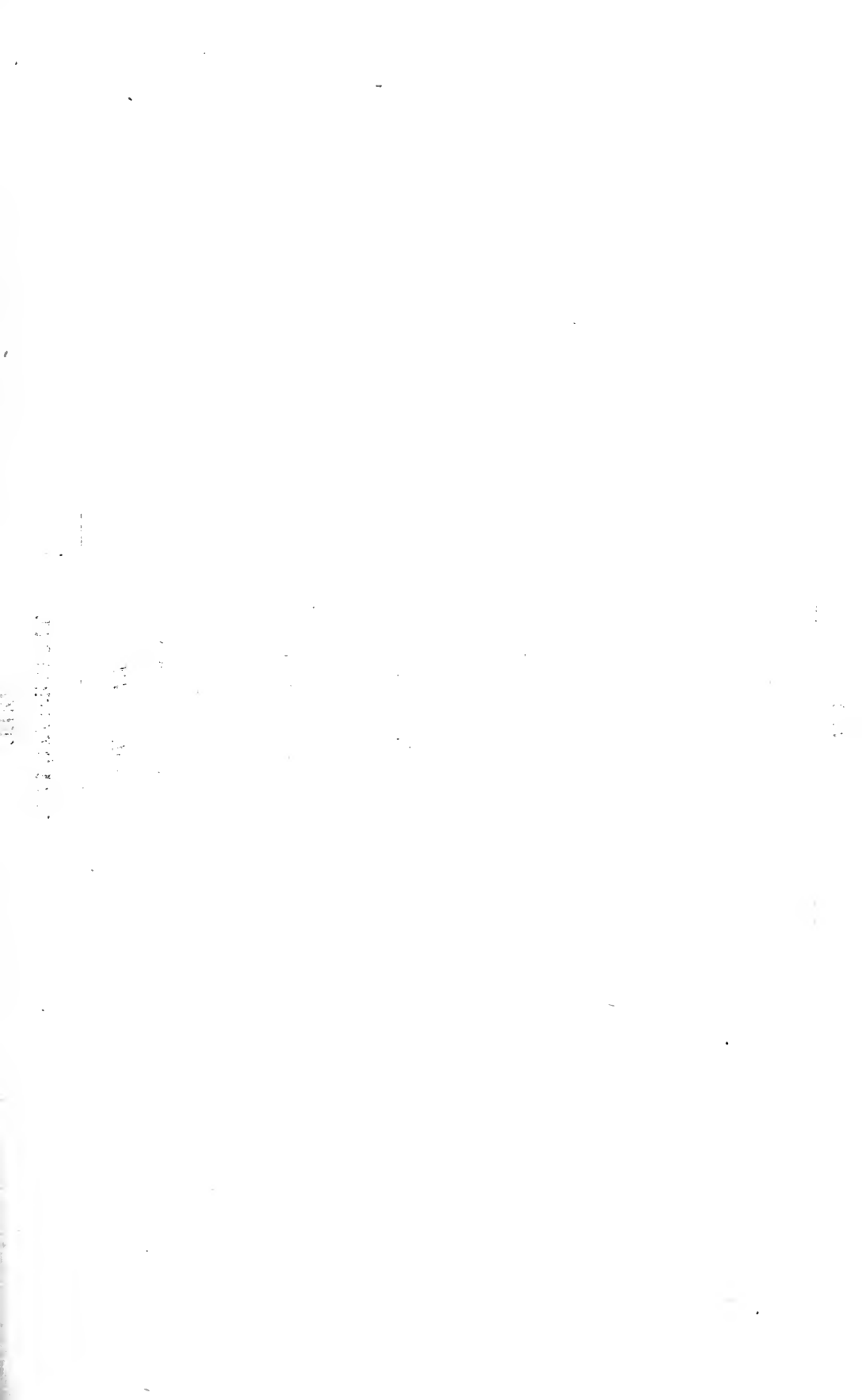
- 64.** This Act shall be deemed to have come into force on the 1st day of January, 1949.

Short title.

- 65.** This Act may be cited as *The Police Act, 1949*.







The Police Act, 1949.

1st Reading

March 4th, 1949

2nd Reading

3rd Reading

MR. BLACKWELL.

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

The Police Act, 1949.

MR. BLACKWELL

(Reprinted for consideration by the Committee of the Whole House.)

BILL

The Police Act, 1949.

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

1.—(1) In this Act,—

Interpretation,—

- (a) “association” means an association limited to one police force and having among its objects the improvement of conditions of service or remuneration of the members of a police force; “association”;
- (b) “board” means board of commissioners of police; “board”
- (c) “Commissioner” means Commissioner of Police for Ontario; and “Commissioner”;
- (d) “regulations” means regulations made under this Act. 1946, c. 72, s. 1; 1947, s. 77, s. 1, *amended*. “regulations”.

(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. 1948, c. 68, s. 1. Act applies to improvement districts.

PART I.

DIVISION OF RESPONSIBILITY.

2.—(1) Every city and town shall be responsible for the policing of and maintenance of law and order in the municipality and for providing and maintaining an adequate police force in accordance with the police needs of the municipality. Policing in cities and towns;

(2) Every village and township which, or any part of which, has a density of population and real property assessment sufficient to warrant the maintenance of a police force and which has been so designated by the Lieutenant-Governor in Council shall, with regard to the municipality or part in villages and townships.

thereof, as the case may be, be responsible for the policing and maintenance of law and order and for providing and maintaining an adequate police force in accordance with the police needs of the municipality or part thereof. 1946, c. 72, s. 2 (1, 2), *amended*.

Special
circum-
stances.

(3) Where by reason of the establishment of any enterprise or because of any other reason special circumstances or abnormal conditions exist in any area which in the opinion of the Attorney General would render it inequitable that the responsibility for policing should be imposed on any municipality or on the Province the Lieutenant-Governor in Council may designate such area a special area and may require any company operating such enterprise or being the owner of such area to enter into an agreement for the policing of such area under section 52. 1946, c. 72, s. 2 (3).

Responsi-
bility of
Ontario
Provincial
Police
Force.

3.—(1) The Ontario Provincial Police Force shall be responsible for policing all that part of Ontario that is not within a municipality or part of a municipality referred to in section 2, provided that the Ontario Provincial Police Force shall not be responsible for policing any part of Ontario in which a municipal police force is maintained.

Additional
duties of
Ontario
Provincial
Police
Force.

(2) The Ontario Provincial Police Force, in addition to performing the policing services prescribed in subsection 1, shall,—

(a) maintain a traffic patrol on the King's Highways;

1946, c. 47.
Rev. Stat.,
c. 294.

(b) subject to any agreement in force under *The Liquor Licence Act, 1946*, enforce the provisions of *The Liquor Licence Act, 1946*, *The Liquor Control Act* and the regulations thereunder and any other laws designated by the Attorney General; and

(c) maintain a criminal investigation branch which shall be used to assist municipal police forces on the direction of the Attorney General or at the request of the Crown attorney. 1946, c. 72, s. 3; 1947, c. 77, s. 2, *amended*.

Failure
to provide
police.

4. Where the Commissioner reports to the Attorney General that a municipality mentioned in section 2 does not maintain a police force and is not provided with police services pursuant to an agreement under section 51 or 52, the Attorney General may take such action as he may deem necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force and charge the municipality with the cost thereof which may be deducted from any grant payable out of pro-

vincial funds to the municipality, or may be recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty. *New.*

5.—(1) Where the Commissioner reports to the Attorney General that a municipality mentioned in section 2, or any other municipality that maintains its own police force, is not, in the maintenance of such police force, complying with this Act and the regulations, the Attorney General may communicate with the clerk of the municipality indicating that the provisions of this Act or the regulations are not being complied with and requesting the council of the municipality to take such steps as may be necessary to comply therewith. 1946, c. 72, s. 5 (1).

Non-compliance with regulations.

(2) Where the council neglects to comply with a request made under subsection 1, the Attorney General may take such action as he may deem necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force and charge the municipality with the cost thereof which may be deducted from any grant payable out of provincial funds to the municipality, or may be recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty. 1947, c. 77, s. 3.

Action by Attorney General.

6. Where an area has been designated under subsection 3 of section 2 and the company required to enter into an agreement under section 52 refuses or neglects to enter into an agreement, the Ontario Provincial Police Force shall police the area and the cost thereof may be recovered with costs from the company by action in any court of competent jurisdiction as a debt due to His Majesty. 1947, c. 77, s. 4.

Where company fails to enter into agreement.

PART II.

MUNICIPAL POLICE FORCES.

7.—(1) Notwithstanding any special Act, every city shall have a board and any village or township having a population in excess of 5,000 according to the last revised assessment roll and every county and town may, by by-law, constitute a board. 1946, c. 72, s. 6 (1); 1947, c. 77, s. 5, *amended*.

Constitution of boards.

(2) The board shall, except as provided in subsection 3, consist of,—

Board, how composed.

(a) the head of the council;

(b) a judge of any county or district court designated by the Lieutenant-Governor in Council; and

(c) such magistrate or Crown attorney as the Lieutenant-Governor in Council may designate.

Vacancies. (3) Where a vacancy occurs on the board by reason of the death of any member designated by the Lieutenant-Governor in Council, or where such member is unable to carry on his duties as a member of the board by reason of his illness or absence, the Attorney General may in writing appoint some other judge, magistrate or Crown attorney to act as a member of the board for a period of two months from the date of such appointment unless the Lieutenant-Governor in Council sooner appoints another member. 1946, c. 72, s. 6 (2, 3).

Remuneration. (4) The council shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations, to the members of the board designated by the Lieutenant-Governor in Council or appointed by the Attorney General and may provide for the payment of an allowance to the head of the council. 1947, c. 77, s. 8.

Meetings. **8.**—(1) The board shall in each year hold such meetings as may be prescribed by the regulations and shall at its first meeting in each year elect a chairman.

Quorum. (2) A majority of the members of the board shall constitute a quorum.

Meetings open to public. (3) The meetings of the board shall be open to the public unless otherwise directed by the board. 1946, c. 72, s. 7.

Repeal of by-law. **9.** The by-law of a village, township, county or town constituting a board may, with the consent of the Attorney General, be repealed and if so repealed the board shall be dissolved on the 1st day of January next after the passing of the repealing by-law. 1946, c. 72, s. 8, *amended*.

By-law. **10.**—(1) A by-law of the board shall be sufficiently authenticated, if signed by its chairman or acting chairman, and a by-law purporting to be so signed shall be received in evidence in all courts, without proof of the signature.

Certified copy of by-law. (2) A copy of a by-law purporting to be certified by a member of the board to be a true copy, shall be received in evidence in all courts, without proof of the signature. 1946, c. 72, s. 9.

Board to summon witnesses. **11.** The board shall have the same power to summon and examine witnesses on oath as to any matter connected with the execution of its duties, to enforce their attendance, and to compel them to give evidence, as is vested in any court of law in civil cases. 1946, c. 72, s. 10.

12. The police force in a municipality having a board shall consist of a chief constable and as many constables and other police officers and such assistants as the council may deem necessary, but not fewer than the board reports to be required. 1946, c. 72, s. 12, *amended*. Police force.

13. The members of the police force in a municipality having a board shall be appointed by and hold office during the pleasure of the board. 1946, c. 72, s. 13, *amended*. Term of office.

14. Subject to the approval of the Lieutenant-Governor in Council, any board may by by-law make regulations not inconsistent with regulations under section 62 for the government of the police force, for preventing neglect or abuse, and for rendering it efficient in the discharge of its duties. 1947, c. 102, s. 7 (1). Regulations by board.

15.—(1) Notwithstanding the provisions of section 2, the board shall be responsible for the policing and maintenance of law and order in the municipality and the members of the police force shall be subject to the government of the board and shall obey its lawful direction. 1947, c. 77, s. 7. Police force subject to board.

(2) Every member of the police force, however appointed, for the municipality shall from and after the passing of a by-law establishing a board be subject to the government of the board to the same extent as if appointed by the board. 1946, c. 72, s. 15 (2), *amended*. Members of police force to be subject to board.

16.—(1) Where any motor vehicle, bicycle or any personal property of any kind is in the possession of the board or a member of the police force by reason of having been stolen from its owner or by reason of having been found abandoned in any public place and the board is unable to ascertain the owner thereof, the board may cause the same to be sold or otherwise disposed of as hereinafter set forth and may retain to its own use the proceeds of such sale or disposition. Sale of stolen and abandoned property in possession of police.

(2) When such property is perishable the sale or disposition of the same may be made at any time without notice of any kind, and when such property is not perishable, the board may, after the expiration of three months, sell the same by public auction after at least ten days' notice of the time and place of holding such auction has been given by publication once in a newspaper published in the municipality, and any such sale may be adjourned from time to time until the property is sold. Procedure for sale.

(3) This section shall be subject to the provisions of *The Highway Traffic Act*. 1946, c. 72, s. 16. Rev. Stat., c. 288, not affected.

Submission
of estimates
to council.

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, equipment, clothing and other things for the accommodation, use and maintenance of the force. 1946, c. 72, s. 17; 1948, c. 68, s. 2.

APPOINTMENT BY MUNICIPAL COUNCIL.

Municipalities,—
where no
board.

18.—(1) The council of every town, village, county or township, not having a board, may establish a police force consisting of one or more constables or other police officers appointed by the council. 1946, c. 72, ss. 19, 21, *amended*.

Chief
constable.

(2) Where the police force has two or more members the council may appoint one member to be chief constable. *New*.

Police
villages.

19.—(1) The trustees of a police village may establish a police force consisting of one or more constables appointed by the trustees.

Salary.

(2) Every member of the police force may be paid by salary or may keep for his own use the fees of his office as the trustees may determine.

When fees
to belong
to village.

(3) Where a member of the police force is paid by salary the trustees may require that the fees of his office be paid to the treasurer of the township in which the village is situate or where the village comprises parts of two or more townships, to the treasurer of any or either of them for the use of the village.

Equipment.

(4) The trustees may provide and pay for offices, arms, equipment, clothing and other things for the accommodation, use and maintenance of the members of the police force. 1946, c. 72, s. 20, *amended*.

Cost of
policing
by levy.

20.—(1) The cost incurred by a township in maintaining its own police force or by reason of an agreement under section 51 or 52 may, if the council deems proper, be paid by a rate levied on any area or areas defined by the council.

Exemption
of farm
lands and
buildings.

(2) Whether or not any area has been defined under subsection 1 the council may exempt lands and buildings used exclusively in connection with farming from any rate levied for the purpose of paying such cost. 1947, c. 102, s. 7 (2).

Salary and
remunera-
tion.

21. The council by which a member of a police force is appointed may provide for the payment to him of such salary

or remuneration as the council may determine. 1946, c. 72, s. 23, *amended*.

22. The council may agree with a salaried member of the police force appointed either by the council or by the board that he shall keep for his own use the fees of his office, or may require them to be paid to the treasurer for the use of the municipality. 1946, c. 72, s. 24, *amended*. Fees of salaried police officer.

23.—(1) The council of a municipality may pay any sum required for the protection, defence or indemnification of any member of the police force, where an action or prosecution is brought against him, and costs are necessarily incurred or damages are recovered. Indemnifying police officers,—

(2) In a municipality having a board such sum shall be paid only where the board certifies that the case is a proper one for such payment or indemnity. 1946, c. 72, s. 25. in municipality having board.

24. The council may grant pecuniary aid or other assistance to the widows and children of members of the police force who are killed or die from injuries received, or from illness contracted in the discharge of their duties. 1946, c. 72, s. 26. Aid to widows and children in certain cases.

25. Where there is no board any member of the police force who has been charged with an offence against discipline under the regulations may be suspended from office by the head of the council of the municipality pending the disposition of the charge. 1947, c. 77, s. 9, *amended*. Power of suspension.

BARGAINING AND ARBITRATION.

26. A member of a police force shall not remain or become a member of any trade union or of any organization that is affiliated directly or indirectly with a trade union. 1947, c. 77, s. 10, *part*. Membership in trade union forbidden.

27.—(1) When requested in writing by a majority of the full-time members of the police force, the council of the municipality or where there is a board, the board shall bargain in good faith with a bargaining committee of the members of the police force for the purpose of defining, determining and providing for remuneration and working conditions of the members of the police force other than the chief constable, except such working conditions as may be governed by any regulations made by the Lieutenant-Governor in Council pursuant to this Act. 1947, c. 77, s. 10, *part*; 1948, c. 68, s. 3, *amended*. Bargaining.

(2) Where not less than fifty per centum of the full-time Association.

members of the police force belong to an association any request made under subsection 1 shall be made by the association.

Affiliated
body.

(3) In every case the members of a bargaining committee shall be full-time members of the police force, but where,—

- (a) the association is affiliated with any police organization; or
- (b) not less than fifty per centum of the full-time members of the police force belong to any police organization,

at all meetings held with the council of the municipality or any committee thereof, or the board, as the case may be, for the purpose of bargaining, the bargaining committee may be accompanied by one member of such organization who is actively engaged in the occupation of a police officer and who shall attend in an advisory capacity only. 1947, c. 77, s. 10, *part, amended.*

Board of
arbitration.

28.—(1) Except in the case of a police force having less than five members, where after bargaining under section 27 the council of the municipality or where there is a board, the board, or the members of the police force, or where there is a bargaining committee, the bargaining committee, is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may by notice in writing to the other party require all matters in dispute to be referred to a board of arbitration of three members in which case the parties shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

Failure to
appoint
member.

(2) Where either party fails to appoint a member of the board of arbitration within a reasonable time, or having appointed a person who is unable or unwilling to act, fails to appoint another member within a reasonable time, the Attorney General may, upon the written request of the other party, appoint a member in lieu thereof.

Failure to
appoint
chairman.

(3) Where the two members of the board of arbitration appointed by the parties fail, within five days of the appointment of the one last appointed, to agree upon a third member, the Attorney General may, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint the third member. 1947, c. 77, s. 10, *part.*

Decision
of board of
arbitration.

(4) 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. 1948, c. 68, s. 4.

(5) Each party shall assume its own costs of the arbitration ^{Costs.} proceedings and shall share the cost of the third arbitrator equally. 1947, c. 77, s. 10, *part.*

29.—(1) In the case of a police force having less than five members, where after bargaining under section 27, the council of the municipality or where there is a board, the board, or the members of the police force, or where there is a bargaining committee, the bargaining committee, is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may refer the matter to the Attorney General. ^{Reference to Attorney General.}

(2) Where a matter is referred to the Attorney General under subsection 1, the Attorney General may cause such inquiry to be made as he deems necessary and shall report his findings to the parties. ^{Inquiry and report.}

(3) The Attorney General may cause the report of his findings to be published in such manner as he may deem advisable. 1947, c. 77, s. 10, *part.* ^{Publication of report.}

30—(1) Every agreement made under section 27 and every decision or award of a majority of the members of the board of arbitration under section 28 shall be binding upon the council of the municipality, the board, where there is a board, and the full-time members of the police force. ^{Effect of agreement or award.}

(2) Nothing in this Act shall require the continuance in force of any agreement, decision or award for more than one year from the date upon which it commenced to be in force. 1947, c. 77, s. 10, *part.* ^{Duration of agreement or award.}

31.—(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. ^{Effect of agreement, decision or award.}

(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. 1948, c. 68, s. 6 (1), *part.* ^{Idem.}

Provision
for expen-
diture
involved
in request.

32.—(1) Where a request in writing is made under subsection 1 of section 27 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.

Non-
compliance
with subs. 1.

(2) Where the council of a municipality fails to comply with subsection 1, the Lieutenant-Governor in Council may,—

- (a) upon being requested in writing by a majority of the full-time 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.

Where
members
belong to
association.

(3) Where not less than fifty per centum of the full-time members of the police force belong to an association, any request made under subsection 2 shall be made by the association.

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 subject to any terms or conditions which he may deem advisable. 1948, c. 68, s. 6 (1), *part, amended*.

PART III.

PROVINCIAL SUBSIDIES FOR MUNICIPAL POLICE FORCES.

Interpre-
tation,—

33. In this Part,—

“member”;

(a) “member” means member of a police force;

“police
force”;

(b) “police force” means a police force within the meaning of Part II maintained by a city or town or by a village or township for the purpose of discharging its responsibility under subsection 2 of section 2; and

“popula-
tion”.

(c) “population” means population ascertained from the last revised assessment roll. *New*.

34.—(1) The Treasurer of Ontario may make an annual grant out of the Consolidated Revenue Fund to every municipality having a police force, and the amount of such grant shall be equal to the following proportion of the cost of the police force for the year preceding the year in which the grant is made,—

- (a) where the population of the municipality is less than 10,000, twenty-five per centum;
- (b) where the population of the municipality is 10,000 or more and less than 25,000, twenty per centum;
- (c) where the population of the municipality is 25,000 or more and less than 70,000, fifteen per centum; and
- (d) where the population of the municipality is 70,000 or more, ten per centum.

(2) Where a part of a village or township has a density of population and a real property assessment sufficient to warrant the maintenance of a police force and the part has been so designated by the Lieutenant-Governor in Council under subsection 2 of section 2, the population of the part or, where there is more than one part in any village or township, the total population of the parts shall be deemed to be the population of the municipality for the purposes of this section. *New.*

35.—(1) For the purposes of this Part the cost of the police force shall be the total of the amounts paid during the year by the municipality in respect of,—

- (a) the services of the members;
- (b) uniforms, clothing allowances, arms and personal equipment for the members;
- (c) office supplies and equipment and clerical assistance;
- (d) *The Workmen's Compensation Act* or benefit plan approved by the Workmen's Compensation Board;
- (e) liability and fire insurance premiums;
- (f) contributions to any pension plan for members where the plan is approved by the Superintendent of Insurance;
- (g) membership in and expenses of representatives attending meetings of police associations or any police college or police school established under this Act;

- (h) communication systems, motor cars, trucks, patrol wagons, motor bicycles and other vehicles, bicycles and horses and equipment and the normal operation, maintenance and repair thereof; and
- (i) such matters and things as the Lieutenant-Governor in Council may prescribe.

Interpretation of "paid".

(2) Where payment of any portion of the cost of the police force has been deferred to any subsequent year or where the money required to pay any portion of the cost of the police force has been raised by way of a loan or the issue of debentures, such portion shall, for the purposes of subsection 1, be deemed to be paid.

Municipal policing agreements.

(3) Where a city provides police services in another municipality pursuant to an agreement made under section 51,—

- (a) the municipality shall be deemed to have a police force, and the payments made during the year under any such agreement shall be deemed to be the cost thereof;
- (b) the amount of the grant shall be based upon the population of the municipality receiving the police services; and
- (c) the city receiving payment for such police services shall deduct the amount thereof from the total of its cost before any claim is made by it under this Part.

Provincial policing agreements.

(4) Where the Commissioner provides police services in a municipality mentioned in section 2 pursuant to an agreement under section 52 made after the 1st day of April, 1949, the Commissioner shall determine the police cost of the municipality and the amount of the grant that would be payable under this Part if the municipality maintained an adequate and efficient police force and shall deduct such amount from the amount payable under the agreement. *New.*

Requirements for payment.

36.—(1) No grant under section 34 shall be made,—

- (a) unless all members of the police force are under *The Workmen's Compensation Act* or a benefit plan approved by the Workmen's Compensation Board;
- (b) where the council of the municipality or the board is in default under Part II or under any agreement, decision or award made under the collective bargaining provisions of Part II; and

- (c) unless a pension plan approved by the Superintendent of Insurance has been established under which the contributions of the members and the municipality or board together equal or exceed ten per centum of their salaries.

(2) A municipality may make a claim in the year 1949 based upon the cost of the police force for the year 1948 whether or not the requirements of subsection 1 were met in the year 1948. *New.* Claims in 1949.

37.—(1) The treasurer of a municipality making claim in any year to a grant under this Part shall, so soon as may be in the year after the cost of the police force for the preceding year has been determined, send to the Commissioner a statement in the form prescribed by the Commissioner signed by the head of the municipality, or where there is a board, the chairman of the board, and himself showing,— Treasurer's statement.

(a) that the requirements of section 36 have been met; and

(b) the cost of the police force for the preceding year together with such particulars thereof as the Commissioner may require.

(2) The Commissioner shall examine the statement and if he is satisfied as to the correctness thereof he shall so certify to the Treasurer of Ontario. Commissioner's certificate.

(3) Where the Commissioner notifies the treasurer of the municipality that he is not satisfied as to the correctness of the statement, the council of the municipality, within fourteen days of the receipt by the treasurer of the notice, may appeal any matter in dispute to the Ontario Municipal Board, whose decision thereon shall be final and shall be acted upon by the Commissioner. *New.* Appeal to Municipal Board.

38. After receipt of the certificate of the Commissioner and so soon as may be after the 1st day of November of the year in which the claim is made, the Treasurer of Ontario may make the grant provided for in section 34. *New.* Payment.

PART IV.

ONTARIO PROVINCIAL POLICE FORCE.

39.—(1) There shall be a Commissioner of Police for Ontario, who shall be appointed by the Lieutenant-Governor in Council. 1946, c. 72, s. 28 (1). Appointment of Commissioner of Police.

Powers and duties of Commissioner.

(2) The Commissioner shall have the general control and administration of the Ontario Provincial Police Force and the employees connected therewith, and of all officers specially appointed for the enforcement of any statute of Ontario, and he and all such officers and employees and the members of the Force shall be responsible to the Attorney General. 1946, c. 72, s. 28 (2), *amended*.

Investigations by Commissioner.

(3) The Commissioner may hold an inquiry into the conduct of any member of the Ontario Provincial Police Force or of any officer or employee under his control and upon such inquiry shall have and may exercise all the powers and authority which may be conferred upon a person appointed under the provisions of *The Public Inquiries Act*. 1946, c. 72, s. 28 (3).

Rev. Stat., c. 19.

Commissioner to be *ex officio* magistrate.

40.—(1) Unless otherwise provided by Order-in-Council, the Commissioner shall be *ex officio* a magistrate for the Province of Ontario and shall have and may exercise and perform the powers and duties of a magistrate, and may take informations and issue warrants or summonses in any city, town, county, provisional county or provisional judicial district or other locality in Ontario, and may make the same returnable in the city, town, county, provisional county, provisional judicial district or other locality in which the offence charged is alleged to have been committed.

Exercise of jurisdiction.

(2) The jurisdiction conferred by subsection 1 may be exercised by the Commissioner notwithstanding that there is in the locality in which he acts, a magistrate, who, under *The Magistrates Act* or any other statute, has jurisdiction exclusive or otherwise. 1946, c. 72, s. 29.

Rev. Stat., c. 133.

Ontario Provincial Police Force.

41.—(1) The Ontario Provincial Police Force shall consist of the Commissioner and such constables and other police officers as the Lieutenant-Governor in Council may appoint.

Employees.

(2) The Lieutenant-Governor in Council may appoint such employees as may be required in connection with the Force. 1946, c. 72, s. 30, *amended*.

Duties of members of Force.

42.—(1) It shall be the duty of the members of the Ontario Provincial Police Force subject to this Act and the orders of the Commissioner,—

- (a) to perform all duties which now are or hereafter shall be assigned to constables in relation to the preservation of the peace, the prevention of crime and of offences against the laws in force in the Province and the criminal laws of Canada and the appre-

hension of criminals and offenders and others who may be lawfully taken into custody;

- (b) to execute all warrants, perform all duties and services thereunder or in relation thereto which may, under the laws in force in the Province, be lawfully executed and performed by constables;
- (c) to perform all duties which may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners and mentally incompetent persons to and from any courts, places of punishment or confinement, hospitals or other places; and
- (d) generally to perform such duties as may from time to time be assigned to them by the Commissioner.

(2) Except under the provisions of an agreement entered into under section 52 the Ontario Provincial Police Force shall not be charged with any duties under or in connection with any municipal by-laws. 1946, c. 72, s. 31.

Ontario Provincial Police Force not to be charged with duties under municipal by-laws.

43.—(1) Any money appropriated by the Legislature for the purpose of enforcing or preventing the contravention of the laws of Ontario or Canada, or of any regulation made thereunder shall be known as the "Law Enforcement Fund" and payments from the Fund shall be made under the direction of the Attorney General to such persons and for such purposes as he may think proper, to be expended in such law enforcement, including the cost of the Ontario Provincial Police Force.

Law Enforcement Fund.

(2) The certificate or order of the Attorney General that any sum of money is required to be paid out of the Fund shall be sufficient authority for the issue of a cheque by the Treasurer of Ontario for the amount named in such certificate or order, and the officer or other person to whom such cheque is issued shall account for the proper disbursement of the proceeds thereof to the Attorney General whose approval of the account shall be final.

Payment out of Fund.

(3) Where any member of the Ontario Provincial Police Force is engaged in a matter of extradition or other special investigation, or where he performs any act or discharges any duty with the authority and under the direction of the Attorney General, he shall be allowed such travelling, incidental and other expenses as the Attorney General may approve and they shall be paid out of the Fund. 1946, c. 72, s. 32.

Expenses.

Service
badges.

44.—(1) The Lieutenant-Governor in Council may provide for the granting of service badges to the members of the Ontario Provincial Police Force or any class thereof and for money allowances to be paid to the members entitled to any service badge.

Allowances.

(2) The money allowance shall be paid out of the Law Enforcement Fund and shall be deemed to be part of the salary of the member. *New.*

PART V.

GENERAL.

Constables
empowered
to act
throughout
Ontario.

45. Every chief constable, constable and other police officer, except a special constable or a by-law enforcement officer, shall have authority to act as a constable throughout Ontario. 1946, c. 72, s. 34; 1947, c. 77, s. 13, *amended*.

Duties and
powers of
members of
police forces.

46. The members of police forces appointed under Part II shall be charged with the duty of preserving the peace, preventing robberies and other crimes and offences, including offences against the by-laws of the municipality, and apprehending offenders, and laying informations before the proper tribunal, and prosecuting and aiding in the prosecuting of offenders, and shall have generally all the powers and privileges and be liable to all the duties and responsibilities that belong to constables. 1946, c. 72, s. 35.

Investiga-
tion and
report by
Commis-
sioner.

47.—(1) The Attorney General may require the Commissioner or any other person, to investigate, inquire into and report to the Attorney General upon the conduct of any chief constable, constable, police officer, special constable or by-law enforcement officer, the administration of any police force, the system of policing any municipality and the police needs of any municipality,—

- (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
- (b) without the request of the council of a municipality, in which case the cost of such investigation shall be paid out of the Consolidated Revenue Fund. 1946, c. 72, s. 36 (1); 1948, c. 68, s. 9, *amended*.

(2) The person directed to hold such investigation shall have all the powers and authority which may be conferred upon a person appointed under *The Public Inquiries Act*. Powers of investigator. Rev. Stat., c. 19.

(3) The report of an investigation made at the request of the council of a municipality shall be communicated by the Attorney General to the council of such municipality. 1946, c. 72, s. 36 (2, 3). Report to be communicated to council.

48.—(1) The Crown attorney may request the services of the Ontario Provincial Police Force in any area for the policing of which a municipality or board is responsible and the cost of furnishing such services shall be certified by the Crown attorney or the Commissioner and, unless the Attorney General 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. 1947, c. 77, s. 11; 1948, c. 68, s. 7, *amended*. Expenses of Ontario Provincial Police Force,—when payable by municipality.

(2) In a provisional judicial district the treasurer of the district may, on the written request of the Crown attorney, make an advance to any member of the Ontario Provincial Police Force for the purpose of paying reasonable and necessary expenses incurred in any criminal matter. 1946, c. 72, s. 33 (2). Advances to provincial police in districts.

49.—(1) A board or council responsible for the policing of a municipality or part thereof, may by resolution request the Commissioner to furnish the assistance of the Ontario Provincial Police Force in maintaining law and order or investigating an offence within the municipality and the Commissioner may provide such assistance as he deems necessary. 1947, c. 77, s. 12, *part*. Municipality may request assistance of Ontario Provincial Police.

(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. 1947, c. 77, s. 12, *part*; 1948, c. 68, s. 8. Expenses,—how payable.

50. The obligation of a municipality to provide and maintain a police force may be discharged by entering into an agreement under the provisions of section 51 or 52. 1946, c. 72, s. 37, *amended*. Obligation of municipality to provide police force.

Officers and constables,— agreement as to services.

51. The board, or if none, the council of any municipality bordering on or situate within ten miles of a city, may by agreement with the board of the city provide that the services of members of the police force of the city shall be available in the municipality on such terms and conditions as may be set forth in the agreement, and the board of a city shall have power to enter into agreements under the authority of this section. 1947, c. 77, s. 14.

Agreement for Ontario Provincial Police Force to police municipalities.

52.—(1) Subject to the approval of the Lieutenant-Governor in Council the Commissioner may enter into an agreement with the council of any municipality for the policing of the whole or any part of the municipality, or with any company for the policing of any area, by the Ontario Provincial Police Force. 1946, c. 72, s. 39 (1), *amended*.

No agreement except on request of board.

(2) In municipalities having a board no agreement shall be entered into under this section except at the request of the board.

Rates of pay to be considered.

(3) No agreement shall be entered into under this section with a municipality at a cost which is less than the aggregate of police salaries paid by the municipality or where in the opinion of the Commissioner such an agreement is sought for the purpose of defeating the collective bargaining provisions of this Act. 1947, c. 77, s. 15, *part*.

Duties.

(4) Where an agreement has been entered into under subsection 1 the members of the Ontario Provincial Police Force assigned to duty in the municipality or area shall be charged with the duty of preserving the peace, preventing crime and other offences, including offences against the by-laws of the municipality, and shall perform such other duties as may be specified in the agreement.

Moneys to be paid into Consolidated Revenue Fund.

(5) The moneys received from a municipality or company pursuant to an agreement entered into under subsection 1 shall be paid into the Consolidated Revenue Fund. 1946, c. 72, s. 39 (2, 3).

Fines, etc.

(6) Where a municipality is entitled to receive fines or the proceeds of estreated recognizances because of prosecutions instituted by constables appointed by the council or by a board and the municipality has entered into an agreement with the Commissioner or with another municipality to furnish police services such members of the Ontario Provincial Police Force or of the police force of the other municipality as are assigned for duty under the agreement shall, for the purposes of the disposition of any such fines or proceeds, be deemed to be constables of the first-mentioned municipality. 1947, c. 77, s. 15, *part*.

53. Where pursuant to section 52 the Commissioner enters into an agreement with a municipality having a board, the provisions of sections 12, 13, 14 and 15 shall not apply but the board shall act in an advisory capacity to the senior officer of the Ontario Provincial Police Force in the municipality and to the Commissioner with respect to the policing of the municipality. 1947, c. 77, s. 16 (1), *part.*

When board to act in advisory capacity.

54.—(1) Every person appointed to be a chief constable, constable or other police officer shall before entering on the duties of his office, and every special constable when thereunto required, take and subscribe the following oath:

I, _____, do swear that I will well and truly serve Our Sovereign Lord the King in the office of constable (*or as the case may be*) for the _____ of _____ without favour or affection, malice or ill-will; and that to the best of my power, I will cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to the law: So help me God.

C. D.

Sworn, etc.

1946, c. 72, s. 40 (1), *amended.*

(2) The oath of every member of a municipal police force shall be deposited in the office of the clerk of the municipality or of the secretary of the board of the municipality for which he is appointed. 1946, c. 72, s. 40 (2).

Oath to be deposited with clerk of municipality or secretary of board.

55. The expenses of and incidental to the calling out of the active militia in aid of the civil powers under the *Militia Act* shall be paid by the corporation of the city or separated town wherein their services are required and in the case of other municipalities, by the county. 1946, c. 72, s. 41.

Active militia,—calling out.
R.S.C.,
c. 132.

56. The Commissioner may suspend or dismiss from office any county constable heretofore appointed under *The Constables Act*. 1946, c. 72, s. 42.

Suspension and dismissal.
Rev. Stat.,
c. 140.

57. A municipality having any interest in a building or area beyond the boundaries of the municipality may undertake and agree to pay the whole or a portion of the cost of policing such building or area. 1947, c. 77, s. 16 (1), *part.*

Policing building or area beyond boundaries of municipality.

58.—(1) The Commissioner, a county court judge, a district court judge or a magistrate may, by written authority, appoint any person to act as special constable for such period, area and purpose as to him may seem expedient.

Special constables.

(2) Where an appointment is made by a judge or a magistrate, written notice of the appointment and the circumstances which render it expedient shall be forthwith transmitted to the Commissioner.

Notice of appointment.

Suspension
or termina-
tion of
services.

(3) The judge or magistrate who has appointed a special constable, or the Commissioner, may suspend or terminate the services of such constable and written notice of the suspension or termination shall, if made by the judge or magistrate, be forthwith transmitted to the Commissioner.

Oath of
special
constable.

(4) Every authority appointing a special constable shall require him to take and subscribe an oath similar to that set out in subsection 1 of section 54. 1947, c. 77, s. 16 (1), *part*.

By-law
enforce-
ment
officer.

59. The council of any municipality or the trustees of any police village may appoint one or more by-law enforcement officers who shall have the authority of a constable with respect to the enforcement of the by-laws of the municipality or police village, as the case may be. *New*.

Causing
disaffection
—an offence.

60.—(1) Every person, including a member of a police force who,—

- (a) causes or attempts to cause, or does any act calculated to cause disaffection among the members of a police force;
- (b) induces or attempts to induce, or does any act calculated to induce a member of a police force to withhold his services or commit a breach of discipline; or
- (c) being a member of a police force, withholds his services,

Penalty.

shall be guilty of an offence and liable on summary conviction to a penalty of not more than \$500 or to imprisonment for a term not exceeding one year or both.

Assent of
Attorney
General
required.

(2) No prosecution shall be instituted under this section without the consent of the Attorney General.

Disqualifica-
tion and
forfeiture
of rights.

(3) Where a person convicted of an offence under subsection 1 is a member of a police force, he shall,—

- (a) cease to be a member and shall not thereafter be appointed to any police force; and
- (b) subject to any agreement with or by-law of the municipality, forfeit all pension rights under any pension scheme of such police force except his right to receive such moneys as he has paid into any fund under such scheme with interest at the rate payable under the scheme. 1947, c. 77, s. 16 (1), *part, amended*.

61. The Commissioner may establish, maintain and operate a central police college for the training of members of police forces and may provide for such regional police schools and travelling instructors as he may deem advisable. *New.*

REGULATIONS.

62.—(1) The Lieutenant-Governor in Council may make regulations,—

- (a) for the government of police forces and governing the conduct and duties of members of police forces;
- (b) prescribing the qualification and age limits of persons to be appointed to police forces;
- (c) prescribing the minimum salary or other remuneration and allowances which shall be payable to members of police forces;
- (d) prescribing the minimum remuneration which shall be paid by a municipality to the members of boards who are designated by the Lieutenant-Governor in Council or appointed by the Attorney General;
- (e) prescribing the minimum number of members of police forces that shall be employed either upon a basis of population, area, property assessment or any combination thereof or upon any other basis;
- (f) prescribing requirements respecting clothing and equipment to be furnished by municipalities;
- (g) prescribing courses of training for members of police forces;
- (h) providing for or granting financial aid to and the administration and course of study in a police training school;
- (i) prescribing or regulating the number of meetings to be held by boards and the times and places at which they are to be held;
- (j) prescribing the records, returns, books and accounts to be kept and made by police forces or the members thereof;
- (k) prescribing the method of accounting for fees and costs and other money which comes into the hands of members of police forces;

(l) respecting any matter relating to the Commissioner and the Ontario Provincial Police Force as may be deemed necessary; and

(m) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1946, c. 72, s. 43 (1); 1947, c. 77, s. 17; 1948, c. 68, s. 10, *amended*.

Regulations
may be
general or
particular.

(2) Any regulations made under the authority of subsection 1 may be general or particular in their application. 1946, c. 72, s. 43 (2).

1946, c. 72;
1947, cc. 77,
102, s. 7;
1948, c. 68,
repealed.

63. *The Police Act, 1946, The Police Amendment Act, 1947, section 7 of The Statute Law Amendment Act, 1947 (No. 2) and The Police Amendment Act, 1948 are repealed.*

Commence-
ment of Act.

64. This Act shall be deemed to have come into force on the 1st day of January, 1949.

Short title.

65. This Act may be cited as *The Police Act, 1949*.

BILL

The Police Act, 1949.

1st Reading

March 4th, 1949

2nd Reading

March 21st, 1949

3rd Reading

MR. BLACKWELL

*(Reprinted for consideration by the Committee
of the Whole House.)*

No. 108

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

The Police Act, 1949.

MR. BLACKWELL

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

BILL

The Police Act, 1949.

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

1.—(1) In this Act,—

Interpretation,—

- (a) “association” means an association limited to one police force and having among its objects the improvement of conditions of service or remuneration of the members of a police force; “association”;
- (b) “board” means board of commissioners of police; “board”
- (c) “Commissioner” means Commissioner of Police for Ontario; and “Commissioner”;
- (d) “regulations” means regulations made under this Act. 1946, c. 72, s. 1; 1947, s. 77, s. 1, *amended*. “regulations”;

(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. 1948, c. 68, s. 1. Act applies to improvement districts.

PART I.

DIVISION OF RESPONSIBILITY.

2.—(1) Every city and town shall be responsible for the policing of and maintenance of law and order in the municipality and for providing and maintaining an adequate police force in accordance with the police needs of the municipality. Policing in cities and towns;

(2) Every village and township which, or any part of which, has a density of population and real property assessment sufficient to warrant the maintenance of a police force and which has been so designated by the Lieutenant-Governor in Council shall, with regard to the municipality or part in villages and townships.

thereof, as the case may be, be responsible for the policing and maintenance of law and order and for providing and maintaining an adequate police force in accordance with the police needs of the municipality or part thereof. 1946, c. 72, s. 2 (1, 2), *amended*.

Special
circum-
stances.

(3) Where by reason of the establishment of any enterprise or because of any other reason special circumstances or abnormal conditions exist in any area which in the opinion of the Attorney General would render it inequitable that the responsibility for policing should be imposed on any municipality or on the Province the Lieutenant-Governor in Council may designate such area a special area and may require any company operating such enterprise or being the owner of such area to enter into an agreement for the policing of such area under section 52. 1946, c. 72, s. 2 (3).

Responsi-
bility of
Ontario
Provincial
Police
Force.

3.—(1) The Ontario Provincial Police Force shall be responsible for policing all that part of Ontario that is not within a municipality or part of a municipality referred to in section 2, provided that the Ontario Provincial Police Force shall not be responsible for policing any part of Ontario in which a municipal police force is maintained.

Additional
duties of
Ontario
Provincial
Police
Force.

(2) The Ontario Provincial Police Force, in addition to performing the policing services prescribed in subsection 1, shall,—

(a) maintain a traffic patrol on the King's Highways;

1946, c. 47.
Rev. Stat.,
c. 294.

(b) subject to any agreement in force under *The Liquor Licence Act, 1946*, enforce the provisions of *The Liquor Licence Act, 1946*, *The Liquor Control Act* and the regulations thereunder and any other laws designated by the Attorney General; and

(c) maintain a criminal investigation branch which shall be used to assist municipal police forces on the direction of the Attorney General or at the request of the Crown attorney. 1946, c. 72, s. 3; 1947, c. 77, s. 2, *amended*.

Failure
to provide
police.

4. Where the Commissioner reports to the Attorney General that a municipality mentioned in section 2 does not maintain a police force and is not provided with police services pursuant to an agreement under section 51 or 52, the Attorney General may take such action as he may deem necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force and charge the municipality with the cost thereof which may be deducted from any grant payable out of pro-

vincial funds to the municipality, or may be recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty. *New.*

5.—(1) Where the Commissioner reports to the Attorney General that a municipality mentioned in section 2, or any other municipality that maintains its own police force, is not, in the maintenance of such police force, complying with this Act and the regulations, the Attorney General may communicate with the clerk of the municipality indicating that the provisions of this Act or the regulations are not being complied with and requesting the council of the municipality to take such steps as may be necessary to comply therewith. 1946, c. 72, s. 5 (1). Non-compliance with regulations.

(2) Where the council neglects to comply with a request made under subsection 1, the Attorney General may take such action as he may deem necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force and charge the municipality with the cost thereof which may be deducted from any grant payable out of provincial funds to the municipality, or may be recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty. 1947, c. 77, s. 3. Action by Attorney General.

6. Where an area has been designated under subsection 3 of section 2 and the company required to enter into an agreement under section 52 refuses or neglects to enter into an agreement, the Ontario Provincial Police Force shall police the area and the cost thereof may be recovered with costs from the company by action in any court of competent jurisdiction as a debt due to His Majesty. 1947, c. 77, s. 4. Where company fails to enter into agreement.

PART II.

MUNICIPAL POLICE FORCES.

7.—(1) Notwithstanding any special Act, every city shall have a board and any village or township having a population in excess of 5,000 according to the last revised assessment roll and every county and town may, by by-law, constitute a board. 1946, c. 72, s. 6 (1); 1947, c. 77, s. 5, *amended*. Constitution of boards.

(2) The board shall, except as provided in subsection 3, consist of,— Board, how composed.

(a) the head of the council;

(b) a judge of any county or district court designated by the Lieutenant-Governor in Council; and

(c) such magistrate or Crown attorney as the Lieutenant-Governor in Council may designate.

Vacancies. (3) Where a vacancy occurs on the board by reason of the death of any member designated by the Lieutenant-Governor in Council, or where such member is unable to carry on his duties as a member of the board by reason of his illness or absence, the Attorney General may in writing appoint some other judge, magistrate or Crown attorney to act as a member of the board for a period of two months from the date of such appointment unless the Lieutenant-Governor in Council sooner appoints another member. 1946, c. 72, s. 6 (2, 3).

Remuneration. (4) The council shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations, to the members of the board designated by the Lieutenant-Governor in Council or appointed by the Attorney General and may provide for the payment of an allowance to the head of the council. 1947, c. 77, s. 8.

Meetings. **8.**—(1) The board shall in each year hold such meetings as may be prescribed by the regulations and shall at its first meeting in each year elect a chairman.

Quorum. (2) A majority of the members of the board shall constitute a quorum.

Meetings open to public. (3) The meetings of the board shall be open to the public unless otherwise directed by the board. 1946, c. 72, s. 7.

Repeal of by-law. **9.** The by-law of a village, township, county or town constituting a board may, with the consent of the Attorney General, be repealed and if so repealed the board shall be dissolved on the 1st day of January next after the passing of the repealing by-law. 1946, c. 72, s. 8, *amended*.

By-law. **10.**—(1) A by-law of the board shall be sufficiently authenticated, if signed by its chairman or acting chairman, and a by-law purporting to be so signed shall be received in evidence in all courts, without proof of the signature.

Certified copy of by-law. (2) A copy of a by-law purporting to be certified by a member of the board to be a true copy, shall be received in evidence in all courts, without proof of the signature. 1946, c. 72, s. 9.

Board to summon witnesses. **11.** The board shall have the same power to summon and examine witnesses on oath as to any matter connected with the execution of its duties, to enforce their attendance, and to compel them to give evidence, as is vested in any court of law in civil cases. 1946, c. 72, s. 10.

12. The police force in a municipality having a board shall consist of a chief constable and as many constables and other police officers and such assistants as the council may deem necessary, but not fewer than the board reports to be required. 1946, c. 72, s. 12, *amended*.

13. The members of the police force in a municipality having a board shall be appointed by and hold office during the pleasure of the board. 1946, c. 72, s. 13, *amended*.

14. Subject to the approval of the Lieutenant-Governor in Council, any board may by by-law make regulations not inconsistent with regulations under section 62 for the government of the police force, for preventing neglect or abuse, and for rendering it efficient in the discharge of its duties. 1947, c. 102, s. 7 (1).

15.—(1) Notwithstanding the provisions of section 2, the board shall be responsible for the policing and maintenance of law and order in the municipality and the members of the police force shall be subject to the government of the board and shall obey its lawful direction. 1947, c. 77, s. 7.

(2) Every member of the police force, however appointed, for the municipality shall from and after the passing of a by-law establishing a board be subject to the government of the board to the same extent as if appointed by the board. 1946, c. 72, s. 15 (2), *amended*.

16.—(1) Where any motor vehicle, bicycle or any personal property of any kind is in the possession of the board or a member of the police force by reason of having been stolen from its owner or by reason of having been found abandoned in any public place and the board is unable to ascertain the owner thereof, the board may cause the same to be sold or otherwise disposed of as hereinafter set forth and may retain to its own use the proceeds of such sale or disposition.

(2) When such property is perishable the sale or disposition of the same may be made at any time without notice of any kind, and when such property is not perishable, the board may, after the expiration of three months, sell the same by public auction after at least ten days' notice of the time and place of holding such auction has been given by publication once in a newspaper published in the municipality, and any such sale may be adjourned from time to time until the property is sold.

(3) This section shall be subject to the provisions of *The Highway Traffic Act*. 1946, c. 72, s. 16.

Submission
of estimates
to council.

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, equipment, clothing and other things for the accommodation, use and maintenance of the force. 1946, c. 72, s. 17; 1948, c. 68, s. 2.

APPOINTMENT BY MUNICIPAL COUNCIL.

Municipalities,—
where no
board.

18.—(1) The council of every town, village, county or township, not having a board, may establish a police force consisting of one or more constables or other police officers appointed by the council. 1946, c. 72, ss. 19, 21, *amended*.

Chief
constable.

(2) Where the police force has two or more members the council may appoint one member to be chief constable. *New*.

Police
villages.

19.—(1) The trustees of a police village may establish a police force consisting of one or more constables appointed by the trustees.

Salary.

(2) Every member of the police force may be paid by salary or may keep for his own use the fees of his office as the trustees may determine.

When fees
to belong
to village.

(3) Where a member of the police force is paid by salary the trustees may require that the fees of his office be paid to the treasurer of the township in which the village is situate or where the village comprises parts of two or more townships, to the treasurer of any or either of them for the use of the village.

Equipment.

(4) The trustees may provide and pay for offices, arms, equipment, clothing and other things for the accommodation, use and maintenance of the members of the police force. 1946, c. 72, s. 20, *amended*.

Cost of
policing
by levy.

20.—(1) The cost incurred by a township in maintaining its own police force or by reason of an agreement under section 51 or 52 may, if the council deems proper, be paid by a rate levied on any area or areas defined by the council.

Exemption
of farm
lands and
buildings.

(2) Whether or not any area has been defined under subsection 1 the council may exempt lands and buildings used exclusively in connection with farming from any rate levied for the purpose of paying such cost. 1947, c. 102, s. 7 (2).

Salary and
remunera-
tion.

21. The council by which a member of a police force is appointed may provide for the payment to him of such salary

or remuneration as the council may determine. 1946, c. 72, s. 23, *amended*.

22. The council may agree with a salaried member of the police force appointed either by the council or by the board that he shall keep for his own use the fees of his office, or may require them to be paid to the treasurer for the use of the municipality. 1946, c. 72, s. 24, *amended*. Fees of salaried police officer.

23.—(1) The council of a municipality may pay any sum required for the protection, defence or indemnification of any member of the police force, where an action or prosecution is brought against him, and costs are necessarily incurred or damages are recovered. Indemnifying police officers.—

(2) In a municipality having a board such sum shall be paid only where the board certifies that the case is a proper one for such payment or indemnity. 1946, c. 72, s. 25. in municipality having board.

24. The council may grant pecuniary aid or other assistance to the widows and children of members of the police force who are killed or die from injuries received, or from illness contracted in the discharge of their duties. 1946, c. 72, s. 26. Aid to widows and children in certain cases.

25. Where there is no board any member of the police force who has been charged with an offence against discipline under the regulations may be suspended from office by the head of the council of the municipality pending the disposition of the charge. 1947, c. 77, s. 9, *amended*. Power of suspension.

BARGAINING AND ARBITRATION.

26. A member of a police force shall not remain or become a member of any trade union or of any organization that is affiliated directly or indirectly with a trade union. 1947, c. 77, s. 10, *part*. Membership in trade union forbidden.

27.—(1) When requested in writing by a majority of the full-time members of the police force, the council of the municipality or where there is a board, the board shall bargain in good faith with a bargaining committee of the members of the police force for the purpose of defining, determining and providing for remuneration and working conditions of the members of the police force other than the chief constable, except such working conditions as may be governed by any regulations made by the Lieutenant-Governor in Council pursuant to this Act. 1947, c. 77, s. 10, *part*; 1948, c. 68, s. 3, *amended*. Bargaining.

(2) Where not less than fifty per centum of the full-time Association.

members of the police force belong to an association any request made under subsection 1 shall be made by the association.

Affiliated
body.

(3) In every case the members of a bargaining committee shall be full-time members of the police force, but where,—

(a) the association is affiliated with any police organization; or

(b) not less than fifty per centum of the full-time members of the police force belong to any police organization,

at all meetings held with the council of the municipality or any committee thereof, or the board, as the case may be, for the purpose of bargaining, the bargaining committee may be accompanied by one member of such organization who is actively engaged in the occupation of a police officer and who shall attend in an advisory capacity only. 1947, c. 77, s. 10, *part, amended.*

Board of
arbitration.

28.—(1) Except in the case of a police force having less than five members, where after bargaining under section 27 the council of the municipality or where there is a board, the board, or the members of the police force, or where there is a bargaining committee, the bargaining committee, is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may by notice in writing to the other party require all matters in dispute to be referred to a board of arbitration of three members in which case the parties shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

Failure to
appoint
member.

(2) Where either party fails to appoint a member of the board of arbitration within a reasonable time, or having appointed a person who is unable or unwilling to act, fails to appoint another member within a reasonable time, the Attorney General may, upon the written request of the other party, appoint a member in lieu thereof.

Failure to
appoint
chairman.

(3) Where the two members of the board of arbitration appointed by the parties fail, within five days of the appointment of the one last appointed, to agree upon a third member, the Attorney General may, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint the third member. 1947, c. 77, s. 10, *part.*

Decision
of board of
arbitration.

(4) 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. 1948, c. 68, s. 4.

(5) Each party shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally. 1947, c. 77, s. 10, *part.* Costs.

29.—(1) In the case of a police force having less than five members, where after bargaining under section 27, the council of the municipality or where there is a board, the board, or the members of the police force, or where there is a bargaining committee, the bargaining committee, is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may refer the matter to the Attorney General. Reference to Attorney General.

(2) Where a matter is referred to the Attorney General under subsection 1, the Attorney General may cause such inquiry to be made as he deems necessary and shall report his findings to the parties. Inquiry and report.

(3) The Attorney General may cause the report of his findings to be published in such manner as he may deem advisable. 1947, c. 77, s. 10, *part.* Publication of report.

30.—(1) Every agreement made under section 27 and every decision or award of a majority of the members of the board of arbitration under section 28 shall be binding upon the council of the municipality, the board, where there is a board, and the full-time members of the police force. Effect of agreement or award.

(2) Nothing in this Act shall require the continuance in force of any agreement, decision or award for more than one year from the date upon which it commenced to be in force. 1947, c. 77, s. 10, *part.* Duration of agreement or award.

31.—(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. Effect of agreement, decision or award.

(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. 1948, c. 68, s. 6 (1), *part.* Idem.

Provision
for expen-
diture
involved
in request.

32.—(1) Where a request in writing is made under subsection 1 of section 27 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.

Non-
compliance
with subs. 1.

(2) Where the council of a municipality fails to comply with subsection 1, the Lieutenant-Governor in Council may,—

- (a) upon being requested in writing by a majority of the full-time 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.

Where
members.
belong to
association.

(3) Where not less than fifty per centum of the full-time members of the police force belong to an association, any request made under subsection 2 shall be made by the association.

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 subject to any terms or conditions which he may deem advisable. 1948, c. 68, s. 6 (1), *part, amended*.

PART III.

PROVINCIAL SUBSIDIES FOR MUNICIPAL POLICE FORCES.

Interpre-
tation,—

33. In this Part,—

“member”;

(a) “member” means member of a police force;

“police
force”;

(b) “police force” means a police force within the meaning of Part II maintained by a city or town or by a village or township for the purpose of discharging its responsibility under subsection 2 of section 2; and

“popula-
tion”.

(c) “population” means population ascertained from the last revised assessment roll. *New*.

34.—(1) The Treasurer of Ontario may make an annual grant out of the Consolidated Revenue Fund to every municipality having a police force, and the amount of such grant shall be equal to the following proportion of the cost of the police force for the year preceding the year in which the grant is made,—

- (a) where the population of the municipality is less than 10,000, twenty-five per centum;
- (b) where the population of the municipality is 10,000 or more and less than 25,000, twenty per centum;
- (c) where the population of the municipality is 25,000 or more and less than 70,000, fifteen per centum; and
- (d) where the population of the municipality is 70,000 or more, ten per centum.

(2) Where a part of a village or township has a density of population and a real property assessment sufficient to warrant the maintenance of a police force and the part has been so designated by the Lieutenant-Governor in Council under subsection 2 of section 2, the population of the part or, where there is more than one part in any village or township, the total population of the parts shall be deemed to be the population of the municipality for the purposes of this section. *New.*

35.—(1) For the purposes of this Part the cost of the police force shall be the total of the amounts paid during the year by the municipality in respect of,—

- (a) the services of the members;
- (b) uniforms, clothing allowances, arms and personal equipment for the members;
- (c) office supplies and equipment and clerical assistance;
- (d) *The Workmen's Compensation Act* or benefit plan approved by the Workmen's Compensation Board;
- (e) liability and fire insurance premiums;
- (f) contributions to any pension plan for members where the plan is approved by the Superintendent of Insurance;
- (g) membership in and expenses of representatives attending meetings of police associations or any police college or police school established under this Act;

- (h) communication systems, motor cars, trucks, patrol wagons, motor bicycles and other vehicles, bicycles and horses and equipment and the normal operation, maintenance and repair thereof; and
- (i) such matters and things as the Lieutenant-Governor in Council may prescribe.

Interpretation of "paid".

(2) Where payment of any portion of the cost of the police force has been deferred to any subsequent year or where the money required to pay any portion of the cost of the police force has been raised by way of a loan or the issue of debentures, such portion shall, for the purposes of subsection 1, be deemed to be paid.

Municipal policing agreements.

(3) Where a city provides police services in another municipality pursuant to an agreement made under section 51,—

- (a) the municipality shall be deemed to have a police force, and the payments made during the year under any such agreement shall be deemed to be the cost thereof;
- (b) the amount of the grant shall be based upon the population of the municipality receiving the police services; and
- (c) the city receiving payment for such police services shall deduct the amount thereof from the total of its cost before any claim is made by it under this Part.

Provincial policing agreements.

(4) Where the Commissioner provides police services in a municipality mentioned in section 2 pursuant to an agreement under section 52 made after the 1st day of April, 1949, the Commissioner shall determine the police cost of the municipality and the amount of the grant that would be payable under this Part if the municipality maintained an adequate and efficient police force and shall deduct such amount from the amount payable under the agreement. *New.*

Requirements for payment.

36.—(1) No grant under section 34 shall be made,—

- (a) unless all members of the police force are under *The Workmen's Compensation Act* or a benefit plan approved by the Workmen's Compensation Board;
- (b) where the council of the municipality or the board is in default under Part II or under any agreement, decision or award made under the collective bargaining provisions of Part II; and

- (c) unless a pension plan approved by the Superintendent of Insurance has been established under which the contributions of the members and the municipality or board together equal or exceed ten per centum of their salaries and under which the contributions of the municipality equal or exceed the contributions of the members.

(2) A municipality may make a claim in the year 1949 based upon the cost of the police force for the year 1948 whether or not the requirements of subsection 1 were met in the year 1948. *New.* ^{Claims in 1949.}

37.—(1) The treasurer of a municipality making claim in any year to a grant under this Part shall, so soon as may be in the year after the cost of the police force for the preceding year has been determined, send to the Commissioner a statement in the form prescribed by the Commissioner signed by the head of the municipality, or where there is a board, the chairman of the board, and himself showing,— ^{Treasurer's statement.}

(a) that the requirements of section 36 have been met; and

(b) the cost of the police force for the preceding year together with such particulars thereof as the Commissioner may require.

(2) The Commissioner shall examine the statement and if he is satisfied as to the correctness thereof he shall so certify to the Treasurer of Ontario. ^{Commissioner's certificate.}

(3) Where the Commissioner notifies the treasurer of the municipality that he is not satisfied as to the correctness of the statement, the council of the municipality, within fourteen days of the receipt by the treasurer of the notice, may appeal any matter in dispute to the Ontario Municipal Board, whose decision thereon shall be final and shall be acted upon by the Commissioner. *New.* ^{Appeal to Municipal Board.}

38. After receipt of the certificate of the Commissioner and so soon as may be after the 1st day of November of the year in which the claim is made, the Treasurer of Ontario may make the grant provided for in section 34. *New.* ^{Payment.}

PART IV.

ONTARIO PROVINCIAL POLICE FORCE.

39.—(1) There shall be a Commissioner of Police for Ontario, who shall be appointed by the Lieutenant-Governor in Council. 1946, c. 72, s. 28 (1). ^{Appointment of Commissioner of Police.}

Powers and duties of Commissioner.

(2) The Commissioner shall have the general control and administration of the Ontario Provincial Police Force and the employees connected therewith, and of all officers specially appointed for the enforcement of any statute of Ontario, and he and all such officers and employees and the members of the Force shall be responsible to the Attorney General. 1946, c. 72, s. 28 (2), *amended*.

Investigations by Commissioner.

(3) The Commissioner may hold an inquiry into the conduct of any member of the Ontario Provincial Police Force or of any officer or employee under his control and upon such inquiry shall have and may exercise all the powers and authority which may be conferred upon a person appointed under the provisions of *The Public Inquiries Act*. 1946, c. 72, s. 28 (3).

Rev. Stat., c. 19.

Commissioner to be *ex officio* magistrate.

40.—(1) Unless otherwise provided by Order-in-Council, the Commissioner shall be *ex officio* a magistrate for the Province of Ontario and shall have and may exercise and perform the powers and duties of a magistrate, and may take informations and issue warrants or summonses in any city, town, county, provisional county or provisional judicial district or other locality in Ontario, and may make the same returnable in the city, town, county, provisional county, provisional judicial district or other locality in which the offence charged is alleged to have been committed.

Exercise of jurisdiction.

Rev. Stat., c. 133.

(2) The jurisdiction conferred by subsection 1 may be exercised by the Commissioner notwithstanding that there is in the locality in which he acts, a magistrate, who, under *The Magistrates Act* or any other statute, has jurisdiction exclusive or otherwise. 1946, c. 72, s. 29.

Ontario Provincial Police Force.

41.—(1) The Ontario Provincial Police Force shall consist of the Commissioner and such constables and other police officers as the Lieutenant-Governor in Council may appoint.

Employees.

(2) The Lieutenant-Governor in Council may appoint such employees as may be required in connection with the Force. 1946, c. 72, s. 30, *amended*.

Duties of members of Force.

42.—(1) It shall be the duty of the members of the Ontario Provincial Police Force subject to this Act and the orders of the Commissioner,—

- (a) to perform all duties which now are or hereafter shall be assigned to constables in relation to the preservation of the peace, the prevention of crime and of offences against the laws in force in the Province and the criminal laws of Canada and the appre-

hension of criminals and offenders and others who may be lawfully taken into custody;

- (b) to execute all warrants, perform all duties and services thereunder or in relation thereto which may, under the laws in force in the Province, be lawfully executed and performed by constables;
- (c) to perform all duties which may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners and mentally incompetent persons to and from any courts, places of punishment or confinement, hospitals or other places; and
- (d) generally to perform such duties as may from time to time be assigned to them by the Commissioner.

(2) Except under the provisions of an agreement entered into under section 52 the Ontario Provincial Police Force shall not be charged with any duties under or in connection with any municipal by-laws. 1946, c. 72, s. 31.

Ontario
Provincial
Police Force
not to be
charged with
duties under
municipal
by-laws.

43.—(1) Any money appropriated by the Legislature for the purpose of enforcing or preventing the contravention of the laws of Ontario or Canada, or of any regulation made thereunder shall be known as the "Law Enforcement Fund" and payments from the Fund shall be made under the direction of the Attorney General to such persons and for such purposes as he may think proper, to be expended in such law enforcement, including the cost of the Ontario Provincial Police Force.

Law En-
forcement
Fund.

(2) The certificate or order of the Attorney General that any sum of money is required to be paid out of the Fund shall be sufficient authority for the issue of a cheque by the Treasurer of Ontario for the amount named in such certificate or order, and the officer or other person to whom such cheque is issued shall account for the proper disbursement of the proceeds thereof to the Attorney General whose approval of the account shall be final.

Payment
out of
Fund.

(3) Where any member of the Ontario Provincial Police Force is engaged in a matter of extradition or other special investigation, or where he performs any act or discharges any duty with the authority and under the direction of the Attorney General, he shall be allowed such travelling, incidental and other expenses as the Attorney General may approve and they shall be paid out of the Fund. 1946, c. 72, s. 32.

Expenses.

Service
badges.

44.—(1) The Lieutenant-Governor in Council may provide for the granting of service badges to the members of the Ontario Provincial Police Force or any class thereof and for money allowances to be paid to the members entitled to any service badge.

Allowances.

(2) The money allowance shall be paid out of the Law Enforcement Fund and shall be deemed to be part of the salary of the member. *New.*

PART V.

GENERAL.

Constables
empowered
to act
throughout
Ontario.

45. Every chief constable, constable and other police officer, except a special constable or a by-law enforcement officer, shall have authority to act as a constable throughout Ontario. 1946, c. 72, s. 34; 1947, c. 77, s. 13, *amended.*

Duties and
powers of
members of
police forces.

46. The members of police forces appointed under Part II shall be charged with the duty of preserving the peace, preventing robberies and other crimes and offences, including offences against the by-laws of the municipality, and apprehending offenders, and laying informations before the proper tribunal, and prosecuting and aiding in the prosecuting of offenders, and shall have generally all the powers and privileges and be liable to all the duties and responsibilities that belong to constables. 1946, c. 72, s. 35.

Investiga-
tion and
report by
Commis-
sioner.

47.—(1) The Attorney General may require the Commissioner or any other person, to investigate, inquire into and report to the Attorney General upon the conduct of any chief constable, constable, police officer, special constable or by-law enforcement officer, the administration of any police force, the system of policing any municipality and the police needs of any municipality,—

- (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
- (b) without the request of the council of a municipality, in which case the cost of such investigation shall be paid out of the Consolidated Revenue Fund. 1946, c. 72, s. 36 (1); 1948, c. 68, s. 9, *amended.*

(2) The person directed to hold such investigation shall have all the powers and authority which may be conferred upon a person appointed under *The Public Inquiries Act*. Powers of Investigator. Rev. Stat., c. 19.

(3) The report of an investigation made at the request of the council of a municipality shall be communicated by the Attorney General to the council of such municipality. Report to be communicated to council. 1946, c. 72, s. 36 (2, 3).

48.—(1) The Crown attorney may request the services of the Ontario Provincial Police Force in any area for the policing of which a municipality or board is responsible and the cost of furnishing such services shall be certified by the Crown attorney or the Commissioner and, unless the Attorney General 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. Expenses of Ontario Provincial Police Force,—when payable by municipality. 1947, c. 77, s. 11; 1948, c. 68, s. 7, *amended*.

(2) In a provisional judicial district the treasurer of the district may, on the written request of the Crown attorney, make an advance to any member of the Ontario Provincial Police Force for the purpose of paying reasonable and necessary expenses incurred in any criminal matter. Advances to provincial police in districts. 1946, c. 72, s. 33 (2).

49.—(1) A board or council responsible for the policing of a municipality or part thereof, may by resolution request the Commissioner to furnish the assistance of the Ontario Provincial Police Force in maintaining law and order or investigating an offence within the municipality and the Commissioner may provide such assistance as he deems necessary. Municipality may request assistance of Ontario Provincial Police. 1947, c. 77, s. 12, *part*.

(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. Expenses,—how payable. 1947, c. 77, s. 12, *part*; 1948, c. 68, s. 8.

50. The obligation of a municipality to provide and maintain a police force may be discharged by entering into an agreement under the provisions of section 51 or 52. Obligation of municipality to provide police force. 1946, c. 72, s. 37, *amended*.

Officers and constables,—agreement as to services.

51. The board, or if none, the council of any municipality bordering on or situate within ten miles of a city, may by agreement with the board of the city provide that the services of members of the police force of the city shall be available in the municipality on such terms and conditions as may be set forth in the agreement, and the board of a city shall have power to enter into agreements under the authority of this section. 1947, c. 77, s. 14.

Agreement for Ontario Provincial Police Force to police municipalities.

52.—(1) Subject to the approval of the Lieutenant-Governor in Council the Commissioner may enter into an agreement with the council of any municipality for the policing of the whole or any part of the municipality, or with any company for the policing of any area, by the Ontario Provincial Police Force. 1946, c. 72, s. 39 (1), *amended*.

No agreement except on request of board.

(2) In municipalities having a board no agreement shall be entered into under this section except at the request of the board.

Rates of pay to be considered.

(3) No agreement shall be entered into under this section with a municipality at a cost which is less than the aggregate of police salaries paid by the municipality or where in the opinion of the Commissioner such an agreement is sought for the purpose of defeating the collective bargaining provisions of this Act. 1947, c. 77, s. 15, *part*.

Duties.

(4) Where an agreement has been entered into under subsection 1 the members of the Ontario Provincial Police Force assigned to duty in the municipality or area shall be charged with the duty of preserving the peace, preventing crime and other offences, including offences against the by-laws of the municipality, and shall perform such other duties as may be specified in the agreement.

Moneys to be paid into Consolidated Revenue Fund.

(5) The moneys received from a municipality or company pursuant to an agreement entered into under subsection 1 shall be paid into the Consolidated Revenue Fund. 1946, c. 72, s. 39 (2, 3).

Fines, etc.

(6) Where a municipality is entitled to receive fines or the proceeds of estreated recognizances because of prosecutions instituted by constables appointed by the council or by a board and the municipality has entered into an agreement with the Commissioner or with another municipality to furnish police services such members of the Ontario Provincial Police Force or of the police force of the other municipality as are assigned for duty under the agreement shall, for the purposes of the disposition of any such fines or proceeds, be deemed to be constables of the first-mentioned municipality. 1947, c. 77, s. 15, *part*.

53. Where pursuant to section 52 the Commissioner enters into an agreement with a municipality having a board, the provisions of sections 12, 13, 14 and 15 shall not apply but the board shall act in an advisory capacity to the senior officer of the Ontario Provincial Police Force in the municipality and to the Commissioner with respect to the policing of the municipality. 1947, c. 77, s. 16 (1), *part.*

When board to act in advisory capacity.

54.—(1) Every person appointed to be a chief constable, constable or other police officer shall before entering on the duties of his office, and every special constable when thereunto required, take and subscribe the following oath:

I, _____, do swear that I will well and truly serve Our Sovereign Lord the King in the office of constable (*or as the case may be*) for the _____ of _____ without favour or affection, malice or ill-will; and that to the best of my power, I will cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to the law: So help me God.

C. D.

Sworn, etc.

1946, c. 72, s. 40 (1), *amended.*

(2) The oath of every member of a municipal police force shall be deposited in the office of the clerk of the municipality or of the secretary of the board of the municipality for which he is appointed. 1946, c. 72, s. 40 (2).

Oath to be deposited with clerk of municipality or secretary of board.

55. The expenses of and incidental to the calling out of the active militia in aid of the civil powers under the *Militia Act* shall be paid by the corporation of the city or separated town wherein their services are required and in the case of other municipalities, by the county. 1946, c. 72, s. 41.

Active militia,— calling out.
R.S.C., c. 132.

56. The Commissioner may suspend or dismiss from office any county constable heretofore appointed under *The Constables Act*. 1946, c. 72, s. 42.

Suspension and dismissal.
Rev. Stat., c. 140.

57. A municipality having any interest in a building or area beyond the boundaries of the municipality may undertake and agree to pay the whole or a portion of the cost of policing such building or area. 1947, c. 77, s. 16 (1), *part.*

Policing building or area beyond boundaries of municipality.

58.—(1) The Commissioner, a county court judge, a district court judge or a magistrate may, by written authority, appoint any person to act as special constable for such period, area and purpose as to him may seem expedient.

Special constables.

(2) Where an appointment is made by a judge or a magistrate, written notice of the appointment and the circumstances which render it expedient shall be forthwith transmitted to the Commissioner.

Notice of appointment.

Suspension
or termina-
tion of
services.

(3) The judge or magistrate who has appointed a special constable, or the Commissioner, may suspend or terminate the services of such constable and written notice of the suspension or termination shall, if made by the judge or magistrate, be forthwith transmitted to the Commissioner.

Oath of
special
constable.

(4) Every authority appointing a special constable shall require him to take and subscribe an oath similar to that set out in subsection 1 of section 54. 1947, c. 77, s. 16 (1), *part.*

By-law
enforce-
ment
officer.

59. The council of any municipality or the trustees of any police village may appoint one or more by-law enforcement officers who shall have the authority of a constable with respect to the enforcement of the by-laws of the municipality or police village, as the case may be. *New.*

Causing
disaffection
—an offence.

60.—(1) Every person, including a member of a police force who,—

- (a) causes or attempts to cause, or does any act calculated to cause disaffection among the members of a police force;
- (b) induces or attempts to induce, or does any act calculated to induce a member of a police force to withhold his services or commit a breach of discipline; or
- (c) being a member of a police force, withholds his services,

Penalty.

shall be guilty of an offence and liable on summary conviction to a penalty of not more than \$500 or to imprisonment for a term not exceeding one year or both.

Assent of
Attorney
General
required.

(2) No prosecution shall be instituted under this section without the consent of the Attorney General.

Disqualifica-
tion and
forfeiture
of rights.

(3) Where a person convicted of an offence under subsection 1 is a member of a police force, he shall,—

- (a) cease to be a member and shall not thereafter be appointed to any police force; and
- (b) subject to any agreement with or by-law of the municipality, forfeit all pension rights under any pension scheme of such police force except his right to receive such moneys as he has paid into any fund under such scheme with interest at the rate payable under the scheme. 1947, c. 77, s. 16 (1), *part, amended.*

61. The Commissioner may establish, maintain and operate a central police college for the training of members of police forces and may provide for such regional police schools and travelling instructors as he may deem advisable. *New.*

REGULATIONS.

62.—(1) The Lieutenant-Governor in Council may make regulations,—

- (a) for the government of police forces and governing the conduct and duties of members of police forces;
- (b) prescribing the qualification and age limits of persons to be appointed to police forces;
- (c) prescribing the minimum salary or other remuneration and allowances which shall be payable to members of police forces;
- (d) prescribing the minimum remuneration which shall be paid by a municipality to the members of boards who are designated by the Lieutenant-Governor in Council or appointed by the Attorney General;
- (e) prescribing the minimum number of members of police forces that shall be employed either upon a basis of population, area, property assessment or any combination thereof or upon any other basis;
- (f) prescribing requirements respecting clothing and equipment to be furnished by municipalities;
- (g) prescribing courses of training for members of police forces;
- (h) providing for or granting financial aid to and the administration and course of study in a police training school;
- (i) prescribing or regulating the number of meetings to be held by boards and the times and places at which they are to be held;
- (j) prescribing the records, returns, books and accounts to be kept and made by police forces or the members thereof;
- (k) prescribing the method of accounting for fees and costs and other money which comes into the hands of members of police forces;

- (l) respecting any matter relating to the Commissioner and the Ontario Provincial Police Force as may be deemed necessary; and
- (m) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1946, c. 72, s. 43 (1); 1947, c. 77, s. 17; 1948, c. 68, s. 10, *amended*.

Regulations may be general or particular. (2) Any regulations made under the authority of subsection 1 may be general or particular in their application. 1946, c. 72, s. 43 (2).

1946, c. 72; 1947, cc. 77, 102, s. 7; 1948, c. 68, repealed. **63.** *The Police Act, 1946, The Police Amendment Act, 1947, section 7 of The Statute Law Amendment Act, 1947 (No. 2) and The Police Amendment Act, 1948* are repealed.

Commencement of Act. **64.** This Act shall be deemed to have come into force on the 1st day of January, 1949.

Short title. **65.** This Act may be cited as *The Police Act, 1949*.

BILL

The Police Act, 1949.

1st Reading

March 4th, 1949

2nd Reading

March 21st, 1949

3rd Reading

March 25th, 1949

MR. BLACKWELL

No. 109

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Highway Improvement Act.

MR. DOUCETT

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

EXPLANATORY NOTE

SECTION 1. Section 48 of the Act authorizes the Minister to grant to a township out of the Highway Improvement Fund an amount equal to fifty per centum of the amount of the approved expenditure of the township for road improvement.

Section 49 now provides for an additional subsidy in certain cases. Under section 49 as re-enacted, the rate of subsidy may be varied in all cases to accord with the specified local conditions.

SECTION 2. Section 52*h* imposes certain restrictions on the amount of road improvement expenditures of cities, towns and villages in respect to which provincial aid can be granted. The repeal of the section removes these restrictions.

SECTION 3. This is complementary to section 2 of the Bill. Under the present Act the amount of provincial aid is one-half of the amount of the restricted expenditures that is properly chargeable to road improvement.

Hereafter the amount of provincial aid will be one-third of the approved unrestricted amount expended in the case of cities and separated towns, and one-half of such amount in all other cases.

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. Section 49 of *The Highway Improvement Act*, as re-Rev. Stat., c. 56, s. 49 enacted by section 23 of *The Highway Improvement Amend-(1944, c. 23,* *ment Act, 1944* and amended by section 6 of *The Highway Improvement Amendement Act, 1945*, is repealed and the following substituted therefor:s. 23), re-enacted.

49. Notwithstanding section 48 the Minister, having regard to the economic condition of the township and the adequacy of its plan of road improvement, may direct payment to the township treasurer out of the Fund of such amount as he may deem requisite, provided that aid so granted may,—

(a) in the case of a bridge, be any percentage up to one hundred per centum; and

(b) in the case of any other road improvement, any percentage up to eighty per centum,

of the amount of the expenditure which is properly chargeable to road improvement.

2. Section 52*h* of *The Highway Improvement Act*, as enacted by subsection 1 of section 9 of *The Highway Improvement Amendment Act, 1947* and amended by section 2 of *The Highway Improvement Amendment Act, 1948*, is repealed.Rev. Stat., c. 56, s. 52*h* (1947, c. 44, s. 9, subs. 1), repealed.

3. Subsection 2 of section 52*i* of *The Highway Improvement Act*, as enacted by subsection 1 of section 9 of *The Highway Improvement Amendment Act, 1947*, is repealed and the following substituted therefor:Rev. Stat., c. 56, s. 52*i*, subs. 2 (1947, c. 44, s. 9, subs. 1), re-enacted.

(2) Upon receipt of such statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct Payment of subsidy to city, town or village.

payment to the treasurer of the municipality out of the Fund of an amount equal to,—

(a) in the case of a city or separated town, thirty-three and one-third per centum; and

(b) in all other cases, fifty per centum,

of the amount of the expenditure which is properly chargeable to road improvement and where there is any doubt or dispute the decision of the Minister shall be final.

Rev. Stat.,
c. 56, s. 66,
subss. 5, 6,
re-enacted.

4. Subsections 5 and 6 of section 66 of *The Highway Improvement Act* are repealed and the following substituted therefor:

Cost of
work.

(5) The agreement may provide that a proportion of the cost of the work shall be paid out of the Fund and the remainder shall be borne and paid by the town or village but the proportion which shall be paid out of the Fund shall not exceed,—

(a) in the case of a town or village having a population of not more than 2,500, a sum equal to the cost of a width of roadway not less than twenty-two feet nor more than the width of the roadway on the King's Highway approaching the town or village where such width exceeds twenty-two feet; and

(b) in the case of a town or village having a population of more than 2,500, a sum equal to fifty per centum of the cost of a width of roadway not less than twenty-two feet nor more than thirty-three feet.

Jurisdiction
unchanged.

(6) A road shall not, by reason of its having been constructed or improved under this section, become or be the property of the Crown, but every such road shall remain under the jurisdiction of the council of the municipality in which it is situate.

Commence-
ment of Act.

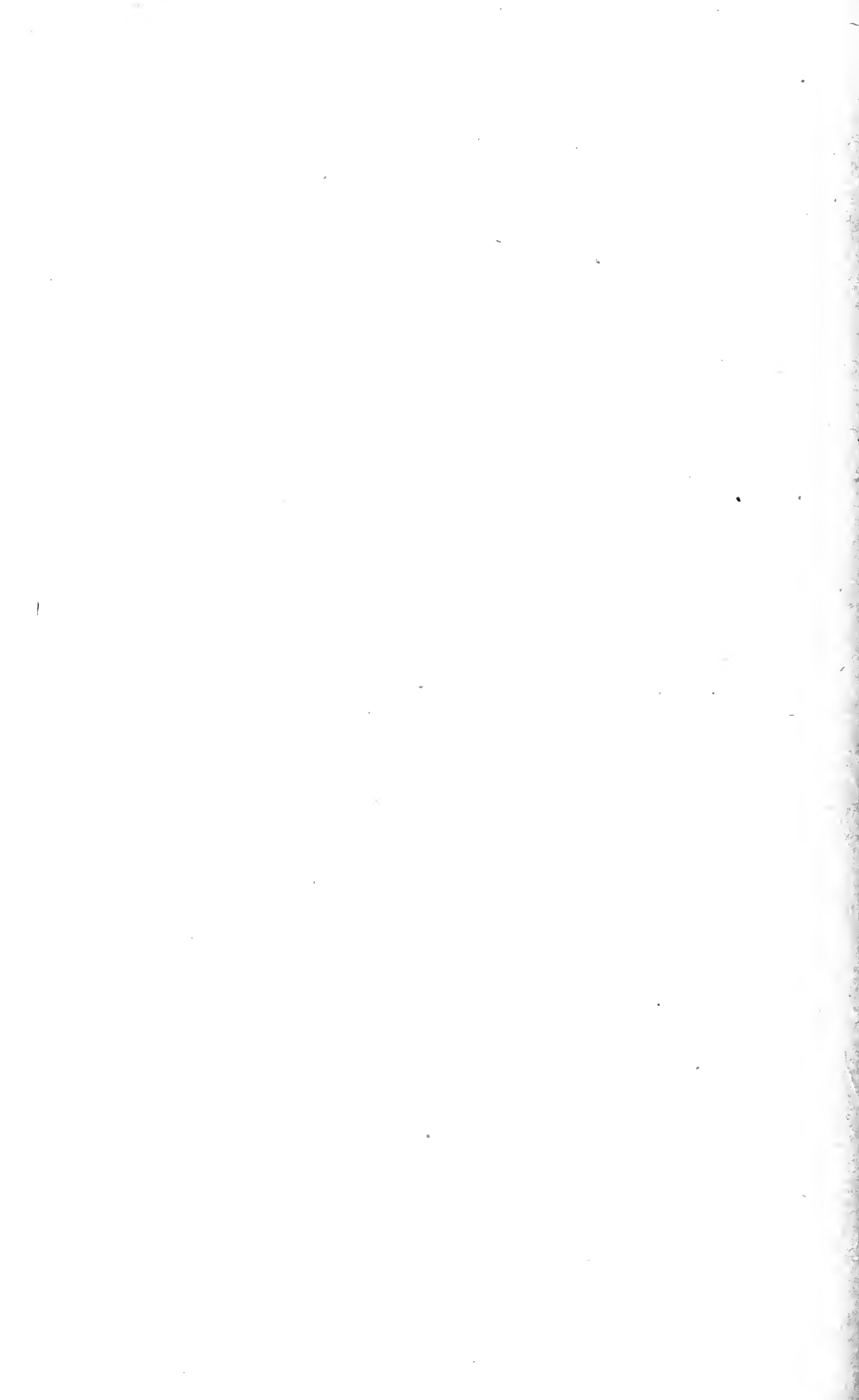
5. This Act shall be deemed to have come into force on the 1st day of January, 1949.

Short title.

6. This Act may be cited as *The Highway Improvement Amendment Act, 1949*.

SECTION 4. Subsection 4 of section 66 provides for agreements with towns and villages for the construction, improvement, maintenance and repair therein by the municipality or by the Department of Highways of any highway that is a connecting link or extension of the King's Highway. Subsection 5, under which the cost of the work covered by the agreement may be apportioned between the Highway Improvement Fund and the municipality, is brought into line with present standard roadway widths.

Subsection 6 of section 66 is re-enacted in order to make it consistent with subsection 4 of section 66.





BILL

An Act to amend
The Highway Improvement Act.

1st Reading

March 4th, 1949

2nd Reading

3rd Reading

Mr. DOUCETT

No. 109

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

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. Section 49 of *The Highway Improvement Act*, as re-enacted by section 23 of *The Highway Improvement Amendment Act, 1944* and amended by section 6 of *The Highway Improvement Amendment Act, 1945*, is repealed and the following substituted therefor: Rev. Stat., c. 56, s. 49 (1944, c. 23, s. 23), re-enacted.

49. Notwithstanding section 48 the Minister, having regard to the economic condition of the township and the adequacy of its plan of road improvement, may direct payment to the township treasurer out of the Fund of such amount as he may deem requisite, provided that aid so granted may,— Where rate of subsidy may be varied.

(a) in the case of a bridge, be any percentage up to one hundred per centum; and

(b) in the case of any other road improvement, any percentage up to eighty per centum,

of the amount of the expenditure which is properly chargeable to road improvement.

2. Section 52h of *The Highway Improvement Act*, as enacted by subsection 1 of section 9 of *The Highway Improvement Amendment Act, 1947* and amended by section 2 of *The Highway Improvement Amendment Act, 1948*, is repealed. Rev. Stat., c. 56, s. 52h (1947, c. 44, s. 9, subs. 1), repealed.

3. Subsection 2 of section 52i of *The Highway Improvement Act*, as enacted by subsection 1 of section 9 of *The Highway Improvement Amendment Act, 1947*, is repealed and the following substituted therefor: Rev. Stat., c. 56, s. 52i, subs. 2 (1947, c. 44, s. 9, subs. 1), re-enacted.

(2) Upon receipt of such statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct Payment of subsidy to city, town or village.

payment to the treasurer of the municipality out of the Fund of an amount equal to,—

(a) in the case of a city or separated town, thirty-three and one-third per centum; and

(b) in all other cases, fifty per centum,

of the amount of the expenditure which is properly chargeable to road improvement and where there is any doubt or dispute the decision of the Minister shall be final.

Rev. Stat.,
c. 66, s. 66,
subss. 5, 6,
re-enacted.

4. Subsections 5 and 6 of section 66 of *The Highway Improvement Act* are repealed and the following substituted therefor:

Cost of
work.

(5) The agreement may provide that a proportion of the cost of the work shall be paid out of the Fund and the remainder shall be borne and paid by the town or village but the proportion which shall be paid out of the Fund shall not exceed,—

(a) in the case of a town or village having a population of not more than 2,500, a sum equal to the cost of a width of roadway not less than twenty-two feet nor more than the width of the roadway on the King's Highway approaching the town or village where such width exceeds twenty-two feet; and

(b) in the case of a town or village having a population of more than 2,500, a sum equal to fifty per centum of the cost of a width of roadway not less than twenty-two feet nor more than thirty-three feet.

Jurisdiction
unchanged.

(6) A road shall not, by reason of its having been constructed or improved under this section, become or be the property of the Crown, but every such road shall remain under the jurisdiction of the council of the municipality in which it is situate.

Commence-
ment of Act.

5. This Act shall be deemed to have come into force on the 1st day of January, 1949.

Short title.

6. This Act may be cited as *The Highway Improvement Amendment Act, 1949*.

BILL

An Act to amend
The Highway Improvement Act.

1st Reading

March 4th, 1949

2nd Reading

March 14th, 1949

3rd Reading

March 18th, 1949

MR. DOUCETT

No. 110

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

The Homes for the Aged Act, 1949.

MR. GOODFELLOW

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

EXPLANATORY NOTE

The Bill combines and consolidates the former *Homes for the Aged Act* and *District Homes for the Aged Act*.

Changes have been made which eliminate objectionable features of the Acts which emphasized the indigency of persons to be admitted to such homes.

New principles introduced permit,—

- (1) the payment from the Consolidated Revenue Fund of that proportion of the cost of constructing a home for the aged in a district which may be allocated to the unorganized portions of the district;
- (2) The payment of 50% of the cost to municipalities of maintaining a home for the aged;
- (3) the payment of maintenance for persons admitted from the unorganized portion of a district.

In addition the amount to be paid from the Consolidated Revenue Fund toward the cost of constructing a new home or extensions to an existing home is increased from 25% to 50%.

BILL

The Homes for the Aged Act, 1949.

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) "Minister" means Minister of Public Welfare; | "Minister"; |
| (b) "district" means territorial district; | "district"; |
| (c) "municipality" means city, county or separated town, but in a territorial district municipality means city, town, village or township; and | "municipality"; |
| (d) "board" means board of management. 1947, c. 46, s. "board".
1, <i>amended</i> . | |

2.—(1) Except as otherwise provided, every municipality ^{Homes in counties, etc.} not in a district shall establish, erect and maintain to the satisfaction of the Minister, a home for the aged.

(2) In lieu of establishing separate homes for the aged, ^{Joint homes.} the councils of two or three contiguous municipalities not in a district may, with the approval in writing of the Minister, enter into an agreement for the establishment, erection and maintenance of, and may establish, erect and maintain a joint home for the aged. 1947, c. 46, s. 2; *amended*.

3.—(1) When a by-law authorizing the same has been ^{Homes in districts.} passed in a majority of the municipalities in any district, a home for the aged shall be established, erected and maintained by all the municipalities in the district.

(2) When by-laws authorizing the same have been passed ^{Joint homes.} in a majority of the municipalities in two or more contiguous districts a joint home for the aged may be established, erected and maintained by all the municipalities in such contiguous districts.

(3) When by-laws under this section have been passed, ^{Transmission of by-laws.} certified copies thereof shall be transmitted forthwith to the Minister.

- How composed. (4) The Lieutenant-Governor in Council may appoint a board which shall be a corporation and shall consist of five persons resident in the district, and in the case of contiguous districts agreeing to join in a joint home for the aged the board shall consist of three persons resident in each of the districts.
- Site for home. (5) The board shall select the site for the home for the aged.
- Powers of boards. (6) The board shall have charge of the home for the aged. 1947, c. 31, ss. 2-7, *amended*.
- Approval of site and plans. 4.—(1) A home for the aged shall not be erected until the site and plans of the building have been approved by the Minister.
- Not to be changed. (2) There shall be no change in site, and no sale or disposal of any portion thereof and no structural alteration in the building without the approval of the Minister. 1947, c. 46, s. 4, *amended*.
- Agreements with contiguous municipalities for care of persons. 5. In lieu of establishing, erecting and maintaining a home for the aged or a joint home for the aged, the council of a municipality or the board in a district which has established a home for the aged may receive therein the classes of persons described in section 11 from one or more contiguous municipalities, or in a district from one or more municipalities in any district which has no home for the aged, in accordance with the terms of a written agreement for maintenance which has been approved in writing by the Minister. *New*.
- Appointment of superintendents. 6.—(1) The council of a municipality that establishes, erects and maintains a home for the aged shall, with the approval of the Lieutenant-Governor in Council, appoint a superintendent therefor.
- Idem. (2) Where a joint home for the aged is established, erected and maintained, or where a home for the aged is established, erected and maintained in a district, the board shall, with the approval of the Lieutenant-Governor in Council, appoint a superintendent therefor.
- Appointment of staff. (3) The council of the municipality having a home for the aged or the board of a home for the aged in a district shall appoint such staff as the superintendent may require for the due carrying out of his duties. 1947, c. 46, s. 7, *amended*.
- Agreements for extending sewerage system to homes for the aged. 7.—(1) The council of a municipality having a home for the aged or the board of a home for the aged in a district may enter into agreements with the council of any municipality for connecting the home for the aged with the sewerage system of such municipality.

(2) The council of a municipality having a home for the aged or the board of a home for the aged in a district may enter into agreements with The Hydro-Electric Power Commission of Ontario or with the council of any municipality or person owning or operating a waterworks system, or works for the production and supply of electricity for light, heat or power, for the supply of water for domestic purposes and for fire protection or of electricity for light, heat or power purposes at the home for the aged.

Contracts for supplying water, electric light and power.

(3) For the purpose of connecting such home for the aged with any such system or works, any lands or highways may be entered upon, passed over or dug up, sewers constructed, pipes laid down, poles or wires put in place and all work done in or upon such lands and highways as may be necessary, due compensation being made to the owners thereof as provided by *The Municipal Act*.

Power to carry necessary works over intervening lands.

Rev. Stat., c. 266.

(4) Where two or more municipalities have established a joint home for the aged, they shall have, in respect of such home, all the powers conferred by this section upon the council of a municipality or board. 1947, c. 46, s. 9, *amended*.

Powers of municipalities, acting jointly.

8. Subject to the approval of the Ontario Municipal Board, any municipality may issue debentures for raising such sums as may be necessary for the purchase of a site or the erection of buildings for a home for the aged, or the purchase of land to be used in connection therewith, or for any addition to or improvement of such buildings, or for the purpose of any system or works authorized by section 7. 1947, c. 46, s. 10, *amended*.

Debentures.

9.—(1) The council of a municipality having a home for the aged or the board of a home for the aged in a district shall provide such equipment and materials as will enable the residents of the home for the aged to engage in handicrafts and other such occupations.

Equipment, etc.

(2) Upon a legally qualified medical practitioner certifying that any resident of a home for the aged is physically able to engage in household, farm or other work in or about the home for the aged, the superintendent thereof may encourage the resident to engage in such work. *New*.

Work.

(3) A magistrate may, by writing under his hand, commit any person who is over sixty years of age and who is unable to care properly for himself to a home for the aged.

Committal to home.

(4) Any person coming within any of the classes mentioned in section 11 may be admitted to a home for the aged by the superintendent upon receipt of,—

Requirement for admission.

- (a) an authorization in the prescribed form signed by the head of a municipality or, where there is a welfare unit, by the administrator or, in a district where there is no welfare unit and where the person resides in unorganized territory, by the provincial welfare administrator of the district;
- (b) an application in the prescribed form, signed by the person to be admitted;
- (c) a statement in the prescribed form, signed by the welfare officer of the municipality or district; and
- (d) a statement in the prescribed form, signed by a legally qualified medical practitioner designated by the municipality having the home for the aged or board of a home for the aged in a district, as the physician for the home for the aged. 1947, c. 46, s. 14 (1), *amended*.

Reimbursement for maintenance cost.

10.—(1) An applicant for admission to a home for the aged or a resident therein or any person on his behalf may reimburse the municipality or the board, if the home for the aged is in a district, in whole or in part for his maintenance.

Recovery of maintenance cost.

(2) Any municipality having a home for the aged or the board of any home for the aged in a district shall be entitled to recover out of the estate of any deceased resident of the home, as a debt due by the resident to such municipality or board, the net cost of the maintenance of the resident while he resided in the home. 1947, c. 46, s. 12 (3), *amended*.

Who may be admitted.

11. The classes of persons who may be admitted to a home for the aged shall be,—

- (a) anyone over the age of sixty years who is incapable of supporting himself, or unable to care properly for himself;
- (b) anyone who is mentally incompetent and ineligible for committal to an institution under *The Mental Hospitals Act*, who requires care, supervision and control for his protection;
- (c) anyone over the age of sixty years who is confined to bed but does not require care in a public hospital or hospital for incurables; or
- (d) anyone under the age of sixty years who because of special circumstances cannot be cared for adequately elsewhere when his admission has been approved by the Minister. *New*.

Rev. Stat., c. 392.

12.—(1) For the purposes of this Act an applicant for admission to a home for the aged shall be deemed to be a resident of a municipality if he has resided therein for a period of twelve consecutive months. ^{Residence.}

(2) If for any cause a person was deprived of his liberty the period of detention shall not be counted in determining the period of residence under subsection 1. ^{Idem.}

(3) If a person was absent due to seasonal employment for a period of not more than six months in any year, that period shall not be counted in determining the period of residence under subsection 1. 1947, c. 46, s. 15, *amended*. ^{Idem.}

13.—(1) The cost of establishing, erecting and maintaining a home for the aged in a district shall be defrayed by the municipalities in the district in proportion to the amount of their assessments according to the last revised assessment rolls. 1947, c. 31, s. 11 (1), *amended*. ^{Cost of homes in districts.}

(2) The Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund of such amount to defray the cost of establishing and erecting a home for the aged in a district as he may determine in accordance with the regulations and based upon the proportion of such cost that is allocated to the unorganized portions of the district. ^{Provincial subsidy.}

(3) The board shall apportion the amount that it estimates will be required to establish and erect a new home for the aged or an addition to or extension of an existing home for the aged among the municipalities in the district and notify the clerk of each such municipality of the amount to be provided and each such municipality shall raise the sum so required to be provided. ^{Raising of estimated amounts.}

(4) The board shall in each year apportion the amount that it estimates will be required to defray the expenditures for that year among the municipalities in the district, and shall on or before the 31st day of January notify the clerk of each such municipality of the amount to be provided and each such municipality shall include such amount in its estimates for the then current year and levy and collect such amount in like manner as taxes are levied and collected and shall pay such amount to the board on demand. *New*. ^{General operating expenses.}

14.—(1) When the Minister has approved the plans for a new building to be used as a home for the aged or for an addition to or an extension of an existing home for the aged, the Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund to the municipality or board, as the case may be, responsible for the home of an amount not exceeding fifty per centum of the cost thereof to the municipality, or the municipalities in the district. 1947, c. 46, s. 19, *amended*. ^{Provincial subsidy on new buildings, etc.}

When payable.

(2) Payments under subsection 1 may be made either when the home for the aged or the addition or extension thereto is completed and ready for occupancy or from time to time during construction thereof as may be deemed expedient. *New.*

Provincial subsidy on operating costs.

15. There shall be paid out of such moneys as may be voted therefor by the Legislature to every municipality having a home for the aged and every board of a home for the aged in a district an amount equal to one-half of the amount paid out by the municipality or board for the operation and maintenance of the home for the aged, computed in the manner prescribed by the regulations. *New.*

Provincial subsidy for residents of unorganized territory.

16. There shall be paid out of such moneys as may be voted therefor by the Legislature to every municipality having a home for the aged and every board of a home for the aged in a district an amount per day computed in the manner prescribed in the regulations as the cost of maintenance for each person whose residence before admission to the home for the aged was in unorganized territory. *New.*

Regulations.

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

- (a) prescribing the manner of establishing boards;
- (b) governing the qualifications of superintendents and members of staffs of homes for the aged and prescribing their powers and duties;
- (c) prescribing rules governing homes for the aged, the residents therein and the staffs thereof;
- (d) prescribing the records that shall be kept under this Act and prescribing the returns that shall be made to the Minister;
- (e) designating the medical services that shall be provided for residents of homes for the aged;
- (f) prescribing the manner of computing the cost of maintenance of homes for the aged;
- (g) prescribing the manner of computing the proportion of the cost of construction of homes for the aged in districts which shall be allocated to the unorganized portions of the districts;
- (h) prescribing the forms to be used under this Act, and
- (i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

18. *The District Homes for the Aged Act, 1947, The Homes for the Aged Act, 1947* and sections 2 and 3 of *The Statute Law Amendment Act, 1948* are repealed. 1947, cc. 31, 46; 1948, c. 87, ss. 2, 3, repealed.

19. This Act may be cited as *The Homes for the Aged Act, 1949*. Short title.

BILL

The Homes for the Aged Act, 1949.

1st Reading

March 4th, 1949

2nd Reading

3rd Reading

MR. GOODFELLOW

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

The Homes for the Aged Act, 1949.

MR. GOODFELLOW

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTE

The Bill combines and consolidates the former *Homes for the Aged Act* and *District Homes for the Aged Act*.

Changes have been made which eliminate objectionable features of the Acts which emphasized the indigency of persons to be admitted to such homes.

New principles introduced permit,—

- (1) the payment from the Consolidated Revenue Fund of that proportion of the cost of constructing a home for the aged in a district which may be allocated to the unorganized portions of the district;
- (2) The payment of 50% of the cost to municipalities of maintaining a home for the aged;
- (3) the payment of maintenance for persons admitted from the unorganized portion of a district.

In addition the amount to be paid from the Consolidated Revenue Fund toward the cost of constructing a new home or extensions to an existing home is increased from 25% to 50%.

BILL

The Homes for the Aged Act, 1949.

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,—

- | | |
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| | Interpreta-
tion,— |
| (a) "Minister" means Minister of Public Welfare; | "Minister"; |
| (b) "district" means territorial district; | "district"; |
| (c) "municipality" means city, county or separated town, but in a territorial district municipality means city, town, village or township; and | "municipality"; |
| (d) "board" means board of management. 1947, c. 46, s. 1, <i>amended</i> . | "board". |

2.—(1) Except as otherwise provided, every municipality not in a district shall establish, erect and maintain to the satisfaction of the Minister, a home for the aged. Homes in
counties, etc.

(2) In lieu of establishing separate homes for the aged, the councils of two or three contiguous municipalities not in a district may, with the approval in writing of the Minister, enter into an agreement for the establishment, erection and maintenance of, and may establish, erect and maintain a joint home for the aged. Joint homes. 1947, c. 46, s. 2, *amended*.

3.—(1) When a by-law authorizing the same has been passed in a majority of the municipalities in any district, a home for the aged shall be established, erected and maintained by all the municipalities in the district. Homes in
districts.

(2) When by-laws authorizing the same have been passed in a majority of the municipalities in two or more contiguous districts a joint home for the aged may be established, erected and maintained by all the municipalities in such contiguous districts. Joint homes.

(3) When by-laws under this section have been passed, certified copies thereof shall be transmitted forthwith to the Minister. Transmission
of by-laws.

How
composed.

(4) The Lieutenant-Governor in Council may appoint a board which shall be a corporation and shall consist of five persons resident in the district, and in the case of contiguous districts agreeing to join in a joint home for the aged the board shall consist of three persons resident in each of the districts.

Site for
home.

(5) The board shall select the site for the home for the aged.

Powers of
boards.

(6) The board shall have charge of the home for the aged. 1947, c. 31, ss. 2-7, *amended*.

Site and
plan,
approval of;

4.—(1) A home for the aged shall not be erected until the site and plans of the building have been approved by the Minister.

not to be
changed.

(2) There shall be no change in site, and no sale or disposal of any portion thereof and no structural alteration in the building without the approval of the Minister. 1947, c. 46, s. 4, *amended*.

Agreements
with
contiguous
municipalities
for
care of
persons.

5. Notwithstanding sections 2 and 3 the council of any municipality not having a home for the aged or a joint home for the aged may, with the approval of the Minister, enter into an agreement with the council of any municipality having a home for the aged or the councils of any municipalities having a joint home for the aged or the board of any home for the aged in a district, respecting the admission thereto and the maintenance therein of residents of the municipality coming within the classes of persons mentioned in section 11. *New*.

Appointment
of superin-
tendents.

6.—(1) The council of a municipality that establishes, erects and maintains a home for the aged shall, with the approval of the Lieutenant-Governor in Council, appoint a superintendent therefor.

Idem.

(2) Where a joint home for the aged is established, erected and maintained, or where a home for the aged is established, erected and maintained in a district, the board shall, with the approval of the Lieutenant-Governor in Council, appoint a superintendent therefor.

Appointment
of staff.

(3) The council of the municipality having a home for the aged or the board of a home for the aged in a district shall appoint such staff as the superintendent may require for the due carrying out of his duties. 1947, c. 46, s. 7, *amended*.

Agreements
for extending
sewerage
system to
homes for
the aged.

7.—(1) The council of a municipality having a home for the aged or the board of a home for the aged in a district may enter into agreements with the council of any municipality for connecting the home for the aged with the sewerage system of such municipality.

(2) The council of a municipality having a home for the aged or the board of a home for the aged in a district may enter into agreements with The Hydro-Electric Power Commission of Ontario or with the council of any municipality or person owning or operating a waterworks system, or works for the production and supply of electricity for light, heat or power, for the supply of water for domestic purposes and for fire protection or of electricity for light, heat or power purposes at the home for the aged.

Contracts for supplying water, electric light and power.

(3) For the purpose of connecting such home for the aged with any such system or works, any lands or highways may be entered upon, passed over or dug up, sewers constructed, pipes laid down, poles or wires put in place and all work done in or upon such lands and highways as may be necessary, due compensation being made to the owners thereof as provided by *The Municipal Act*.

Power to carry necessary works over intervening lands.

Rev. Stat., c. 266.

(4) Where two or more municipalities have established a joint home for the aged, they shall have, in respect of such home, all the powers conferred by this section upon the council of a municipality or board. 1947, c. 46, s. 9, *amended*.

Powers of municipalities, acting jointly.

8. Subject to the approval of the Ontario Municipal Board, any municipality may issue debentures for raising such sums as may be necessary for the purchase of a site or the erection of buildings for a home for the aged, or the purchase of land to be used in connection therewith, or for any addition to or improvement of such buildings, or for the purpose of any system or works authorized by section 7. 1947, c. 46, s. 10, *amended*.

Debentures.

9.—(1) The council of a municipality having a home for the aged or the board of a home for the aged in a district shall provide such equipment and materials as will enable the residents of the home for the aged to engage in handicrafts and other such occupations.

Equipment, etc.

(2) Upon a legally qualified medical practitioner certifying that any resident of a home for the aged is physically able to engage in household, farm or other work in or about the home for the aged, the superintendent thereof may encourage the resident to engage in such work. *New*.

Work.

(3) A magistrate may, by writing under his hand, commit any person who is over sixty years of age and who is unable to care properly for himself to a home for the aged. 1946, c. 46, s. 14 (1), *amended*.

Committal to home.

(4) Any person coming within any of the classes mentioned in section 11 may be admitted to a home for the aged by the superintendent upon receipt of,—

Requirement for admission.

- (a) an authorization in the prescribed form signed by the head of a municipality or, where there is a welfare unit, by the administrator or, in a district where there is no welfare unit and where the person resides in unorganized territory, by the provincial welfare administrator of the district;
- (b) an application in the prescribed form, signed by the person to be admitted;
- (c) a statement in the prescribed form, signed by the welfare officer of the municipality or district; and
- (d) a statement in the prescribed form, signed by a legally qualified medical practitioner designated by the municipality having the home for the aged or board of a home for the aged in a district, as the physician for the home for the aged. *New.*

Reimburse-
ment for
maintenance
cost.

10.—(1) An applicant for admission to a home for the aged or a resident therein or any person on his behalf may reimburse the municipality or the board, if the home for the aged is in a district, in whole or in part for his maintenance.

Recovery of
maintenance
cost.

(2) Any municipality having a home for the aged or the board of any home for the aged in a district shall be entitled to recover out of the estate of any deceased resident of the home, as a debt due by the resident to such municipality or board, the net cost of the maintenance of the resident while he resided in the home. 1947, c. 46, s. 12 (3), *amended.*

Who may be
admitted.

11. The classes of persons who may be admitted to a home for the aged shall be,—

- (a) anyone over the age of sixty years who is incapable of supporting himself, or unable to care properly for himself;
- (b) anyone who is mentally incompetent and ineligible for committal to an institution under *The Mental Hospitals Act*, who requires care, supervision and control for his protection;
- (c) anyone over the age of sixty years who is confined to bed but does not require care in a public hospital or hospital for incurables; or
- (d) anyone under the age of sixty years who because of special circumstances cannot be cared for adequately elsewhere when his admission has been approved by the Minister. *New.*

Rev. Stat.,
c. 392.

12.—(1) For the purposes of this Act an applicant for admission to a home for the aged shall be deemed to be a resident of a municipality if he has resided therein for a period of twelve consecutive months. ^{Residence.}

(2) If for any cause a person was deprived of his liberty the period of detention shall not be counted in determining the period of residence under subsection 1. 1947, c. 46, s. 15, *amended.* ^{Idem.}

(3) If a person was absent due to seasonal employment for a period of not more than six months in any year, that period shall not be counted in determining the period of residence under subsection 1. *New.* ^{Idem.}

13.—(1) The cost of establishing, erecting and maintaining a home for the aged in a district shall be defrayed by the municipalities in the district in proportion to the amount of their assessments according to the last revised assessment rolls. 1947, c. 31, s. 11 (1), *amended.* ^{Cost of homes in districts.}

(2) The Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund of such amount to defray the cost of establishing and erecting a home for the aged in a district as he may determine in accordance with the regulations and based upon the proportion of such cost that is allocated to the unorganized portions of the district. ^{Provincial subsidy.}

(3) The board shall apportion the amount that it estimates will be required to establish and erect a new home for the aged or an addition to or extension of an existing home for the aged among the municipalities in the district and notify the clerk of each such municipality of the amount to be provided and each such municipality shall raise the sum so required to be provided. ^{Raising of estimated amounts.}

(4) The board shall in each year apportion the amount that it estimates will be required to defray the expenditures for that year among the municipalities in the district, and shall on or before the 31st day of January notify the clerk of each such municipality of the amount to be provided and each such municipality shall include such amount in its estimates for the then current year and levy and collect such amount in like manner as taxes are levied and collected and shall pay such amount to the board on demand. *New.* ^{General operating expenses.}

14.—(1) When the Minister has approved the plans for a new building to be used as a home for the aged or for an addition to or an extension of an existing home for the aged, the Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund to the municipality or board, as the case may be, responsible for the home of an amount not exceeding fifty per centum of the cost thereof to the municipality, or the municipalities in the district. 1947, c. 46, s. 19, *amended.* ^{Provincial subsidy on new buildings, etc.}

When payable.

(2) Payments under subsection 1 may be made either when the home for the aged or the addition or extension thereto is completed and ready for occupancy or from time to time during construction thereof as may be deemed expedient. *New.*

Provincial subsidy on operating costs.

15. There shall be paid out of such moneys as may be voted therefor by the Legislature to every municipality having a home for the aged and every board of a home for the aged in a district an amount equal to one-half of the amount paid out by the municipality or board for the operation and maintenance of the home for the aged, computed in the manner prescribed by the regulations. *New.*

Provincial subsidy for residents of unorganized territory.

16. There shall be paid out of such moneys as may be voted therefor by the Legislature to every municipality having a home for the aged and every board of a home for the aged in a district an amount per day computed in the manner prescribed in the regulations as the cost of maintenance for each person whose residence before admission to the home for the aged was in unorganized territory. *New.*

Regulations.

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

- (a) prescribing the manner of establishing boards;
- (b) governing the qualifications of superintendents and members of staffs of homes for the aged and prescribing their powers and duties;
- (c) prescribing rules governing homes for the aged, the residents therein and the staffs thereof;
- (d) prescribing the records that shall be kept under this Act and prescribing the returns that shall be made to the Minister;
- (e) designating the medical services that shall be provided for residents of homes for the aged;
- (f) prescribing the manner of computing the cost of maintenance of homes for the aged;
- (g) prescribing the manner of computing the proportion of the cost of construction of homes for the aged in districts which shall be allocated to the unorganized portions of the districts;
- (h) providing for the admission to homes for the aged of residents of unorganized territory and prescribing the manner of computing the cost of maintenance of such persons in homes for the aged;

- (i) prescribing the forms to be used under this Act, and
- (j) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

18. *The District Homes for the Aged Act, 1947, The Homes for the Aged Act, 1947* and sections 2 and 3 of *The Statute Law Amendment Act, 1948* are repealed. 1947, cc. 31, 46; 1948, c. 87, ss. 2, 3, repealed.

19. This Act may be cited as *The Homes for the Aged Act, 1949*. Short title.

BILL

The Homes for the Aged Act, 1949.

1st Reading

March 4th, 1949

2nd Reading

March 14th, 1949

3rd Reading

MR. GOODFELLOW

*(Reprinted as amended in Committee of the
Whole House.)*

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

The Homes for the Aged Act, 1949.

MR. GOODFELLOW



BILL

The Homes for the Aged Act, 1949.

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) "Minister" means Minister of Public Welfare; | "Minister"; |
| (b) "district" means territorial district; | "district"; |
| (c) "municipality" means city, county or separated town, but in a territorial district municipality means city, town, village or township; and | "municipality"; |
| (d) "board" means board of management. 1947, c. 46, s. 1, <i>amended</i> . | "board". |

2.—(1) Except as otherwise provided, every municipality not in a district shall establish, erect and maintain to the satisfaction of the Minister, a home for the aged. ^{Homes in counties, etc.}

(2) In lieu of establishing separate homes for the aged, the councils of two or three contiguous municipalities not in a district may, with the approval in writing of the Minister, enter into an agreement for the establishment, erection and maintenance of, and may establish, erect and maintain a joint home for the aged. ^{Joint homes.} 1947, c. 46, s. 2, *amended*.

3.—(1) When a by-law authorizing the same has been passed in a majority of the municipalities in any district, a home for the aged shall be established, erected and maintained by all the municipalities in the district. ^{Homes in districts.}

(2) When by-laws authorizing the same have been passed in a majority of the municipalities in two or more contiguous districts a joint home for the aged may be established, erected and maintained by all the municipalities in such contiguous districts. ^{Joint homes.}

(3) When by-laws under this section have been passed, certified copies thereof shall be transmitted forthwith to the Minister. ^{Transmission of by-laws.}

- How composed. (4) The Lieutenant-Governor in Council may appoint a board which shall be a corporation and shall consist of five persons resident in the district, and in the case of contiguous districts agreeing to join in a joint home for the aged the board shall consist of three persons resident in each of the districts.
- Site for home. (5) The board shall select the site for the home for the aged.
- Powers of boards. (6) The board shall have charge of the home for the aged. 1947, c. 31, ss. 2-7, *amended*.
- Site and plan,— approval of; not to be changed. 4.—(1) A home for the aged shall not be erected until the site and plans of the building have been approved by the Minister.
- (2) There shall be no change in site, and no sale or disposal of any portion thereof and no structural alteration in the building without the approval of the Minister. 1947, c. 46, s. 4, *amended*.
- Agreements with contiguous municipalities for care of persons. 5. Notwithstanding sections 2 and 3 the council of any municipality not having a home for the aged or a joint home for the aged may, with the approval of the Minister, enter into an agreement with the council of any municipality having a home for the aged or the councils of any municipalities having a joint home for the aged or the board of any home for the aged in a district, respecting the admission thereto and the maintenance therein of residents of the municipality coming within the classes of persons mentioned in section 11. *New*.
- Appointment of superintendents. 6.—(1) The council of a municipality that establishes, erects and maintains a home for the aged shall, with the approval of the Lieutenant-Governor in Council, appoint a superintendent therefor.
- Idem. (2) Where a joint home for the aged is established, erected and maintained, or where a home for the aged is established, erected and maintained in a district, the board shall, with the approval of the Lieutenant-Governor in Council, appoint a superintendent therefor.
- Appointment of staff. (3) The council of the municipality having a home for the aged or the board of a home for the aged in a district shall appoint such staff as the superintendent may require for the due carrying out of his duties. 1947, c. 46, s. 7, *amended*.
- Agreements for extending sewerage system to homes for the aged. 7.—(1) The council of a municipality having a home for the aged or the board of a home for the aged in a district may enter into agreements with the council of any municipality for connecting the home for the aged with the sewerage system of such municipality.

(2) The council of a municipality having a home for the aged or the board of a home for the aged in a district may enter into agreements with The Hydro-Electric Power Commission of Ontario or with the council of any municipality or person owning or operating a waterworks system, or works for the production and supply of electricity for light, heat or power, for the supply of water for domestic purposes and for fire protection or of electricity for light, heat or power purposes at the home for the aged.

Contracts for supplying water, electric light and power.

(3) For the purpose of connecting such home for the aged with any such system or works, any lands or highways may be entered upon, passed over or dug up, sewers constructed, pipes laid down, poles or wires put in place and all work done in or upon such lands and highways as may be necessary, due compensation being made to the owners thereof as provided by *The Municipal Act*.

Power to carry necessary works over intervening lands.

Rev. Stat., c. 266.

(4) Where two or more municipalities have established a joint home for the aged, they shall have, in respect of such home, all the powers conferred by this section upon the council of a municipality or board. 1947, c. 46, s. 9, *amended*.

Powers of municipalities, acting jointly.

8. Subject to the approval of the Ontario Municipal Board, any municipality may issue debentures for raising such sums as may be necessary for the purchase of a site or the erection of buildings for a home for the aged, or the purchase of land to be used in connection therewith, or for any addition to or improvement of such buildings, or for the purpose of any system or works authorized by section 7. 1947, c. 46, s. 10, *amended*.

Debentures.

9.—(1) The council of a municipality having a home for the aged or the board of a home for the aged in a district shall provide such equipment and materials as will enable the residents of the home for the aged to engage in handicrafts and other such occupations.

Equipment, etc.

(2) Upon a legally qualified medical practitioner certifying that any resident of a home for the aged is physically able to engage in household, farm or other work in or about the home for the aged, the superintendent thereof may encourage the resident to engage in such work. *New*.

Work.

(3) A magistrate may, by writing under his hand, commit any person who is over sixty years of age and who is unable to care properly for himself to a home for the aged. 1947, c. 46, s. 14 (1), *amended*.

Committal to home.

(4) Any person coming within any of the classes mentioned in section 11 may be admitted to a home for the aged by the superintendent upon receipt of,—

Requirement for admission.

- (a) an authorization in the prescribed form signed by the head of a municipality or, where there is a welfare unit, by the administrator or, in a district where there is no welfare unit and where the person resides in unorganized territory, by the provincial welfare administrator of the district;
- (b) an application in the prescribed form, signed by the person to be admitted;
- (c) a statement in the prescribed form, signed by the welfare officer of the municipality or district; and
- (d) a statement in the prescribed form, signed by a legally qualified medical practitioner designated by the municipality having the home for the aged or board of a home for the aged in a district, as the physician for the home for the aged. *New.*

Reimburse-
ment for
maintenance
cost.

10.—(1) An applicant for admission to a home for the aged or a resident therein or any person on his behalf may reimburse the municipality or the board, if the home for the aged is in a district, in whole or in part for his maintenance.

Recovery of
maintenance
cost.

(2) Any municipality having a home for the aged or the board of any home for the aged in a district shall be entitled to recover out of the estate of any deceased resident of the home, as a debt due by the resident to such municipality or board, the net cost of the maintenance of the resident while he resided in the home. 1947, c. 46, s. 12 (3), *amended.*

Who may be
admitted.

11. The classes of persons who may be admitted to a home for the aged shall be,—

- (a) anyone over the age of sixty years who is incapable of supporting himself, or unable to care properly for himself;
- (b) anyone who is mentally incompetent and ineligible for committal to an institution under *The Mental Hospitals Act*, who requires care, supervision and control for his protection;
- (c) anyone over the age of sixty years who is confined to bed but does not require care in a public hospital or hospital for incurables; or
- (d) anyone under the age of sixty years who because of special circumstances cannot be cared for adequately elsewhere when his admission has been approved by the Minister. *New.*

Rev. Stat.,
c. 392.

12.—(1) For the purposes of this Act an applicant for admission to a home for the aged shall be deemed to be a resident of a municipality if he has resided therein for a period of twelve consecutive months. ^{Residence.}

(2) If for any cause a person was deprived of his liberty the period of detention shall not be counted in determining the period of residence under subsection 1. 1947, c. 46, s. 15, *amended.* ^{Idem.}

(3) If a person was absent due to seasonal employment for a period of not more than six months in any year, that period shall not be counted in determining the period of residence under subsection 1. *New.* ^{Idem.}

13.—(1) The cost of establishing, erecting and maintaining a home for the aged in a district shall be defrayed by the municipalities in the district in proportion to the amount of their assessments according to the last revised assessment rolls. 1947, c. 31, s. 11 (1), *amended.* ^{Cost of homes in districts.}

(2) The Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund of such amount to defray the cost of establishing and erecting a home for the aged in a district as he may determine in accordance with the regulations and based upon the proportion of such cost that is allocated to the unorganized portions of the district. ^{Provincial subsidy.}

(3) The board shall apportion the amount that it estimates will be required to establish and erect a new home for the aged or an addition to or extension of an existing home for the aged among the municipalities in the district and notify the clerk of each such municipality of the amount to be provided and each such municipality shall raise the sum so required to be provided. ^{Raising of estimated amounts.}

(4) The board shall in each year apportion the amount that it estimates will be required to defray the expenditures for that year among the municipalities in the district, and shall on or before the 31st day of January notify the clerk of each such municipality of the amount to be provided and each such municipality shall include such amount in its estimates for the then current year and levy and collect such amount in like manner as taxes are levied and collected and shall pay such amount to the board on demand. *New.* ^{General operating expenses.}

14.—(1) When the Minister has approved the plans for a new building to be used as a home for the aged or for an addition to or an extension of an existing home for the aged, the Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund to the municipality or board, as the case may be, responsible for the home of an amount not exceeding fifty per centum of the cost thereof to the municipality, or the municipalities in the district. 1947, c. 46, s. 19, *amended.* ^{Provincial subsidy on new buildings, etc.}

When payable.

(2) Payments under subsection 1 may be made either when the home for the aged or the addition or extension thereto is completed and ready for occupancy or from time to time during construction thereof as may be deemed expedient. *New.*

Provincial subsidy on operating costs.

15. There shall be paid out of such moneys as may be voted therefor by the Legislature to every municipality having a home for the aged and every board of a home for the aged in a district an amount equal to one-half of the amount paid out by the municipality or board for the operation and maintenance of the home for the aged, computed in the manner prescribed by the regulations. *New.*

Provincial subsidy for residents of unorganized territory.

16. There shall be paid out of such moneys as may be voted therefor by the Legislature to every municipality having a home for the aged and every board of a home for the aged in a district an amount per day computed in the manner prescribed in the regulations as the cost of maintenance for each person whose residence before admission to the home for the aged was in unorganized territory. *New.*

Regulations.

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

- (a) prescribing the manner of establishing boards;
- (b) governing the qualifications of superintendents and members of staffs of homes for the aged and prescribing their powers and duties;
- (c) prescribing rules governing homes for the aged, the residents therein and the staffs thereof;
- (d) prescribing the records that shall be kept under this Act and prescribing the returns that shall be made to the Minister;
- (e) designating the medical services that shall be provided for residents of homes for the aged;
- (f) prescribing the manner of computing the cost of maintenance of homes for the aged;
- (g) prescribing the manner of computing the proportion of the cost of construction of homes for the aged in districts which shall be allocated to the unorganized portions of the districts;
- (h) providing for the admission to homes for the aged of residents of unorganized territory and prescribing the manner of computing the cost of maintenance of such persons in homes for the aged;

- (i) prescribing the forms to be used under this Act, and
- (j) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

18. *The District Homes for the Aged Act, 1947, The Homes for the Aged Act, 1947* and sections 2 and 3 of *The Statute Law Amendment Act, 1948* are repealed. 1947, cc. 31, 46; 1948, c. 87, ss. 2, 3, repealed.

19. This Act may be cited as *The Homes for the Aged Act, 1949*. Short title.

BILL

The Homes for the Aged Act, 1949.

1st Reading

March 4th, 1949

2nd Reading

March 14th, 1949

3rd Reading

March 22nd, 1949

Mr. GOODFELLOW

,

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Children's Protection Act.

MR. GOODFELLOW

EXPLANATORY NOTES

SECTION 1. The clause is extended in scope to properly describe a neglected child of the type mentioned.

SECTION 2. The section, which provides that no application for the commitment of a child born out of wedlock shall be made without the consent in writing of the Provincial Officer designated under *The Children of Unmarried Parents Act*, is repealed, as it is considered that the consent of the Provincial Officer is unnecessary, this being the only type of case where such consent is required.

SECTION 3. These subsections are new. They provide a provincial subsidy of twenty-five per cent of the net cost to a municipality of maintaining a child committed to the custody of a children's aid society.

SECTION 4. Section 40 is new. It provides a provincial subsidy to children's aid societies of twenty-five per cent of the amount mentioned.

BILL

An Act to amend The Children's Protection Act.

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

1. Subclause x of clause j of section 1 of *The Children's Protection Act* is repealed and the following substituted therefor: Rev. Stat., c. 312, s. 1, cl. j, subcl. x, re-enacted.

- (x) a child born out of lawful wedlock who is deserted, or whose mother is dead and who is not being properly cared for by anyone, or whose mother is unable, or through misconduct is unfit, to properly care for him.

2. Subsection 16 of section 7 of *The Children's Protection Act* is repealed. Rev. Stat., c. 312, s. 7, subs. 16, repealed.

3. Section 10 of *The Children's Protection Act*, as amended by section 4 of *The Statute Law Amendment Act, 1942* and section 2 of *The Children's Protection Amendment Act, 1947*, is further amended by adding thereto the following subsections: Rev. Stat., c. 312, s. 10, amended.

- (11) Where an order is made against a municipality under subsection 1 there shall be paid to the municipality an amount equal to twenty-five per centum of the amount of the net expenditures of the municipality under such order. Provincial aid to maintenance of children.

- (12) The amounts payable to a municipality under subsection 11 shall be paid out of such moneys as may be appropriated therefor by the Legislature. Moneys to be voted.

4. Section 40 of *The Children's Protection Act* is repealed and the following substituted therefor: Rev. Stat., c. 312, s. 40, re-enacted.

- 40.—(1) In accordance with the regulations there shall be paid to each children's aid society in each year a grant of such amount as may be approved by the Lieutenant-Governor in Council. Grants to children's aid societies.

- (2) There shall be paid to each children's aid society an amount equal to twenty-five per centum of the Provincial aid to children's aid societies.

amount of the funds it obtains each year from any campaign conducted to obtain private donations, whether the campaign is conducted by the society only or is part of a joint campaign but not from endowments, investments or payments made by a municipality as grants in excess of its statutory liability under this Act.

Moneys to be voted.

- (3) The amounts payable to children's aid societies under this section shall be paid out of such moneys as may be appropriated therefor by the Legislature.

Regulations.

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

- (a) prescribing the manner of computing the amounts of provincial grants or subsidies under this Act;
- (b) prescribing the conditions, times or manner of payment of provincial grants or subsidies under this Act;
- (c) prescribing the records to be kept under this Act and the returns to be made to the Minister;
- (d) prescribing the forms to be used under this Act;
- (e) prescribing the duties of children's aid societies and prescribing the qualifications of members of their staffs;
- (f) governing the appointment and qualifications of local superintendents and prescribing their powers and duties;
- (g) governing the construction, alteration and remodelling of shelters; and
- (h) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commencement of Act.

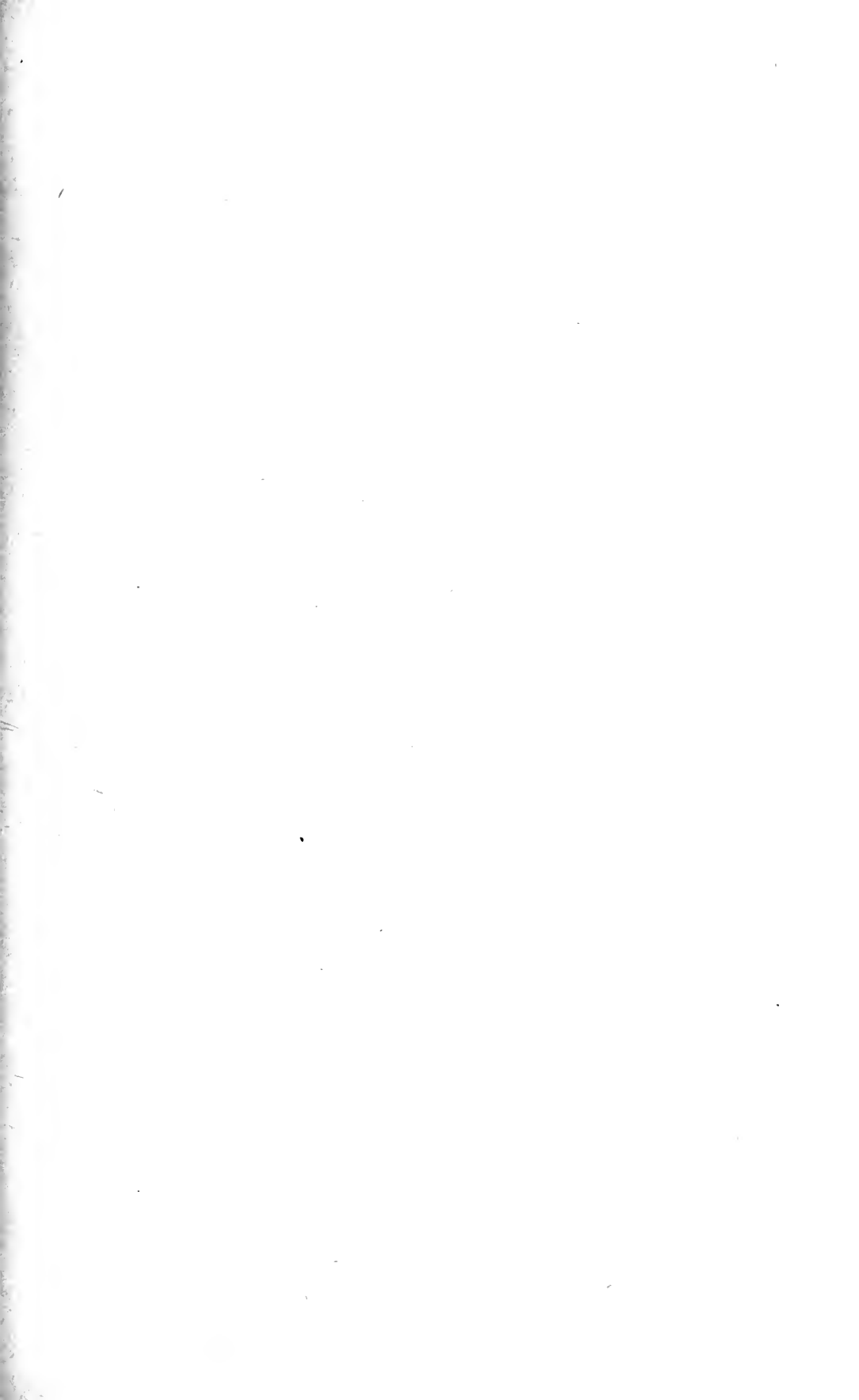
5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Children's Protection Amendment Act, 1949*.

Section 41 is revised in order to facilitate proper administration. The new clauses are complementary to the new provisions in the Act respecting provincial grants and subsidies.





BILL

An Act to amend The Children's
Protection Act.

1st Reading

March 4th, 1949

2nd Reading

3rd Reading

MR. GOODFELLOW

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Children's Protection Act.

MR. GOODFELLOW



BILL

An Act to amend The Children's Protection Act.

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

1. Subclause x of clause j of section 1 of *The Children's Protection Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 312, s. 1,
cl. j,
subcl. x,
re-enacted.

- (x) a child born out of lawful wedlock who is deserted, or whose mother is dead and who is not being properly cared for by anyone, or whose mother is unable, or through misconduct is unfit, to properly care for him.

2. Subsection 16 of section 7 of *The Children's Protection Act* is repealed.

Rev. Stat.,
c. 312, s. 7,
subs. 16,
repealed.

3. Section 10 of *The Children's Protection Act*, as amended by section 4 of *The Statute Law Amendment Act, 1942* and section 2 of *The Children's Protection Amendment Act, 1947*, is further amended by adding thereto the following subsections:

Rev. Stat.,
c. 312, s. 10,
amended.

- (11) Where an order is made against a municipality under subsection 1 there shall be paid to the municipality an amount equal to twenty-five per centum of the amount of the net expenditures of the municipality under such order.

Provincial
aid to
maintenance
of children.

- (12) The amounts payable to a municipality under subsection 11 shall be paid out of such moneys as may be appropriated therefor by the Legislature.

Moneys to
be voted.

4. Section 40 of *The Children's Protection Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 312, s. 40,
re-enacted.

- 40.—(1) In accordance with the regulations there shall be paid to each children's aid society in each year a grant of such amount as may be approved by the Lieutenant-Governor in Council.

Grants to
children's
aid societies.

- (2) There shall be paid to each children's aid society an amount equal to twenty-five per centum of the

Provincial
aid to
children's
aid societies.

amount of the funds it obtains each year from any campaign conducted to obtain private donations, whether the campaign is conducted by the society only or is part of a joint campaign but not from endowments, investments or payments made by a municipality as grants in excess of its statutory liability under this Act.

Moneys to be voted.

- (3) The amounts payable to children's aid societies under this section shall be paid out of such moneys as may be appropriated therefor by the Legislature.

Regulations.

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

- (a) prescribing the manner of computing the amounts of provincial grants or subsidies under this Act;
- (b) prescribing the conditions, times or manner of payment of provincial grants or subsidies under this Act;
- (c) prescribing the records to be kept under this Act and the returns to be made to the Minister;
- (d) prescribing the forms to be used under this Act;
- (e) prescribing the duties of children's aid societies and prescribing the qualifications of members of their staffs;
- (f) governing the appointment and qualifications of local superintendents and prescribing their powers and duties;
- (g) governing the construction, alteration and remodelling of shelters; and
- (h) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commencement of Act.

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

Short title.

6. This Act may be cited as *The Children's Protection Amendment Act, 1949*.



BILL

An Act to amend The Children's
Protection Act.

1st Reading

March 4th, 1949

2nd Reading

March 14th, 1949

3rd Reading

March 22nd, 1949

MR. GOODFELLOW

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Succession Duty Act, 1939.

MR. FROST

EXPLANATORY NOTE

SECTION 1. The exemption from duty in regard to religious organizations is based on the carrying on of their works in Ontario, but most religious organizations operate throughout Canada. The amendment recognizes this fact and will extend the exemption by basing it on the carrying on of their work in Canada.

SECTION 2. At present where the aggregate value of an estate does not exceed \$25,000, the widow and children and other preferred beneficiaries are exempt from duty. This amendment will extend this exemption to \$50,000.

SECTION 3. Where a beneficiary receives an income, annuity or like benefit, payment of the duty on the value of such benefit is now spread over a four-year period. The amendment gives further relief by spreading the payments over the lifetime of the life tenant or for the period of the annuity, as the case may be, but not more than ten years in any case.

BILL

An Act to amend The Succession Duty 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 4 of *The Succession Duty Act, 1939* is amended by adding thereto the following subsection: 1939, 2nd Sess., c. 1, s. 4, amended.
- (3) Notwithstanding anything contained in this section, clauses *a*, *b*, *c* and *d* of subsection 1 in so far as they apply to religious organizations shall apply to such organizations as if the word "Canada" were substituted for the word "Ontario" wherever it appears in such clauses. "Canada" substituted for "Ontario"—religious organizations.
- 2.** Clause *a* of subsection 1 of section 6 of *The Succession Duty Act, 1939* is repealed. 1939, 2nd Sess., c. 1, s. 6, subs. 1, cl. *a*, repealed.
- 3.**—(1) Subsection 2 of section 15 of *The Succession Duty Act, 1939* is repealed and the following substituted therefor: 1939, 2nd Sess., c. 1, s. 15, subs. 2, re-enacted.
- (2) Where any annuity, term of years, life estate or income is created by the will of the deceased or by any disposition, the duty for which any person who benefits by such annuity, term of years, life estate or income is liable with respect thereto shall, unless otherwise provided herein, be paid in a number of equal annual instalments equal to,—
- (a) the number of years,
- (i) of expectancy of life of such person, ascertained as provided in subsection 4 of section 2, or
- (ii) for which such annuity, term of years or income is to run,
- as the case may be; or
- (b) ten,

whichever is the lesser, and such instalments shall commence one year after the death of the deceased.

1939, 2nd
Sess., c. 1,
s. 15, subs. 7,
re-enacted.

(2) Subsection 7 of the said section 15 is repealed and the following substituted therefor:

Annuities,
etc.

(7) Where any interest in expectancy is an annuity, term of years, life estate or income, the duty for which any person who benefits by such interest in expectancy is liable with respect thereto, shall, if not sooner paid, be paid in a number of equal annual instalments equal to,—

(a) the number of years,

(i) of expectancy of life of such person ascertained as provided in subsection 4 of section 2, or

(ii) for which such annuity, term of years or income is to run,

as the case may be; or

(b) ten,

whichever is the lesser and such instalments shall commence one year after the date when such annuity, term of years, life estate or income commences to be enjoyed.

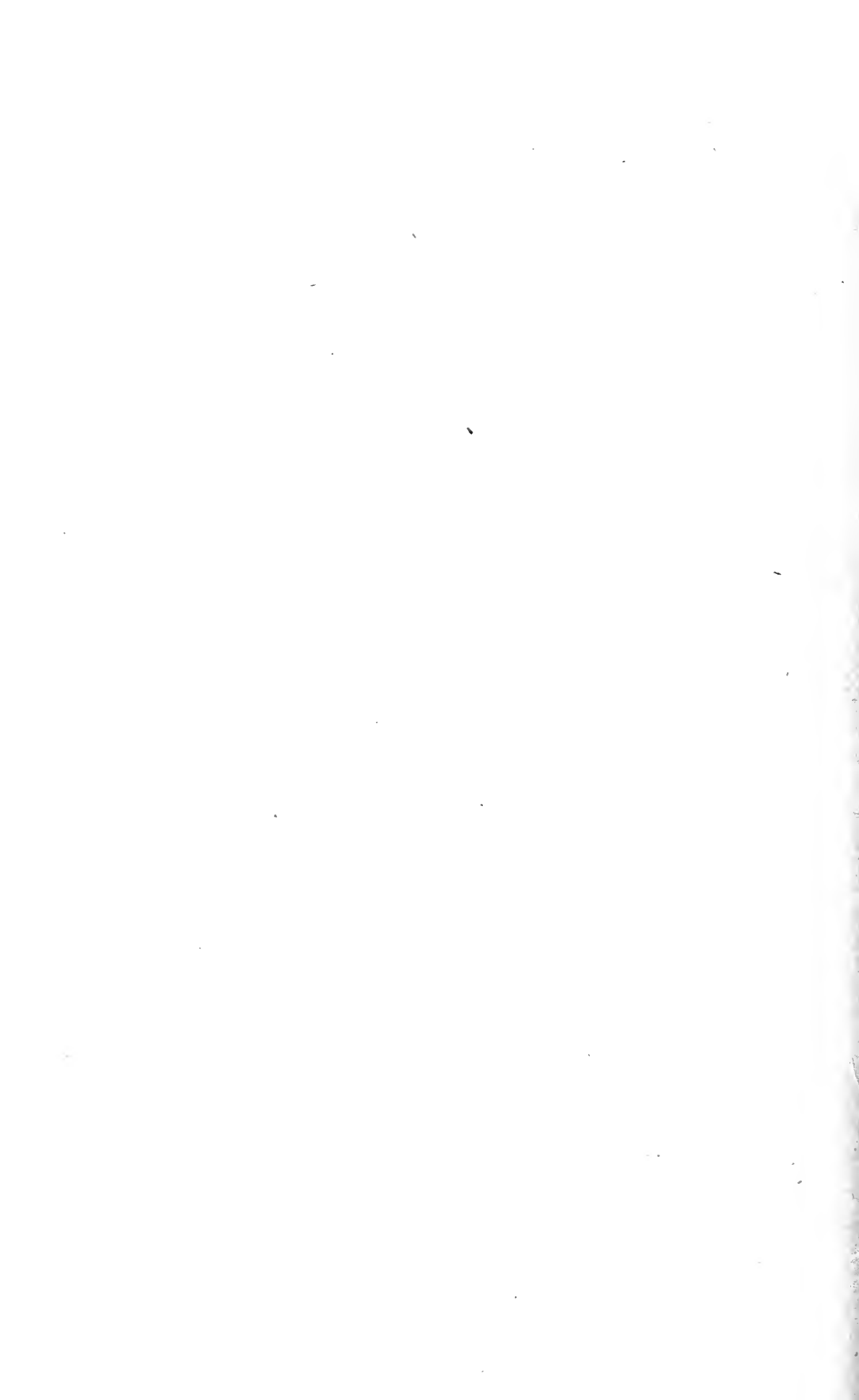
Commence-
ment of Act.

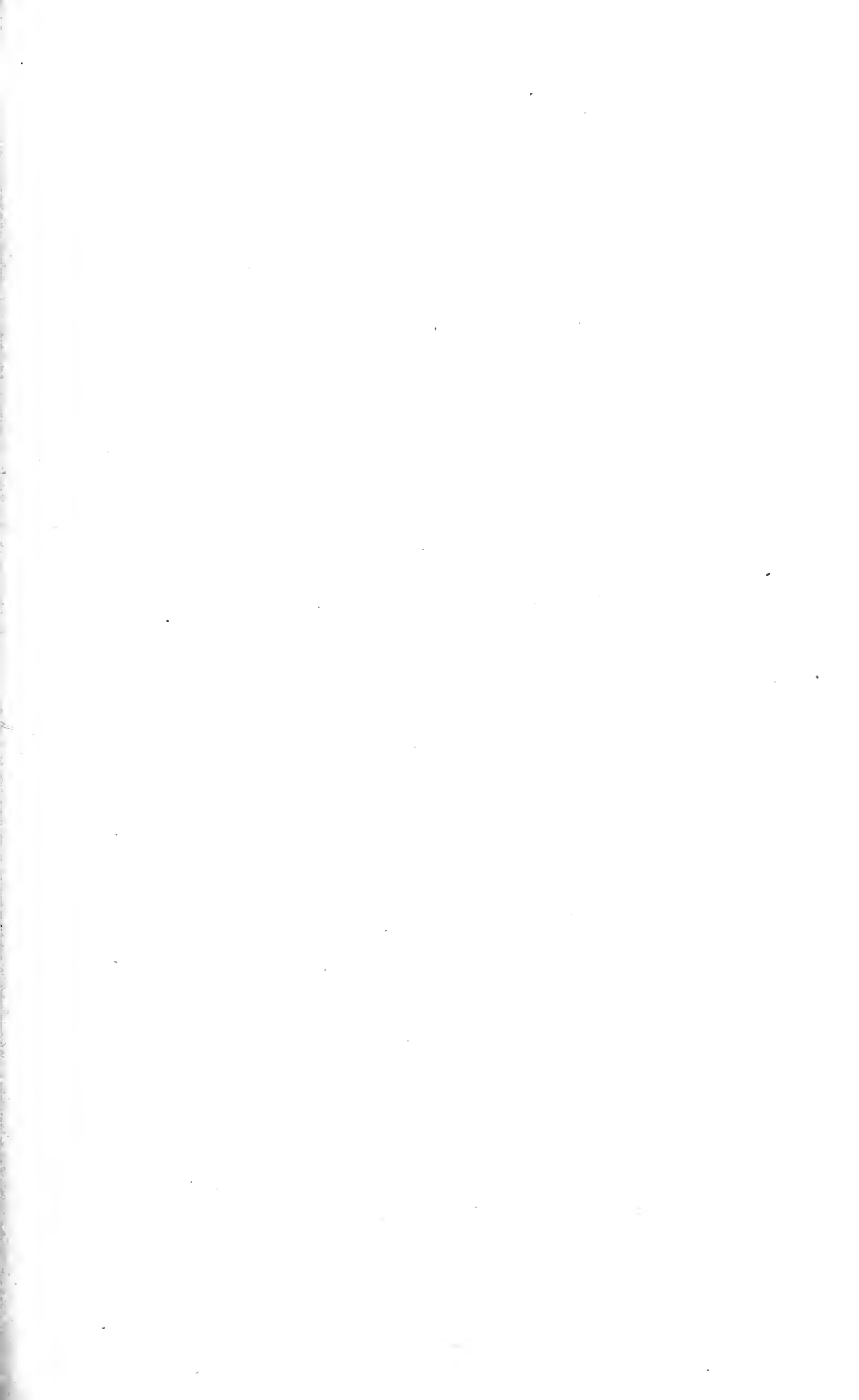
4. This Act shall come into force on the 1st day of April, 1949.

Short title.

5. This Act may be cited as *The Succession Duty Amendment Act, 1949*.







BILL

An Act to amend The Succession Duty Act, 1939.

1st Reading

March 4th, 1949

2nd Reading

3rd Reading

MR. FROST

No. 112

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Succession Duty 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 Succession Duty 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 4 of *The Succession Duty Act, 1939* is amended by adding thereto the following subsection: 1939, 2nd Sess., c. 1, s. 4, amended.
- (3) Notwithstanding anything contained in this section, clauses *a*, *b*, *c* and *d* of subsection 1 in so far as they apply to religious organizations shall apply to such organizations as if the word "Canada" were substituted for the word "Ontario" wherever it appears in such clauses. "Canada" substituted for "Ontario"—religious organizations.
- 2.** Clause *a* of subsection 1 of section 6 of *The Succession Duty Act, 1939* is repealed. 1939, 2nd Sess., c. 1, s. 6, subs. 1, cl. *a*, repealed.
- 3.**—(1) Subsection 2 of section 15 of *The Succession Duty Act, 1939* is repealed and the following substituted therefor: 1939, 2nd Sess., c. 1, s. 15, subs. 2, re-enacted.
- (2) Where any annuity, term of years, life estate or income is created by the will of the deceased or by any disposition, the duty for which any person who benefits by such annuity, term of years, life estate or income is liable with respect thereto shall, unless otherwise provided herein, be paid in a number of equal annual instalments equal to,— Annuities, etc.
- (a) the number of years,
- (i) of expectancy of life of such person, ascertained as provided in subsection 4 of section 2, or
- (ii) for which such annuity, term of years or income is to run,
- as the case may be; or
- (b) ten,

whichever is the lesser, and such instalments shall commence one year after the death of the deceased.

1939, 2nd
Sess., c. 1,
s. 15, subs. 7,
re-enacted.

(2) Subsection 7 of the said section 15 is repealed and the following substituted therefor:

Annuities,
etc.

(7) Where any interest in expectancy is an annuity, term of years, life estate or income, the duty for which any person who benefits by such interest in expectancy is liable with respect thereto, shall, if not sooner paid, be paid in a number of equal annual instalments equal to,—

(a) the number of years,

(i) of expectancy of life of such person ascertained as provided in subsection 4 of section 2, or

(ii) for which such annuity, term of years or income is to run,

as the case may be; or

(b) ten,

whichever is the lesser, and such instalments shall commence one year after the date when such annuity, term of years, life estate or income commences to be enjoyed.

Commence-
ment of Act. 4. This Act shall come into force on the 1st day of April, 1949.

Short title. 5. This Act may be cited as *The Succession Duty Amendment Act, 1949*.

BILL

An Act to amend The Succession Duty
Act, 1939.

1st Reading

March 4th, 1949

2nd Reading

March 11th, 1949

3rd Reading

March 17th, 1949

MR. FROST

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Provincial Loans Act.

MR. FROST

BILL

An Act to amend The Provincial Loans Act.

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

1. Subsection 2 of section 1 of *The Provincial Loans Act* is repealed. Rev. Stat., c. 22, s. 1, subs. 2, repealed.

2. Section 2 of *The Provincial Loans Act* is amended by inserting after the word "thereon" in the third line the words "including regulations for the inscription, registration, transfer, management, exchange and redemption of securities or any class or type thereof" and by striking out the words "in London, England, or elsewhere" in the eighth line, so that the section shall read as follows: Rev. Stat., c. 22, s. 2, amended.

2. The Lieutenant-Governor in Council may make such regulations as he deems necessary for the management of the public debt and the payment of the interest thereon, including regulations for the inscription, registration, transfer, management, exchange and redemption of securities or any class or type thereof, and may, subject to the provisions of section 3 provide for the creation and management of a sinking fund, or other means of securing the repayment of any loan raised by the authority of the Legislature; and may appoint one or more fiscal agents and agree with them as to the rate of compensation to be allowed them for negotiating loans, and for paying the interest of the debt, and may pay the sums necessary to provide the interest, the sinking fund, or other means aforesaid, and such compensation out of the Consolidated Revenue Fund. Regulations, fiscal agents, etc.

3. Clause *a* of subsection 1 of section 3 of *The Provincial Loans Act* is repealed and the following substituted therefor: Rev. Stat., c. 22, s. 3, subs. 1, cl. a. re-enacted.

(a) by the issue and sale of debentures of Ontario which shall be in such form or forms, shall be for such separate sums, shall bear interest at such rate or By issue of debentures.

rates, shall be payable as to principal and interest at such times and places, and shall contain or be subject to such conditions or provisions with respect to the registration and transfer thereof and with respect to the exchange of debentures of one form or denomination for debentures of a different form or denomination of equivalent aggregate principal amount and bearing the same rate of interest, as the Lieutenant-Governor in Council may deem expedient, the principal of such debentures and the interest thereon to be charged on and paid out of the Consolidated Revenue Fund.

Rev. Stat.,
c. 22, s. 6,
amended.

4. Section 6 of *The Provincial Loans Act* is amended by striking out the words "class of the securities aforesaid" in the third line and inserting in lieu thereof the word "security" and by striking out the words "or by issuing one debenture either fully registered or registered as to principal only in exchange for ten or more debentures of an equal aggregate amount" in the third, fourth, fifth and sixth lines, so that the section shall read as follows:

Power to
change form
of debt;
conditions.

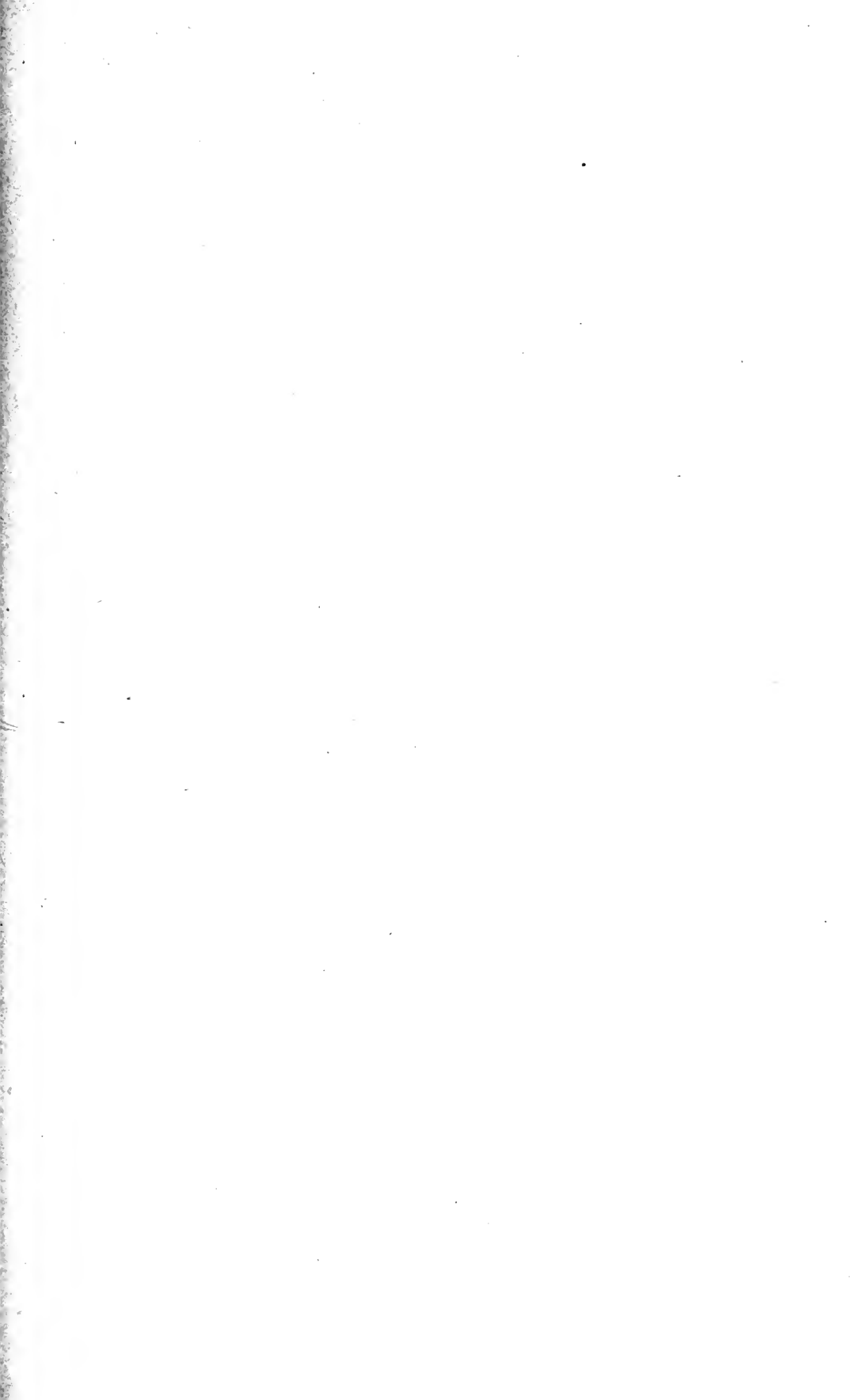
6. The Lieutenant-Governor in Council may change the form of any part of the debt of Ontario by substituting one security for another, provided that neither the capital of the debt nor the annual charge for interest is thereby increased, except where a security bearing a lower rate of interest is substituted for one bearing a higher rate of interest, in which case only the amount of the capital may be increased by an amount not exceeding the difference between the then present value of the securities; but such substitution shall not be made unless the consent of the holder of the security for which another is substituted is obtained, or such security is previously purchased or redeemed by or on account of Ontario, and such substitution may be made by the sale of a security of one class and the purchase of that for which it is desired to substitute it.

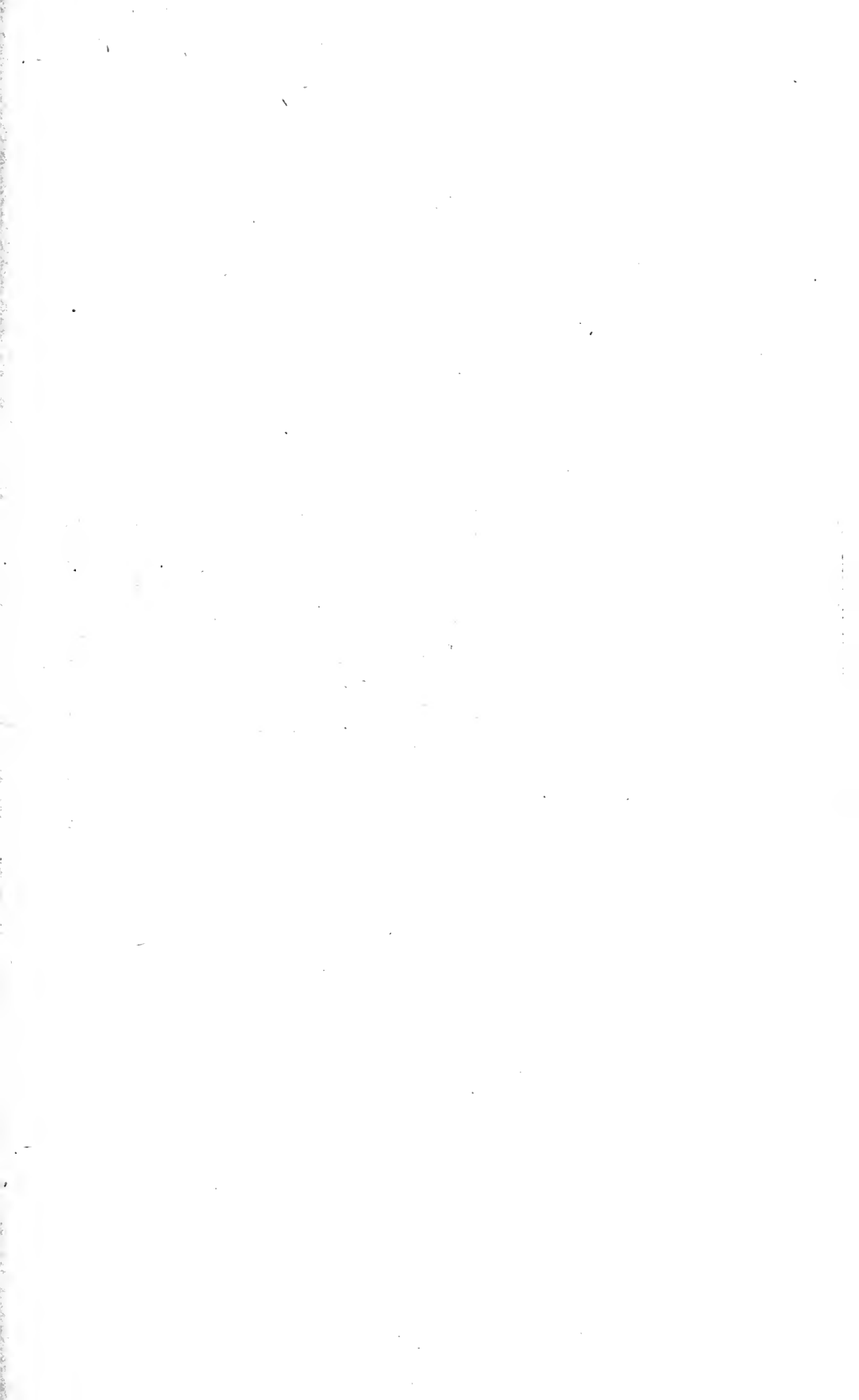
Commence-
ment of Act.

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

Short title.

6. This Act may be cited as *The Provincial Loans Amendment Act, 1949*.





BILL

An Act to amend The Provincial
Loans Act.

1st Reading

March 4th, 1949

2nd Reading

March 11th, 1949

3rd Reading

March 18th, 1949

MR. FROST

No. 114

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to suspend The Income Tax Act (Ontario).

MR. FROST

EXPLANATORY NOTE

This bill suspends the operation of *The Income Tax Act* with respect to incomes for the calendar year 1949.

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-nine 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-nine, 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 it receives the Royal Assent.

Commence-
ment of Act.

3. This Act may be cited as *The Income Tax Suspension Act, 1949*.

short title.

BILL

An Act to suspend The Income Tax Act (Ontario).

1st Reading

March 4th, 1949

2nd Reading

3rd Reading

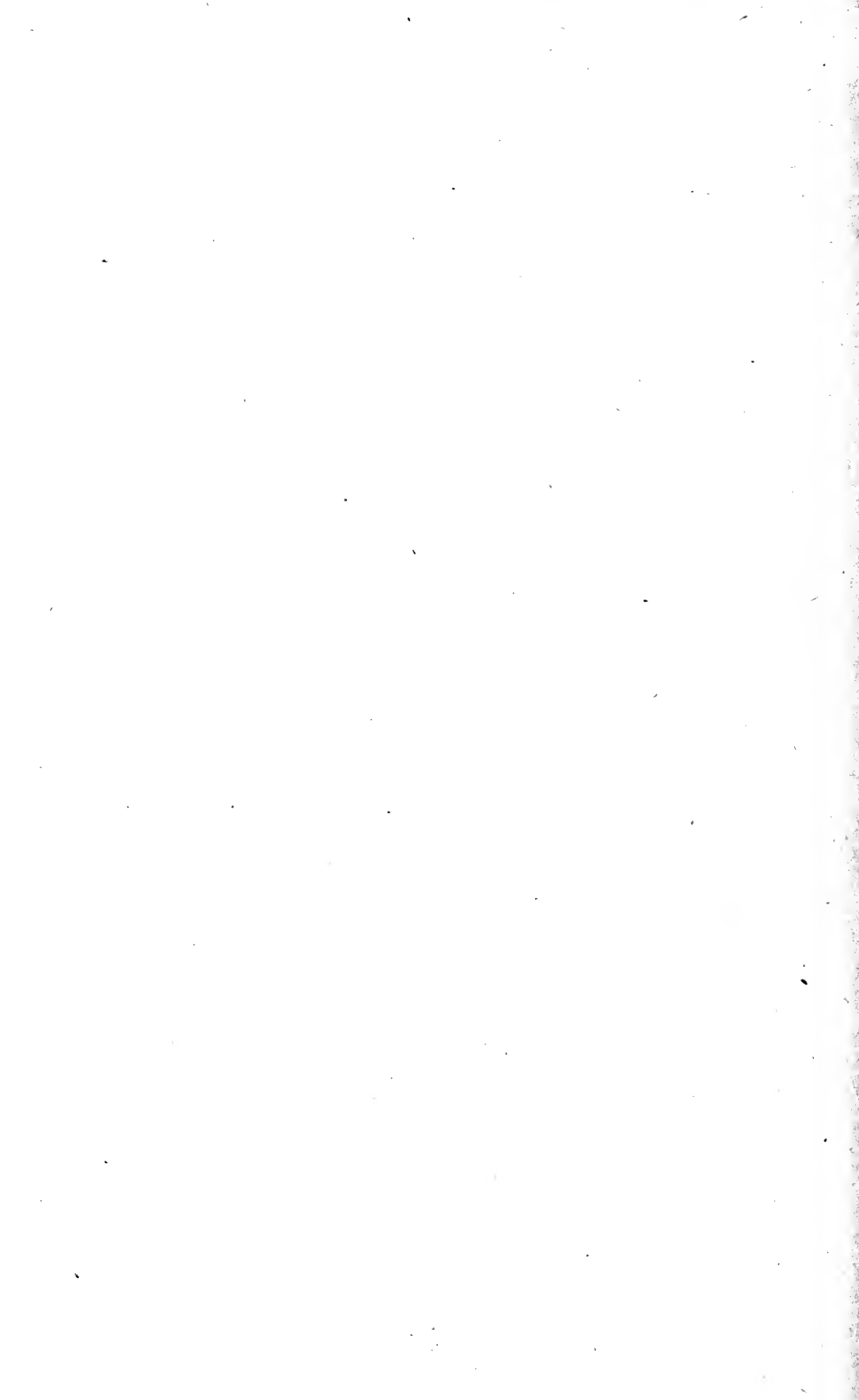
MR. FROST

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

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 Personal 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-nine 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-nine, 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* (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 it receives the Royal Assent.

3. This Act may be cited as *The Income Tax Suspension Act, 1949*.

BILL

An Act to suspend The Income Tax Act (Ontario).

1st Reading

March 4th, 1949

2nd Reading

March 11th, 1949

3rd Reading

March 17th, 1949

MR. FROST

No. 115

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Corporations Tax Act, 1939.

MR. FROST

EXPLANATORY NOTES

SECTION 1—Subsection 1. The definition of “head office” is clarified.

Subsection 2. The definition of “loss” is for the purpose of determining what losses may be deducted from income.

SECTION 2. The new subsection 4 requires a company to designate its principal office or place of business in Ontario where its statutory head office is outside of Ontario.

The new subsection 5 describes what is intended to be meant by the expression “to deal with each other at arms-length” or “not to deal with each other at arms-length”.

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) Clause *g* of section 1 of *The Corporations Tax Act, 1939* is repealed and the following substituted therefor: 1939, c. 10, s. 1, cl. *g*, re-enacted.

(*g*) "Head office" shall mean the place designated in the charter or by-laws, or both, of a company as being its chief office or place of business and shall include, when such chief office or place of business is outside of Ontario, the place designated by such company or the Treasurer as being its principal office or place of business in Ontario, unless the central accounting records including the central executive management of the company are maintained outside of Ontario or unless the Treasurer determines that such principal office or place of business is not the head office of the company. "Head office".

(2) The said section 1 is further amended by adding thereto the following clause: 1939, c. 10, s. 1, amended.

(*jj*) "Loss" shall mean a loss for a fiscal year computed by applying the provisions of subsections 2, 4, 5, 6 and 6*a* of section 14 respecting the computation of the net income of an incorporated company, *mutatis mutandis*, but not including in the computation the exemptions provided by clauses *e*, *f* and *i* of subsection 4 of section 14. "Loss".

2. Section 2 of *The Corporations Tax Act, 1939* is amended by adding thereto the following subsections: 1939, c. 10, s. 2, amended.

(4) For the purposes of this Act, every company, the head office of which is designated in its charter or by-laws, or both, as being outside of Ontario, shall designate a place which shall be its principal office Designation of principal office in Ontario.

or place of business in Ontario and, where no such place is designated by the company, the Treasurer shall designate such place.

Arms-length.

(5) For the purposes of this Act,—

- (a) a company and a person or one of several persons by whom it is directly or indirectly controlled; or
- (b) two or more companies controlled directly or indirectly by the same person,

shall, without extending the meaning of the expression “to deal with each other at arms-length”, be deemed not to deal with each other at arms-length.

1939, c. 10,
s. 10, subs. 5,
cls. c, d,
re-enacted.

3. Clauses *c* and *d* of subsection 5 of section 10 of *The Corporations Tax Act, 1939* are repealed and the following substituted therefor:

Real estate
and mining
companies.

- (c) In the case of an incorporated company the business of which is the holding of real estate for sale or rent, or which merely holds assets, or which owns and operates international or interprovincial bridges or tunnels or both, or the operations of which, in the opinion of the Treasurer, tend to deplete the natural resources of Canada, the amount of the paid-up capital which shall be deemed to have been used in each such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a, b, c, d, f* and *g* of subsection 4, which the book value of the fixed assets and the goods and supplies as shown by the inventories, situated in each such province, state or country bear to the book value of the total fixed assets and the goods and supplies as shown by the inventories;

Grain
companies.

- (d) In the case of an incorporated company, the chief business of which is the operation of grain elevators, the amount of the paid-up capital which shall be deemed to have been used in each such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a, b, c* and *g* of subsection 4, which the number of bushels of grain received during the fiscal year in the elevators operated by the incorporated company in each such province, state or country bear to the number of

SECTION 3. The clauses re-enacted and enacted by this section provide formulae for the allocation of taxable capital used in other provinces closer in effect to those applicable in other provinces.



bushels of grain received during the fiscal year in all the elevators operated by the incorporated company;

(e) In the case of every other incorporated company, ^{Other companies.} the amount of the paid-up capital which shall be deemed to have been used in each such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b*, *c* and *g* of subsection 4, which the gross sales made to or the gross revenue received from customers residing in each such province, state or country, bear to the total gross sales made or gross revenue received, provided that gross revenue from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations shall be excluded from the calculation; and for the purposes of this clause the residence of a customer of an incorporated company shall be deemed to be, with respect to sales made to or gross revenue received from customers residing in Canada, in the province,

- (i) in which the goods sold by the incorporated company are received by the customer,
- (ii) in which the services sold by the incorporated company are performed for the customer, or
- (iii) in which the customer uses any property, invention, trade name or other thing from which the incorporated company derives its remaining gross revenue represented by rents, royalties or similar payments,

and with respect to sales made to or gross revenue received from customers residing outside of Canada, in the province,

- (iv) from which the order for the goods sold is filled by the incorporated company,
- (v) in which, by contract, the incorporated company receives payment for services performed outside of Canada, or
- (vi) in which, by contract, the incorporated company receives payment of its remaining gross revenue represented by rents, royalties or similar payments for the use outside of Canada of any property, invention, trade name or other thing,

unless such incorporated company is subject to taxation on paid-up capital in the state or country outside of Canada where the customer actually resides, in which case, the residence of the customer shall be deemed to be in such state or country.

1939, c. 10,
s. 14, subs. 3,
amended.

4.—(1) Subsection 3 of section 14 of *The Corporations Tax Act, 1939*, as amended by subsections 1 and 2 of section 5 of *The Corporations Tax Amendment Act, 1941*, is further amended by adding thereto the following clause:

Investment
companies.

(k) Any incorporated company,

- (i) the property of which, throughout the fiscal year, consists, to the extent of eighty per centum or more, of shares, bonds, marketable securities or cash,
- (ii) the gross income of which, throughout the fiscal year, is, to the extent of not less than ninety-five per centum, derived from investments mentioned in subclause i,
- (iii) the property of which, throughout the fiscal year, consists, to the extent of not more than ten per centum thereof, of shares, bonds or securities of any one company or debtor other than His Majesty in right of Canada, or of any province or of a Canadian municipality,
- (iv) the shares of which are, throughout the fiscal year, held by persons numbering fifty or more of whom none holds more than twenty-five per centum of the whole capital stock thereof, and
- (v) the net income of which for the fiscal year, is distributed to the shareholders within one hundred and twenty days after the close of the fiscal year to the extent of eighty-five per centum thereof or more; provided that the term "net income" as used in this subclause means the income that would be taxable under this section but for this clause, plus income that would be exempt from tax under this section, minus taxes paid to other governments and minus dividends and interest received in the form of shares, bonds or other securities that have not been sold before the end of the fiscal year.

SECTION 4—Subsection 1. Exempts from the tax on income all investment companies complying with all five conditions set out.

Subsection 2. Allows a deduction from the income of subsequent years of all losses sustained by each new company incorporated with head office in Ontario from date of incorporation to the commencement of the first fiscal year during which such company earns a profit.

(2) Clause *f* of subsection 4 of the said section 14, as re-enacted by subsection 3 of section 3 of *The Corporations Tax Amendment Act, 1947*, is repealed and the following substituted therefor:

1939, c. 10,
s. 14, subs. 4,
cl. *f* (1947,
c. 19, s. 3,
subs. 3),
re-enacted.

- (f) The amount of business losses sustained by an incorporated company, the head office of which is in Ontario, from the date of its incorporation to the commencement of the first fiscal year during which it earns a net income, which for the purposes of this clause means the amount that results from applying subsections 2, 4, 5, 6 and 6*a* of section 14 respecting the computation of the net income of an incorporated company, *mutatis mutandis*, but not including in the computation the exemptions provided by clauses *e*, *f* and *i* of subsection 4 of section 14, provided that,
- Business losses of new companies.
- (i) no amount is deductible in respect of the losses of an incorporated company sustained as a result of transactions between the incorporated company and persons with whom it was not dealing at arms-length,
 - (ii) the amount of such business losses is deductible only to the extent that it exceeds the aggregate of the amounts previously deductible in respect of those losses under this section,
 - (iii) no amount is deductible in respect of the loss of any fiscal year until the deductible losses of previous fiscal years have been deducted,
 - (iv) no amount is deductible in respect of losses from the net income of any fiscal year except to the extent of the lesser of,
 - (A) the net income of the incorporated company for the fiscal year from the business in which the loss was sustained, or
 - (B) the net income of the incorporated company for the fiscal year, and
 - (v) no amount is deductible in respect of losses sustained by an incorporated company during a fiscal year that ended in the calendar year 1948 or during any previous fiscal year.

1939, c. 10, s. 14, subs. 4, cl. *m* (1948, c. 18, s. 3, subs. 1), re-enacted. (3) Clause *m* of subsection 4 of the said section 14, as enacted by subsection 1 of section 3 of *The Corporations Tax Amendment Act, 1948*, is repealed and the following substituted therefor:

Develop-
ment of
mines.

(*m*) An amount equal to the aggregate of the development expenses, or such lesser amount as the Treasurer in his absolute discretion may allow, incurred by an incorporated company after the commencement of its fiscal year ending in the calendar year 1949 with respect to the development in Canada of a mine as defined in *The Mining Tax Act* by such incorporated 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

Rev. Stat.,
c. 28.

(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.

1939, c. 10,
s. 14, subs. 5,
amended.

(4) Subsection 5 of the said section 14 is amended by striking out the word "or" at the end of clause *h* and by adding thereto the following clauses:

Artificial
transactions.

(*j*) the amount of any outlay or expense made or incurred in respect of a transaction or operation that, if allowed, would unduly or artificially reduce the income; or

Limitation
regarding
exempt
income.

(*k*) the amount of any outlay or expense to the extent that it may reasonably be regarded as having been made or incurred for the purpose of gaining or producing income which is exempt from tax under this section or in connection with property the income from which would be exempt under this section.

Subsection 3. Allows the deduction of development expenses on outside property from the income of mining companies at the time when such properties are either abandoned or become productive.

Subsection 4. The new clause *j* limits deduction from income of expense that artificially reduces the income.

The new clause *k* disallows the deduction from income of expenses laid out to earn income that is exempt from tax.

Subsection 5. Allows adjustment of the determination of income to prevent the result of inadequate consideration being paid for goods and services.

Subsection 6. The clauses re-enacted and enacted by this subsection provide formulae for the allocation of taxable income earned in other provinces closer in effect to those applicable in the other provinces.

(5) The said section 14 is further amended by adding thereto the following subsections: 1939, c. 10, s. 14, amended.

(6a) Where an incorporated company purchases anything from a person with whom it is not dealing at arms-length at a price in excess of the fair market value, the fair market value thereof shall, for the purpose of computing the income of the incorporated company, be deemed to have been paid or to be payable therefor. Inadequate considerations.

(6b) Where an incorporated company sells anything to a person with whom it is not dealing at arms-length at a price less than the fair market value, the fair market value thereof shall, for the purpose of computing the income of the incorporated company, be deemed to have been received or to be receivable therefor. Idem.

(6c) Where an incorporated company pays or agrees to pay to a person with whom it is not dealing at arms-length as price, rental, royalty or other payment for use or reproduction of any property an amount computed at a rate higher than that at which similar payments by other persons in the same kind of business are computed, an amount computed at the rate at which similar payments are made by such other persons shall, for the purpose of computing the income of the incorporated company, be deemed to have been the amount that is paid or is payable therefor. Idem.

(6d) Where an incorporated company directly or indirectly distributes to its shareholders any of its property, either on winding-up, or otherwise, for no consideration or for a consideration below the fair market value, if the sale thereof at the fair market value would have increased the income of the incorporated company for the fiscal year, it shall be deemed, for the purpose of determining the income of the incorporated company, to have sold the property during the fiscal year and to have received therefor the fair market value thereof. Idem.

(6) Clauses *c*, *d* and *e* of subsection 7 of the said section 14 are repealed and the following substituted therefor: 1939, c. 10, s. 14, subs. 7, cls. c, d, e, re-enacted.

(c) In the case of an incorporated company the business of which is the holding of real estate for sale or rent, or which merely holds assets, or which owns and operates international or interprovincial bridges Real estate and mining companies.

or tunnels or both, or the operations of which, in the opinion of the Treasurer, tend to deplete the natural resources of Canada, the amount of the net income which shall be deemed to have been derived from sources within each such province, state or country shall be that portion of the total net income, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations which the book value of the fixed assets and the goods and supplies as shown by the inventories situated in each such province, state or country bear to the book value of the total fixed assets and the goods and supplies as shown by the inventories; provided that in the case of any such incorporated company, where the Treasurer is satisfied that the net income of such company earned in Ontario and earned in each such province, state or country outside of Ontario respectively is capable of accurate determination, the actual amounts thereof shall be determined in lieu of the aforesaid calculated amount;

Grain
companies.

- (d) In the case of an incorporated company, the chief business of which is the operation of grain elevators, the amount of the net income which shall be deemed to have been derived from sources within each such province, state or country, shall be that portion of the total net income, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations, which the number of bushels of grain received during the fiscal year in the elevators operated by the incorporated company in each such province, state or country bear to the number of bushels of grain received during the fiscal year in all the elevators operated by the incorporated company; provided that in the case of any such incorporated company, where the Treasurer is satisfied that the net income of such company earned in Ontario and earned in each such province, state or country outside of Ontario respectively is capable of accurate determination, the actual amounts thereof shall be determined in lieu of the aforesaid calculated amount;

Other
companies.

- (e) In the case of every other incorporated company the amount of the net income which shall be deemed to have been derived from sources within each such province, state or country shall be that portion of the total net income, exclusive of gross income from





investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations, which the gross sales made to or the gross revenue received from customers residing in each such province, state or country, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations, bear to the total gross sales made or gross revenue received, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations; provided that in the case of any such incorporated company, where the Treasurer is satisfied that the net income of such company earned in Ontario and earned in each such province, state or country outside of Ontario respectively is capable of accurate determination, the actual amounts thereof shall be determined in lieu of the aforesaid calculated amount; and for the purpose of this clause the residence of a customer of an incorporated company shall be deemed to be, with respect to sales made to or gross revenue received from customers residing in Canada, in the province,

- (i) in which the goods sold by the incorporated company are received by the customer,
- (ii) in which the services sold by the incorporated company are performed for the customer, or
- (iii) in which the customer uses any property, invention, trade name or other thing from which the incorporated company derives its remaining gross revenue represented by rents, royalties or similar payments,

and with respect to sales made to or gross revenue received from customers residing outside of Canada, in the province,

- (iv) from which the order for the goods sold is filled by the incorporated company,
- (v) in which, by contract, the incorporated company receives payment for services performed outside of Canada, or
- (vi) in which, by contract, the incorporated company receives payment of its remaining gross

revenue represented by rents, royalties or similar payments for the use outside of Canada of any property, invention, trade name or other thing,

unless such incorporated company is subject to taxation on net income in the state or country outside of Canada where the customer actually resides, in which case, the residence of the customer shall be deemed to be in such state or country;

Income from
foreign
investments.

- (f) In the case of any incorporated company having its head office in Ontario, any part of the net income of which consists of dividends and interest from investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations the cost of which forms the basis for the deduction for investments allowed under clause c of subsection 4 of section 10, the amount of the net income derived from such sources which shall be deemed to have been earned in any such province, state or country shall be the amount of such dividends and interest paid by incorporated companies with head offices in such province, state or country or by the government of such province, state or country or by a municipal or school corporation situated therein.

Commence-
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent and shall be effective for fiscal years of companies ending in the calendar year 1949 and subsequent fiscal years.

Short title.

6. This Act may be cited as *The Corporations Tax Amendment Act, 1949*.







BILL

An Act to amend
The Corporations Tax Act, 1939.

1st Reading

March 4th, 1949

2nd Reading

3rd Reading

Mr. FROST

No. 115

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Corporations Tax Act, 1939.

MR. FROST

(Reprinted as amended in Committee of the Whole House.)

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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1—Subsection 1. The definition of “head office” is clarified.

Subsection 2. The definition of “loss” is for the purpose of determining what losses may be deducted from income.

SECTION 2. The new subsection 4 requires a company to designate its principal office or place of business in Ontario where its statutory head office is outside of Ontario.

The new subsection 5 describes what is intended to be meant by the expression “to deal with each other at arms-length” or “not to deal with each other at arms-length”.

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) Clause *g* of section 1 of *The Corporations Tax Act, 1939* is repealed and the following substituted therefor: 1939, c. 10, s. 1, cl. *g*, re-enacted.

(*g*) “Head office” shall mean the place designated in the charter or by-laws, or both, of a company as being its chief office or place of business and shall include, when such chief office or place of business is outside of Ontario, the place designated by such company or the Treasurer as being its principal office or place of business in Ontario, unless the central accounting records including the central executive management of the company are maintained outside of Ontario or unless the Treasurer determines that such principal office or place of business is not the head office of the company. “Head office”.

(2) The said section 1 is further amended by adding thereto the following clause: 1939, c. 10, s. 1, amended.

(*jj*) “Loss” shall mean a loss for a fiscal year computed by applying section 14 respecting the computation of the net income of an incorporated company, *mutatis mutandis*, but not including in the computation the exemptions provided by clauses *e*, *f* and *i* of subsection 4 of section 14. “Loss”.

2. Section 2 of *The Corporations Tax Act, 1939* is amended by adding thereto the following subsections: 1939, c. 10, s. 2, amended.

(4) For the purposes of this Act, every company, the head office of which is designated in its charter or by-laws, or both, as being outside of Ontario, shall designate a place which shall be its principal office Designation of principal office in Ontario.

or place of business in Ontario and, where no such place is designated by the company, the Treasurer shall designate such place.

Arms-length.

(5) For the purposes of this Act,—

- (a) a company and a person or one of several persons by whom it is directly or indirectly controlled; or
- (b) two or more companies controlled directly or indirectly by the same person,

shall, without extending the meaning of the expression “to deal with each other at arms-length”, be deemed not to deal with each other at arms-length.

1939, c. 10,
s. 10, subs. 5,
cls. c, d,
re-enacted.

3. Clauses *c* and *d* of subsection 5 of section 10 of *The Corporations Tax Act, 1939* are repealed and the following substituted therefor:

Real estate
and mining
companies.

- (c) In the case of an incorporated company the business of which is the holding of real estate for sale or rent, or which merely holds assets, or which owns and operates international or interprovincial bridges or tunnels or both, or the operations of which, in the opinion of the Treasurer, tend to deplete the natural resources of Canada, the amount of the paid-up capital which shall be deemed to have been used in each such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b*, *c*, *d*, *f* and *g* of subsection 4, which the book value of the fixed assets and the goods and supplies as shown by the inventories, situated in each such province, state or country bear to the book value of the total fixed assets and the goods and supplies as shown by the inventories;

Grain
companies.

- (d) In the case of an incorporated company, the chief business of which is the operation of grain elevators, the amount of the paid-up capital which shall be deemed to have been used in each such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b*, *c* and *g* of subsection 4, which the number of bushels of grain received during the fiscal year in the elevators operated by the incorporated company in each such province, state or country bear to the number of

SECTION 3. The clauses re-enacted and enacted by this section provide formulae for the allocation of taxable capital used in other provinces closer in effect to those applicable in other provinces.



bushels of grain received during the fiscal year in all the elevators operated by the incorporated company;

- (e) In the case of every other incorporated company, ^{Other} _{companies.} the amount of the paid-up capital which shall be deemed to have been used in each such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b*, *c* and *g* of subsection 4, which the gross sales made to or the gross revenue received from customers residing in each such province, state or country, bear to the total gross sales made or gross revenue received, provided that gross revenue from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations shall be excluded from the calculation; and for the purposes of this clause the residence of a customer of an incorporated company shall be deemed to be, with respect to sales made to or gross revenue received from customers residing in Canada, in the province,
- (i) in which the goods sold by the incorporated company are received by the customer,
 - (ii) in which the services sold by the incorporated company are performed for the customer, or
 - (iii) in which the customer uses any property, invention, trade name or other thing from which the incorporated company derives its remaining gross revenue represented by rents, royalties or similar payments,
- and with respect to sales made to or gross revenue received from customers residing outside of Canada, in the province;
- (iv) from which the order for the goods sold is filled by the incorporated company,
 - (v) in which, by contract, the incorporated company receives payment for services performed outside of Canada, or
 - (vi) in which, by contract, the incorporated company receives payment of its remaining gross revenue represented by rents, royalties or similar payments for the use outside of Canada of any property, invention, trade name or other thing,

unless such incorporated company is subject to taxation on paid-up capital in the state or country outside of Canada where the customer actually resides, in which case, the residence of the customer shall be deemed to be in such state or country.

1939, c. 10,
s. 14, subs. 3,
amended.

4.—(1) Subsection 3 of section 14 of *The Corporations Tax Act, 1939*, as amended by subsections 1 and 2 of section 5 of *The Corporations Tax Amendment Act, 1941*, is further amended by adding thereto the following clause:

Investment
companies.

- (k) Any incorporated company,
- (i) the property of which, throughout the fiscal year, consists, to the extent of eighty per centum or more, of shares, bonds, marketable securities or cash,
 - (ii) the gross income of which, throughout the fiscal year, is, to the extent of not less than ninety-five per centum, derived from investments mentioned in subclause i,
 - (iii) the property of which, throughout the fiscal year, consists, to the extent of not more than ten per centum thereof, of shares, bonds or securities of any one company or debtor other than His Majesty in right of Canada, or of any province or of a Canadian municipality,
 - (iv) the shares of which are, throughout the fiscal year, held by persons numbering fifty or more of whom none holds more than twenty-five per centum of the whole capital stock thereof, and
 - (v) the net income of which for the fiscal year, is distributed to the shareholders within one hundred and twenty days after the close of the fiscal year to the extent of eighty-five per centum thereof or more; provided that the term "net income" as used in this subclause means the income that would be taxable under this section but for this clause, plus income that would be exempt from tax under this section, minus taxes paid to other governments and minus dividends and interest received in the form of shares, bonds or other securities that have not been sold before the end of the fiscal year.

SECTION 4—Subsection 1. Exempts from the tax on income all investment companies complying with all five conditions set out.

Subsection 2. Allows a deduction from the income of subsequent years of all losses sustained by each new company incorporated with head office in Ontario from date of incorporation to the commencement of the first fiscal year during which such company earns a profit.

(2) Clause *f* of subsection 4 of the said section 14, as re-enacted by subsection 3 of section 3 of *The Corporations Tax Amendment Act, 1947*, is repealed and the following substituted therefor:

1939, c. 10,
s. 14, subs. 4,
cl. *f* (1947,
c. 19, s. 3,
subs. 3),
re-enacted.

- (*f*) The amount of business losses sustained by an incorporated company, the head office of which is in Ontario, from the date of its incorporation to the commencement of the first fiscal year during which it earns a net income, which for the purposes of this clause means the amount that results from applying section 14 respecting the computation of the net income of an incorporated company, *mutatis mutandis*, but not including in the computation the exemptions provided by clauses *e*, *f* and *i* of subsection 4 of section 14, provided that,
- Business
losses of new
companies.
- (i) no amount is deductible in respect of the losses of an incorporated company sustained as a result of transactions between the incorporated company and persons with whom it was not dealing at arms-length,
 - (ii) the amount of such business losses is deductible only to the extent that it exceeds the aggregate of the amounts previously deductible in respect of those losses under this section,
 - (iii) no amount is deductible in respect of the loss of any fiscal year until the deductible losses of previous fiscal years have been deducted,
 - (iv) no amount is deductible in respect of losses from the net income of any fiscal year except to the extent of the lesser of,
 - (A) the net income of the incorporated company for the fiscal year from the business in which the loss was sustained, or
 - (B) the net income of the incorporated company for the fiscal year, and
 - (v) no amount is deductible in respect of losses sustained by an incorporated company during a fiscal year that ended in the calendar year 1948 or during any previous fiscal year.

1939, c. 10,
s. 14, subs. 4,
cl. *m* (1948,
c. 18, s. 3,
subs. 1),
re-enacted.

(3) Clause *m* of subsection 4 of the said section 14, as enacted by subsection 1 of section 3 of *The Corporations Tax Amendment Act, 1948*, is repealed and the following substituted therefor:

Develop-
ment of
mines.

(*m*) An amount equal to the aggregate of the development expenses, or such lesser amount as the Treasurer in his absolute discretion may allow, incurred by an incorporated company after the commencement of its fiscal year ending in the calendar year 1949 with respect to the development in Canada of a mine as defined in *The Mining Tax Act* by such incorporated 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

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c. 28.

(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.

1939, c. 10,
s. 14, subs. 5,
amended.

(4) Subsection 5 of the said section 14 is amended by striking out the word "or" at the end of clause *h* and by adding thereto the following clauses:

Artificial
transactions.

(*j*) the amount of any outlay or expense made or incurred in respect of a transaction or operation that, if allowed, would unduly or artificially reduce the income; or

Limitation
regarding
exempt
income.

(*k*) the amount of any outlay or expense to the extent that it may reasonably be regarded as having been made or incurred for the purpose of gaining or producing income which is exempt from tax under this section or in connection with property the income from which would be exempt under this section.

Subsection 3. Allows the deduction of development expenses on outside property from the income of mining companies at the time when such properties are either abandoned or become productive.

Subsection 4. The new clause *j* limits deduction from income of expense that artificially reduces the income.

The new clause *k* disallows the deduction from income of expenses laid out to earn income that is exempt from tax.

Subsection 5. Allows adjustment of the determination of income to prevent the result of inadequate consideration being paid for goods and services.

Subsection 6. The clauses re-enacted and enacted by this subsection provide formulae for the allocation of taxable income earned in other provinces closer in effect to those applicable in the other provinces.

(5) The said section 14 is further amended by adding thereto the following subsections: 1939, c. 10,
s. 14,
amended.

- (6a) Where an incorporated company purchases anything from a person with whom it is not dealing at arms-length at a price in excess of the fair market value, the fair market value thereof shall, for the purpose of computing the income of the incorporated company, be deemed to have been paid or to be payable therefor. Inadequate
considerations.
- (6b) Where an incorporated company sells anything to a person with whom it is not dealing at arms-length at a price less than the fair market value, the fair market value thereof shall, for the purpose of computing the income of the incorporated company, be deemed to have been received or to be receivable therefor. Idem.
- (6c) Where an incorporated company pays or agrees to pay to a person with whom it is not dealing at arms-length as price, rental, royalty or other payment for use or reproduction of any property an amount computed at a rate higher than that at which similar payments by other persons in the same kind of business are computed, an amount computed at the rate at which similar payments are made by such other persons shall, for the purpose of computing the income of the incorporated company, be deemed to have been the amount that is paid or is payable therefor. Idem.
- (6d) Where an incorporated company directly or indirectly distributes to its shareholders any of its property, either on winding-up, or otherwise, for no consideration or for a consideration below the fair market value, if the sale thereof at the fair market value would have increased the income of the incorporated company for the fiscal year, it shall be deemed, for the purpose of determining the income of the incorporated company, to have sold the property during the fiscal year and to have received therefor the fair market value thereof. Idem.
- (6) Clauses *c*, *d* and *e* of subsection 7 of the said section 14 are repealed and the following substituted therefor: 1939, c. 10,
s. 14, subs. 7,
cls. *c*, *d*, *e*,
re-enacted.
- (c) In the case of an incorporated company the business of which is the holding of real estate for sale or rent, or which merely holds assets, or which owns and operates international or interprovincial bridges Real estate
and mining
companies.

or tunnels or both, or the operations of which, in the opinion of the Treasurer, tend to deplete the natural resources of Canada, the amount of the net income which shall be deemed to have been derived from sources within each such province, state or country shall be that portion of the total net income, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations which the book value of the fixed assets and the goods and supplies as shown by the inventories situated in each such province, state or country bear to the book value of the total fixed assets and the goods and supplies as shown by the inventories; provided that in the case of any such incorporated company, where the Treasurer is satisfied that the net income of such company earned in Ontario and earned in each such province, state or country outside of Ontario respectively is capable of accurate determination, the actual amounts thereof shall be determined in lieu of the aforesaid calculated amount;

**Grain
companies.**

- (d) In the case of an incorporated company, the chief business of which is the operation of grain elevators, the amount of the net income which shall be deemed to have been derived from sources within each such province, state or country, shall be that portion of the total net income, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations, which the number of bushels of grain received during the fiscal year in the elevators operated by the incorporated company in each such province, state or country bear to the number of bushels of grain received during the fiscal year in all the elevators operated by the incorporated company; provided that in the case of any such incorporated company, where the Treasurer is satisfied that the net income of such company earned in Ontario and earned in each such province, state or country outside of Ontario respectively is capable of accurate determination, the actual amounts thereof shall be determined in lieu of the aforesaid calculated amount;

**Other
companies.**

- (e) In the case of every other incorporated company the amount of the net income which shall be deemed to have been derived from sources within each such province, state or country shall be that portion of the total net income, exclusive of gross income from

investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations, which the gross sales made to or the gross revenue received from customers residing in each such province, state or country, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations, bear to the total gross sales made or gross revenue received, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations; provided that in the case of any such incorporated company, where the Treasurer is satisfied that the net income of such company earned in Ontario and earned in each such province, state or country outside of Ontario respectively is capable of accurate determination, the actual amounts thereof shall be determined in lieu of the aforesaid calculated amount; and for the purpose of this clause the residence of a customer of an incorporated company shall be deemed to be, with respect to sales made to or gross revenue received from customers residing in Canada, in the province,

- (i) in which the goods sold by the incorporated company are received by the customer,
- (ii) in which the services sold by the incorporated company are performed for the customer, or
- (iii) in which the customer uses any property, invention, trade name or other thing from which the incorporated company derives its remaining gross revenue represented by rents, royalties or similar payments,

and with respect to sales made to or gross revenue received from customers residing outside of Canada, in the province,

- (iv) from which the order for the goods sold is filled by the incorporated company,
- (v) in which, by contract, the incorporated company receives payment for services performed outside of Canada, or
- (vi) in which, by contract, the incorporated company receives payment of its remaining gross

revenue represented by rents, royalties or similar payments for the use outside of Canada of any property, invention, trade name or other thing,

unless such incorporated company is subject to taxation on net income in the state or country outside of Canada where the customer actually resides, in which case, the residence of the customer shall be deemed to be in such state or country;

Income from
foreign
investments.

- (f) In the case of any incorporated company having its head office in Ontario, any part of the net income of which consists of dividends and interest from investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations the cost of which forms the basis for the deduction for investments allowed under clause *c* of subsection 4 of section 10, the amount of the net income derived from such sources which shall be deemed to have been earned in any such province, state or country shall be the amount of such dividends and interest paid by incorporated companies with head offices in such province, state or country or by the government of such province, state or country or by a municipal or school corporation situated therein.

Commence-
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent and shall be effective for fiscal years of companies ending in the calendar year 1949 and subsequent fiscal years.

Short title.

6. This Act may be cited as *The Corporations Tax Amendment Act, 1949*.

BILL

An Act to amend
The Corporations Tax Act, 1939.

1st Reading

March 4th, 1949

2nd Reading

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3rd Reading

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BILL

An Act to amend ~~the~~ The Corporations Tax Act, 1939.

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO ~~THE~~ 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) Clause *g* of section 1 of *The Corporations Tax Act, 1939* is repealed and the following substituted therefor: 1939, c. 10,
s. 1, cl. *g*,
re-enacted.

(*g*) "Head office" shall mean the place designated in the charter or by-laws, or both, of a company as being its chief office or place of business and shall include, when such chief office or place of business is outside of Ontario, the place designated by such company or the Treasurer as being its principal office or place of business in Ontario, unless the central accounting records including the central executive management of the company are maintained outside of Ontario or unless the Treasurer determines that such principal office or place of business is not the head office of the company. "Head office".

(2) The said section 1 is further amended by adding thereto the following clause: 1939, c. 10,
s. 1,
amended.

(*jj*) "Loss" shall mean a loss for a fiscal year computed by applying section 14 respecting the computation of the net income of an incorporated company, *mutatis mutandis*, but not including in the computation the exemptions provided by clauses *e*, *f* and *i* of subsection 4 of section 14. "Loss".

2. Section 2 of *The Corporations Tax Act, 1939* is amended by adding thereto the following subsections: 1939, c. 10,
s. 2,
amended.

(4) For the purposes of this Act, every company, the head office of which is designated in its charter or by-laws, or both, as being outside of Ontario, shall designate a place which shall be its principal office Designation of principal office in Ontario.

or place of business in Ontario and, where no such place is designated by the company, the Treasurer shall designate such place.

Arms-length.

(5) For the purposes of this Act,—

(a) a company and a person or one of several persons by whom it is directly or indirectly controlled; or

(b) two or more companies controlled directly or indirectly by the same person,

shall, without extending the meaning of the expression “to deal with each other at arms-length”, be deemed not to deal with each other at arms-length.

1939, c. 10,
s. 10, subs. 5,
cls. c, d,
re-enacted.

3. Clauses *c* and *d* of subsection 5 of section 10 of *The Corporations Tax Act, 1939* are repealed and the following substituted therefor:

Real estate
and mining
companies.

(c) In the case of an incorporated company the business of which is the holding of real estate for sale or rent, or which merely holds assets, or which owns and operates international or interprovincial bridges or tunnels or both, or the operations of which, in the opinion of the Treasurer, tend to deplete the natural resources of Canada, the amount of the paid-up capital which shall be deemed to have been used in each such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a, b, c, d, f* and *g* of subsection 4, which the book value of the fixed assets and the goods and supplies as shown by the inventories, situated in each such province, state or country bear to the book value of the total fixed assets and the goods and supplies as shown by the inventories;

Grain
companies.

(d) In the case of an incorporated company, the chief business of which is the operation of grain elevators, the amount of the paid-up capital which shall be deemed to have been used in each such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a, b, c* and *g* of subsection 4, which the number of bushels of grain received during the fiscal year in the elevators operated by the incorporated company in each such province, state or country bear to the number of

bushels of grain received during the fiscal year in all the elevators operated by the incorporated company;

- (e) In the case of every other incorporated company, ^{Other companies.} the amount of the paid-up capital which shall be deemed to have been used in each such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b*, *c* and *g* of subsection 4, which the gross sales made to or the gross revenue received from customers residing in each such province, state or country, bear to the total gross sales made or gross revenue received, provided that gross revenue from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations shall be excluded from the calculation; and for the purposes of this clause the residence of a customer of an incorporated company shall be deemed to be, with respect to sales made to or gross revenue received from customers residing in Canada, in the province,

- (i) in which the goods sold by the incorporated company are received by the customer,
- (ii) in which the services sold by the incorporated company are performed for the customer, or
- (iii) in which the customer uses any property, invention, trade name or other thing from which the incorporated company derives its remaining gross revenue represented by rents, royalties or similar payments,

and with respect to sales made to or gross revenue received from customers residing outside of Canada, in the province,

- (iv) from which the order for the goods sold is filled by the incorporated company,
- (v) in which, by contract, the incorporated company receives payment for services performed outside of Canada, or
- (vi) in which, by contract, the incorporated company receives payment of its remaining gross revenue represented by rents, royalties or similar payments for the use outside of Canada of any property, invention, trade name or other thing,

unless such incorporated company is subject to taxation on paid-up capital in the state or country outside of Canada where the customer actually resides, in which case, the residence of the customer shall be deemed to be in such state or country.

1939, c. 10,
s. 14, subs. 3,
amended.

4.—(1) Subsection 3 of section 14 of *The Corporations Tax Act, 1939*, as amended by subsections 1 and 2 of section 5 of *The Corporations Tax Amendment Act, 1941*, is further amended by adding thereto the following clause:

Investment
companies.

(k) Any incorporated company,

- (i) the property of which, throughout the fiscal year, consists, to the extent of eighty per centum or more, of shares, bonds, marketable securities or cash,
- (ii) the gross income of which, throughout the fiscal year, is, to the extent of not less than ninety-five per centum, derived from investments mentioned in subclause i,
- (iii) the property of which, throughout the fiscal year, consists, to the extent of not more than ten per centum thereof, of shares, bonds or securities of any one company or debtor other than His Majesty in right of Canada, or of any province or of a Canadian municipality,
- (iv) the shares of which are, throughout the fiscal year, held by persons numbering fifty or more of whom none holds more than twenty-five per centum of the whole capital stock thereof, and
- (v) the net income of which for the fiscal year, is distributed to the shareholders within one hundred and twenty days after the close of the fiscal year to the extent of eighty-five per centum thereof or more; provided that the term "net income" as used in this subclause means the income that would be taxable under this section but for this clause, plus income that would be exempt from tax under this section, minus taxes paid to other governments and minus dividends and interest received in the form of shares, bonds or other securities that have not been sold before the end of the fiscal year.

(2) Clause *f* of subsection 4 of the said section 14, as re-enacted by subsection 3 of section 3 of *The Corporations Tax Amendment Act, 1947*, is repealed and the following substituted therefor: 1939, c. 10, s. 14, subs. 4, cl. *f* (1947, c. 19, s. 3, subs. 3), re-enacted.

- (f) The amount of business losses sustained by an incorporated company, the head office of which is in Ontario, from the date of its incorporation to the commencement of the first fiscal year during which it earns a net income, which for the purposes of this clause means the amount that results from applying section 14 respecting the computation of the net income of an incorporated company, *mutatis mutandis*, but not including in the computation the exemptions provided by clauses *e*, *f* and *i* of subsection 4 of section 14, provided that, Business losses of new companies.
- (i) no amount is deductible in respect of the losses of an incorporated company sustained as a result of transactions between the incorporated company and persons with whom it was not dealing at arms-length,
 - (ii) the amount of such business losses is deductible only to the extent that it exceeds the aggregate of the amounts previously deductible in respect of those losses under this section,
 - (iii) no amount is deductible in respect of the loss of any fiscal year until the deductible losses of previous fiscal years have been deducted,
 - (iv) no amount is deductible in respect of losses from the net income of any fiscal year except to the extent of the lesser of,
 - (A) the net income of the incorporated company for the fiscal year from the business in which the loss was sustained, or
 - (B) the net income of the incorporated company for the fiscal year, and
 - (v) no amount is deductible in respect of losses sustained by an incorporated company during a fiscal year that ended in the calendar year 1948 or during any previous fiscal year.

1939, c. 10, s. 14, subs. 4, cl. *m* (1948, c. 18, s. 3, subs. 1), re-enacted. (3) Clause *m* of subsection 4 of the said section 14, as enacted by subsection 1 of section 3 of *The Corporations Tax Amendment Act, 1948*, is repealed and the following substituted therefor:

Develop-
ment of
mines.

(*m*) An amount equal to the aggregate of the development expenses, or such lesser amount as the Treasurer in his absolute discretion may allow, incurred by an incorporated company after the commencement of its fiscal year ending in the calendar year 1949 with respect to the development in Canada of a mine as defined in *The Mining Tax Act* by such incorporated 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

Rev. Stat.,
c. 28.

(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.

1939, c. 10, s. 14, subs. 5, amended. (4) Subsection 5 of the said section 14 is amended by striking out the word "or" at the end of clause *h* and by adding thereto the following clauses:

Artificial
transactions.

(*j*) the amount of any outlay or expense made or incurred in respect of a transaction or operation that, if allowed, would unduly or artificially reduce the income; or

Limitation
regarding
exempt
income.

(*k*) the amount of any outlay or expense to the extent that it may reasonably be regarded as having been made or incurred for the purpose of gaining or producing income which is exempt from tax under this section or in connection with property the income from which would be exempt under this section.

(5) The said section 14 is further amended by adding thereto the following subsections: 1939, c. 10,
s. 14,
amended.

(6a) Where an incorporated company purchases anything from a person with whom it is not dealing at arms-length at a price in excess of the fair market value, the fair market value thereof shall, for the purpose of computing the income of the incorporated company, be deemed to have been paid or to be payable therefor. Inadequate
considera-
tions.

(6b) Where an incorporated company sells anything to a person with whom it is not dealing at arms-length at a price less than the fair market value, the fair market value thereof shall, for the purpose of computing the income of the incorporated company, be deemed to have been received or to be receivable therefor. Idem.

(6c) Where an incorporated company pays or agrees to pay to a person with whom it is not dealing at arms-length as price, rental, royalty or other payment for use or reproduction of any property an amount computed at a rate higher than that at which similar payments by other persons in the same kind of business are computed, an amount computed at the rate at which similar payments are made by such other persons shall, for the purpose of computing the income of the incorporated company, be deemed to have been the amount that is paid or is payable therefor. Idem.

(6d) Where an incorporated company directly or indirectly distributes to its shareholders any of its property, either on winding-up, or otherwise, for no consideration or for a consideration below the fair market value, if the sale thereof at the fair market value would have increased the income of the incorporated company for the fiscal year, it shall be deemed, for the purpose of determining the income of the incorporated company, to have sold the property during the fiscal year and to have received therefor the fair market value thereof. Idem.

(6) Clauses *c*, *d* and *e* of subsection 7 of the said section 14 are repealed and the following substituted therefor: 1939, c. 10,
s. 14, subs. 7,
cls. *c*, *d*, *e*,
re-enacted.

(*c*) In the case of an incorporated company the business of which is the holding of real estate for sale or rent, or which merely holds assets, or which owns and operates international or interprovincial bridges Real estate
and mining
companies.

or tunnels or both, or the operations of which, in the opinion of the Treasurer, tend to deplete the natural resources of Canada, the amount of the net income which shall be deemed to have been derived from sources within each such province, state or country shall be that portion of the total net income, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations which the book value of the fixed assets and the goods and supplies as shown by the inventories situated in each such province, state or country bear to the book value of the total fixed assets and the goods and supplies as shown by the inventories; provided that in the case of any such incorporated company, where the Treasurer is satisfied that the net income of such company earned in Ontario and earned in each such province, state or country outside of Ontario respectively is capable of accurate determination, the actual amounts thereof shall be determined in lieu of the aforesaid calculated amount;

Grain
companies.

- (d) In the case of an incorporated company, the chief business of which is the operation of grain elevators, the amount of the net income which shall be deemed to have been derived from sources within each such province, state or country, shall be that portion of the total net income, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations, which the number of bushels of grain received during the fiscal year in the elevators operated by the incorporated company in each such province, state or country bear to the number of bushels of grain received during the fiscal year in all the elevators operated by the incorporated company; provided that in the case of any such incorporated company, where the Treasurer is satisfied that the net income of such company earned in Ontario and earned in each such province, state or country outside of Ontario respectively is capable of accurate determination, the actual amounts thereof shall be determined in lieu of the aforesaid calculated amount;

Other
companies.

- (e) In the case of every other incorporated company the amount of the net income which shall be deemed to have been derived from sources within each such province, state or country shall be that portion of the total net income, exclusive of gross income from

investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations, which the gross sales made to or the gross revenue received from customers residing in each such province, state or country, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations, bear to the total gross sales made or gross revenue received, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations; provided that in the case of any such incorporated company, where the Treasurer is satisfied that the net income of such company earned in Ontario and earned in each such province, state or country outside of Ontario respectively is capable of accurate determination, the actual amounts thereof shall be determined in lieu of the aforesaid calculated amount; and for the purpose of this clause the residence of a customer of an incorporated company shall be deemed to be, with respect to sales made to or gross revenue received from customers residing in Canada, in the province,

- (i) in which the goods sold by the incorporated company are received by the customer,
- (ii) in which the services sold by the incorporated company are performed for the customer, or
- (iii) in which the customer uses any property, invention, trade name or other thing from which the incorporated company derives its remaining gross revenue represented by rents, royalties or similar payments,

and with respect to sales made to or gross revenue received from customers residing outside of Canada, in the province,

- (iv) from which the order for the goods sold is filled by the incorporated company,
- (v) in which, by contract, the incorporated company receives payment for services performed outside of Canada, or
- (vi) in which, by contract, the incorporated company receives payment of its remaining gross

revenue represented by rents, royalties or similar payments for the use outside of Canada of any property, invention, trade name or other thing,

unless such incorporated company is subject to taxation on net income in the state or country outside of Canada where the customer actually resides, in which case, the residence of the customer shall be deemed to be in such state or country;

Income from
foreign
investments.

- (f) In the case of any incorporated company having its head office in Ontario, any part of the net income of which consists of dividends and interest from investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations the cost of which forms the basis for the deduction for investments allowed under clause c of subsection 4 of section 10, the amount of the net income derived from such sources which shall be deemed to have been earned in any such province, state or country shall be the amount of such dividends and interest paid by incorporated companies with head offices in such province, state or country or by the government of such province, state or country or by a municipal or school corporation situated therein.

Commence-
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent and shall be effective for fiscal years of companies ending in the calendar year 1949 and subsequent fiscal years.

Short title.

6. This Act may be cited as *The Corporations Tax Amendment Act, 1949*.

BILL

An Act to amend
The Corporations Tax Act, 1939.

1st Reading

March 4th, 1949

2nd Reading

March 11th, 1949

3rd Reading

March 22nd, 1949

MR. FROST

No. 116

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Athletics Control Act, 1947.

MR. FROST

TORONTO
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EXPLANATORY NOTES

SECTION 1—Subsection 1. Clause *b*, which defines "Fund" as the Athletics and Physical Education Fund established under the Act, is repealed. See section 3 of this Bill.

Subsection 2. Self-explanatory.

SECTION 2. The effect of this amendment is to repeal the two per cent. tax on professional athletic contests other than boxing and wrestling and to leave the tax on professional boxing and wrestling contests as specified.

SECTION 3. The effect is to abolish the Athletics and Physical Education Fund and to transfer the moneys now in the Fund into the Consolidated Revenue Fund.

SECTION 4. Complementary to section 3 of this Bill.

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.—(1) Clause *b* of section 1 of *The Athletics Control Act*, 1947, c. 4, s. 1, cl. *b*, 1947, as amended by section 1 of *The Athletics Control Amendment Act*, 1948, is repealed. repealed.

(2) Clause *c* of the said section 1 is repealed and the following substituted therefor: 1947, c. 4, s. 1, cl. *c*, re-enacted.

(*c*) “Minister” shall mean such Minister as may from time to time be designated by the Lieutenant-Governor in Council. “Minister”.

2. Subsection 1 of section 4 of *The Athletics Control Act*, 1947 is repealed and the following substituted therefor: 1947, c. 4, s. 4, subs. 1, re-enacted.

(1) Every person conducting a professional boxing or wrestling contest or exhibition shall pay to the Minister an amount not less than one per centum and not exceeding five per centum of the gross receipts in respect of such contest or exhibition as shall be determined by the Minister with the approval of the Lieutenant-Governor in Council. Tax on gross receipts.

3.—(1) Section 8 of *The Athletics Control Act*, 1947, as re-enacted by section 3 of *The Athletics Control Amendment Act*, 1948, is repealed. 1947, c. 4, s. 8 (1948, c. 6, s. 3), repealed.

(2) All moneys now in the Athletics and Physical Education Fund shall be paid into the Consolidated Revenue Fund. Disposition of moneys.

4. Section 9 of *The Athletics Control Act*, 1947 is amended by inserting after the article “the” in the fourth line the words “Consolidated Revenue”, so that the section shall read as follows: 1947, c. 4, s. 9, amended.

Payment
into Fund.

9. The moneys received by the Minister under section 4 together with all moneys received from licence and permit fees, fines and other pecuniary penalties and the impounding of purses or other remuneration shall be paid into the Consolidated Revenue Fund.

1947,
c. 4, s. 10,
repealed.

5. Section 10 of *The Athletics Control Act, 1947*, as amended by section 4 of *The Athletics Control Amendment Act, 1948*, is repealed.

1947,
c. 4, s. 14,
subs. 2,
amended.

6. Subsection 2 of section 14 of *The Athletics Control Act, 1947*, as amended by section 5 of *The Athletics Control Amendment Act, 1948*, is further amended by inserting after the article "the" in the amendment of 1948 the words "Consolidated Revenue", so that the subsection shall 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 Consolidated Revenue Fund.

Commence-
ment of Act.

7. This Act shall come into force on the 1st day of April, 1949.

Short title.

8. This Act may be cited as *The Athletics Control Amendment Act, 1949*.

SECTION 5. Complementary to section 3 of this Bill.

SECTION 6. Complementary to section 3 of this Bill.



BILL

An Act to amend The Athletics Control Act, 1947

1st Reading

March 4th, 1949

2nd Reading

3rd Reading

MR. FROST

No. 116

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Athletics Control Act, 1947.

MR. FROST

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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.—(1) Clause *b* of section 1 of *The Athletics Control Act, 1947, c. 4, 1947*, as amended by section 1 of *The Athletics Control Amendment Act, 1948*, is repealed. s. 1, cl. b, repealed.

(2) Clause *c* of the said section 1 is repealed and the following substituted therefor: 1947, c. 4, s. 1, cl. c, re-enacted.

(c) "Minister" shall mean such Minister as may from time to time be designated by the Lieutenant-Governor in Council.

2. Subsection 1 of section 4 of *The Athletics Control Act, 1947* is repealed and the following substituted therefor: 1947, c. 4, s. 4, subs. 1, re-enacted.

(1) Every person conducting a professional boxing or wrestling contest or exhibition shall pay to the Minister an amount not less than one per centum and not exceeding five per centum of the gross receipts in respect of such contest or exhibition as shall be determined by the Minister with the approval of the Lieutenant-Governor in Council. Tax on gross receipts.

3.—(1) Section 8 of *The Athletics Control Act, 1947*, as re-enacted by section 3 of *The Athletics Control Amendment Act, 1948*, is repealed. 1947, c. 4, s. 8 (1948, c. 6, s. 3), repealed.

(2) All moneys now in the Athletics and Physical Education Fund shall be paid into the Consolidated Revenue Fund. Disposition of moneys.

4. Section 9 of *The Athletics Control Act, 1947* is amended by inserting after the article "the" in the fourth line the words "Consolidated Revenue", so that the section shall read as follows: 1947, c. 4, s. 9, amended.

Payment
into Fund.

9. The moneys received by the Minister under section 4 together with all moneys received from licence and permit fees, fines and other pecuniary penalties and the impounding of purses or other remuneration shall be paid into the Consolidated Revenue Fund.

1947,
c. 4, s. 10,
repealed.

5. Section 10 of *The Athletics Control Act, 1947*, as amended by section 4 of *The Athletics Control Amendment Act, 1948*, is repealed.

1947,
c. 4, s. 14,
subs. 2,
amended.

6. Subsection 2 of section 14 of *The Athletics Control Act, 1947*, as amended by section 5 of *The Athletics Control Amendment Act, 1948*, is further amended by inserting after the article "the" in the amendment of 1948 the words "Consolidated Revenue", so that the subsection shall 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 Consolidated Revenue Fund.

Commence-
ment of Act.

7. This Act shall come into force on the 1st day of April, 1949.

Short title.

8. This Act may be cited as *The Athletics Control Amendment Act, 1949*.

BILL

An Act to amend The Athletics Control
Act, 1947

1st Reading

March 4th, 1949

2nd Reading

March 11th, 1949

3rd Reading

March 22nd, 1949

Mr. FROSR

No. 117

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act respecting the Sandwich, Windsor and Amherstburg Railway.

MR. GRIESINGER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTES

GENERAL. Considerable legislation dealing with the incorporation, construction and operation of the Railway and its relation to the various municipalities concerned extends from 1866 to 1939. There are also several important agreements which have been confirmed and in many cases substantially amended by subsequent legislation.

The interest of the various municipalities in the railway, their liability with respect to its operation and their responsibility for further financial assistance has received careful consideration.

The Bill is substantive in nature. It is designed to relieve the smaller municipalities, the City of Windsor and the railway company from a part of their debt burden with respect to the past operations of the railway. Its intention is to clarify and consolidate the future financial obligations.

BILL

An Act respecting the Sandwich, Windsor and Amherstburg Railway.

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) “guaranteed bonds” means bonds and debentures heretofore issued by The Hydro-Electric Power Commission of Ontario as principal or agent with respect to the railway under the principal Act, payment of which is guaranteed by Ontario; “guaranteed bonds”;
- (b) “Ontario” means Province of Ontario; “Ontario”;
- (c) “principal Act” includes every general and special Act, or any part, schedules or provisions thereof, in force on the day this Act receives the Royal Assent that pertains in any way to the railway or railway company or in relation to the railway or railway company pertains in any way to Ontario, Windsor or the seceding municipalities or any of them; “principal Act”;
- (d) “railway” means the Sandwich, Windsor and Amherstburg Railway and includes the whole undertaking, properties and assets of the railway company; “railway”;
- (e) “railway company” means the Sandwich, Windsor and Amherstburg Railway Company and includes its successors and assigns; “railway company”;
- (f) “seceding municipalities” means the Towns of Amherstburg, La Salle, Ojibway, Riverside and Tecumseh and the Townships of Sandwich East and Sandwich West; and “seceding municipalities”;
- (g) “Windsor” means the City of Windsor. “Windsor”.

Application
of principal
Act.

2.—(1) Subject to this Act the principal Act shall continue to apply to the railway and to the railway company and to all matters and things pertaining thereto, but where there is conflict between the principal Act and this Act, this Act shall prevail.

Guaranteed
bonds not
affected.

(2) Nothing in this Act shall affect or impair the guarantee of payment by Ontario of the guaranteed bonds.

Establish-
ment of
capital
debt of
railway.

3.—(1) The outstanding capital debt, matured and unmatured, of and owing with respect to the railway, howsoever incurred and by and to whomsoever the same is owing, is for all purposes and as to all persons, natural and corporate, fixed and established as of the 30th day of June, 1948, at the following total amounts:

(a) guaranteed bonds, unmatured and in the hands of the public, as follows:

due April 1st, 1960.....	\$2,100,000.00
due July 1st, 1961.....	900,000.00

(b) guaranteed bonds, matured and paid by Ontario under its guarantee and held by it with legal right of recourse, and interest and charges paid or payable prior to July 1st, 1948, by Ontario upon and in respect of the guaranteed bonds matured and unmatured, with the same right of recourse, as set out below:

Paid.....	\$3,524,963.99
Payable—Unpresented Coupons.....	3,300.00
	<hr/>
	\$3,528,263.99

Less—Amount due on April 1st, 1948, but paid by the railway company on July 29th, 1948.....

47,227.50	3,481,036.49
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<hr/>	<hr/>
	\$6,481,036.49
	<hr/> <hr/>

Distribution
of liability
for capital
debt.

(2) The capital debt so fixed and established shall be assumed, borne, paid and discharged as follows:

1. The portion referred to in item *a* of subsection 1,

SECTION 2. The application of all present Acts is continued except where otherwise provided in this Bill.

SECTION 3. This section establishes the capital debt of the railway as of June 30th, 1948 and provides the manner in which the liability for same is allocated between the railway company, the City of Windsor and the Province of Ontario.

- (a) by the railway company as its principal obligation bonds due on April 1st, 1960, together with interest coupons payable subsequent to June 30th, 1948 \$2,100,000.00

by the railway company as its obligation interest coupons, in respect to the \$900,000 due on July 1st, 1961, payable subsequent to June 30th, 1948;

- (b) by Ontario, as its obligation principal of bonds due July 1st, 1961 900,000.00

2. The portion referred to in item *b* of subsection 1,

- (a) by the railway company as its obligation 1,500,000.00
 (b) By Windsor as its obligation... 1,500,000.00
 (c) the balance owing to Ontario to be and be deemed to be written off and cancelled as of June 30th, 1948, without right of recovery 481,036.49
-
- \$6,481,036.49

(3) That part of the capital debt which by subsection 2 is made the obligation of the railway company shall be borne, provided for, secured and paid by the means and in the manner following:

- (a) by an issue of twenty-year sinking fund bonds of the railway company to be dated the 1st day of April, 1960, to be payable on the 1st day of April, 1980, bearing interest at the rate of three per centum per annum, payable half-yearly, to be purchased by Ontario at par and the proceeds used to retire an equal amount of outstanding guaranteed bonds due April 1st, 1960, in the sum of \$2,100,000.00
- (b) by an issue of thirty-year serial bonds of the railway company, dated the 30th day of June, 1948, and payable in equal yearly sums of \$50,000 on the

30th day of June in each of the years 1949 to 1978, both inclusive, bearing interest at the rate of two per centum per annum, payable yearly, in the sum of..... \$1,500,000.00

(c) by paying, as hereinafter provided, the interest on the outstanding guaranteed bonds of \$3,000,000.

Windsor's share of capital debt.

(4) That part of the capital debt which by subsection 2 is made the obligation of Windsor shall be borne, provided for, secured and paid by the means and in the manner following:

(a) by an issue of thirty-year serial debentures of Windsor, dated the 30th day of June, 1948, payable in equal yearly sums of \$50,000 on the 30th day of June in each of the years 1949 to 1978, both inclusive, bearing interest at the rate of two per centum per annum, payable yearly, in the sum of..... \$1,500,000.00

Ontario's share of capital debt.

(5) That part of the capital debt which by subsection 2 is made the obligation of Ontario which consists of the outstanding guaranteed bonds for \$900,000 maturing and becoming payable on the 1st day of July, 1961, shall be borne and paid by Ontario under the guarantee of payment thereof without right of recourse, recovery or reimbursement by reason of such payment and shall be and be deemed to be written off and cancelled by Ontario as of the date or dates of redemption.

Form, etc., of bonds and debentures.

4.—(1) The bonds and debentures to be issued by the railway company and Windsor respectively, shall be in such form or forms, in such denominations, payable as to principal and interest in lawful money of Canada at such place or places and shall be executed and signed by such officers in such manner, including engraving, lithographing or other mechanical reproduction, as the Treasurer of Ontario may approve.

By-laws to be passed.

(2) The railway company and Windsor, respectively, shall have power to pass and shall pass all by-laws necessary to authorize the issue of the said bonds and debentures in such form or forms as the Treasurer of Ontario may approve.

Windsor by-law to be approved by Municipal Board.

Rev. Stat., c. 60.

(3) The by-law to be passed by Windsor shall also be subject to approval by the Ontario Municipal Board in accordance with *The Ontario Municipal Board Act* and when the by-law is approved and validated by that Board the Windsor

SECTION 4. This section authorizes the railway company and the City of Windsor to pass necessary by-laws and issue bonds and debentures as required and prescribed.

SECTION 5. This section requires the railway company to establish a sinking fund with the Treasurer of Ontario for the retirement of the \$2,100,000 twenty-year bonds to be issued on April 1st, 1960.

SECTION 6. This section creates no new liability on the part of the railway company but merely provides for the continuance of the present practice regarding payment of interest on all guaranteed bonds.

SECTION 7. The bonds of the railway company authorized by this bill are charged upon the assets of the railway and provision is made for a new trust indenture.

debentures issued thereunder shall be certified by the Board in accordance with the said Act.

(4) It shall not be necessary for its validity that the said by-law of Windsor be submitted to or receive the assent of the electors. Electors' assent not necessary.

(5) The bonds and debentures of the railway company and Windsor, respectively, when issued and ready for delivery in accordance with this Act shall forthwith be delivered to the Treasurer of Ontario as the absolute property of Ontario or of its assigns in the case of sale thereof or of any portion thereof by Ontario. Delivery of bonds and debentures to Ontario.

5.—(1) The railway company shall have power to establish and shall establish a sinking fund with the Treasurer of Ontario to provide for the retirement of the \$2,100,000 twenty-year sinking fund bonds mentioned in item *a* of subsection 3 of section 3 by paying to the Treasurer of Ontario the sum of \$15,750 on the 1st day of October, 1960, and the 1st days of April and October, 1961; the sum of \$42,750 on the 1st days of April and October in the years 1962 to 1978 inclusive; and the sum of \$25,848.50 on the 1st days of April and October, 1979. Sinking fund.

(2) The Treasurer of Ontario may accept the sums so paid and may establish a special account for the purposes of the sinking fund and credit interest on the sums so paid at the rate of three per centum per annum compounded half-yearly. Special account.

(3) On the 1st day of April, 1980, the Treasurer of Ontario may pay out of the Consolidated Revenue Fund the amount at the credit of such special account to the holder of such sinking fund bonds or to his agent or into a bank or as the Treasurer of Ontario may direct. Payment out.

6. The railway company as of and from the 30th day of June, 1948, shall provide for the payment of the interest due in each year upon the outstanding, unmatured guaranteed bonds amounting to \$3,000,000 according to the terms thereof, by depositing with the Treasurer of Ontario prior to each interest maturity date the aggregate amount of interest falling due thereon and the Treasurer of Ontario shall pay such interest to the holders of such bonds entitled thereto. Railway company to provide the interest on all guaranteed bonds.

7.—(1) All bonds of the railway company to be issued under this Act together with the outstanding and unmatured guaranteed bonds of \$3,000,000 shall be equally charged upon and secured by the railway as a first mortgage or charge thereon. Railway company bonds and guaranteed bonds to be a charge upon the railway.

Exception. (2) Subsection 1 shall, however, operate so that the bonds of the railway company for \$2,100,000 to be issued under this Act shall not become a charge upon and be secured by the railway prior to the 1st day of April, 1960.

New trust indenture. (3) For the benefit and security of the holders of the bonds of the railway company to be issued under this Act and the holders of the outstanding and unmatured guaranteed bonds, the railway company shall execute, deliver and enter into a trust indenture with the trustee referred to in subsection 3 of section 8 in such form and containing such provisions and powers and such mortgage or charge upon the railway as the Treasurer of Ontario may approve or require.

Withdrawal of seceding municipalities from the railway. **8.—(1)** Notwithstanding the principal Act and any agreement entered into thereunder or ratified and confirmed thereby, the seceding municipalities and each of them as of the 30th day of June, 1948, shall be deemed for all purposes and fully and effectually to have seceded and withdrawn from and to have surrendered and ceased to have any partnership, association, ownership or other rights, interests or shares of a contractual or statutory nature or origin in and to the railway and in the railway company.

Liability of seceding municipalities to cease. (2) Notwithstanding the principal Act and any agreement or mortgage deed of trust entered into thereunder or ratified and confirmed thereby, the seceding municipalities and each of them as of the 30th day of June, 1948, shall be deemed for all purposes and fully and effectually to have been freed, released and discharged of and from all manner and kinds of debts, liabilities and obligations, howsoever created, of and with respect to the railway and railway company and of and from all duties and responsibilities in respect thereto and, also, of and from all debts, liabilities and obligations, direct, collateral or contingent, created by themselves or any of them with respect to the railway or railway company or the partnership, association, ownership or other rights, interests and shares which they or any of them have had in or in connection with the railway or railway company.

Liability under collateral debentures of seceding municipalities terminated. (3) Without in any way limiting the generality of subsection 2 it is expressly provided and declared that all liability of the seceding municipalities and of each of them upon and in respect of their collateral debentures listed hereunder and now outstanding and held by the trustee under the mortgage deed of trust of the 31st day of July, 1931, ratified and confirmed by the principal Act and certificates of indebtedness held by the Treasurer of Ontario and listed hereunder, shall as of the 30th day of June, 1948, be deemed for all purposes and fully and effectually to have ceased and been terminated and cancelled:

SECTION 8. Under the plan the municipalities, other than Windsor, are to be relieved of their liabilities and to withdraw from any share or interest in the railway. This section carries this plan into effect. The present mortgage Deed of Trust is cancelled and the trustee relieved of his duty and liability thereunder.



List of Collateral Debentures

Town of Amherstburg	\$232,535.00
Town of La Salle	105,326.00
Town of Ojibway	73,907.00
Town of Riverside	199,594.00
Town of Tecumseh	98,982.20
Township of Sandwich West	315,980.00
Township of Sandwich East	62,813.00
	<hr/>
Total	\$1,089,137.20
	<hr/>

List of Certificates of Indebtedness

Town of La Salle	\$8,036.86
Town of Riverside	15,229.78
Township of Sandwich East	4,792.97
Township of Sandwich West	24,110.73
	<hr/>
	\$52,170.34
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(4) Forthwith after this section comes into force the trustee under the mortgage deed of trust mentioned in subsection 3 shall surrender and deliver to the Treasurer of Ontario all of the collateral debentures listed in subsection 3 for the purpose of cancellation, and when the debentures are received by him the Treasurer of Ontario shall cause such debentures and the certificates of indebtedness listed in subsection 3 to be cancelled and returned as cancelled to the seceding municipalities, each receiving its own debentures and certificates of indebtedness only, and each seceding municipality shall cause the debentures and certificates of indebtedness when received to be destroyed according to law.

(5) The trustee under the mortgage deed of trust mentioned in subsection 3 shall have all necessary authority and power to comply with this Act, notwithstanding any provision of such trust instrument and upon compliance by the trustee with its obligations under subsection 4 and section 12 such trust instrument shall be and shall be deemed for all purposes and fully and effectually to have been abrogated and cancelled and the trustee freed, relieved and discharged of and from all the duties and responsibilities of its office and of and from all claims, demands, liabilities and obligations with respect to its office arising out of such trust instrument.

Final settlement and payment of accounts between seceding municipalities and railway company.

9.—(1) The amounts set forth hereunder and respectively shown opposite to the name of each of the seceding municipalities are and each of them is fixed and established as the amounts to be paid by the railway company to the seceding municipalities in final settlement and complete discharge of all accounts between the seceding municipalities, or any of them, and the railway company in any way arising with respect to the railway and forthwith after this section comes into force, the railway company shall pay the amounts so fixed and established as shown hereunder, namely:

Municipality	Amount due to Municipality
Town of Amherstburg	Nil
Town of La Salle	\$16,561.17
Town of Ojibway	Nil
Town of Riverside	30,317.90
Town of Tecumseh	30,514.52
Township of Sandwich East	\$3,042.30
Less—Township Debentures	4,073.61
	Nil
Township of Sandwich West	\$22,791.71
Less—Township Debentures	18,167.78
	4,623.93
	\$82,017.52

and the net debit balance of \$1,031.31 owing by the Township of Sandwich East to the railway company shall be written off by the railway company and shall not be payable by the Township.

Cancellation of township debentures held by railway company.

(2) The debentures of the Township of Sandwich East and the Township of Sandwich West referred to in subsection 1 that are held by the railway company shall be cancelled by it and returned to the townships, each receiving its own debentures, and when so received each of the townships shall cause the cancelled debentures to be destroyed according to law.

Railway franchise to continue in seceding municipalities.

10.—(1) Notwithstanding anything in this Act, all the powers, authority, rights and privileges of the railway company granted by or under the principal Act to construct, carry on and operate the railway in, out of and through the seceding municipalities or any of them or any part or parts thereof, shall continue to subsist and may be exercised, used and enjoyed to the same extent, in the same manner and

SECTION 9. This is complementary to section 8.

SECTION 10. The franchise rights of the railway company in the seceding municipalities are preserved.

SECTION 11. This section is self-explanatory.

SECTION 12. This section implements the objects of the plan as far as the City of Windsor is concerned.

with the like franchise rights, privileges and protection granted by or under the principal Act, subject only to the jurisdiction of the Ontario Municipal Board as provided herein and in the principal Act.

(2) The Ontario Municipal Board shall have jurisdiction and authority to hear and determine all disputes and other matters in relation to the construction and operation of the railway in, and through the seceding municipalities or any of them or any part or parts thereof and the furnishing and discontinuance of railway service therein upon the application of any of the seceding municipalities or the railway company and the Board may dispose of any dispute or other matter upon such terms and conditions as may appear to be equitable and just.

Municipal Board to settle disputes as to railway operation and service.

11. Assessment and taxation of the railway and the railway company in and by any municipalities including any of the seceding municipalities shall continue to be in accordance with the principal Act.

Assessment and taxation.

12.—(1) Forthwith after this section comes into force, the trustee under the mortgage deed of trust mentioned in subsection 3 of section 8 shall surrender and deliver to the Treasurer of Ontario all debentures of Windsor held by it under such trust instrument.

Surrender of Windsor's debentures by trustee.

(2) When Windsor issues the debentures for \$1,500,000 mentioned in section 3 and has delivered them to the Treasurer of Ontario in compliance with sections 3 and 4, all liability of Windsor upon and in respect of its outstanding collateral debt for the railway amounting as of the 30th day of June, 1948, to \$4,044,475.87, represented by Windsor debentures for that amount held in part by the Treasurer of Ontario and in part by the said trustee, shall cease and as of the date mentioned shall be deemed for all purposes and fully and effectually to have been terminated and cancelled.

Cancellation of Windsor's collateral debt.

(3) The Treasurer of Ontario upon receipt by him of the said debentures from the said trustee, shall thereupon cancel Windsor debentures then held by him in the total amount of \$4,045,000 and return the cancelled debentures to Windsor which shall cause the same to be destroyed according to law, and Windsor shall at the same time pay to the Treasurer of Ontario the sum of \$524.13, being the difference between \$4,045,000 and \$4,044,475.87 to bring the account into balance.

Return of cancelled debentures to Windsor.

13.—(1) This Act, other than sections 8, 9, 10, 11 and 12, shall come into force on the day it receives the Royal Assent.

Commencement of Act other than ss. 8-12;

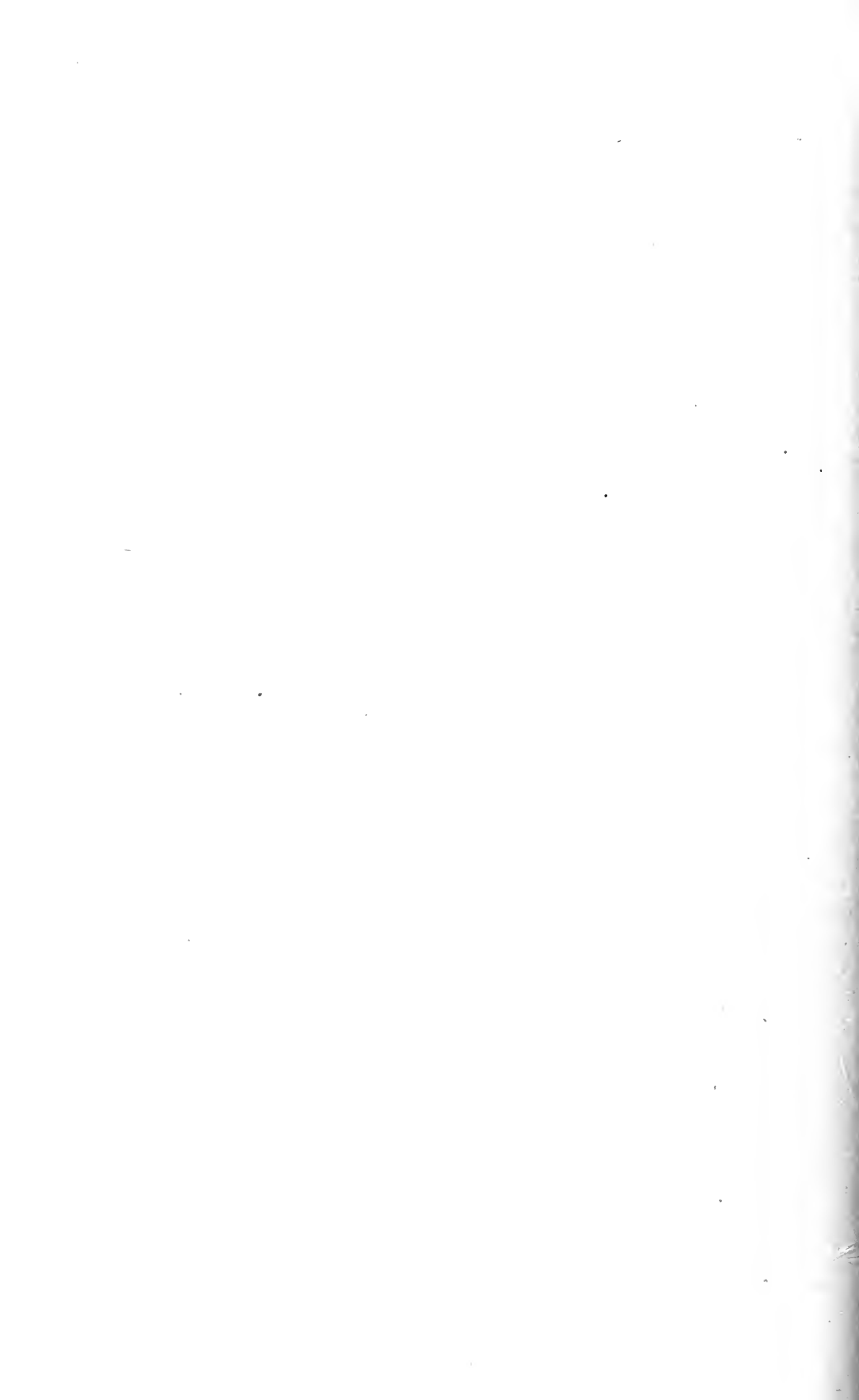
ss. 8-12.

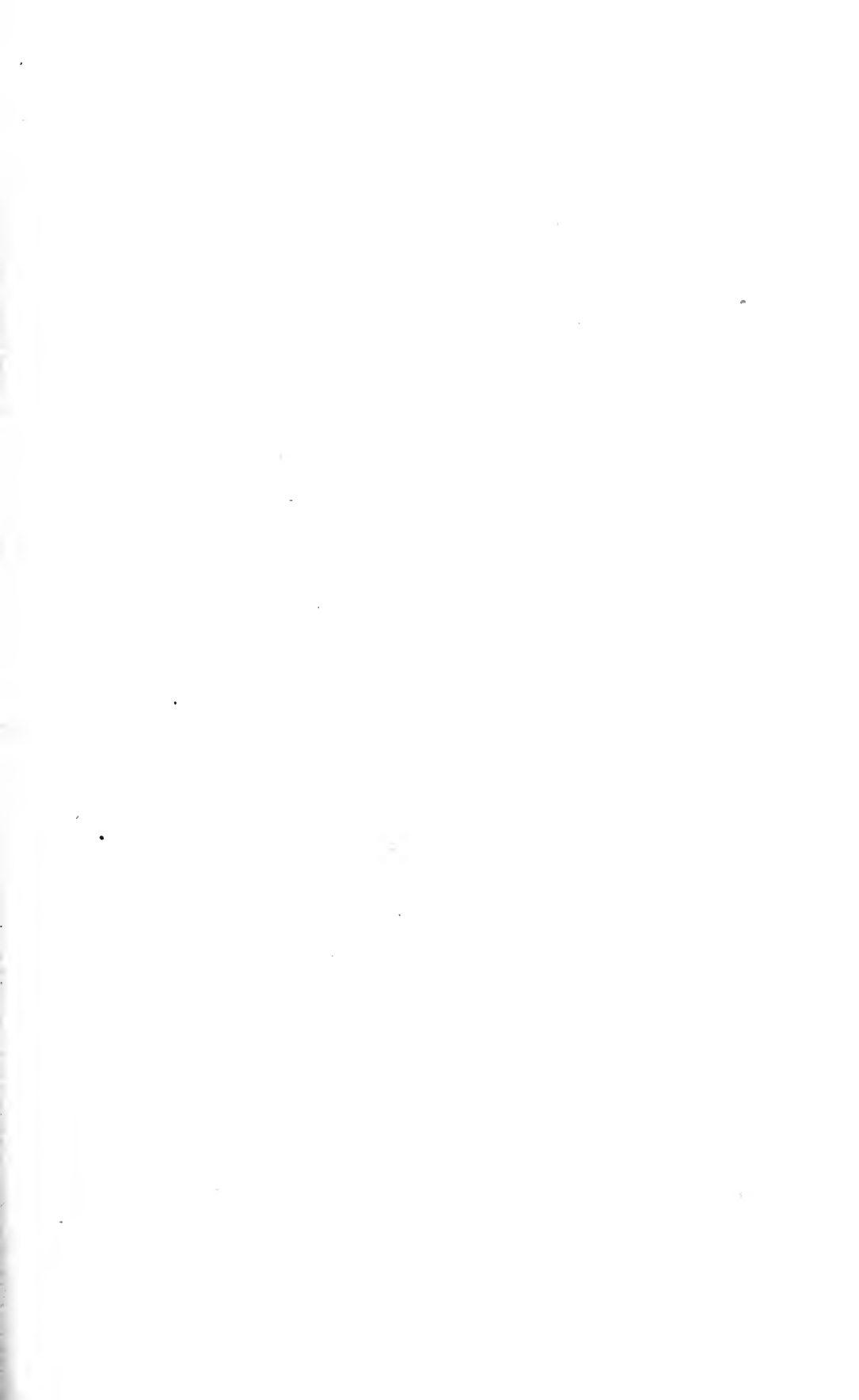
(2) Sections 8, 9, 10, 11 and 12 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

14. This Act may be cited as *The Sandwich, Windsor and Amherstburg Railway Act, 1949*.







BILL

An Act respecting the Sandwich, Windsor
and Amherstburg Railway.

1st Reading

March 8th, 1949

2nd Reading

3rd Reading

MR. GRIESINGER

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act respecting the Sandwich, Windsor and Amherstburg Railway.

MR. GRIESINGER



BILL

An Act respecting the Sandwich, Windsor and Amherstburg Railway.

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) “guaranteed bonds” means bonds and debentures heretofore issued by The Hydro-Electric Power Commission of Ontario as principal or agent with respect to the railway under the principal Act, payment of which is guaranteed by Ontario; ^{“guaranteed bonds”;}
- (b) “Ontario” means Province of Ontario; ^{“Ontario”;}
- (c) “principal Act” includes every general and special Act, or any part, schedules or provisions thereof, in force on the day this Act receives the Royal Assent that pertains in any way to the railway or railway company or in relation to the railway or railway company pertains in any way to Ontario, Windsor or the seceding municipalities or any of them; ^{“principal Act”;}
- (d) “railway” means the Sandwich, Windsor and Amherstburg Railway and includes the whole undertaking, properties and assets of the railway company; ^{“railway”;}
- (e) “railway company” means the Sandwich, Windsor and Amherstburg Railway Company and includes its successors and assigns; ^{“railway company”;}
- (f) “seceding municipalities” means the Towns of Amherstburg, La Salle, Ojibway, Riverside and Tecumseh and the Townships of Sandwich East and Sandwich West; and ^{“seceding municipalities”;}
- (g) “Windsor” means the City of Windsor. ^{“Windsor”.}

Application
of principal
Act.

2.—(1) Subject to this Act the principal Act shall continue to apply to the railway and to the railway company and to all matters and things pertaining thereto, but where there is conflict between the principal Act and this Act, this Act shall prevail.

Guaranteed
bonds not
affected.

(2) Nothing in this Act shall affect or impair the guarantee of payment by Ontario of the guaranteed bonds.

Establish-
ment of
capital
debt of
railway.

3.—(1) The outstanding capital debt, matured and unmatured, of and owing with respect to the railway, howsoever incurred and by and to whomsoever the same is owing, is for all purposes and as to all persons, natural and corporate, fixed and established as of the 30th day of June, 1948, at the following total amounts:

(a) guaranteed bonds, unmatured and in the hands of the public, as follows:

due April 1st, 1960.....	\$2,100,000.00
due July 1st, 1961.....	900,000.00

(b) guaranteed bonds, matured and paid by Ontario under its guarantee and held by it with legal right of recourse, and interest and charges paid or payable prior to July 1st, 1948, by Ontario upon and in respect of the guaranteed bonds matured and unmatured, with the same right of recourse, as set out below:

Paid.....	\$3,524,963.99
Payable—Unpresented Coupons.....	3,300.00
	<u>\$3,528,263.99</u>

Less—Amount due on April 1st, 1948, but paid by the railway company on July 29th, 1948.....

47,227.50	3,481,036.49
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	<u><u>\$6,481,036.49</u></u>
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Distribution
of liability
for capital
debt.

(2) The capital debt so fixed and established shall be assumed, borne, paid and discharged as follows:

1. The portion referred to in item *a* of subsection 1,

(a) by the railway company as its principal obligation bonds due on April 1st, 1960, together with interest coupons payable subsequent to June 30th, 1948 \$2,100,000.00

by the railway company as its obligation interest coupons, in respect to the \$900,000 due on July 1st, 1961, payable subsequent to June 30th, 1948;

(b) by Ontario, as its obligation principal of bonds due July 1st, 1961..... 900,000.00

2. The portion referred to in item b of subsection 1,

(a) by the railway company as its obligation..... 1,500,000.00

(b) by Windsor as its obligation... 1,500,000.00

(c) the balance owing to Ontario to be and be deemed to be written off and cancelled as of June 30th, 1948, without right of recovery..... 481,036.49

\$6,481,036.49

(3) That part of the capital debt which by subsection 2 is made the obligation of the railway company shall be borne, provided for, secured and paid by the means and in the manner following:

(a) by an issue of twenty-year sinking fund bonds of the railway company to be dated the 1st day of April, 1960, to be payable on the 1st day of April, 1980, bearing interest at the rate of three per centum per annum, payable half-yearly, to be purchased by Ontario at par and the proceeds used to retire an equal amount of outstanding guaranteed bonds due April 1st, 1960, in the sum of..... \$2,100,000.00

(b) by an issue of thirty-year serial bonds of the railway company, dated the 30th day of June, 1948, and payable in equal yearly sums of \$50,000 on the

30th day of June in each of the years 1949 to 1978, both inclusive, bearing interest at the rate of two per centum per annum, payable yearly, in the sum of \$1,500,000.00

(c) by paying, as hereinafter provided, the interest on the outstanding guaranteed bonds of \$3,000,000.

Windsor's share of capital debt.

(4) That part of the capital debt which by subsection 2 is made the obligation of Windsor shall be borne, provided for, secured and paid by the means and in the manner following:

(a) by an issue of thirty-year serial debentures of Windsor, dated the 30th day of June, 1948, payable in equal yearly sums of \$50,000 on the 30th day of June in each of the years 1949 to 1978, both inclusive, bearing interest at the rate of two per centum per annum, payable yearly, in the sum of \$1,500,000.00

Ontario's share of capital debt.

(5) That part of the capital debt which by subsection 2 is made the obligation of Ontario which consists of the outstanding guaranteed bonds for \$900,000 maturing and becoming payable on the 1st day of July, 1961, shall be borne and paid by Ontario under the guarantee of payment thereof without right of recourse, recovery or reimbursement by reason of such payment and shall be and be deemed to be written off and cancelled by Ontario as of the date or dates of redemption.

Form, etc., of bonds and debentures.

4.—(1) The bonds and debentures to be issued by the railway company and Windsor respectively, shall be in such form or forms, in such denominations, payable as to principal and interest in lawful money of Canada at such place or places and shall be executed and signed by such officers in such manner, including engraving, lithographing or other mechanical reproduction, as the Treasurer of Ontario may approve.

By-laws to be passed.

(2) The railway company and Windsor, respectively, shall have power to pass and shall pass all by-laws necessary to authorize the issue of the said bonds and debentures in such form or forms as the Treasurer of Ontario may approve.

Windsor by-law to be approved by Municipal Board.
Rev. Stat., c. 60.

(3) The by-law to be passed by Windsor shall also be subject to approval by the Ontario Municipal Board in accordance with *The Ontario Municipal Board Act* and when the by-law is approved and validated by that Board the Windsor

debentures issued thereunder shall be certified by the Board in accordance with the said Act.

(4) It shall not be necessary for its validity that the said ^{Electors' assent not necessary.} by-law of Windsor be submitted to or receive the assent of the electors.

(5) The bonds and debentures of the railway company and Windsor, respectively, when issued and ready for delivery in accordance with this Act shall forthwith be delivered to the Treasurer of Ontario as the absolute property of Ontario or of its assigns in the case of sale thereof or of any portion thereof by Ontario. ^{Delivery of bonds and debentures to Ontario.}

5.—(1) The railway company shall have power to establish ^{Sinking fund.} and shall establish a sinking fund with the Treasurer of Ontario to provide for the retirement of the \$2,100,000 twenty-year sinking fund bonds mentioned in item a of subsection 3 of section 3 by paying to the Treasurer of Ontario the sum of \$15,750 on the 1st day of October, 1960, and the 1st days of April and October, 1961; the sum of \$42,750 on the 1st days of April and October in the years 1962 to 1978 inclusive; and the sum of \$25,848.50 on the 1st days of April and October, 1979.

(2) The Treasurer of Ontario may accept the sums so paid ^{Special account.} and may establish a special account for the purposes of the sinking fund and credit interest on the sums so paid at the rate of three per centum per annum compounded half-yearly.

(3) On the 1st day of April, 1980, the Treasurer of Ontario ^{Payment out.} may pay out of the Consolidated Revenue Fund the amount at the credit of such special account to the holder of such sinking fund bonds or to his agent or into a bank or as the Treasurer of Ontario may direct.

6. The railway company as of and from the 30th day of June, 1948, shall provide for the payment of the interest due ^{Railway company to provide the interest on all guaranteed bonds.} in each year upon the outstanding, unmatured guaranteed bonds amounting to \$3,000,000 according to the terms thereof, by depositing with the Treasurer of Ontario prior to each interest maturity date the aggregate amount of interest falling due thereon and the Treasurer of Ontario shall pay such interest to the holders of such bonds entitled thereto.

7.—(1) All bonds of the railway company to be issued ^{Railway company bonds and guaranteed bonds to be a charge upon the railway.} under this Act together with the outstanding and unmatured guaranteed bonds of \$3,000,000 shall be equally charged upon and secured by the railway as a first mortgage or charge thereon.

Exception.

(2) Subsection 1 shall, however, operate so that the bonds of the railway company for \$2,100,000 to be issued under this Act shall not become a charge upon and be secured by the railway prior to the 1st day of April, 1960.

New trust indenture.

(3) For the benefit and security of the holders of the bonds of the railway company to be issued under this Act and the holders of the outstanding and unmatured guaranteed bonds, the railway company shall execute, deliver and enter into a trust indenture with the trustee referred to in subsection 3 of section 8 in such form and containing such provisions and powers and such mortgage or charge upon the railway as the Treasurer of Ontario may approve or require.

Withdrawal of seceding municipalities from the railway.

8.—(1) Notwithstanding the principal Act and any agreement entered into thereunder or ratified and confirmed thereby, the seceding municipalities and each of them as of the 30th day of June, 1948, shall be deemed for all purposes and fully and effectually to have seceded and withdrawn from and to have surrendered and ceased to have any partnership, association, ownership or other rights, interests or shares of a contractual or statutory nature or origin in and to the railway and in the railway company.

Liability of seceding municipalities to cease.

(2) Notwithstanding the principal Act and any agreement or mortgage deed of trust entered into thereunder or ratified and confirmed thereby, the seceding municipalities and each of them as of the 30th day of June, 1948, shall be deemed for all purposes and fully and effectually to have been freed, released and discharged of and from all manner and kinds of debts, liabilities and obligations, howsoever created, of and with respect to the railway and railway company and of and from all duties and responsibilities in respect thereto and, also, of and from all debts, liabilities and obligations, direct, collateral or contingent, created by themselves or any of them with respect to the railway or railway company or the partnership, association, ownership or other rights, interests and shares which they or any of them have had in or in connection with the railway or railway company.

Liability under collateral debentures of seceding municipalities terminated.

(3) Without in any way limiting the generality of subsection 2 it is expressly provided and declared that all liability of the seceding municipalities and of each of them upon and in respect of their collateral debentures listed hereunder and now outstanding and held by the trustee under the mortgage deed of trust of the 31st day of July, 1931, ratified and confirmed by the principal Act and certificates of indebtedness held by the Treasurer of Ontario and listed hereunder, shall as of the 30th day of June, 1948, be deemed for all purposes and fully and effectually to have ceased and been terminated and cancelled:

List of Collateral Debentures

Town of Amherstburg.....	\$232,535.00
Town of La Salle.....	105,326.00
Town of Ojibway.....	73,907.00
Town of Riverside.....	199,594.00
Town of Tecumseh.....	98,982.20
Township of Sandwich West.....	315,980.00
Township of Sandwich East.....	62,813.00
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Total.....	\$1,089,137.20
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List of Certificates of Indebtedness

Town of La Salle.....	\$8,036.86
Town of Riverside.....	15,229.78
Township of Sandwich East.....	4,792.97
Township of Sandwich West.....	24,110.73
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	\$52,170.34
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(4) Forthwith after this section comes into force the trustee under the mortgage deed of trust mentioned in subsection 3 shall surrender and deliver to the Treasurer of Ontario all of the collateral debentures listed in subsection 3 for the purpose of cancellation, and when the debentures are received by him the Treasurer of Ontario shall cause such debentures and the certificates of indebtedness listed in subsection 3 to be cancelled and returned as cancelled to the seceding municipalities, each receiving its own debentures and certificates of indebtedness only, and each seceding municipality shall cause the debentures and certificates of indebtedness when received to be destroyed according to law.

(5) The trustee under the mortgage deed of trust mentioned in subsection 3 shall have all necessary authority and power to comply with this Act, notwithstanding any provision of such trust instrument and upon compliance by the trustee with its obligations under subsection 4 and section 12 such trust instrument shall be and shall be deemed for all purposes and fully and effectually to have been abrogated and cancelled and the trustee freed, relieved and discharged of and from all the duties and responsibilities of its office and of and from all claims, demands, liabilities and obligations with respect to its office arising out of such trust instrument.

Final settlement and payment of accounts between seceding municipalities and railway company.

9.—(1) The amounts set forth hereunder and respectively shown opposite to the name of each of the seceding municipalities are and each of them is fixed and established as the amounts to be paid by the railway company to the seceding municipalities in final settlement and complete discharge of all accounts between the seceding municipalities, or any of them, and the railway company in any way arising with respect to the railway and forthwith after this section comes into force the railway company shall pay the amounts so fixed and established as shown hereunder, namely:

Municipality	Amount due to Municipality
Town of Amherstburg	Nil
Town of La Salle	\$16,561.17
Town of Ojibway	Nil
Town of Riverside	30,317.90
Town of Tecumseh	30,514.52
Township of Sandwich East	\$3,042.30
Less—Township Debentures	4,073.61
	Nil
Township of Sandwich West	\$22,791.71
Less—Township Debentures	18,167.78
	4,623.93
	\$82,017.52

and the net debit balance of \$1,031.31 owing by the Township of Sandwich East to the railway company shall be written off by the railway company and shall not be payable by the Township.

Cancellation of township debentures held by railway company.

(2) The debentures of the Township of Sandwich East and the Township of Sandwich West referred to in subsection 1 that are held by the railway company shall be cancelled by it and returned to the townships, each receiving its own debentures, and when so received each of the townships shall cause the cancelled debentures to be destroyed according to law.

Railway franchise to continue in seceding municipalities.

10.—(1) Notwithstanding anything in this Act, all the powers, authority, rights and privileges of the railway company granted by or under the principal Act to construct, carry on and operate the railway in, out of and through the seceding municipalities or any of them or any part or parts thereof, shall continue to subsist and may be exercised, used and enjoyed to the same extent, in the same manner and

with the like franchise rights, privileges and protection granted by or under the principal Act, subject only to the jurisdiction of the Ontario Municipal Board as provided herein and in the principal Act.

(2) The Ontario Municipal Board shall have jurisdiction and authority to hear and determine all disputes and other matters in relation to the construction and operation of the railway in, and through the seceding municipalities or any of them or any part or parts thereof and the furnishing and discontinuance of railway service therein upon the application of any of the seceding municipalities or the railway company and the Board may dispose of any dispute or other matter upon such terms and conditions as may appear to be equitable and just.

Municipal Board to settle disputes as to railway operation and service.

11. Assessment and taxation of the railway and the railway company in and by any municipalities including any of the seceding municipalities shall continue to be in accordance with the principal Act.

Assessment and taxation.

12.—(1) Forthwith after this section comes into force, the trustee under the mortgage deed of trust mentioned in subsection 3 of section 8 shall surrender and deliver to the Treasurer of Ontario all debentures of Windsor held by it under such trust instrument.

Surrender of Windsor's debentures by trustee.

(2) When Windsor issues the debentures for \$1,500,000 mentioned in section 3 and has delivered them to the Treasurer of Ontario in compliance with sections 3 and 4, all liability of Windsor upon and in respect of its outstanding collateral debt for the railway amounting as of the 30th day of June, 1948, to \$4,044,475.87, represented by Windsor debentures for that amount held in part by the Treasurer of Ontario and in part by the said trustee, shall cease and as of the date mentioned shall be deemed for all purposes and fully and effectually to have been terminated and cancelled.

Cancellation of Windsor's collateral debt.

(3) The Treasurer of Ontario upon receipt by him of the said debentures from the said trustee, shall thereupon cancel Windsor debentures then held by him in the total amount of \$4,045,000 and return the cancelled debentures to Windsor which shall cause the same to be destroyed according to law, and Windsor shall at the same time pay to the Treasurer of Ontario the sum of \$524.13, being the difference between \$4,045,000 and \$4,044,475.87 to bring the account into balance.

Return of cancelled debentures to Windsor.

13.—(1) This Act, other than sections 8, 9, 10, 11 and 12, shall come into force on the day it receives the Royal Assent.

Commencement of Act other than ss. 8-12;

ss. 8-12.

(2) Sections 8, 9, 10, 11 and 12 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 Sandwich, Windsor and Amherstburg Railway Act, 1949*.



BILL

An Act respecting the Sandwich, Windsor
and Amherstburg Railway.

1st Reading

March 8th, 1949

2nd Reading

March 11th, 1949

3rd Reading

March 22nd, 1949

MR. GRESINGER

No. 118

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Tile Drainage Act.

MR. DOUCETT

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

EXPLANATORY NOTES

SECTION 1. The Act at present provides for notice being given to a mortgagee or other encumbrancer of an application for a loan, but there was no method set out for him to make his objections. These amendments accomplish this and also make it clear that the granting or refusal of a loan is in the discretion of the council.

SECTION 2. The amount that may be borrowed under the Act is increased from \$2,000 per hundred acres or fraction thereof to \$3,000 per hundred acres or fraction thereof.

SECTION 3. Provision is made that the inspector must certify that the work has been satisfactorily completed and must file a plan of the work before the money can be advanced.

BILL

An Act to amend The Tile Drainage Act.

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

1. Section 7 of *The Tile Drainage Act* is amended by adding thereto the following subsections: Rev. Stat., c. 72, s. 7, amended.

(4) If a mortgagee, encumbrancer or assignee notifies the clerk in writing within the time specified in subsection 3 that he objects to the granting of the application, the council shall hold a hearing of which the clerk shall give at least five days' notice in writing by registered post to the applicant and to the mortgagee, encumbrancer or assignee who gave the notice. Hearing.

(5) The granting or refusal of any application shall be in the discretion of the council whose decision shall be final. Discretion of council.

2. Section 13 of *The Tile Drainage Act* is amended by striking out the symbol and figures "\$2,000" in the second line and inserting in lieu thereof the symbol and figures "\$3,000", so that the section shall read as follows: Rev. Stat., c. 72, s. 13, amended.

13. The amount loaned to any one person shall not exceed \$3,000 for each one hundred acres or fraction thereof, nor seventy-five per centum of the total cost of the work. Limit of loan to individual.

3. Subsection 1 of section 16 of *The Tile Drainage Act* is repealed and the following substituted therefor: Rev. Stat., c. 72, s. 16, subs. 1, re-enacted.

(1) On the completion to his satisfaction of any drainage work under his charge, the inspector shall file with the clerk a report to the council certifying that in his opinion the work has been satisfactorily completed and showing,— Inspector's report.

- (a) the number of rods of drainage constructed on each lot or parcel of land;
- (b) the cost per rod;
- (c) a plan of the work; and
- (d) such other particulars as may be required by the council.

Rev. Stat.,
c. 72,
amended.

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

Sale of part
of land rated
for work.

17a.—(1) Where a part of a parcel of land in respect of which money has been lent is sold, the council of the municipality may apportion the special annual rate between the part sold and the part remaining.

Notice.

(2) The clerk shall give the owners of the parts into which the parcel is divided and the mortgagees, encumbrancers or assignees at least five days' notice in writing by registered post of the time and place the council will make the apportionment.

Apportion-
ment of rate.

(3) The council in making the apportionment shall have regard to the part of the parcel affected by the drainage work and such other matters as it deems expedient and the decision of the council with respect to the apportionment shall be final.

Filing of
apportion-
ment.

(4) The apportionment shall be filed in writing with the clerk and thereafter the special annual rate shall be levied and collected in accordance with the apportionment.

Commence-
ment of Act.

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

Short title.

6. This Act may be cited as *The Tile Drainage Amendment Act, 1949*.

SECTION 4. The section added provides a method whereby when part of a farm in respect of which a loan has been made is sold, the special annual rate can be apportioned between the part sold and the remaining part.



BILL

An Act to amend The Tile Drainage Act.

1st Reading

March 10th, 1949

2nd Reading

3rd Reading

MR. DOUCETT

No. 118

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Tile Drainage Act.

MR. DOUCETT

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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BILL

An Act to amend The Tile Drainage Act.

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

1. Section 7 of *The Tile Drainage Act* is amended by adding thereto the following subsections: Rev. Stat., c. 72, s. 7, amended.

(4) If a mortgagee, encumbrancer or assignee notifies the clerk in writing within the time specified in subsection 3 that he objects to the granting of the application, the council shall hold a hearing of which the clerk shall give at least five days' notice in writing by registered post to the applicant and to the mortgagee, encumbrancer or assignee who gave the notice. Hearing.

(5) The granting or refusal of any application shall be in the discretion of the council whose decision shall be final. Discretion of council.

2. Section 13 of *The Tile Drainage Act* is amended by striking out the symbol and figures "\$2,000" in the second line and inserting in lieu thereof the symbol and figures "\$3,000", so that the section shall read as follows: Rev. Stat., c. 72, s. 13, amended.

13. The amount loaned to any one person shall not exceed \$3,000 for each one hundred acres or fraction thereof, nor seventy-five per centum of the total cost of the work. Limit of loan to individual.

3. Subsection 1 of section 16 of *The Tile Drainage Act* is repealed and the following substituted therefor: Rev. Stat., c. 72, s. 16, subs. 1, re-enacted.

(1) On the completion to his satisfaction of any drainage work under his charge, the inspector shall file with the clerk a report to the council certifying that in his opinion the work has been satisfactorily completed and showing,— Inspector's report.

- (a) the number of rods of drainage constructed on each lot or parcel of land;
- (b) the cost per rod;
- (c) a plan of the work; and
- (d) such other particulars as may be required by the council.

Rev. Stat.,
c. 72,
amended. **4.** *The Tile Drainage Act* is amended by adding thereto the following section:

Sale of part
of land rated
for work. 17a.—(1) Where a part of a parcel of land in respect of which money has been lent is sold, the council of the municipality may apportion the special annual rate between the part sold and the part remaining.

Notice. (2) The clerk shall give the owners of the parts into which the parcel is divided and the mortgagees, encumbrancers or assignees at least five days' notice in writing by registered post of the time and place the council will make the apportionment.

Apportion-
ment of rate. (3) The council in making the apportionment shall have regard to the part of the parcel affected by the drainage work and such other matters as it deems expedient and the decision of the council with respect to the apportionment shall be final.

Filing of
apportion-
ment. (4) The apportionment shall be filed in writing with the clerk and thereafter the special annual rate shall be levied and collected in accordance with the apportionment.

Commence-
ment of Act. **5.** This Act shall come into force on the day it receives the Royal Assent.

Short title. **6.** This Act may be cited as *The Tile Drainage Amendment Act, 1949*.





BILL

An Act to amend The Tile Drainage Act.

1st Reading

March 10th, 1949

2nd Reading

March 17th, 1949

3rd Reading

March 22nd, 1949

MR. DOUCETT

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Ditches and Watercourses Act.

MR. DOUCETT

EXPLANATORY NOTES

SECTION 1—Subsection 1. This amendment makes it clear that an owner is not necessarily to be charged with the maintenance of all the portion of the ditch that is on his land.

Subsections 2 and 3. These amendments are complementary to section 20*a* added to the Act in section 3 of this Bill.

BILL

An Act to amend The Ditches and Watercourses Act.

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

1.—(1) Subsection 3 of section 15 of *The Ditches and Watercourses Act* is amended by inserting after the word “practicable” in the eleventh line the words “and equitable”, so that the subsection shall read as follows: Rev. Stat., c. 350, s. 15, subs. 3, amended.

(3) The engineer may adjourn his examination and the hearing of evidence from time to time and if he finds that the ditch is required he shall, within sixty days after his first attendance, make his award in writing (Form 6) specifying clearly the location, description and course of the ditch, its commencement and termination, apportioning the work and the furnishing of material among the lands affected and the owners thereof, according to his estimate of their respective interests in the ditch, fixing the time for performance by the respective owners, apportioning the maintenance of the ditch among all or any of the owners so that as far as practicable and equitable each owner shall maintain the portion on his own land, and stating the amount of his fees and the other charges and by whom the same shall be paid. Further proceedings by engineer making award.

(2) Subsection 4 of the said section 15 is amended by striking out the words “shall certify in writing to the clerk” in the fifth line and inserting in lieu thereof the words “within the time prescribed in subsection 2 shall file with the clerk a certificate stating that he refuses to make an award, his reasons for such refusal,” so that the subsection shall read as follows: Rev. Stat., c. 350, s. 15, subs. 4, amended.

(4) If the engineer finds that the ditch is not required or is impracticable or cannot be constructed under the provisions of this Act, or if the owner filing the requisition neglects or refuses to serve notices as Certificate of engineer where award refused.

directed by the engineer under subsection 2, the engineer within the time prescribed in subsection 2 shall file with the clerk a certificate stating that he refuses to make an award, his reasons for such refusal, the amount of his fees and the other charges and by whom the same shall be paid.

Rev. Stat.,
c. 350, s. 15,
amended.

(3) The said section 15 is further amended by adding thereto the following subsection:

Notice of
certificate
of refusal.

(4a) Where the engineer files a certificate of refusal under subsection 4, the clerk shall notify the owner who made the requisition and the other owners named in the requisition, by registered letter or personal service, of the filing of the certificate of refusal, and shall keep a record of the persons to whom he sent notices, the addresses to which the notices were sent, and the date upon which the notices were deposited in the post office or personally served.

Rev. Stat.,
c. 350, s. 18,
amended.

2. Section 18 of *The Ditches and Watercourses Act* is amended by adding thereto the following subsection:

Filing of
documents.

(4) The clerk shall index and carefully file in a safe place all agreements and awards made under this Act.

Rev. Stat.,
c. 350,
amended.

3. *The Ditches and Watercourses Act* is amended by adding thereto the following sections:

Appeal from
refusal of
award.

20a.—(1) Where the engineer refuses to make an award because the ditch is not required or is impracticable or cannot be constructed under the provisions of this Act, any owner affected by the refusal, within fifteen clear days from the date of the mailing or service of the last notice under subsection 4a of section 15, may appeal therefrom to the judge.

Judgment
on appeal.

(2) Upon the hearing of the appeal, the judge may dismiss the appeal or may allow the appeal and direct the engineer to make an award in the manner provided in subsection 3 of section 15.

Application
of sections
20 to 24.

(3) Except where inconsistent with this section, sections 20 to 24 shall apply to an appeal under this section, and for the purposes of sections 20 to 24 the certificate of refusal of the engineer shall be deemed to be an award.

Judgment
dismissing
appeal final.

(4) Where the judge dismisses the appeal, there shall be no appeal to the drainage referee from his judgment.

SECTION 2. Self-explanatory.

SECTION 3. The new section 20*a* provides an appeal to the county judge where an engineer refuses to make an award on the ground that the ditch is not required or is impracticable or cannot be constructed under the Act.

The new section 34a provides a method of apportioning the maintenance awarded against a farm where part of the farm is later sold.

SECTION 4. Self-explanatory. This amendment and the amendment made by section 2 of the Bill are designed to ensure that awards and agreements made under the Act will be readily accessible to persons desiring to search for these records.

34a.—(1) Where a parcel of land is charged with maintenance in respect of a ditch constructed pursuant to an agreement or award, and one or more parts of the parcel is sold, the clerk of the municipality in which the parcel is situate shall direct the municipal engineer in writing to apportion the maintenance charged against the parcel among the parts into which the parcel is divided. Subdivision of land charged with maintenance.

(2) The clerk shall send a copy of the direction by registered post to the owners of the parts into which the parcel is divided. Notice to owners.

(3) The engineer shall make the apportionment in writing and shall file it in the same manner as an award, and the apportionment shall thereupon be binding upon the parts into which the parcel is divided and the owners thereof. Apportionment of maintenance.

4. Section 37 of *The Ditches and Watercourses Act* is amended by adding at the end thereof the words “and to supply the clerk with proper filing equipment for the safe-keeping of all agreements and awards made under this Act”, so that the section shall read as follows: Rev. Stat., c. 350, s. 37, amended.

37. It shall be the duty of the council of every municipality to keep printed copies of all the forms required by this Act and to supply the clerk with proper filing equipment for the safe-keeping of all agreements and awards made under this Act. Forms to be supplied by municipality.

5. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

6. This Act may be cited as *The Ditches and Watercourses Amendment Act, 1949*. Short title.

An Act to amend The Ditches and
Watercourses Act.

1st Reading

March 10th, 1949

2nd Reading

3rd Reading

MR. DOUCETT

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Ditches and Watercourses Act.

MR. DOUCETT

BILL

An Act to amend The Ditches and Watercourses Act.

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

1.—(1) Subsection 3 of section 15 of *The Ditches and Watercourses Act* is amended by inserting after the word “practicable” in the eleventh line the words “and equitable”, so that the subsection shall read as follows: Rev. Stat., c. 350, s. 15, subs. 3, amended.

(3) The engineer may adjourn his examination and the hearing of evidence from time to time and if he finds that the ditch is required he shall, within sixty days after his first attendance, make his award in writing (Form 6) specifying clearly the location, description and course of the ditch, its commencement and termination, apportioning the work and the furnishing of material among the lands affected and the owners thereof, according to his estimate of their respective interests in the ditch, fixing the time for performance by the respective owners, apportioning the maintenance of the ditch among all or any of the owners so that as far as practicable and equitable each owner shall maintain the portion on his own land, and stating the amount of his fees and the other charges and by whom the same shall be paid. Further proceedings by engineer making award.

(2) Subsection 4 of the said section 15 is amended by striking out the words “shall certify in writing to the clerk” in the fifth line and inserting in lieu thereof the words “within the time prescribed in subsection 2 shall file with the clerk a certificate stating that he refuses to make an award, his reasons for such refusal,” so that the subsection shall read as follows: Rev. Stat., c. 350, s. 15, subs. 4, amended.

(4) If the engineer finds that the ditch is not required or is impracticable or cannot be constructed under the provisions of this Act, or if the owner filing the requisition neglects or refuses to serve notices as Certificate of engineer where award refused.

directed by the engineer under subsection 2, the engineer within the time prescribed in subsection 2 shall file with the clerk a certificate stating that he refuses to make an award, his reasons for such refusal, the amount of his fees and the other charges and by whom the same shall be paid.

Rev. Stat.,
c. 350, s. 15,
amended. (3) The said section 15 is further amended by adding thereto the following subsection:

Notice of
certificate
of refusal.

(4a) Where the engineer files a certificate of refusal under subsection 4, the clerk shall notify the owner who made the requisition and the other owners named in the requisition, by registered letter or personal service, of the filing of the certificate of refusal, and shall keep a record of the persons to whom he sent notices, the addresses to which the notices were sent, and the date upon which the notices were deposited in the post office or personally served.

Rev. Stat.,
c. 350, s. 18,
amended. 2. Section 18 of *The Ditches and Watercourses Act* is amended by adding thereto the following subsection:

Filing of
documents.

(4) The clerk shall index and carefully file in a safe place all agreements and awards made under this Act.

Rev. Stat.,
c. 350,
amended. 3. *The Ditches and Watercourses Act* is amended by adding thereto the following sections:

Appeal from
refusal of
award.

20a.—(1) Where the engineer refuses to make an award because the ditch is not required or is impracticable or cannot be constructed under the provisions of this Act, any owner affected by the refusal, within fifteen clear days from the date of the mailing or service of the last notice under subsection 4a of section 15, may appeal therefrom to the judge.

Judgment
on appeal.

(2) Upon the hearing of the appeal, the judge may dismiss the appeal or may allow the appeal and direct the engineer to make an award in the manner provided in subsection 3 of section 15.

Application
of sections
20 to 24.

(3) Except where inconsistent with this section, sections 20 to 24 shall apply to an appeal under this section, and for the purposes of sections 20 to 24 the certificate of refusal of the engineer shall be deemed to be an award.

Judgment
dismissing
appeal final.

(4) Where the judge dismisses the appeal, there shall be no appeal to the drainage referee from his judgment.

• • • • •

- 34a.—(1) Where a parcel of land is charged with main-^{Subdivision of land charged with maintenance.}tenance in respect of a ditch constructed pursuant to an agreement or award, and one or more parts of the parcel is sold, the clerk of the municipality in which the parcel is situate shall direct the municipal engineer in writing to apportion the maintenance charged against the parcel among the parts into which the parcel is divided.
- (2) The clerk shall send a copy of the direction by^{Notice to owners.} registered post to the owners of the parts into which the parcel is divided.
- (3) The engineer shall make the apportionment in writ-^{Apportionment of maintenance.}ing and shall file it in the same manner as an award, and the apportionment shall thereupon be binding upon the parts into which the parcel is divided and the owners thereof.
4. Section 37 of *The Ditches and Watercourses Act* is^{Rev. Stat., c. 350, s. 37, amended.} amended by adding at the end thereof the words “and to supply the clerk with proper filing equipment for the safe-keeping of all agreements and awards made under this Act”, so that the section shall read as follows:
37. It shall be the duty of the council of every municipi-^{Forms to be supplied by municipality.}ality to keep printed copies of all the forms required by this Act and to supply the clerk with proper filing equipment for the safe-keeping of all agreements and awards made under this Act.
5. This Act shall come into force on the day it receives the^{Commencement of Act.} Royal Assent.
6. This Act may be cited as *The Ditches and Watercourses*^{Short title.} *Amendment Act, 1949.*

BILL

An Act to amend The Ditches and
Watercourses Act.

1st Reading

March 10th, 1949

2nd Reading

March 17th, 1949

3rd Reading

March 22nd, 1949

MR. DOUGETT

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Municipal Drainage Act.

MR. DOUCETT

EXPLANATORY NOTES

SECTION 1—Subsection 1. The provision for the apportionment of assessment where a parcel of land that is assessed for a drainage work is subdivided is recast so that the responsibility rests with the clerk to see that an apportionment is made. Heretofore the apportionment could be made only on the requisition of the owner of one of the parts into which the parcel was subdivided, with the result that in many such cases no apportionment is made.

Subsection 2. This amendment provides that a person cannot connect lands to a drainage work where the lands have not been assessed for the work except with the approval of the municipal council. The previous use of the word "adjoining" has led to difficulties of interpretation.

BILL

An Act to amend The Municipal Drainage Act.

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

1.—(1) Subsection 2 of section 5 of *The Municipal Drainage Act*, as re-enacted by subsection 1 of section 1 of *The Municipal Drainage Amendment Act, 1944*, is repealed and the following substituted therefor: Rev. Stat., c. 278, s. 5, subs. 2 (1944, c. 40, s. 1, subs. 1), re-enacted.

(2) Where a parcel of land has been assessed by the engineer or surveyor, and one or more parts of that parcel is sold after the final revision of the assessment, the clerk of the municipality in which the parcel is situate shall direct the engineer or surveyor in writing to apportion the assessment charged against the parcel among the parts into which the parcel is divided. Subdivision of parcel assessed.

(2a) The clerk shall send a copy of the direction by registered post to the owners of the parts into which the parcel is divided. Notice to owners.

(2b) The engineer or surveyor in making the apportionment shall have regard to the part of the parcel affected by the drainage work, and shall make the apportionment in writing and file it with the clerk who shall attach it to the original assessment, and the apportionment shall be binding upon the lands assessed and the rate shall thereafter be levied and collected accordingly. Apportionment of assessment.

(2) Subsection 4 of the said section 5, as enacted by subsection 2 of section 1 of *The Municipal Drainage Amendment Act, 1944*, is amended by striking out the word "adjoining" in the first line and inserting in lieu thereof the words "not assessed for", and by adding at the end thereof the words "but no owner shall connect such lands to the work without the approval of the council of the municipality", so that the subsection shall read as follows: Rev. Stat., c. 278, s. 5, subs. 4 (1944, c. 40, s. 1, subs. 2), amended.

Subsequent connections with drainage work.

- (4) Where an owner of lands not assessed for a drainage work subsequently connects the lands with the work for the purpose of drainage, the engineer or surveyor shall assess the owner for a just proportion of the work regard being had to any compensation paid such owner in respect of the work and thereupon every owner assessed for the work shall be given a proportionate reduction in the charges assessed against his land, but no owner shall connect such lands to the work without the approval of the council of the municipality.

Rev. Stat., c. 278, s. 8, amended.

2.—(1) Section 8 of *The Municipal Drainage Act* is amended by adding thereto the following subsections:

Appeal by conservation authority having jurisdiction.

1946, c. 11.

- (11a) Where the proposed drainage work is a work of construction and is to be undertaken within a watershed over which a conservation authority established under *The Conservation Authorities Act, 1946* has jurisdiction, the conservation authority may appeal from the report of the engineer to the referee upon the ground that the work will injuriously affect a scheme undertaken by the authority under the said Act, and the provisions of subsection 11 respecting the notice of appeal, the powers of the referee and the decision of the referee shall apply to any such appeal.

Notice to conservation authority having jurisdiction.

- (13a) Where the proposed drainage work is to be undertaken within a watershed over which a conservation authority established under *The Conservation Authorities Act, 1946* has jurisdiction, the clerk shall notify the secretary-treasurer of the authority in writing of the location and estimated cost of the work and of the date of the council meeting at which the report will be read and considered.

Rev. Stat., c. 278, s. 8, subss. 18, 19, 20, re-enacted.

(2) Subsections 18, 19 and 20 of the said section 8 are repealed and the following substituted therefor:

Public utility may construct drainage work.

- (18) Where a drainage work or a part of a drainage work is to be constructed, repaired, improved or maintained upon, along, adjoining, under or across the lands, permanent way, transmission lines, power lines, wires, conduits or other permanent property of a public utility, the public utility shall have the option of constructing, repairing, improving or maintaining such work or part.

SECTION 2—Subsection 1. At present section 24 of *The Conservation Authorities Act, 1946* provides that no original construction of a drainage work can be undertaken in a watershed under the jurisdiction of a conservation authority without the consent of the authority. That section is repealed by section 2 of Bill No. 123, and subsections 11a and 13a are added to section 8 of *The Municipal Drainage Act* to ensure that the authority receives notice of such applications and can appeal to the drainage referee from the engineer's report.

Subsection 2. Subsections 18 to 20 of section 8 of *The Municipal Drainage Act* at present provide a procedure whereby when a drainage work or a part of a drainage work is constructed on or about the property of a public utility, the utility shall be given the option of constructing that part of the work which is on or about its property and if it does not do so, the utility is liable, in addition to any other sums lawfully assessed under the Act, to assessment for the increase of cost of the work occasioned by the construction or operation of the utility.

These provisions are enlarged by this amendment to cover cases of repair, improvement and maintenance as well as construction, and to provide for the assessment for increase of cost even though the utility is not otherwise assessable under the Act. Provision is made for service of a copy of the engineer's report, plans, etc. on the utility and for an appeal by the utility to the referee.

SECTION 3. Section 72 of *The Municipal Drainage Act* at present is difficult to interpret as it refers to the point of entry into a municipality as "the point at which the drainage work crosses the boundary line between a road allowance and the lands in the municipality." In many cases there is no road allowance at the boundary or at the point where the work enters the municipality. The section as amended provides for all cases.

- (19) In the event of the public utility not exercising the option and not completing such work or part within a reasonable time and without unnecessary delay, such work or part may be completed in the same manner and under the same authority as any other part of the work. Non-exercise of option.
- (20) In addition to all other sums lawfully assessed against the property of the public utility under this Act, and even if the public utility is not otherwise assessable under this Act, the public utility shall be assessed for and shall pay all the increase of cost of such work or part, caused by the construction and operation of the public utility. Excess of cost, — how borne.
- (21) Where the public utility is to be assessed for the increase of cost of such work or part, caused by the construction and operation of the public utility, the council initiating the work shall serve the public utility with a copy of the report, plans and specifications, assessments or other estimates of the engineer or surveyor in connection with the work. Copy of report, etc. to public utility.
- (22) The public utility so served shall, at any time within three weeks after such service, have a right to appeal to the referee upon any question arising in connection with the work or part that is to be completed upon, along, adjoining, under or across its property. Appeal by utility to referee.
- (23) Upon an appeal under subsection 22, the referee shall hear and adjudicate upon all questions raised in the notice of appeal, may amend the report appealed from, and may make such order in the premises and as to the costs of the appeal as may be deemed just. Order of referee.

3. Section 72 of *The Municipal Drainage Act* is amended by striking out all the words after the word "maintained" in the ninth line and inserting in lieu thereof the following clauses: Rev. Stat., c. 278, s. 72, amended.

- (a) by the initiating municipality from the point of commencement of the work in the municipality or upon such road allowance to the point at which the work enters the lands or roads of another municipality; and
- (b) by the last-mentioned municipality and by every other municipality through or into which the work is continued from the point at which the work enters the lands or roads of the municipality,

- (i) to an outlet in the municipality or on a road allowance adjoining the municipality, or
- (ii) to the point at which the work enters the lands or roads of another municipality, as the case may be;

and by adding thereto the following subsections:

Cost of maintenance.

- (2) Such maintenance shall be at the expense of the lands and roads in any way assessed for the construction of the work and in the proportion determined by the engineer or surveyor in his report and assessment for the original construction or in appeal therefrom by the award of the arbitrators or order of the referee until, in the case of each municipality, such provision for maintenance is varied or otherwise determined by an engineer or surveyor in his report and assessment for the maintenance of the work or in appeal therefrom by the order of the referee.

"Lands or roads" defined.

- (3) In clauses *a* and *b* of subsection 1, "lands or roads" shall not include any road, stream or drainage work forming a boundary between municipalities.

so that the section shall read as follows:

Maintenance of drainage work passing into another municipality.

- 72.—(1) Any drainage work heretofore constructed under a by-law of a municipality, passed in pursuance of any Act relating to the construction of any drainage work by local assessment, or hereafter constructed under the provisions of this Act, which is continued into or through more than one municipality, or which is commenced by the initiating municipality on a road allowance adjoining such municipality and is continued thence into the lands of any other municipality shall after the completion thereof be maintained,—

- (a) by the initiating municipality from the point of commencement of the work in the municipality or upon such road allowance to the point at which the work enters the lands or roads of another municipality; and
- (b) by the last-mentioned municipality and by every other municipality through or into which the work is continued from the point at which the work enters the lands or roads of the municipality,



SECTIONS 4 AND 5. The headings of sections 76 and 77 and the marginal note of subsection 1 of section 77 spoke of repairing drainage works. Actually the sections deal with improving drainage works and these amendments correct this inconsistency.

- (i) to an outlet in the municipality or on a road allowance adjoining the municipality, or
- (ii) to the point at which the work enters the lands or roads of another municipality, as the case may be.
- (2) Such maintenance shall be at the expense of the lands and roads in any way assessed for the construction of the work and in the proportion determined by the engineer or surveyor in his report and assessment for the original construction or in appeal therefrom by the award of the arbitrators or order of the referee until, in the case of each municipality, such provision for maintenance is varied or otherwise determined by an engineer or surveyor in his report and assessment for the maintenance of the work or in appeal therefrom by the order of the referee. Cost of maintenance.
- (3) In clauses *a* and *b* of subsection 1, "lands or roads" shall not include any road, stream or drainage work forming a boundary between municipalities. "Lands or roads" defined.
4. The heading immediately preceding section 76 of *The Municipal Drainage Act* is repealed and the following substituted therefor: Rev. Stat., c. 278, s. 76, heading, re-enacted.
- IMPROVING WITHOUT REPORT.
- 5.—(1) The heading immediately preceding section 77 of *The Municipal Drainage Act* is repealed and the following substituted therefor: Rev. Stat., c. 278, s. 77, heading, re-enacted.
- IMPROVING WITH REPORT.
- (2) The marginal note to subsection 1 of the said section 77 is amended by striking out the word "Repairing" and inserting in lieu thereof the word "Improving". Rev. Stat., c. 278, s. 77, subs. 1, marginal note, amended.
6. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.
7. This Act may be cited as *The Municipal Drainage Amendment Act, 1949*. Short title.

BILL

An Act to amend
The Municipal Drainage Act.

1st Reading

March 10th, 1949

2nd Reading

3rd Reading

MR. DOUCETT

No. 120

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Municipal Drainage Act.

MR. DOUCETT

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

BILL

An Act to amend The Municipal Drainage Act.

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

1.—(1) Subsection 2 of section 5 of *The Municipal Drainage Act*, as re-enacted by subsection 1 of section 1 of *The Municipal Drainage Amendment Act, 1944*, is repealed and the following substituted therefor: Rev. Stat., c. 278, s. 5, subs. 2 (1944, c. 40, s. 1, subs. 1), re-enacted.

- (2) Where a parcel of land has been assessed by the engineer or surveyor, and one or more parts of that parcel is sold after the final revision of the assessment, the clerk of the municipality in which the parcel is situate shall direct the engineer or surveyor in writing to apportion the assessment charged against the parcel among the parts into which the parcel is divided. Subdivision of parcel assessed.
- (2a) The clerk shall send a copy of the direction by registered post to the owners of the parts into which the parcel is divided. Notice to owners.
- (2b) The engineer or surveyor in making the apportionment shall have regard to the part of the parcel affected by the drainage work, and shall make the apportionment in writing and file it with the clerk who shall attach it to the original assessment, and the apportionment shall be binding upon the lands assessed and the rate shall thereafter be levied and collected accordingly. Apportionment of assessment.

(2) Subsection 4 of the said section 5, as enacted by subsection 2 of section 1 of *The Municipal Drainage Amendment Act, 1944*, is amended by striking out the word "adjoining" in the first line and inserting in lieu thereof the words "not assessed for", and by adding at the end thereof the words "but no owner shall connect such lands to the work without the approval of the council of the municipality", so that the subsection shall read as follows: Rev. Stat., c. 278, s. 5, subs. 4 (1944, c. 40, s. 1, subs. 2), amended.

Subsequent connections with drainage work.

- (4) Where an owner of lands not assessed for a drainage work subsequently connects the lands with the work for the purpose of drainage, the engineer or surveyor shall assess the owner for a just proportion of the work regard being had to any compensation paid such owner in respect of the work and thereupon every owner assessed for the work shall be given a proportionate reduction in the charges assessed against his land, but no owner shall connect such lands to the work without the approval of the council of the municipality.

Rev. Stat., c. 278, s. 8, amended.

2.—(1) Section 8 of *The Municipal Drainage Act* is amended by adding thereto the following subsections:

Appeal by conservation authority having jurisdiction.

1946, c. 11.

- (11a) Where the proposed drainage work is a work of construction and is to be undertaken within a watershed over which a conservation authority established under *The Conservation Authorities Act, 1946* has jurisdiction, the conservation authority may appeal from the report of the engineer to the referee upon the ground that the work will injuriously affect a scheme undertaken by the authority under the said Act, and the provisions of subsection 11 respecting the notice of appeal, the powers of the referee and the decision of the referee shall apply to any such appeal.

Notice to conservation authority having jurisdiction.

- (13a) Where the proposed drainage work is to be undertaken within a watershed over which a conservation authority established under *The Conservation Authorities Act, 1946* has jurisdiction, the clerk shall notify the secretary-treasurer of the authority in writing of the location and estimated cost of the work and of the date of the council meeting at which the report will be read and considered.

Rev. Stat., c. 278, s. 8, subss. 18, 19, 20, re-enacted

(2) Subsections 18, 19 and 20 of the said section 8 are repealed and the following substituted therefor:

Public utility may construct drainage work.

- 18) Where a drainage work or a part of a drainage work is to be constructed, repaired, improved or maintained upon, along, adjoining, under or across the lands, permanent way, transmission lines, power lines, wires, conduits or other permanent property of a public utility, the public utility shall have the option of constructing, repairing, improving or maintaining such work or part.

- (19) In the event of the public utility not exercising the option and not completing such work or part within a reasonable time and without unnecessary delay, such work or part may be completed in the same manner and under the same authority as any other part of the work. Non-exercise of option.
- (20) In addition to all other sums lawfully assessed against the property of the public utility under this Act, and even if the public utility is not otherwise assessable under this Act, the public utility shall be assessed for and shall pay all the increase of cost of such work or part, caused by the construction and operation of the public utility. Excess of cost, how borne.
- (21) Where the public utility is to be assessed for the increase of cost of such work or part, caused by the construction and operation of the public utility, the council initiating the work shall serve the public utility with a copy of the report, plans and specifications, assessments or other estimates of the engineer or surveyor in connection with the work. Copy of report, etc. to public utility.
- (22) The public utility so served shall, at any time within three weeks after such service, have a right to appeal to the referee upon any question arising in connection with the work or part that is to be completed upon, along, adjoining, under or across its property. Appeal by utility to referee.
- (23) Upon an appeal under subsection 22, the referee shall hear and adjudicate upon all questions raised in the notice of appeal, may amend the report appealed from, and may make such order in the premises and as to the costs of the appeal as may be deemed just. Order of referee.

3. Section 72 of *The Municipal Drainage Act* is amended by Rev. Stat., c. 278, s. 72, striking out all the words after the word "maintained" in the amended. ninth line and inserting in lieu thereof the following clauses:

- (a) by the initiating municipality from the point of commencement of the work in the municipality or upon such road allowance to the point at which the work enters the lands or roads of another municipality; and
- (b) by the last-mentioned municipality and by every other municipality through or into which the work is continued from the point at which the work enters the lands or roads of the municipality,

- (i) to an outlet in the municipality or on a road allowance adjoining the municipality, or
- (ii) to the point at which the work enters the lands or roads of another municipality, as the case may be;

and by adding thereto the following subsections:

Cost of maintenance.

- (2) Such maintenance shall be at the expense of the lands and roads in any way assessed for the construction of the work and in the proportion determined by the engineer or surveyor in his report and assessment for the original construction or in appeal therefrom by the award of the arbitrators or order of the referee until, in the case of each municipality, such provision for maintenance is varied or otherwise determined by an engineer or surveyor in his report and assessment for the maintenance of the work or in appeal therefrom by the order of the referee.

"Lands or roads" defined.

- (3) In clauses *a* and *b* of subsection 1, "lands or roads" shall not include any road, stream or drainage work forming a boundary between municipalities.

so that the section shall read as follows:

Maintenance of drainage work passing into another municipality.

- 72.—(1) Any drainage work heretofore constructed under a by-law of a municipality, passed in pursuance of any Act relating to the construction of any drainage work by local assessment, or hereafter constructed under the provisions of this Act, which is continued into or through more than one municipality, or which is commenced by the initiating municipality on a road allowance adjoining such municipality and is continued thence into the lands of any other municipality shall after the completion thereof be maintained,—

- (a) by the initiating municipality from the point of commencement of the work in the municipality or upon such road allowance to the point at which the work enters the lands or roads of another municipality; and
- (b) by the last-mentioned municipality and by every other municipality through or into which the work is continued from the point at which the work enters the lands or roads of the municipality,

- (i) to an outlet in the municipality or on a road allowance adjoining the municipality, or
- (ii) to the point at which the work enters the lands or roads of another municipality, as the case may be.
- (2) Such maintenance shall be at the expense of the lands and roads in any way assessed for the construction of the work and in the proportion determined by the engineer or surveyor in his report and assessment for the original construction or in appeal therefrom by the award of the arbitrators or order of the referee until, in the case of each municipality, such provision for maintenance is varied or otherwise determined by an engineer or surveyor in his report and assessment for the maintenance of the work or in appeal therefrom by the order of the referee. Cost of maintenance.
- (3) In clauses *a* and *b* of subsection 1, "lands or roads" shall not include any road, stream or drainage work forming a boundary between municipalities. "Lands or roads" defined.

4. The heading immediately preceding section 76 of *The Municipal Drainage Act* is repealed and the following substituted therefor: Rev. Stat., c. 278, s. 76. heading, re-enacted.

IMPROVING WITHOUT REPORT.

5.—(1) The heading immediately preceding section 77 of *The Municipal Drainage Act* is repealed and the following substituted therefor: Rev. Stat., c. 278, s. 77. heading, re-enacted.

IMPROVING WITH REPORT.

(2) The marginal note to subsection 1 of the said section 77 is amended by striking out the word "Repairing" and inserting in lieu thereof the word "Improving". Rev. Stat., c. 278, s. 77. subs. 1. marginal note, amended.

6. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

7. This Act may be cited as *The Municipal Drainage Amendment Act, 1949*. Short title.

BILL

An Act to amend
The Municipal Drainage Act.

1st Reading

March 10th, 1949

2nd Reading

March 17th, 1949

3rd Reading

March 22nd, 1949

MR. DOUCETT

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Provincial Aid to Drainage Act.

MR. DOUCETT

EXPLANATORY NOTES

SECTION 1. This amendment reduces from \$10,000 to \$5,000 the minimum cost which a drainage work must involve in order to be eligible for aid under the Act.

SECTION 2. Where two or more drainagé works are so connected as to form in fact one drainage system, the Lieutenant-Governor in Council may combine the costs of the individual works for the purpose of determining whether the cost is sufficient to permit a grant.

BILL

An Act to amend The Provincial Aid to Drainage Act.

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

1. Clauses *a* and *b* of subsection 1 of section 2 of *The Provincial Aid to Drainage Act* are amended by striking out the symbol and figures "\$10,000" where they occur in the fifth line of clause *a* and the fifth line of clause *b* respectively and inserting in lieu thereof the symbol and figures "\$5,000", so that the clauses shall read as follows:

Rev. Stat.,
c. 70, s. 2,
subs. 1,
cls. *a*, *b*,
amended.

- (a) the trunk channel or channels of any drainage work where the cost of such trunk channel or channels, exclusive of lateral drains or branches, but including a *pro rata* share of all incidental expenses, exceeds the sum of \$5,000;
- (b) any work for the purpose of rendering more effective a drainage work by embanking or pumping or other mechanical means where the cost of such work including the cost of all pumping machinery installed exceeds the sum of \$5,000.

2. *The Provincial Aid to Drainage Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 70,
amended.

3a.—(1) Where two or more drainage works are so connected as to form in fact one drainage system, the councils of the municipalities initiating such works may apply for aid by a joint petition to the Lieutenant-Governor in Council verified by statutory declarations of the engineers who prepared the reports on such works, and the provisions of section 3 shall *mutatis mutandis* apply.

Joint
petition
where
several
works form
one system.

- (2) If, in the opinion of the Lieutenant-Governor in Council, such works do in fact form one drainage system, he may consider such works as one drainage work for the purpose of computing the cost of the work and making a grant thereon.

Grant.

Apportionment of grant.

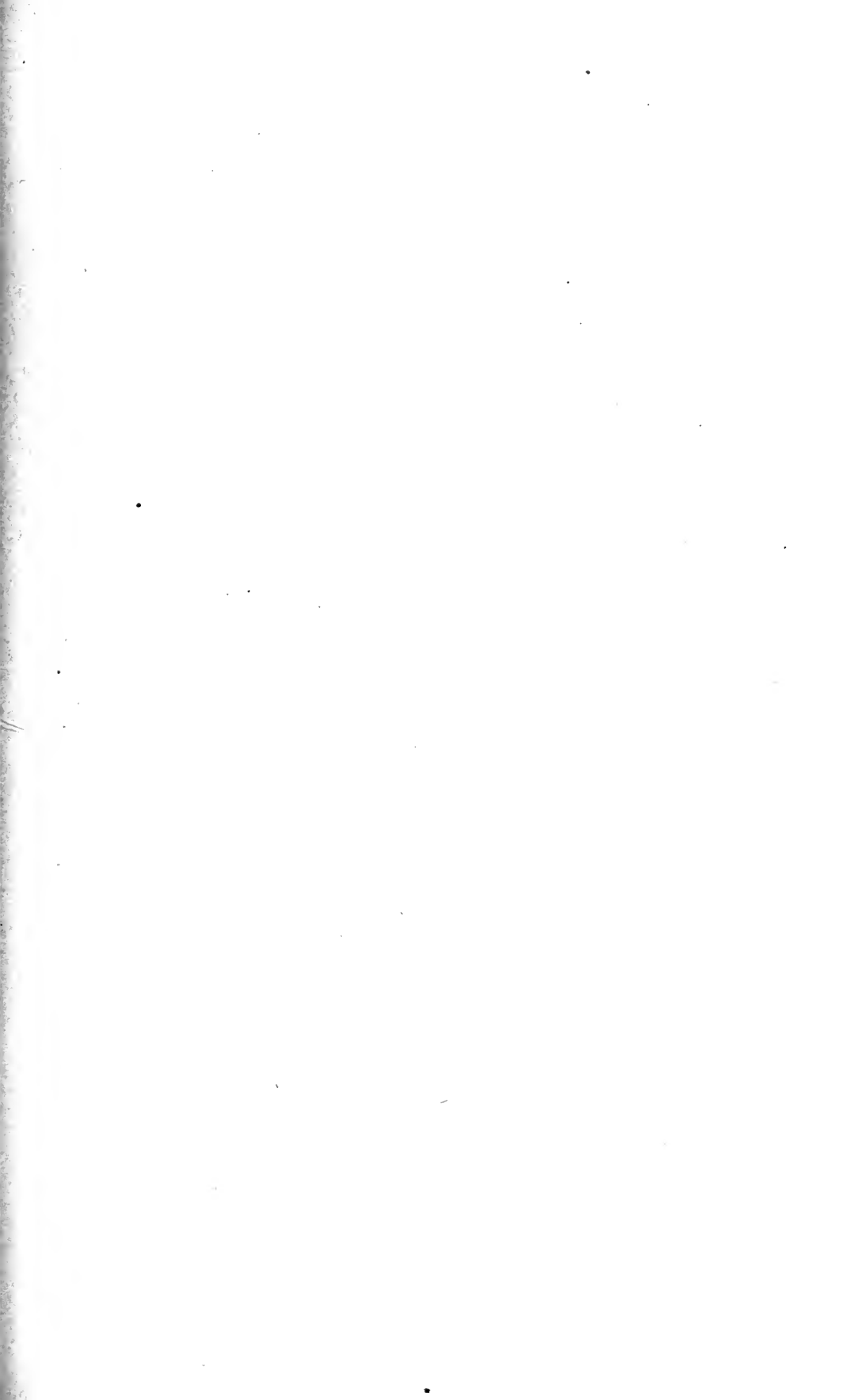
- (3) In such cases the grant shall be apportioned among the initiating municipalities in the proportion which the cost of the drainage work of each initiating municipality bears to the total of the cost of such drainage works.

Commencement of Act.

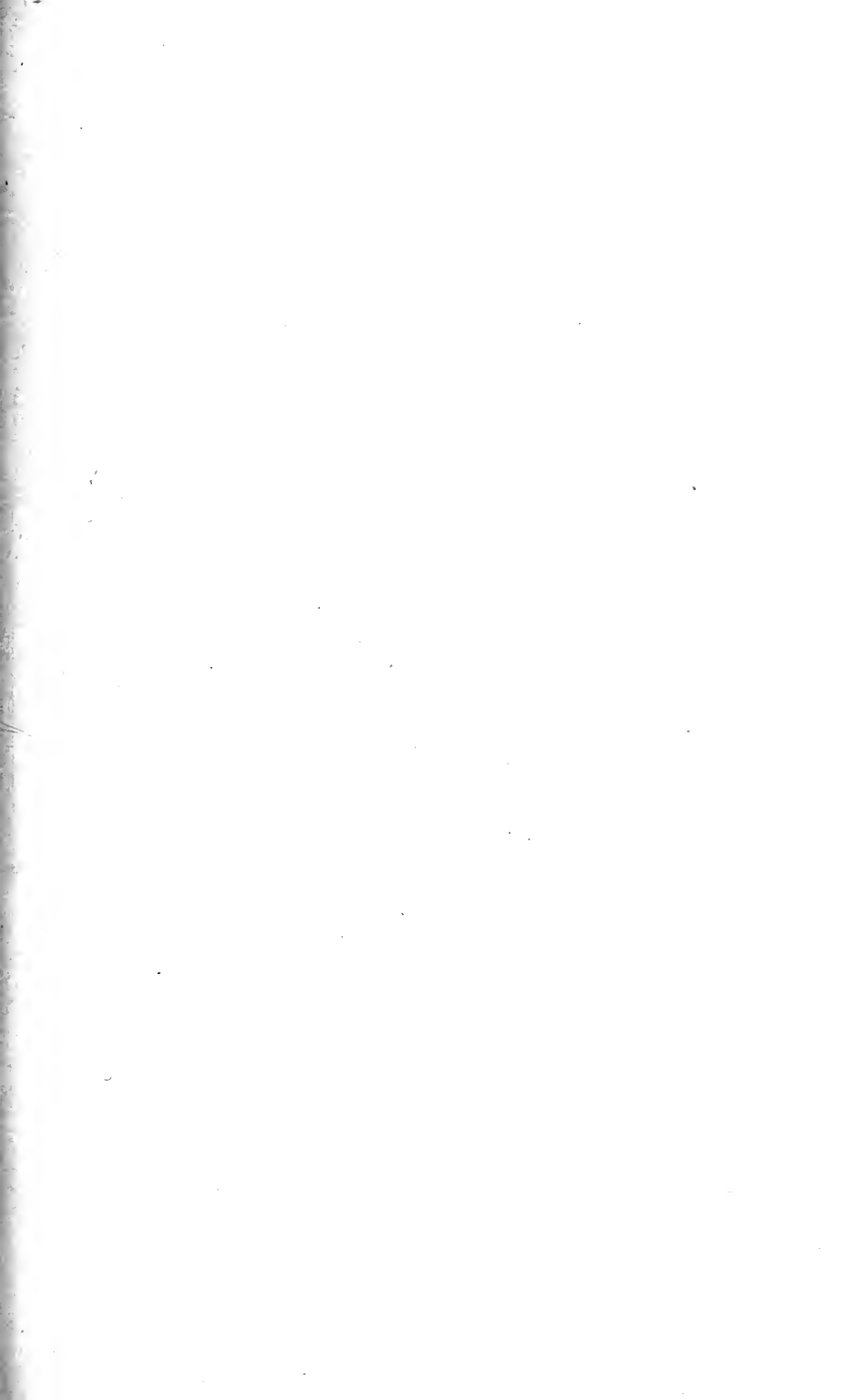
- 3.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

- 4.** This Act may be cited as *The Provincial Aid to Drainage Amendment Act, 1949*.







BILL

An Act to amend The Provincial Aid to
Drainage Act.

1st Reading

March 10th, 1949

2nd Reading

3rd Reading

MR. DOUCETT

No. 121

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Provincial Aid to Drainage Act.

MR. DOUCETT

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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BILL

An Act to amend The Provincial Aid to Drainage Act.

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

1. Clauses *a* and *b* of subsection 1 of section 2 of *The Provincial Aid to Drainage Act* are amended by striking out the symbol and figures "\$10,000" where they occur in the fifth line of clause *a* and the fifth line of clause *b* respectively and inserting in lieu thereof the symbol and figures "\$5,000", so that the clauses shall read as follows:

Rev. Stat.,
c. 70, s. 2,
subs. 1,
cls. *a*, *b*,
amended.

- (a) the trunk channel or channels of any drainage work where the cost of such trunk channel or channels, exclusive of lateral drains or branches, but including a *pro rata* share of all incidental expenses, exceeds the sum of \$5,000;
- (b) any work for the purpose of rendering more effective a drainage work by embanking or pumping or other mechanical means where the cost of such work including the cost of all pumping machinery installed exceeds the sum of \$5,000.

2. *The Provincial Aid to Drainage Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 70,
amended.

3a.—(1) Where two or more drainage works are so connected as to form in fact one drainage system, the councils of the municipalities initiating such works may apply for aid by a joint petition to the Lieutenant-Governor in Council verified by statutory declarations of the engineers who prepared the reports on such works, and the provisions of section 3 shall *mutatis mutandis* apply.

Joint
petition
where
several
works form
one system.

- (2) If, in the opinion of the Lieutenant-Governor in Council, such works do in fact form one drainage system, he may consider such works as one drainage work for the purpose of computing the cost of the work and making a grant thereon.

Grant.

Apportionment of grant.

- (3) In such cases the grant shall be apportioned among the initiating municipalities in the proportion which the cost of the drainage work of each initiating municipality bears to the total of the cost of such drainage works.

Commencement of Act.

- 3.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

- 4.** This Act may be cited as *The Provincial Aid to Drainage Amendment Act, 1949*.



BILL

An Act to amend The Provincial Aid to
Drainage Act.

1st Reading

March 10th, 1949

2nd Reading

March 17th, 1949

3rd Reading

March 22nd, 1949

MR. DOUCETT

No. 122

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Power Commission Act.

MR. CHALLIES

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTES

SECTION 1. This section, which empowers the Commission to appoint officers, etc., is brought into line with the present organization of the Hydro Commission.

SECTION 2. This section brings the practice with respect to the annual report of the Commission into line with the uniform practice established by the Department of the Provincial Secretary.

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. Subsection 1 of section 6 of *The Power Commission Act* Rev. Stat., c. 62, s. 6, subs. 1, re-enacted. is repealed and the following substituted therefor:

- (1) The Commission may appoint and employ upon such terms of employment as it deems desirable a general manager, chief engineer, secretary and such other officers and employees as it may deem requisite. Officers and employees.

2.—(1) Subsection 1 of section 7 of *The Power Commission Act*, as amended by section 3 of *The Power Commission Amendment Act, 1946*, is further amended by striking out the words "make to the Lieutenant-Governor in Council, for the information of the Assembly" in the second and third lines and inserting in lieu thereof the words "file with the Provincial Secretary", so that the subsection, exclusive of the clauses, shall read as follows: Rev. Stat., c. 62, s. 7, subs. 1, amended.

- (1) The Commission shall, before the 1st day of March in each year, file with the Provincial Secretary an annual report, which shall contain, among other things, clear and comprehensive statements disclosing and exhibiting,— Annual report.
-

(2) Subsection 2 of the said section 7 is repealed and the following substituted therefor: Rev. Stat., c. 62, s. 7, subs. 2, re-enacted.

- (2) The annual report shall be signed by the chairman or vice-chairman of the Commission. Signing of report.
- (3) 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. Tabling of report.

Rev. Stat.,
c. 62, s. 11a,
subs. 2 (1948,
c. 69, s. 3),
amended.

3. Subsection 2 of section 11a of *The Power Commission Act*, as enacted by section 3 of *The Power Commission Amendment Act, 1948*, is amended by inserting after the figures and letter "21b" in the fifth line the word, figures and letters "21c or 21d", so that the subsection shall read as follows:

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 21b, 21c or 21d, except expenditure or costs made or incurred in respect to works held by it under section 71.

Rev. Stat.,
c. 62, s. 17,
re-enacted.

4.—(1) Section 17 of *The Power Commission Act* is repealed and the following substituted therefor:

Pension and
Insurance
Fund.

- 17.—(1) There shall be a fund known as The Pension and Insurance Fund of The Hydro-Electric Power Commission of Ontario, in this section referred to as the "fund", for the payment of benefits by way of pensions or superannuation allowances to, or allowances upon the death or disability of, such employees of the Commission as the Commission may determine in accordance with this section and any regulations made hereunder, and for the purposes of this section "employee" includes any person in the employ of the Commission on or after the 1st day of November, 1947.

Superseding
former
pension
fund and
retirement
fund.

- (2) The fund shall supersede,—
- (a) the pension fund established by the Commission with the approval of the Lieutenant-Governor in Council on the 29th day of October, 1923, and administered under regulations and amendments thereof approved by the Lieutenant-Governor in Council on the 29th day of October, 1923, the 26th day of March, 1926, the 25th day of June, 1926, the 15th day of December, 1938, the 28th day of December, 1939, and the 16th day of June, 1944; and
- (b) the retirement fund established by the Commission with the approval of the Lieutenant-Governor in Council on the 24th day of November, 1942.

Transfer of
funds.

- (3) The moneys, securities and other assets in or credited to the pension and retirement funds mentioned in

SECTION 3. The reference to sections 21*c* and 21*d* is added in order to permit the utilization of funds in the frequency standardization reserve account to be used in the manner prescribed so as to reduce the cost of frequency conversion.

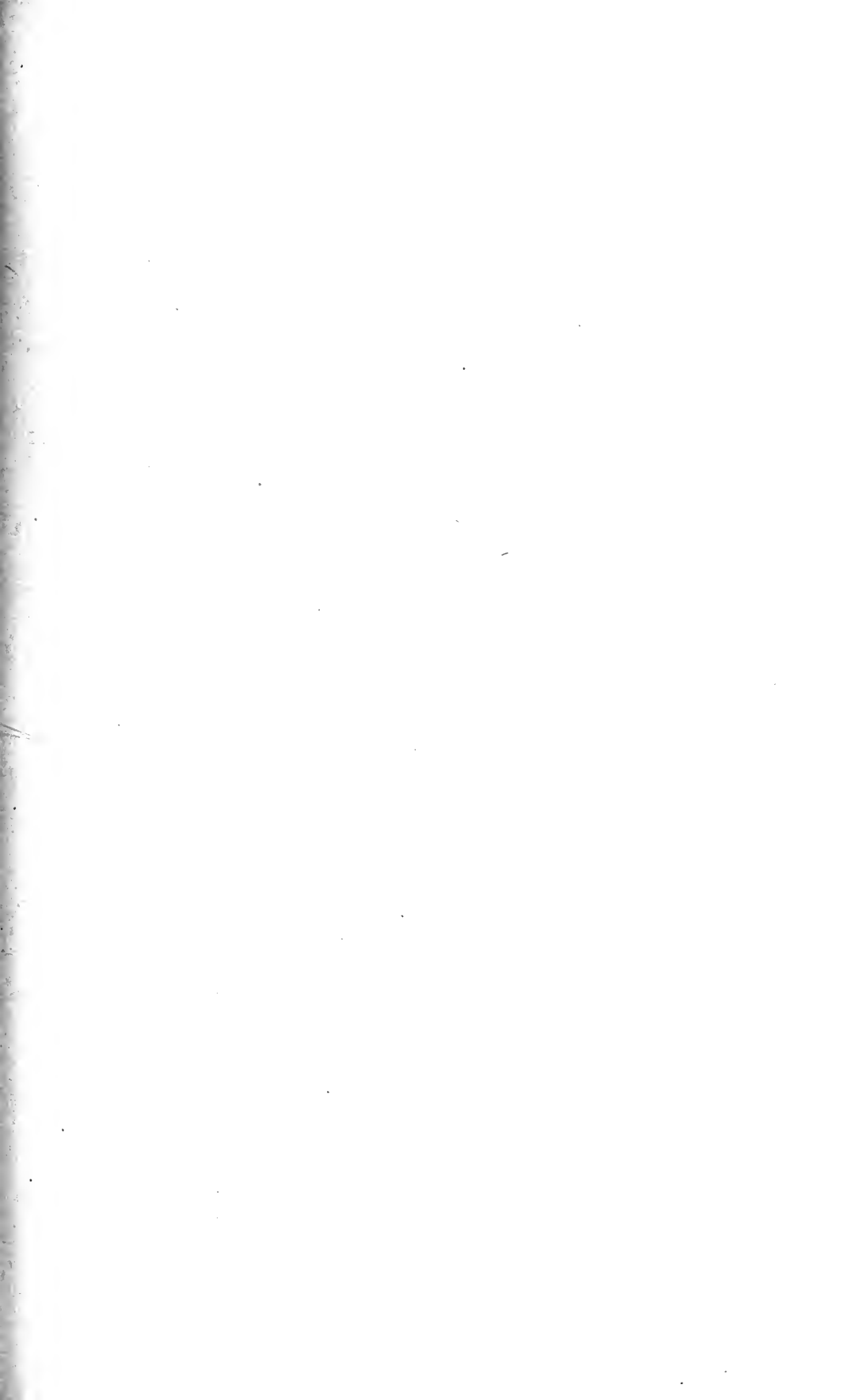
SECTION 4 The pension fund provisions now in force do not contain any provision as to life insurance. Section 17 as re-enacted, provides for a more comprehensive pension plan consistent with the best modern practices.



subsection 2 shall be transferred to the fund and it shall consist of the said moneys, securities and other assets and such amounts as may be contributed thereto by the Commission and its employees.

- (4) The regulations referred to in clause *a* of subsection 2 shall continue to apply to all pensions granted before the 1st day of November, 1947, from the pension fund mentioned therein, but all such pensions and death benefits in respect thereof shall be paid by the Commission out of the fund. Payment of prior pensions.
- (5) The contributions of the employees towards the cost of the benefits mentioned in subsection 1 shall be as prescribed by the regulations made under this section and be paid into the fund in accordance therewith. Contributions of employees.
- (6) The Commission shall contribute towards the cost of the benefits mentioned in subsection 1 the amount of the difference between the amount of the contributions of the employees and the amount of the cost of the benefits as determined by actuarial valuations. Contributions of Commission.
- (7) The Commission may enter into agreement with one or more insurers licensed under *The Insurance Act*, for,— Insurance. Rev. Stat., c. 256.
- (a) providing insurance by way of death or disability benefits for such employees of the Commission as the Commission may determine in accordance with this section and any regulations made hereunder; and
- (b) payment by the Commission of the cost of the benefits mentioned in clause *a*,
- and the cost referred to in clause *b* shall be charged by the Commission against the fund.
- (8) The contribution by the Commission towards the cost of pensions and life insurance provided by any contract heretofore entered into by or on behalf of an employee of the Commission with an insurer licensed under *The Insurance Act* is hereby authorized and declared to be legal and valid as of the date of making any such contribution. Contributions made confirmed.
- (9) Subject to the approval of the Lieutenant-Governor in Council, the Commission may make regulations,— Regulations.

- (a) establishing The Pension and Insurance Plan of The Hydro-Electric Power Commission of Ontario, herein called the "plan";
- (b) prescribing the class or classes of employees who are eligible to be members of the plan, the time at which membership shall commence, and the period of time thereafter within which an employee may elect not to be a member of the plan;
- (c) providing for the payment out of the fund of the contributions made by any employee to the fund or to either of the superseded funds referred to in subsection 2 where such employee elects not to be a member of the plan;
- (d) prescribing the period of employment with the Commission alone, or with a previous employer and the Commission, that shall constitute service for the purpose of determining pension benefits;
- (e) prescribing the persons who may receive benefits under the plan;
- (f) prescribing the contributions to the fund by employees and the rate or rates at which interest shall be calculated when payments are made out of the fund of any such contributions and of any contributions to either of the superseded funds referred to in subsection 2;
- (g) prescribing the amount for which any employee or pensioner shall be insured from time to time;
- (h) prescribing the payments to be made from the fund, or by an insurer, upon,
 - (i) termination of employment,
 - (ii) retirement from employment on pension,
 - (iii) disability, or
 - (iv) death,
 and the terms and conditions upon which, and the person or persons to whom, the same shall be made;





- (i) providing for payment out of the fund of the cost of any benefits provided under any agreement referred to in subsection 7 or 8;
 - (j) prescribing the intervals of time within which an actuarial valuation of the fund shall be made; and
 - (k) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this section.
- (10) The Commission may extend the provisions of this section to the employees of the Sandwich, Windsor and Amherstburg Railway, herein referred to as the "railway", to whom the provisions pertaining to the pension fund referred to in clause *a* of subsection 2 applied on the 1st day of November, 1947, whereupon the said employees of the railway shall be deemed to be members of the plan, but it shall not do so unless the railway, its successors and assigns, for itself and its said employees, undertakes to pay and pays to the Commission the full actuarial cost of such benefits for the said employees of the railway.
- (11) Until such time as the railway makes payment of the cost as provided by subsection 10, the regulations respecting the pension fund referred to in clause *a* of subsection 2 shall continue in effect with respect to the said employees of the railway provided that the contributions specified in those regulations do not cease to be paid to the Commission for any cause other than death or retirement on pension.
- (12) The fund shall be maintained and administered by the Commission and the cost to the Commission of maintaining and administering it shall be deemed to be part of the cost of the administration of the Commission and shall be chargeable accordingly.
- (13) The interest of any person in the fund or in any benefit payable therefrom shall not be subject to garnishment, attachment or seizure or any legal process and shall not be assignable.
- (2) This section, together with the regulations first made under section 17 as re-enacted by subsection 1, shall be deemed to have come into force on the 1st day of November, 1948, but any employee who contributed to any former plan and who, while in the employ of the Commission, retired or died during the year immediately preceding the 1st day of

Employees
of Sandwich,
Windsor and
Amherstburg
Railway.

When former
regulations
applicable.

Cost to
Commission
chargeable
to adminis-
tration.

Freedom
from
attachment.

Effective
date.

November, 1948, shall, or his beneficiary or personal representative shall, as the case may be, be entitled to benefit under the new plan in the same manner and to the same extent as if the effective date of the new plan had been the date of retirement or death, whichever first occurred, of any such employee.

Rev. Stat.,
c. 62, s. 21,
subs. 2,
cls. c, d,
re-enacted.

5. Clauses *c* and *d* of subsection 2 of section 21 of *The Power Commission Act* are repealed and the following substituted therefor:

To acquire and construct works for production and use of electricity.

- (c) generate and produce electrical, pneumatic, hydraulic, mechanical or other power or energy at places in Ontario by the use of water, coal, steam or oil, or by any other means, and transform, transmit, make available for use, distribute, deliver, sell, supply and generally use for the purposes of the Commission the electrical, pneumatic, hydraulic, mechanical or other power or energy and connect the works constructed or installed for these purposes with any other power works and with any system;

To acquire and use real and personal property for the generation and use of electrical power.

- (cc) for the purposes of clause *c* acquire by purchase, lease or otherwise, hold, improve and use real and personal property and construct, maintain and operate works, including without limiting the generality of the foregoing, development works, generating plants, transformer stations, transmission lines, switching and regulating works, distribution lines, access and other roads, and all other equipment, plant and works and things required for or incidental to any of such purposes;

Works on provincial boundaries.

- (d) acquire by purchase, lease or otherwise, lands, works, waters, water privileges and water powers upon or adjacent to the boundary line between Ontario and any other province and situate in Ontario, or in such other province, or partly in one and partly in the other of them, and erect, construct, maintain and operate upon any lands so acquired, works for the generation, transformation and transmission of electrical, pneumatic, hydraulic, mechanical or other power or energy, and enter into agreements with the Crown in right of such other province or with any commission appointed by the Lieutenant-Governor in Council of such other province or otherwise lawfully appointed or any other person interested in or affected by such works as to the terms and conditions upon which such works shall be constructed and operated and any rights so acquired be exercised.

SECTION 5. The proposed clauses *c* and *cc* expressly confer power on the Commission to construct generating plants. Heretofore this power has been inferred from the general power of the Commission to construct and operate works.

The present clause *d* authorizes agreements permitting the construction of works upon or adjacent to a provincial boundary line for the production and transmission of power. The clause as re-enacted is extended to permit such agreements to deal with transformer stations.

SECTION 6. These provisions, which deal with frequency conversion, are amended to enable the Commission to change the electrical works of local hydro systems, except their meters and equipment for distribution stations, distribution systems and street lighting systems. In addition the meaning of "rural consumer" is clarified.

SECTION 7. Section 21*c*, which is new, enables the Commission to make arrangements with owners in anticipation of frequency conversion in order that the cost of conversion may be kept at a minimum.

Section 21*d*, which is new, will enable the Commission to make agreements with owners whereby the latter will make the frequency conversion themselves and the Commission will bear part of the cost with the same result as if it had done the work itself.

6.—(1) Clauses *b*, *d* and *e* of section 21*b* of *The Power Commission Act*, as enacted by section 3 of *The Power Commission Amendment Act, 1948*, are repealed and the following substituted therefor:

Rev. Stat.,
c. 62, s. 21*b*,
cls. *b*, *d*, *e*
(1948, c. 69,
s. 3), re-
enacted.

(*b*) for the purposes 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, apparatus, appliances, devices and works of any person by which such electrical power is taken and used, except meters of any municipal corporation or commission or the electrical equipment, apparatus, appliances, devices or works of any municipal corporation or commission used for distribution stations or distribution or street lighting systems;

.

(*d*) bear the expense of anything done pursuant to clause *b* to the electrical equipment, apparatus, appliances, devices or works of commercial lighting consumers, or domestic or rural consumers other than rural power consumers;

(*e*) charge to and collect from the owners of electrical equipment, apparatus, appliances, devices or works other than the electrical equipment, apparatus, appliances, devices or works mentioned in clause *d* the expense of anything done thereto pursuant to clause *b* to the extent approved by the Lieutenant-Governor in Council and bear the balance of such expense.

(2) Notwithstanding subsection 1, the Order in Council made the 4th day of November, 1948, pursuant to sections 21*a* and 21*b*, shall remain in force until revoked by the Lieutenant-Governor in Council.

Order in
Council of
Nov. 4th,
1948, to
remain
in force.

7. *The Power Commission Act* is amended by adding thereto the following sections:

Rev. Stat.,
c. 62,
amended.

21*c*. The Commission may do whatever will in its opinion effect a reduction in the cost of anything done or to be done under clause *a* or *b* of section 21*b*.

Reduction
of cost of
frequency
change-over.

21*d*. Where the owner of any electrical equipment, apparatus, appliances, devices or works by which

Change
made by
owner.

is utilized electrical power or energy generated or procured by the Commission changes them with the approval of the Commission in order to take the electrical power or energy at a changed periodicity in alternations in current, the Commission may bear the expense of the change to the same extent as if it had effected the change itself under clause *b* of section 21*b*.

Ownership
of replaced
equipment.

21*e*. Electrical equipment, apparatus, appliances, devices or works, or any part thereof, replaced by the Commission under clause *b* of section 21*b* shall become the property of the Commission.

Conversion
not a
breach of
contract.

21*f*. Nothing done under section 21*a* shall be deemed a breach of contract by the Commission or entitle any person to rescind any agreement or release any guarantor from the performance of his obligation.

Limitation
of actions
arising
from
frequency
change-over.

21*g*.—(1) No action shall be brought against any person in respect of anything done under or pursuant to or to give effect to section 21*a*, 21*b* or 21*c* after the expiration of one year commencing on the date when the cause of action arose.

Notice of
claim.

(2) No action shall be brought against any person in respect of anything done under or pursuant to or to give effect to section 21*a*, 21*b* or 21*c* unless notice in writing of the claim has been served upon or sent by registered post to such person within ninety days after the cause of action arose.

No right
of action
in certain
cases.

(3) No action shall be brought against any person, and no person shall be liable for loss of use of anything, or loss of production of or by anything, or loss of profits by reason of anything done pursuant to, or to give effect to, section 21*a*, 21*b* or 21*c*.

Saving.

(4) Subsections 1 and 2 shall not apply to any action between the Commission and any person in respect of or arising from any agreement between the Commission and such person for the doing by such person for the Commission of anything to give effect to section 21*a*, 21*b* or 21*c*.

Rev. Stat.,
c. 62, s. 39,
subs. 1,
re-enacted.

8.—(1) Subsection 1 of section 39 of *The Power Commission Act*, as amended by section 4 of *The Power Commission Amendment Act, 1943*, is repealed and the following substituted therefor:

Section 21e is new. It is self explanatory.

Section 21f is new. It is designed to ensure that there will be no claims that the Commission's contracts to furnish 25-cycle power have been terminated when 60-cycle power is delivered.

Section 21g is new and provides certain restricted rights of action in connection with matters arising from frequency conversion.

SECTION 8. The provisions added to section 39 of the Act, which sets out the general borrowing powers of the Commission, are designed to assist the Commission in issuing bonds, etc. more expeditiously.



- (1) Subject to the approval of the Lieutenant-Governor in Council, the Commission may borrow from time to time such sums of money as the Commission may deem requisite for any of the purposes of the Commission and may issue notes, bonds, debentures or other securities and the Commission shall have power and shall be deemed always to have had power to make such securities bear such rate or rates of interest and make such securities payable as to principal and interest at such time or times and in such manner and at such place or places in Canada or elsewhere and in the currency or currencies of such country or countries as the Commission with the approval of the Lieutenant-Governor in Council may determine.

General
borrowing
powers.

(2) Subsection 2 of the said section 39 is amended by striking out the word "made" in the second line of clause *b* and inserting in lieu thereof the word "raised", and by adding thereto the following clauses:

Rev. Stat.,
c. 62, s. 39,
subs. 2,
amended.

- (*d*) payment of the whole or any part of any other liability or indebtedness of the Commission;
- (*e*) carrying out any of the powers and purposes of the Commission referred to in sections 21, 21*a*, 21*b*, 21*c*, 21*d*, 28 and 71, or in respect of the acquisition or construction of works referred to in section 47, providing in whole or in part for expenditures of the Commission made or to be made in connection therewith, reimbursing the Commission for any such expenditures heretofore or hereafter made, and repaying in whole or in part any temporary borrowings of the Commission for any of such purposes.

(3) The said section 39 is further amended by adding thereto the following subsections:

Rev. Stat.,
c. 62, s. 39,
amended.

- (7) The notes, bonds, debentures and other securities of the Commission shall be in such form or forms and shall be executed in such manner as the Commission may determine.
- (8) The Commission may provide that the seal of the Commission may be engraved, lithographed, printed or otherwise mechanically reproduced on any security to which it is to be affixed and that any signature upon any such security and upon the coupons, if any, attached thereto may be engraved, lithographed or printed or otherwise mechanically reproduced thereon.

Form and
execution
of securities.

Reproduc-
tion of seal
and
signatures.

Effect of mechanical reproduction of seal and signatures.

- (9) The seal of the Commission when so mechanically reproduced shall have the same force and effect as if manually affixed and such mechanically reproduced signatures shall for all purposes be valid and binding upon the Commission notwithstanding that any person whose signature is so reproduced has ceased to hold office before the date of the security or before the issue thereof.

Rev. Stat., c. 62, s. 42, re-enacted.

9. Section 42 of *The Power Commission Act* is repealed and the following substituted therefor:

Temporary loans.

- 42.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Commission may from time to time for any of the purposes of the Commission borrow by way of temporary loan from any chartered bank or from any person such sums as the Commission may deem requisite, either by way of bank overdraft or loan or in any other manner whatsoever.

Security for temporary loans.

- (2) For the purposes of subsection 1, the Commission may pledge as security, notes, bonds, debentures or other securities of the Commission pending the sale thereof or in lieu of selling the same, or may pledge as security, bonds, debentures or other securities owned by the Commission, or otherwise give such security as the Commission may determine, and any cheques, promissory notes, or other instruments that may be necessary or desirable for the purposes of subsection 1 or this subsection may be executed in such manner as the Commission may determine.

Guarantee by Province of advances and indebtedness.

- (3) The Lieutenant-Governor in Council may guarantee the repayment of advances made by banks, or any other indebtedness incurred by the Commission.

Rev. Stat., c. 62, s. 47, amended.

10. Section 47 of *The Power Commission Act*, as amended by section 5 of *The Power Commission Amendment Act, 1943* and section 10 of *The Power Commission Amendment Act, 1946*, is further amended by adding thereto the following subsection:

Transfer of power to systems.

- (10) The Commission may divert, transmit or transfer electrical power or energy from any or all of the works mentioned in subsection 1 for use in any system or systems as defined in section 65 crediting to the revenue derived from such works such price for the electrical power or energy as the Commission may determine.

SECTION 9. Subsections 1 and 2 are new. They are self explanatory. Subsection 3 is the same as section 42 of the present Act.

SECTION 10. The Act now provides for transferring power from a municipal system for use in the territorial districts, but there is no provision for the transfer of power from works in a territorial district for use in a municipal system. The new subsection 10 permits the latter transfer.



11. This Act shall come into force on the day it receives the Royal Assent. Commence-
ment of
Act.

12. This Act may be cited as *The Power Commission Amendment Act, 1949*. Short title.

BILL

An Act to amend
The Power Commission Act.

1st Reading

March 10th, 1949

2nd Reading

3rd Reading

MR. CHALLES

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Power Commission Act.

MR. CHALLIES

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTES

SECTION 1. This section, which empowers the Commission to appoint officers, etc., is brought into line with the present organization of the Hydro Commission.

SECTION 2. This section brings the practice with respect to the annual report of the Commission into line with the uniform practice established by the Department of the Provincial Secretary.

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. Subsection 1 of section 6 of *The Power Commission Act* Rev. Stat., c. 62, s. 6, subs. 1, re-enacted. is repealed and the following substituted therefor:

- (1) The Commission may appoint and employ upon such terms of employment as it deems desirable a general manager, chief engineer, secretary and such other officers and employees as it may deem requisite. Officers and employees.

2.—(1) Subsection 1 of section 7 of *The Power Commission Act*, as amended by section 3 of *The Power Commission Amendment Act, 1946*, is further amended by striking out the words "make to the Lieutenant-Governor in Council, for the information of the Assembly" in the second and third lines and inserting in lieu thereof the words "file with the Provincial Secretary", so that the subsection, exclusive of the clauses, shall read as follows: Rev. Stat., c. 62, s. 7, subs. 1, amended.

- (1) The Commission shall, before the 1st day of March in each year, file with the Provincial Secretary an annual report, which shall contain, among other things, clear and comprehensive statements disclosing and exhibiting,— Annual report.

(2) Subsection 2 of the said section 7 is repealed and the following substituted therefor: Rev. Stat., c. 62, s. 7, subs. 2, re-enacted.

- (2) The annual report shall be signed by the chairman or vice-chairman of the Commission. Signing of report.

- (3) 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. Tabling of report.

Rev. Stat.,
c. 62, s. 11a,
subs. 2 (1948,
c. 69, s. 3),
amended.

3. Subsection 2 of section 11a of *The Power Commission Act*, as enacted by section 3 of *The Power Commission Amendment Act, 1948*, is amended by inserting after the figures and letter "21b" in the fifth line the word, figures and letters "21c or 21d", so that the subsection shall read as follows:

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 21b, 21c or 21d, except expenditure or costs made or incurred in respect to works held by it under section 71.

Rev. Stat.,
c. 62, s. 17,
re-enacted.

4.—(1) Section 17 of *The Power Commission Act* is repealed and the following substituted therefor:

Pension and
Insurance
Fund.

- 17.—(1) There shall be a fund known as The Pension and Insurance Fund of The Hydro-Electric Power Commission of Ontario, in this section referred to as the "fund", for the payment of benefits by way of pensions or superannuation allowances to, or allowances upon the death or disability of, such employees of the Commission as the Commission may determine in accordance with this section and any regulations made hereunder, and for the purposes of this section "employee" includes any person in the employ of the Commission on or after the 1st day of November, 1947.

Superseding
former
pension
fund and
retirement
fund.

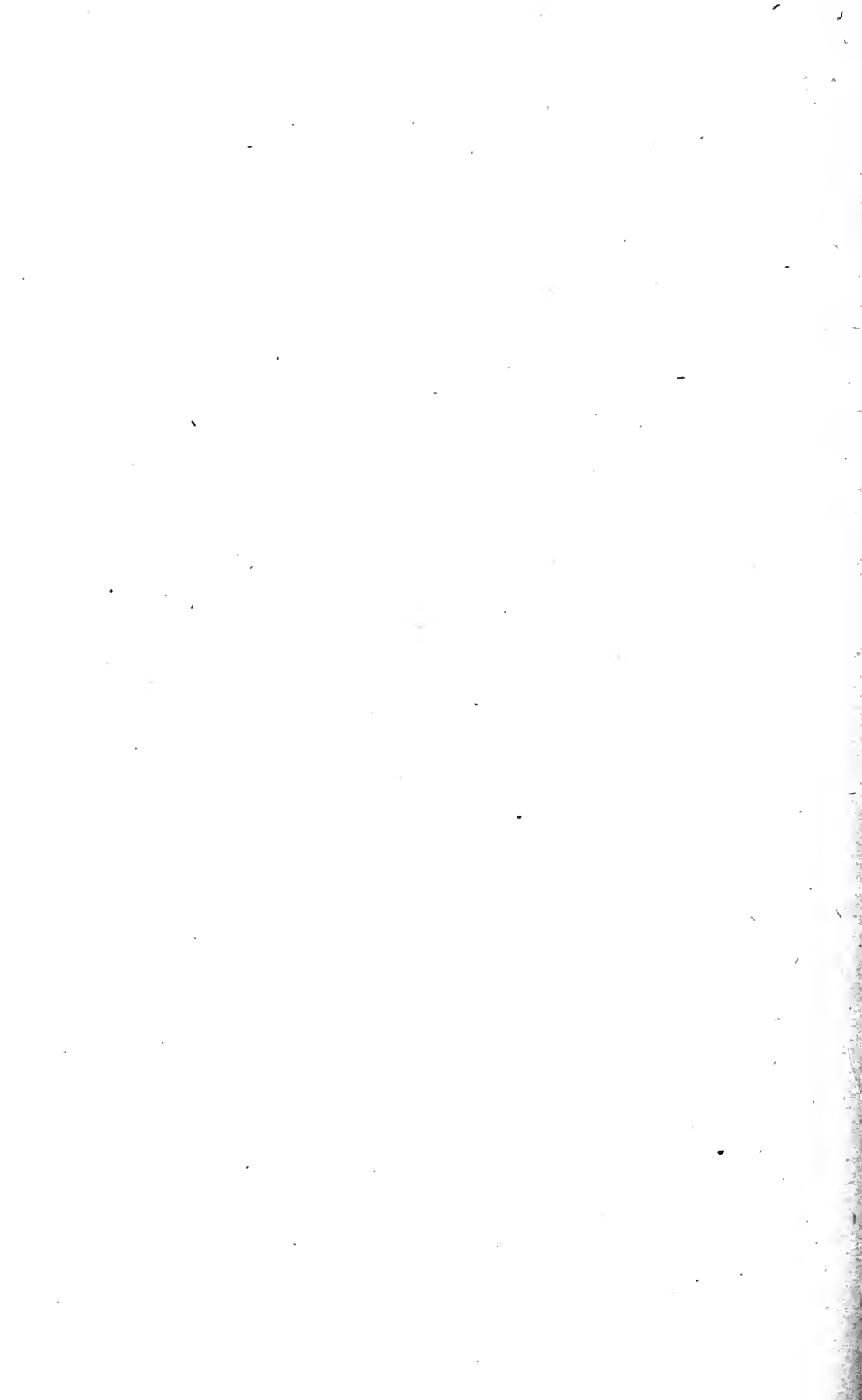
- (2) The fund shall supersede,—
- (a) the pension fund established by the Commission with the approval of the Lieutenant-Governor in Council on the 29th day of October, 1923, and administered under regulations and amendments thereof approved by the Lieutenant-Governor in Council on the 29th day of October, 1923, the 26th day of March, 1926, the 25th day of June, 1926, the 15th day of December, 1938, the 28th day of December, 1939, and the 16th day of June, 1944; and
- (b) the retirement fund established by the Commission with the approval of the Lieutenant-Governor in Council on the 24th day of November, 1942.

Transfer of
funds.

- (3) The moneys, securities and other assets in or credited to the pension and retirement funds mentioned in

SECTION 3. The reference to sections 21*c* and 21*d* is added in order to permit the utilization of funds in the frequency standardization reserve account to be used in the manner prescribed so as to reduce the cost of frequency conversion.

SECTION 4. The pension fund provisions now in force do not contain any provision as to life insurance. Section 17 as re-enacted, provides for a more comprehensive pension plan consistent with the best modern practices.



subsection 2 shall be transferred to the fund and it shall consist of the said moneys, securities and other assets and such amounts as may be contributed thereto by the Commission and its employees.

- (4) The regulations referred to in clause *a* of subsection 2 shall continue to apply to all pensions granted before the 1st day of November, 1947, from the pension fund mentioned therein, but all such pensions and death benefits in respect thereof shall be paid by the Commission out of the fund. Payment of prior pensions.
- (5) The contributions of the employees towards the cost of the benefits mentioned in subsection 1 shall be as prescribed by the regulations made under this section and be paid into the fund in accordance therewith. Contributions of employees.
- (6) The Commission shall contribute towards the cost of the benefits mentioned in subsection 1 the amount of the difference between the amount of the contributions of the employees and the amount of the cost of the benefits as determined by actuarial valuations. Contributions of Commission.
- (7) The Commission may enter into agreement with one or more insurers licensed under *The Insurance Act*, for,— Insurance. Rev. Stat., c. 256.
- (a) providing insurance by way of death or disability benefits for such employees of the Commission as the Commission may determine in accordance with this section and any regulations made hereunder; and
- (b) payment by the Commission of the cost of the benefits mentioned in clause *a*,
- and the cost referred to in clause *b* shall be charged by the Commission against the fund.
- (8) The contribution by the Commission towards the cost of pensions and life insurance provided by any contract heretofore entered into by or on behalf of an employee of the Commission with an insurer licensed under *The Insurance Act* is hereby authorized and declared to be legal and valid as of the date of making any such contribution. Contributions made confirmed.
- (9) Subject to the approval of the Lieutenant-Governor in Council, the Commission may make regulations,— Regulations.

- (a) establishing The Pension and Insurance Plan of The Hydro-Electric Power Commission of Ontario, herein called the "plan";
- (b) prescribing the class or classes of employees who are eligible to be members of the plan, the time at which membership shall commence, and the period of time thereafter within which an employee may elect not to be a member of the plan;
- (c) providing for the payment out of the fund of the contributions made by any employee to the fund or to either of the superseded funds referred to in subsection 2 where such employee elects not to be a member of the plan;
- (d) prescribing the period of employment with the Commission alone, or with a previous employer and the Commission, that shall constitute service for the purpose of determining pension benefits;
- (e) prescribing the persons who may receive benefits under the plan;
- (f) prescribing the contributions to the fund by employees and the rate or rates at which interest shall be calculated when payments are made out of the fund of any such contributions and of any contributions to either of the superseded funds referred to in subsection 2;
- (g) prescribing the amount for which any employee or pensioner shall be insured from time to time;
- (h) prescribing the payments to be made from the fund, or by an insurer, upon,
 - (i) termination of employment,
 - (ii) retirement from employment on pension,
 - (iii) disability, or
 - (iv) death,

and the terms and conditions upon which, and the person or persons to whom, the same shall be made;

- (i) providing for payment out of the fund of the cost of any benefits provided under any agreement referred to in subsection 7 or 8;
 - (j) prescribing the intervals of time within which an actuarial valuation of the fund shall be made; and
 - (k) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this section.
- (10) The Commission may extend the provisions of this section to the employees of the Sandwich, Windsor and Amherstburg Railway, herein referred to as the "railway", to whom the provisions pertaining to the pension fund referred to in clause *a* of subsection 2 applied on the 1st day of November, 1947, whereupon the said employees of the railway shall be deemed to be members of the plan, but it shall not do so unless the railway, its successors and assigns, for itself and its said employees, undertakes to pay and pays to the Commission the full actuarial cost of such benefits for the said employees of the railway.
- (11) Until such time as the railway makes payment of the cost as provided by subsection 10, the regulations respecting the pension fund referred to in clause *a* of subsection 2 shall continue in effect with respect to the said employees of the railway provided that the contributions specified in those regulations do not cease to be paid to the Commission for any cause other than death or retirement on pension.
- (12) The fund shall be maintained and administered by the Commission and the cost to the Commission of maintaining and administering it shall be deemed to be part of the cost of the administration of the Commission and shall be chargeable accordingly.
- (13) The interest of any person in the fund or in any benefit payable therefrom shall not be subject to garnishment, attachment or seizure or any legal process and shall not be assignable.
- (2) This section, together with the regulations first made under section 17 as re-enacted by subsection 1, shall be deemed to have come into force on the 1st day of November, 1948, but any employee who contributed to any former plan and who, while in the employ of the Commission, retired or died during the year immediately preceding the 1st day of

Employees
of Sandwich,
Windsor and
Amherstburg
Railway.

When former
regulations
applicable.

Cost to
Commission
chargeable
to administra-
tion.

Freedom
from
attachment.

Effective
date.

November, 1948, shall, or his beneficiary or personal representative shall, as the case may be, be entitled to benefit under the new plan in the same manner and to the same extent as if the effective date of the new plan had been the date of retirement or death, whichever first occurred, of any such employee.

Rev. Stat.,
c. 62, s. 21,
subs. 2,
cls. c, d,
re-enacted.

5. Clauses *c* and *d* of subsection 2 of section 21 of *The Power Commission Act* are repealed and the following substituted therefor:

To acquire
and use real
and personal
property for
the genera-
tion and use
of electrical
power.

(c) generate and produce electrical, pneumatic, hydraulic, mechanical or other power or energy at places in Ontario by the use of water, coal, steam or oil, or by any other means, and transform, transmit, make available for use, distribute, deliver, sell, supply and generally use for the purposes of the Commission the electrical, pneumatic, hydraulic, mechanical or other power or energy and connect the works constructed or installed for these purposes with any other power works and with any system;

To acquire
and use real
and personal
property for
the genera-
tion and use
of electrical
power.

(cc) for the purposes of clause *c*, acquire by purchase, lease or otherwise, hold, improve and use real and personal property, acquire by purchase or otherwise water, coal, steam, oil and other supplies, and construct, maintain and operate works, including without limiting the generality of the foregoing, development works, generating plants, transformer stations, transmission lines, switching and regulating works, distribution lines, access and other roads, and all other equipment, plant and works and things required for or incidental to any of such purposes;

Works on
provincial
boundaries.

(d) acquire by purchase, lease or otherwise, lands, works, waters, water privileges and water powers upon or adjacent to the boundary line between Ontario and any other province and situate in Ontario, or in such other province, or partly in one and partly in the other of them, and erect, construct, maintain and operate upon any lands so acquired, works for the generation, transformation and transmission of electrical, pneumatic, hydraulic, mechanical or other power or energy, and enter into agreements with the Crown in right of such other province or with any commission appointed by the Lieutenant-Governor in Council of such other province or otherwise lawfully appointed or any other person interested in or affected by such works as to the terms and conditions upon which such works shall be constructed and operated and any rights so acquired be exercised.

SECTION 5. The proposed clauses *c* and *cc* expressly confer power on the Commission to construct generating plants. Heretofore this power has been inferred from the general power of the Commission to construct and operate works.

The present clause *d* authorizes agreements permitting the construction of works upon or adjacent to a provincial boundary line for the production and transmission of power. The clause as re-enacted is extended to permit such agreements to deal with transformer stations.

SECTION 6. These provisions, which deal with frequency conversion, are amended to enable the Commission to change the electrical works of local hydro systems, except their meters and equipment for distribution stations, distribution systems and street lighting systems. In addition the meaning of "rural consumer" is clarified.

SECTION 7. Section 21*c*, which is new, enables the Commission to make arrangements with owners in anticipation of frequency conversion in order that the cost of conversion may be kept at a minimum.

Section 21*d*, which is new, will enable the Commission to make agreements with owners whereby the latter will make the frequency conversion themselves and the Commission will bear part of the cost with the same result as if it had done the work itself.

6.—(1) Clauses *b*, *d* and *e* of section 21*b* of *The Power Commission Act*, as enacted by section 3 of *The Power Commission Amendment Act, 1948*, are repealed and the following substituted therefor: Rev. Stat.,
c. 62, s. 21*b*,
cls. *b*, *d*, *e*
(1948, c. 69,
s. 3), re-
enacted.

(*b*) for the purposes 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, apparatus, appliances, devices and works of any person by which such electrical power is taken and used, except meters of any municipal corporation or commission or the electrical equipment, apparatus, appliances, devices or works of any municipal corporation or commission used for distribution stations or distribution or street lighting systems;

.

(*d*) bear the expense of anything done pursuant to clause *b* to the electrical equipment, apparatus, appliances, devices or works of commercial lighting consumers, or domestic or rural consumers other than rural power consumers;

(*e*) charge to and collect from the owners of electrical equipment, apparatus, appliances, devices or works other than the electrical equipment, apparatus, appliances, devices or works mentioned in clause *d* the expense of anything done thereto pursuant to clause *b* to the extent approved by the Lieutenant-Governor in Council and bear the balance of such expense.

(2) Notwithstanding subsection 1, the Order in Council made the 4th day of November, 1948, pursuant to sections 21*a* and 21*b*, shall remain in force until revoked by the Lieutenant-Governor in Council. Order in
Council of
Nov. 4th,
1948, to
remain
in force.

7. *The Power Commission Act* is amended by adding thereto the following sections: Rev. Stat.,
c. 62,
amended.

21*c*. The Commission may do whatever will in its opinion effect a reduction in the cost of anything done or to be done under clause *a* or *b* of section 21*b*. Reduction
of cost of
frequency
change-over.

21*d*. Where the owner of any electrical equipment, apparatus, appliances, devices or works by which Change
made by
owner.

is utilized electrical power or energy generated or procured by the Commission changes them with the approval of the Commission in order to take the electrical power or energy at a changed periodicity in alternations in current, the Commission may bear the expense of the change to the same extent as if it had effected the change itself under clause *b* of section 21*b*.

Ownership
of replaced
equipment.

21*e*. Electrical equipment, apparatus, appliances, devices or works, or any part thereof, replaced by the Commission under clause *b* of section 21*b* shall become the property of the Commission.

Conversion
not a
breach of
contract.

21*f*. Nothing done under section 21*a* shall be deemed a breach of contract by the Commission or entitle any person to rescind any agreement or release any guarantor from the performance of his obligation.

Limitation
of actions
arising
from
frequency
change-over.

21*g*.—(1) No action shall be brought against any person in respect of anything done under or pursuant to or to give effect to section 21*a*, 21*b* or 21*c* after the expiration of one year commencing on the date when the cause of action arose.

Notice of
claim.

(2) No action shall be brought against any person in respect of anything done under or pursuant to or to give effect to section 21*a*, 21*b* or 21*c* unless notice in writing of the claim has been served upon or sent by registered post to such person within ninety days after the cause of action arose.

No right
of action
in certain
cases.

(3) No action shall be brought against any person, and no person shall be liable for loss of use of anything, or loss of production of or by anything, or loss of profits by reason of anything done pursuant to, or to give effect to, section 21*a*, 21*b* or 21*c*.

Saving.

(4) Subsections 1 and 2 shall not apply to any action between the Commission and any person in respect of or arising from any agreement between the Commission and such person for the doing by such person for the Commission of anything to give effect to section 21*a*, 21*b* or 21*c*.

Rev. Stat.,
c. 62, s. 39,
subs. 1,
re-enacted.

8.—(1) Subsection 1 of section 39 of *The Power Commission Act*, as amended by section 4 of *The Power Commission Amendment Act, 1943*, is repealed and the following substituted therefor:

Section 21e is new. It is self explanatory.

Section 21f is new. It is designed to ensure that there will be no claims that the Commission's contracts to furnish 25-cycle power have been terminated when 60-cycle power is delivered.

Section 21g is new and provides certain restricted rights of action in connection with matters arising from frequency conversion.

SECTION 8. The provisions added to section 39 of the Act, which sets out the general borrowing powers of the Commission, are designed to assist the Commission in issuing bonds, etc. more expeditiously.

- (1) Subject to the approval of the Lieutenant-Governor in Council, the Commission may borrow from time to time such sums of money as the Commission may deem requisite for any of the purposes of the Commission and may issue notes, bonds, debentures or other securities and the Commission shall have power and shall be deemed always to have had power to make such securities bear such rate or rates of interest and make such securities payable as to principal and interest at such time or times and in such manner and at such place or places in Canada or elsewhere and in the currency or currencies of such country or countries as the Commission with the approval of the Lieutenant-Governor in Council may determine. General borrowing powers.
- (2) Subsection 2 of the said section 39 is amended by Rev. Stat., c. 62, s. 39, subs. 2, amended. striking out the word "made" in the second line of clause *b* and inserting in lieu thereof the word "raised", and by adding thereto the following clauses:
- (*d*) payment of the whole or any part of any other liability or indebtedness of the Commission;
- (*e*) carrying out any of the powers and purposes of the Commission referred to in sections 21, 21*a*, 21*b*, 21*c*, 21*d*, 28 and 71, or in respect of the acquisition or construction of works referred to in section 47, providing in whole or in part for expenditures of the Commission made or to be made in connection therewith, reimbursing the Commission for any such expenditures heretofore or hereafter made, and repaying in whole or in part any temporary borrowings of the Commission for any of such purposes.
- (3) The said section 39 is further amended by adding Rev. Stat., c. 62, s. 39, amended. thereto the following subsections:
- (7) The notes, bonds, debentures and other securities of the Commission shall be in such form or forms and shall be executed in such manner as the Commission may determine. Form and execution of securities.
- (8) The Commission may provide that the seal of the Commission may be engraved, lithographed, printed or otherwise mechanically reproduced on any security to which it is to be affixed and that any signature upon any such security and upon the coupons, if any, attached thereto may be engraved, lithographed or printed or otherwise mechanically reproduced thereon. Reproduction of seal and signatures.

Effect of mechanical reproduction of seal and signatures.

- (9) The seal of the Commission when so mechanically reproduced shall have the same force and effect as if manually affixed and such mechanically reproduced signatures shall for all purposes be valid and binding upon the Commission notwithstanding that any person whose signature is so reproduced has ceased to hold office before the date of the security or before the issue thereof.

Rev. Stat., c. 62, s. 42, re-enacted.

9. Section 42 of *The Power Commission Act* is repealed and the following substituted therefor:

Temporary loans.

- 42.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Commission may from time to time for any of the purposes of the Commission borrow by way of temporary loan from any chartered bank or from any person such sums as the Commission may deem requisite, either by way of bank overdraft or loan or in any other manner whatsoever.

Security for temporary loans.

- (2) For the purposes of subsection 1, the Commission may pledge as security, notes, bonds, debentures or other securities of the Commission pending the sale thereof or in lieu of selling the same, or may pledge as security, bonds, debentures or other securities owned by the Commission, or otherwise give such security as the Commission may determine, and any cheques, promissory notes, or other instruments that may be necessary or desirable for the purposes of subsection 1 or this subsection may be executed in such manner as the Commission may determine.

Guarantee by Province of advances and indebtedness.

- (3) The Lieutenant-Governor in Council may guarantee the repayment of advances made by banks, or any other indebtedness incurred by the Commission.

Rev. Stat., c. 62, s. 47, amended.

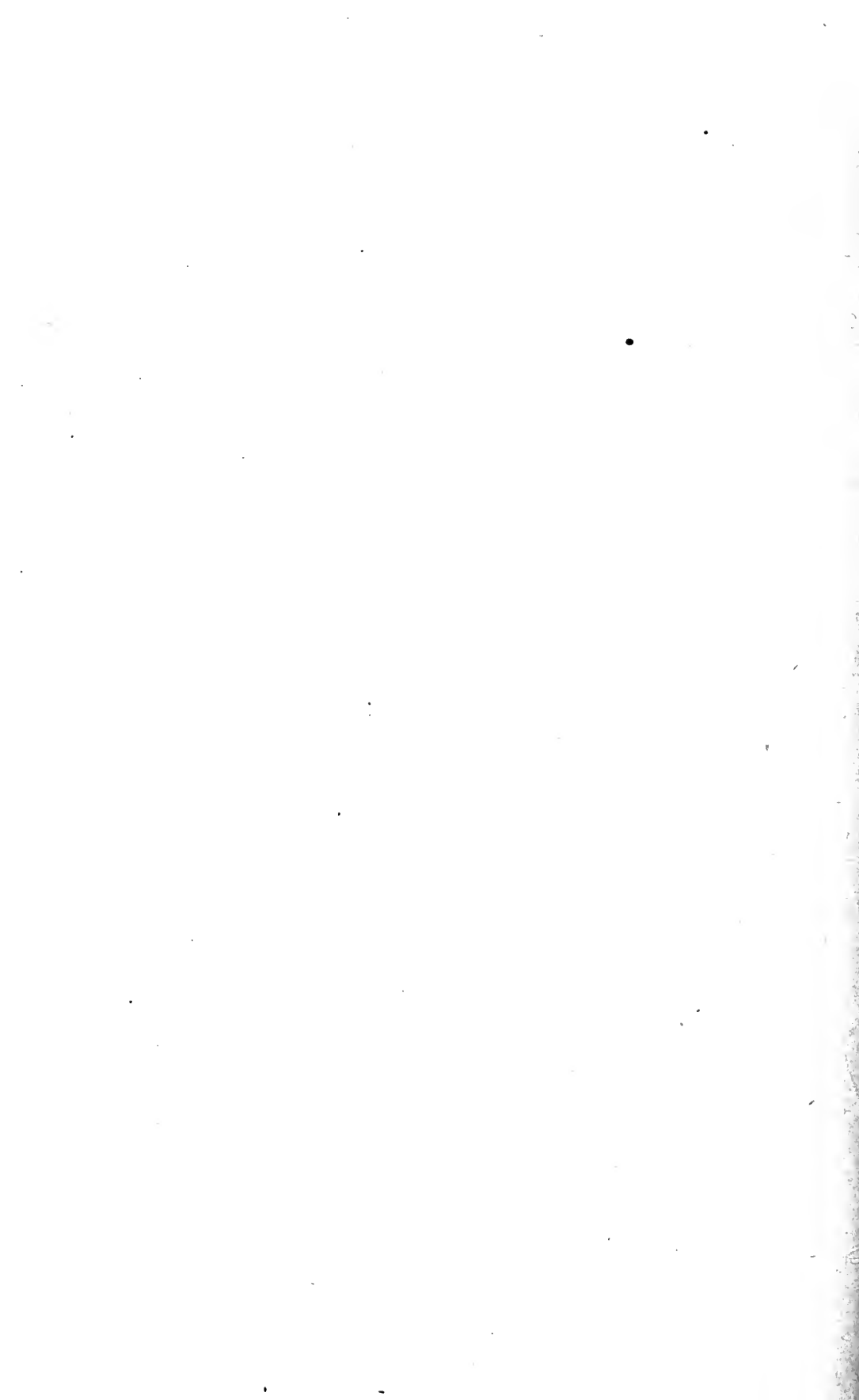
10. Section 47 of *The Power Commission Act*, as amended by section 5 of *The Power Commission Amendment Act, 1943* and section 10 of *The Power Commission Amendment Act, 1946*, is further amended by adding thereto the following subsection:

Transfer of power to systems.

- (10) The Commission may divert, transmit or transfer electrical power or energy from any or all of the works mentioned in subsection 1 for use in any system or systems as defined in section 65 crediting to the revenue derived from such works such price for the electrical power or energy as the Commission may determine.

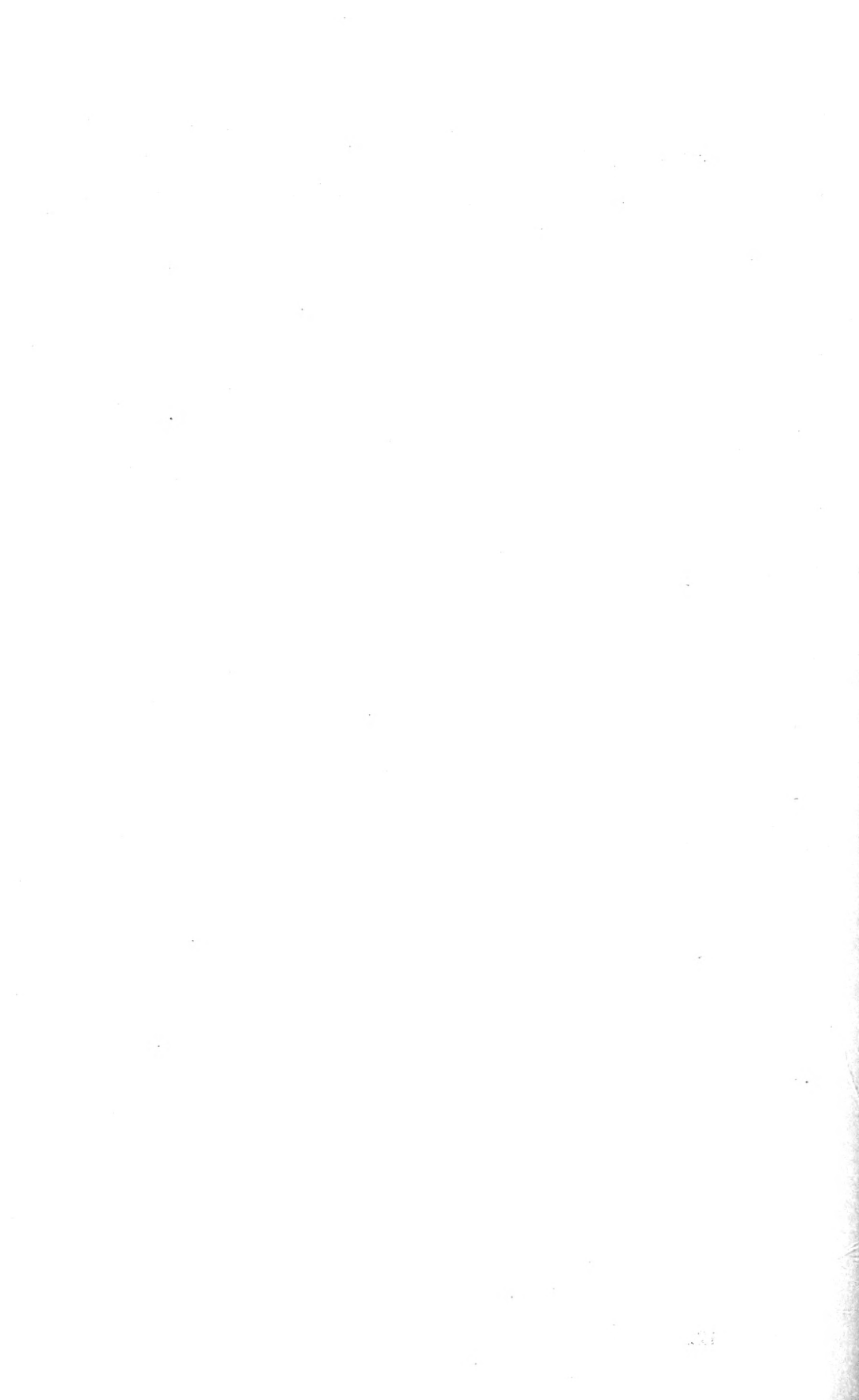
SECTION 9. Subsections 1 and 2 are new. They are self explanatory. Subsection 3 is the same as section 42 of the present Act.

SECTION 10. The Act now provides for transferring power from a municipal system for use in the territorial districts, but there is no provision for the transfer of power from works in a territorial district for use in a municipal system. The new subsection 10 permits the latter transfer.



11. This Act shall come into force on the day it receives the Royal Assent. Commence-
ment of
Act.

12. This Act may be cited as *The Power Commission Amendment Act, 1949*. Short title.





BILL

An Act to amend
The Power Commission Act.

1st Reading

March 10th, 1949

2nd Reading

March 17th, 1949

3rd Reading

MR. CHALLES

*(Reprinted as amended in Committee of the
Whole House.)*

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Power Commission Act.

MR. CHALLIES

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. Subsection 1 of section 6 of *The Power Commission Act* Rev. Stat., c. 62, s. 6, subs. 1, re-enacted. is repealed and the following substituted therefor:

- (1) The Commission may appoint and employ upon such terms of employment as it deems desirable a general manager, chief engineer, secretary and such other officers and employees as it may deem requisite. Officers and employees.

2.—(1) Subsection 1 of section 7 of *The Power Commission Act*, as amended by section 3 of *The Power Commission Amendment Act, 1946*, is further amended by striking out the words "make to the Lieutenant-Governor in Council, for the information of the Assembly" in the second and third lines and inserting in lieu thereof the words "file with the Provincial Secretary", so that the subsection, exclusive of the clauses, shall read as follows:

- (1) The Commission shall, before the 1st day of March in each year, file with the Provincial Secretary an annual report, which shall contain, among other things, clear and comprehensive statements disclosing and exhibiting,— Annual report.

.

(2) Subsection 2 of the said section 7 is repealed and the following substituted therefor: Rev. Stat., c. 62, s. 7, subs. 2, re-enacted.

- (2) The annual report shall be signed by the chairman or vice-chairman of the Commission. Signing of report.
- (3) 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. Tabling of report.

Rev. Stat.,
c. 62, s. 11a,
subs. 2 (1948),
c. 69, s. 3),
amended.

3. Subsection 2 of section 11a of *The Power Commission Act*, as enacted by section 3 of *The Power Commission Amendment Act, 1948*, is amended by inserting after the figures and letter "21b" in the fifth line the word, figures and letters "21c or 21d", so that the subsection shall read as follows:

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 21b, 21c or 21d, except expenditure or costs made or incurred in respect to works held by it under section 71.

Rev. Stat.,
c. 62, s. 17,
re-enacted.

4.—(1) Section 17 of *The Power Commission Act* is repealed and the following substituted therefor:

Pension and
Insurance
Fund.

- 17.—(1) There shall be a fund known as The Pension and Insurance Fund of The Hydro-Electric Power Commission of Ontario, in this section referred to as the "fund", for the payment of benefits by way of pensions or superannuation allowances to, or allowances upon the death or disability of, such employees of the Commission as the Commission may determine in accordance with this section and any regulations made hereunder, and for the purposes of this section "employee" includes any person in the employ of the Commission on or after the 1st day of November, 1947.

Superseding
former
pension
fund and
retirement
fund.

- (2) The fund shall supersede,—
- (a) the pension fund established by the Commission with the approval of the Lieutenant-Governor in Council on the 29th day of October, 1923, and administered under regulations and amendments thereof approved by the Lieutenant-Governor in Council on the 29th day of October, 1923, the 26th day of March, 1926, the 25th day of June, 1926, the 15th day of December, 1938, the 28th day of December, 1939, and the 16th day of June, 1944; and
- (b) the retirement fund established by the Commission with the approval of the Lieutenant-Governor in Council on the 24th day of November, 1942.

Transfer of
funds.

- (3) The moneys, securities and other assets in or credited to the pension and retirement funds mentioned in

subsection 2 shall be transferred to the fund and it shall consist of the said moneys, securities and other assets and such amounts as may be contributed thereto by the Commission and its employees.

- (4) The regulations referred to in clause *a* of subsection 2 shall continue to apply to all pensions granted before the 1st day of November, 1947, from the pension fund mentioned therein, but all such pensions and death benefits in respect thereof shall be paid by the Commission out of the fund. Payment of prior pensions.
- (5) The contributions of the employees towards the cost of the benefits mentioned in subsection 1 shall be as prescribed by the regulations made under this section and be paid into the fund in accordance therewith. Contributions of employees.
- (6) The Commission shall contribute towards the cost of the benefits mentioned in subsection 1 the amount of the difference between the amount of the contributions of the employees and the amount of the cost of the benefits as determined by actuarial valuations. Contributions of Commission.
- (7) The Commission may enter into agreement with one or more insurers licensed under *The Insurance Act*, for,— Insurance. Rev. Stat., c. 256.
- (a) providing insurance by way of death or disability benefits for such employees of the Commission as the Commission may determine in accordance with this section and any regulations made hereunder; and
- (b) payment by the Commission of the cost of the benefits mentioned in clause *a*,
- and the cost referred to in clause *b* shall be charged by the Commission against the fund.
- (8) The contribution by the Commission towards the cost of pensions and life insurance provided by any contract heretofore entered into by or on behalf of an employee of the Commission with an insurer licensed under *The Insurance Act* is hereby authorized and declared to be legal and valid as of the date of making any such contribution. Contributions made confirmed.
- (9) Subject to the approval of the Lieutenant-Governor in Council, the Commission may make regulations,— Regulations.

- (a) establishing The Pension and Insurance Plan of The Hydro-Electric Power Commission of Ontario, herein called the "plan";
- (b) prescribing the class or classes of employees who are eligible to be members of the plan, the time at which membership shall commence, and the period of time thereafter within which an employee may elect not to be a member of the plan;
- (c) providing for the payment out of the fund of the contributions made by any employee to the fund or to either of the superseded funds referred to in subsection 2 where such employee elects not to be a member of the plan;
- (d) prescribing the period of employment with the Commission alone, or with a previous employer and the Commission, that shall constitute service for the purpose of determining pension benefits;
- (e) prescribing the persons who may receive benefits under the plan;
- (f) prescribing the contributions to the fund by employees and the rate or rates at which interest shall be calculated when payments are made out of the fund of any such contributions and of any contributions to either of the superseded funds referred to in subsection 2;
- (g) prescribing the amount for which any employee or pensioner shall be insured from time to time;
- (h) prescribing the payments to be made from the fund, or by an insurer, upon,
 - (i) termination of employment,
 - (ii) retirement from employment on pension,
 - (iii) disability, or
 - (iv) death,
 and the terms and conditions upon which, and the person or persons to whom, the same shall be made;

- (i) providing for payment out of the fund of the cost of any benefits provided under any agreement referred to in subsection 7 or 8;
 - (j) prescribing the intervals of time within which an actuarial valuation of the fund shall be made; and
 - (k) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this section.
- (10) The Commission may extend the provisions of this section to the employees of the Sandwich, Windsor and Amherstburg Railway, herein referred to as the "railway", to whom the provisions pertaining to the pension fund referred to in clause *a* of subsection 2 applied on the 1st day of November, 1947, whereupon the said employees of the railway shall be deemed to be members of the plan, but it shall not do so unless the railway, its successors and assigns, for itself and its said employees, undertakes to pay and pays to the Commission the full actuarial cost of such benefits for the said employees of the railway.
- (11) Until such time as the railway makes payment of the cost as provided by subsection 10, the regulations respecting the pension fund referred to in clause *a* of subsection 2 shall continue in effect with respect to the said employees of the railway provided that the contributions specified in those regulations do not cease to be paid to the Commission for any cause other than death or retirement on pension.
- (12) The fund shall be maintained and administered by the Commission and the cost to the Commission of maintaining and administering it shall be deemed to be part of the cost of the administration of the Commission and shall be chargeable accordingly.
- (13) The interest of any person in the fund or in any benefit payable therefrom shall not be subject to garnishment, attachment or seizure or any legal process and shall not be assignable.
- (2) This section, together with the regulations first made under section 17 as re-enacted by subsection 1, shall be deemed to have come into force on the 1st day of November, 1948, but any employee who contributed to any former plan and who, while in the employ of the Commission, retired or died during the year immediately preceding the 1st day of

Employees
of Sandwich,
Windsor and
Amherstburg
Railway.

When former
regulations
applicable.

Cost to
Commission
chargeable
to adminis-
tration.

Freedom
from
attachment.

Effective
date.

November, 1948, shall, or his beneficiary or personal representative shall, as the case may be, be entitled to benefit under the new plan in the same manner and to the same extent as if the effective date of the new plan had been the date of retirement or death, whichever first occurred, of any such employee.

Rev. Stat.,
c. 62, s. 21,
subs. 2;
cls. c, d,
re-enacted.

5. Clauses *c* and *d* of subsection 2 of section 21 of *The Power Commission Act* are repealed and the following substituted therefor:

To acquire
and con-
struct works
for produc-
tion and use
of electricity.

(c) generate and produce electrical, pneumatic, hydraulic, mechanical or other power or energy at places in Ontario by the use of water, coal, steam or oil, or by any other means, and transform, transmit, make available for use, distribute, deliver, sell, supply and generally use for the purposes of the Commission the electrical, pneumatic, hydraulic, mechanical or other power or energy and connect the works constructed or installed for these purposes with any other power works and with any system;

To acquire
and use real
and personal
property for
the genera-
tion and use
of electrical
power.

(cc) for the purposes of clause *c* acquire by purchase, lease or otherwise, hold, improve and use real and personal property, acquire by purchase or otherwise water, coal, steam, oil and other supplies, and construct, maintain and operate works, including without limiting the generality of the foregoing, development works, generating plants, transformer stations, transmission lines, switching and regulating works, distribution lines, access and other roads, and all other equipment, plant and works and things required for or incidental to any of such purposes;

Works on
provincial
boundaries.

(d) acquire by purchase, lease or otherwise, lands, works, waters, water privileges and water powers upon or adjacent to the boundary line between Ontario and any other province and situate in Ontario, or in such other province, or partly in one and partly in the other of them, and erect, construct, maintain and operate upon any lands so acquired, works for the generation, transformation and transmission of electrical, pneumatic, hydraulic, mechanical or other power or energy, and enter into agreements with the Crown in right of such other province or with any commission appointed by the Lieutenant-Governor in Council of such other province or otherwise lawfully appointed or any other person interested in or affected by such works as to the terms and conditions upon which such works shall be constructed and operated and any rights so acquired be exercised.

6.—(1) Clauses *b*, *d* and *e* of section 21*b* of *The Power Commission Act*, as enacted by section 3 of *The Power Commission Amendment Act, 1948*, are repealed and the following substituted therefor: Rev. Stat., c. 62, s. 21*b*, cls. *b*, *d*, *e* (1948, c. 69, s. 3), re-enacted.

(*b*) for the purposes 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, apparatus, appliances, devices and works of any person by which such electrical power is taken and used, except meters of any municipal corporation or commission or the electrical equipment, apparatus, appliances, devices or works of any municipal corporation or commission used for distribution stations or distribution or street lighting systems;

.

(*d*) bear the expense of anything done pursuant to clause *b* to the electrical equipment, apparatus, appliances, devices or works of commercial lighting consumers, or domestic or rural consumers other than rural power consumers;

(*e*) charge to and collect from the owners of electrical equipment, apparatus, appliances, devices or works other than the electrical equipment, apparatus, appliances, devices or works mentioned in clause *d* the expense of anything done thereto pursuant to clause *b* to the extent approved by the Lieutenant-Governor in Council and bear the balance of such expense.

(2) Notwithstanding subsection 1, the Order in Council made the 4th day of November, 1948, pursuant to sections 21*a* and 21*b*, shall remain in force until revoked by the Lieutenant-Governor in Council. Order in Council of Nov. 4th, 1948, to remain in force.

7. *The Power Commission Act* is amended by adding thereto the following sections: Rev. Stat., c. 62, amended.

21*c*. The Commission may do whatever will in its opinion effect a reduction in the cost of anything done or to be done under clause *a* or *b* of section 21*b*. Reduction of cost of frequency change-over.

21*d*. Where the owner of any electrical equipment, apparatus, appliances, devices or works by which Change made by owner.

is utilized electrical power or energy generated or procured by the Commission changes them with the approval of the Commission in order to take the electrical power or energy at a changed periodicity in alternations in current, the Commission may bear the expense of the change to the same extent as if it had effected the change itself under clause *b* of section 21*b*.

Ownership
of replaced
equipment.

21*e*. Electrical equipment, apparatus, appliances, devices or works, or any part thereof, replaced by the Commission under clause *b* of section 21*b* shall become the property of the Commission.

Conversion
not a
breach of
contract.

21*f*. Nothing done under section 21*a* shall be deemed a breach of contract by the Commission or entitle any person to rescind any agreement or release any guarantor from the performance of his obligation.

Limitation
of actions
arising
from
frequency
change-over.

21*g*.—(1) No action shall be brought against any person in respect of anything done under or pursuant to or to give effect to section 21*a*, 21*b* or 21*c* after the expiration of one year commencing on the date when the cause of action arose.

Notice of
claim.

(2) No action shall be brought against any person in respect of anything done under or pursuant to or to give effect to section 21*a*, 21*b* or 21*c* unless notice in writing of the claim has been served upon or sent by registered post to such person within ninety days after the cause of action arose.

No right
of action
in certain
cases.

(3) No action shall be brought against any person, and no person shall be liable for loss of use of anything, or loss of production of or by anything, or loss of profits by reason of anything done pursuant to, or to give effect to, section 21*a*, 21*b* or 21*c*.

Saving.

(4) Subsections 1 and 2 shall not apply to any action between the Commission and any person in respect of or arising from any agreement between the Commission and such person for the doing by such person for the Commission of anything to give effect to section 21*a*, 21*b* or 21*c*.

Rev. Stat.,
c. 62, s. 39,
subs. 1,
re-enacted.

8.—(1) Subsection 1 of section 39 of *The Power Commission Act*, as amended by section 4 of *The Power Commission Amendment Act, 1943*, is repealed and the following substituted therefor:

- (1) Subject to the approval of the Lieutenant-Governor in Council, the Commission may borrow from time to time such sums of money as the Commission may deem requisite for any of the purposes of the Commission and may issue notes, bonds, debentures or other securities and the Commission shall have power and shall be deemed always to have had power to make such securities bear such rate or rates of interest and make such securities payable as to principal and interest at such time or times and in such manner and at such place or places in Canada or elsewhere and in the currency or currencies of such country or countries as the Commission with the approval of the Lieutenant-Governor in Council may determine. General borrowing powers.
- (2) Subsection 2 of the said section 39 is amended by striking out the word "made" in the second line of clause *b* and inserting in lieu thereof the word "raised", and by adding thereto the following clauses: Rev. Stat., c. 62, s. 39, subs. 2, amended.
- (*d*) payment of the whole or any part of any other liability or indebtedness of the Commission;
- (*e*) carrying out any of the powers and purposes of the Commission referred to in sections 21, 21*a*, 21*b*, 21*c*, 21*d*, 28 and 71, or in respect of the acquisition or construction of works referred to in section 47, providing in whole or in part for expenditures of the Commission made or to be made in connection therewith, reimbursing the Commission for any such expenditures heretofore or hereafter made, and repaying in whole or in part any temporary borrowings of the Commission for any of such purposes.
- (3) The said section 39 is further amended by adding thereto the following subsections: Rev. Stat., c. 62, s. 39, amended.
- (7) The notes, bonds, debentures and other securities of the Commission shall be in such form or forms and shall be executed in such manner as the Commission may determine. Form and execution of securities.
- (8) The Commission may provide that the seal of the Commission may be engraved, lithographed, printed or otherwise mechanically reproduced on any security to which it is to be affixed and that any signature upon any such security and upon the coupons, if any, attached thereto may be engraved, lithographed or printed or otherwise mechanically reproduced thereon. Reproduction of seal and signatures.

Effect of
mechanical
reproduction
of seal and
signatures.

- (9) The seal of the Commission when so mechanically reproduced shall have the same force and effect as if manually affixed and such mechanically reproduced signatures shall for all purposes be valid and binding upon the Commission notwithstanding that any person whose signature is so reproduced has ceased to hold office before the date of the security or before the issue thereof.

Rev. Stat.,
c. 62, s. 42,
re-enacted.

9. Section 42 of *The Power Commission Act* is repealed and the following substituted therefor:

Temporary
loans.

- 42.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Commission may from time to time for any of the purposes of the Commission borrow by way of temporary loan from any chartered bank or from any person such sums as the Commission may deem requisite, either by way of bank overdraft or loan or in any other manner whatsoever.

Security for
temporary
loans.

- (2) For the purposes of subsection 1, the Commission may pledge as security, notes, bonds, debentures or other securities of the Commission pending the sale thereof or in lieu of selling the same, or may pledge as security, bonds, debentures or other securities owned by the Commission, or otherwise give such security as the Commission may determine, and any cheques, promissory notes, or other instruments that may be necessary or desirable for the purposes of subsection 1 or this subsection may be executed in such manner as the Commission may determine.

Guarantee
by Province
of advances
and in-
debtedness.

- (3) The Lieutenant-Governor in Council may guarantee the repayment of advances made by banks, or any other indebtedness incurred by the Commission.

Rev. Stat.,
c. 62, s. 47,
amended.

10. Section 47 of *The Power Commission Act*, as amended by section 5 of *The Power Commission Amendment Act, 1943* and section 10 of *The Power Commission Amendment Act, 1946*, is further amended by adding thereto the following subsection:

Transfer of
power to
systems.

- (10) The Commission may divert, transmit or transfer electrical power or energy from any or all of the works mentioned in subsection 1 for use in any system or systems as defined in section 65 crediting to the revenue derived from such works such price for the electrical power or energy as the Commission may determine.

11. This Act shall come into force on the day it receives the Royal Assent. Commence-
ment of
Act.

12. This Act may be cited as *The Power Commission Amendment Act, 1949*. Short title.

BILL

An Act to amend
The Power Commission Act.

1st Reading

March 10th, 1949

2nd Reading

March 17th, 1949

3rd Reading

March 25th, 1949

MR. CHALLIES

No. 123

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Conservation Authorities Act, 1946.

MR. WELSH

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

EXPLANATORY NOTES

SECTION 1. At present there is no method under the Act of enlarging the area over which an established authority has jurisdiction. This is now covered by the addition of sections 5*a* and 5*b*, the provisions of which are self-explanatory.

BILL

An Act to amend The Conservation Authorities Act, 1946.

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

1. *The Conservation Authorities Act, 1946* is amended by 1946, c. 11, amended. adding thereto the following sections:

5a.—(1) Where,—

- (a) an authority has been established for one or more watersheds; and
- (b) the councils of any two or more municipalities situate either wholly or partly within a watershed adjoining the watershed or watersheds for which the authority has been established, by resolution request the Minister of Public Works to call a meeting to consider the enlargement of the area over which the authority has jurisdiction to include such adjoining watershed,

Meeting for enlargement of authority.

the Minister shall fix a time and place for such meeting and shall forthwith notify the secretary-treasurer of the authority and the council of every municipality either wholly or partly within the adjoining watershed.

- (2) With respect to each municipality so notified, sub-section 2 of section 3 shall apply. Representatives from adjoining watershed.
- (3) At any meeting called under this section, a quorum Quorum. shall consist of the number of members of the existing authority required to constitute a quorum of the authority and two-thirds of the representatives which the municipalities notified are entitled to appoint, but where not less than two members of the authority and three municipal representatives are

present at a meeting or an adjourned meeting they may adjourn the meeting or adjourned meeting from time to time.

Enlargement
of authority.

- (4) Upon receipt by the Minister of Public Works of a joint resolution passed at a meeting or adjourned meeting held under subsection 3 and at which a quorum was present, by not less than two-thirds of the members of the authority and not less than two-thirds of the municipal representatives thereat, requesting the enlargement of the area over which the authority has jurisdiction to include the adjoining watershed, the Lieutenant-Governor in Council may enlarge the area accordingly and may designate the additional municipalities which shall be participating municipalities and the area over which the enlarged authority shall have jurisdiction.

Enlargement
of authority
having juris-
diction in
part of a
watershed.

5b. Where —

- (a) an authority has been established and has under its jurisdiction part of a watershed; and
- (b) the councils of two or more municipalities situate either wholly or partly within any defined part of the watershed not under the jurisdiction of the authority, by resolution request the Minister of Public Works to call a meeting to consider the enlargement of the area over which the authority has jurisdiction to include such defined part,

the Minister shall fix a time and place for such meeting and shall forthwith notify the secretary-treasurer of the authority and the council of every municipality either wholly or partly within such defined part, and the provisions of subsections 2, 3 and 4 of section 5a shall apply *mutatis mutandis*.

1946,
c. 11, s. 24
(1947,
c. 101, s. 6),
repealed.

2. Section 24 of *The Conservation Authorities Act, 1946*, as re-enacted by section 6 of *The Statute Law Amendment Act, 1947*, is repealed.

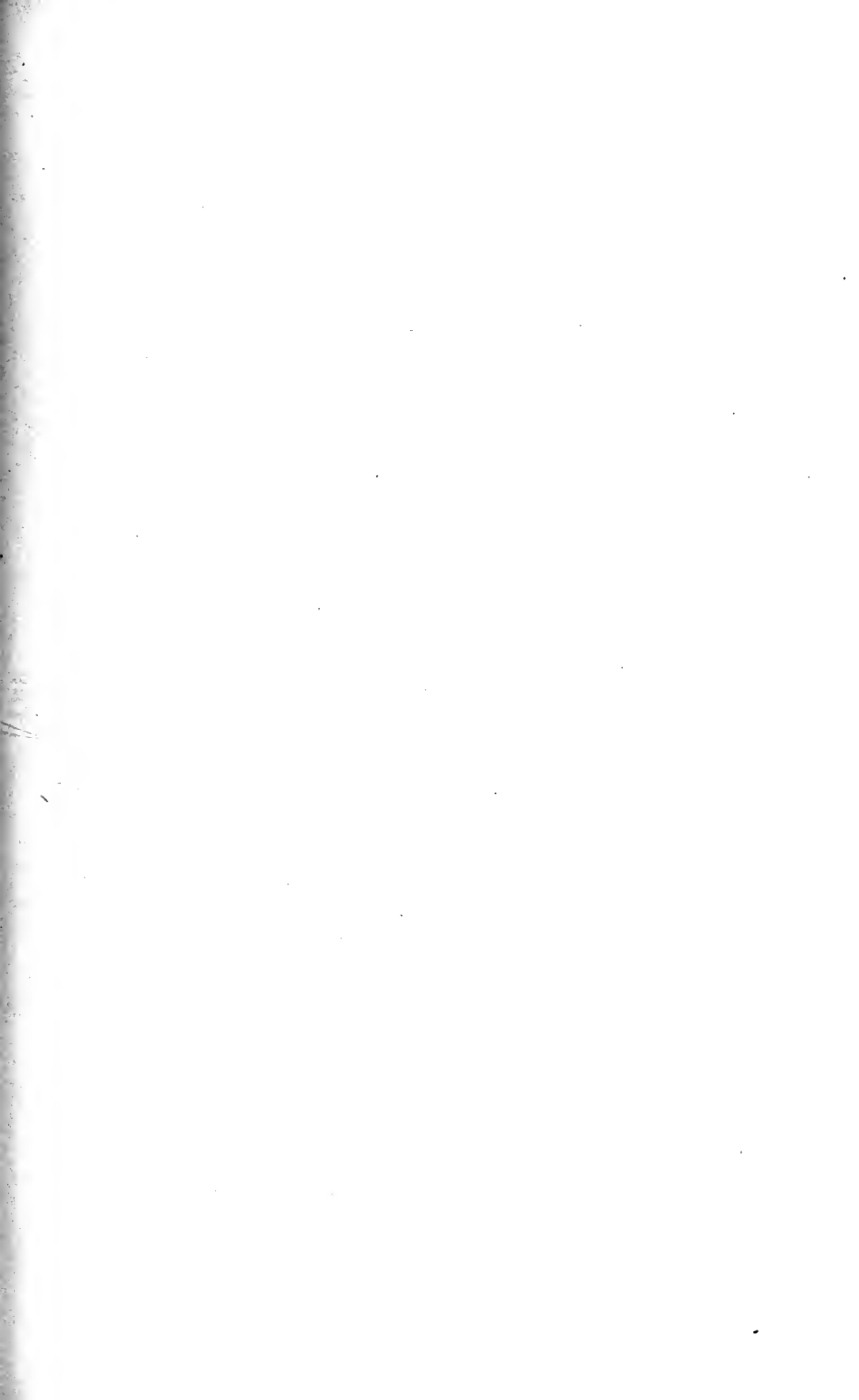
Commence-
ment of Act.

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

Short title.

4. This Act may be cited as *The Conservation Authorities Amendment Act, 1949*.

SECTION 2. The repealed section now requires the consent of the authority to any original drainage construction in the watershed over which the authority has jurisdiction. By amendments to *The Municipal Drainage Act* (Bill No. 120) the authority will be given notice of any proposed new drainage work and is given the same status under that Act as a person whose lands are affected by the proposed work.



BILL

An Act to amend The Conservation
Authorities Act, 1946

1st Reading

March 10th, 1949

2nd Reading

3rd Reading

MR. WELSH

No. 123

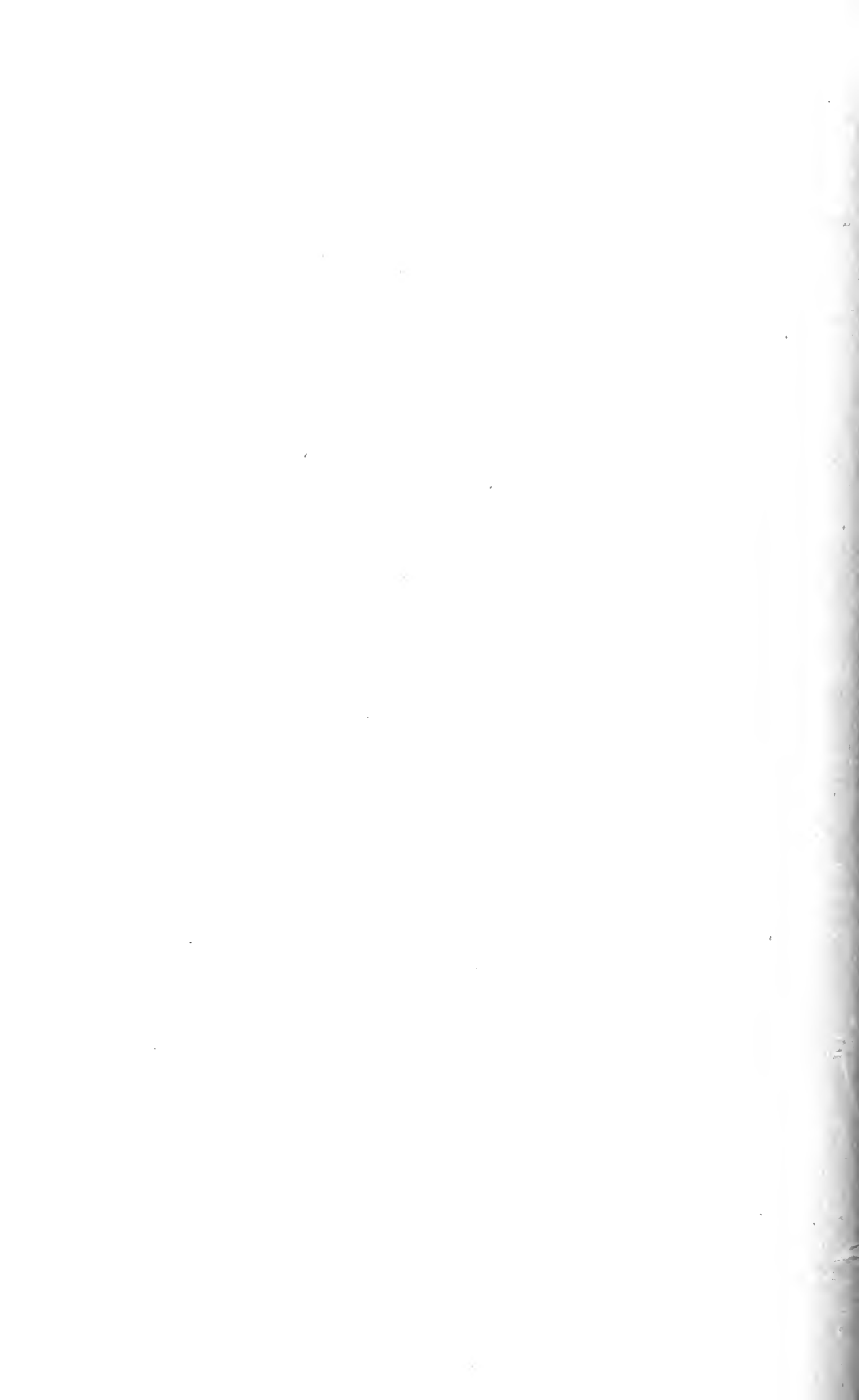
1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Conservation Authorities Act, 1946.

MR. WELSH

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



BILL

An Act to amend The Conservation Authorities Act, 1946.

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

1. *The Conservation Authorities Act, 1946* is amended by adding thereto the following sections: 1946, c. 11, amended.

5a.—(1) Where,—

Meeting for enlargement of authority.

- (a) an authority has been established for one or more watersheds; and
- (b) the councils of any two or more municipalities situate either wholly or partly within a watershed adjoining the watershed or watersheds for which the authority has been established, by resolution request the Minister of Public Works to call a meeting to consider the enlargement of the area over which the authority has jurisdiction to include such adjoining watershed,

the Minister shall fix a time and place for such meeting and shall forthwith notify the secretary-treasurer of the authority and the council of every municipality either wholly or partly within the adjoining watershed.

- (2) With respect to each municipality so notified, sub-section 2 of section 3 shall apply. Representatives from adjoining watershed.
- (3) At any meeting called under this section, a quorum Quorum. shall consist of the number of members of the existing authority required to constitute a quorum of the authority and two-thirds of the representatives which the municipalities notified are entitled to appoint, but where not less than two members of the authority and three municipal representatives are

present at a meeting or an adjourned meeting they may adjourn the meeting or adjourned meeting from time to time.

Enlargement
of authority.

- (4) Upon receipt by the Minister of Public Works of a joint resolution passed at a meeting or adjourned meeting held under subsection 3 and at which a quorum was present, by not less than two-thirds of the members of the authority and not less than two-thirds of the municipal representatives thereat, requesting the enlargement of the area over which the authority has jurisdiction to include the adjoining watershed, the Lieutenant-Governor in Council may enlarge the area accordingly and may designate the additional municipalities which shall be participating municipalities and the area over which the enlarged authority shall have jurisdiction.

Enlargement
of authority
having juris-
diction in
part of a
watershed.

5b. Where,—

- (a) an authority has been established and has under its jurisdiction part of a watershed; and
- (b) the councils of two or more municipalities situate either wholly or partly within any defined part of the watershed not under the jurisdiction of the authority, by resolution request the Minister of Public Works to call a meeting to consider the enlargement of the area over which the authority has jurisdiction to include such defined part,

the Minister shall fix a time and place for such meeting and shall forthwith notify the secretary-treasurer of the authority and the council of every municipality either wholly or partly within such defined part, and the provisions of subsections 2, 3 and 4 of section 5a shall apply *mutatis mutandis*.

1946,
c. 11, s. 24
(1947,
c. 101, s. 6),
repealed.

2. Section 24 of *The Conservation Authorities Act, 1946*, as re-enacted by section 6 of *The Statute Law Amendment Act, 1947*, is repealed.

Commence-
ment of Act.

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

Short title.

4. This Act may be cited as *The Conservation Authorities Amendment Act, 1949*.



BILL

An Act to amend The Conservation
Authorities Act, 1946.

1st Reading

March 10th, 1949

2nd Reading

March 14th, 1949

3rd Reading

March 22nd, 1949

MR. WELSH

No. 124

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act respecting Women's Wage Rates.

MR. PARK

EXPLANATORY NOTE

The general purpose of this Bill is to prevent employers from paying women employees lower wage rates than are paid to men for the same type of work.

SECTION 1. Self-explanatory.

SECTION 2. Prohibits discrimination in wage rates between men and women doing comparable work.

SECTION 3. An employer violating the provision of section 2 is liable in the amount of unpaid wages plus an additional equal amount in liquidated damages.

SECTIONS 4, 5, 6, 7 and 8. Self-explanatory.

BILL

An Act respecting Women's Wage Rates.

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) "Board" means the Industry and Labour Board constituted under *The Department of Labour Act*; "Board";
Rev. Stat.,
c. 69.
- (b) "employee" means any person employed for hire by an employer in any lawful employment; "employee";
- (c) "employer" includes any person or corporation acting in the interest of an employer directly or indirectly and includes the Crown in right of the Province of Ontario or any emanation thereof; "employer";
- (d) "employ" means engage, suffer or permit to work. "employ".

2. No employer shall discriminate in any way in the payment of wages or salaries as between sexes or pay any female in his employ a salary or wage rate less than the rate paid to male employees for work of comparative character or work on comparable operations, or where comparable skills are involved. Employer
not to dis-
criminate.

3. Any employer who violates the provisions of section 2 of this Act shall be liable to the employee or employees affected in the amount of their unpaid wages and in an additional equal amount in liquidated damages. Liability of
employer.

4. Upon the complaint upon oath of an employee against his employer concerning any violation of this Act, a justice of the peace may summon the employer to appear before a magistrate at a time to be stated in the summons and the magistrate shall examine into the matter of the complaint, and shall order payment to the employee of any wages and liquidated damages found to be due under section 3 hereof together with costs in his discretion not exceeding \$50. Complaint
by employee.

Where complaints may be prosecuted.

5. A complaint may be prosecuted and determined in any county or district in which the employer is found or in any county or district in which the employer carries on business.

Time within which proceedings may be taken.

6. Any proceedings taken under this Act shall be within one year after the engagement or employment has ceased or within one year after the last instalment of wages under the agreement of hiring has become due, whichever shall last happen.

Application of R.S.C., c. 146.

7. Where an order is made under this Act by a magistrate for payment of money such order may be proceeded upon and enforced in the manner provided by section 739 of the *Criminal Code* and the said section shall apply as if the provisions thereof were enacted in and formed part of this Act.

Appeal.

8. An appeal from an order for payment of wages or damages or against any decision of a magistrate under this Act except an order as to costs shall lie to the Court of Appeal for Ontario and the proceedings upon and incidental to the appeal and subsequent thereto shall be the same as nearly as may be as in the case of an appeal from a judgment from a county court.

Records.

9. Every employer shall, on demand of the Board or the chairman or of any person authorized in writing by the Board or by the chairman, produce for inspection all records kept by him relating to the wages paid to any person employed by him.

Offence and penalty.

10. An employer who violates any provisions of this Act or who discharges or in any other manner discriminates against any employee because such employee has made a complaint to his employer or instituted or caused to be instituted any proceedings under or related to this Act or has testified or is about to testify in any such proceedings shall upon conviction thereof be liable to a fine of not more than \$500 or to imprisonment for not more than six months or to both fine and imprisonment.

Commencement of Act.

11. This Act shall come into force six months after the day it receives the Royal Assent.

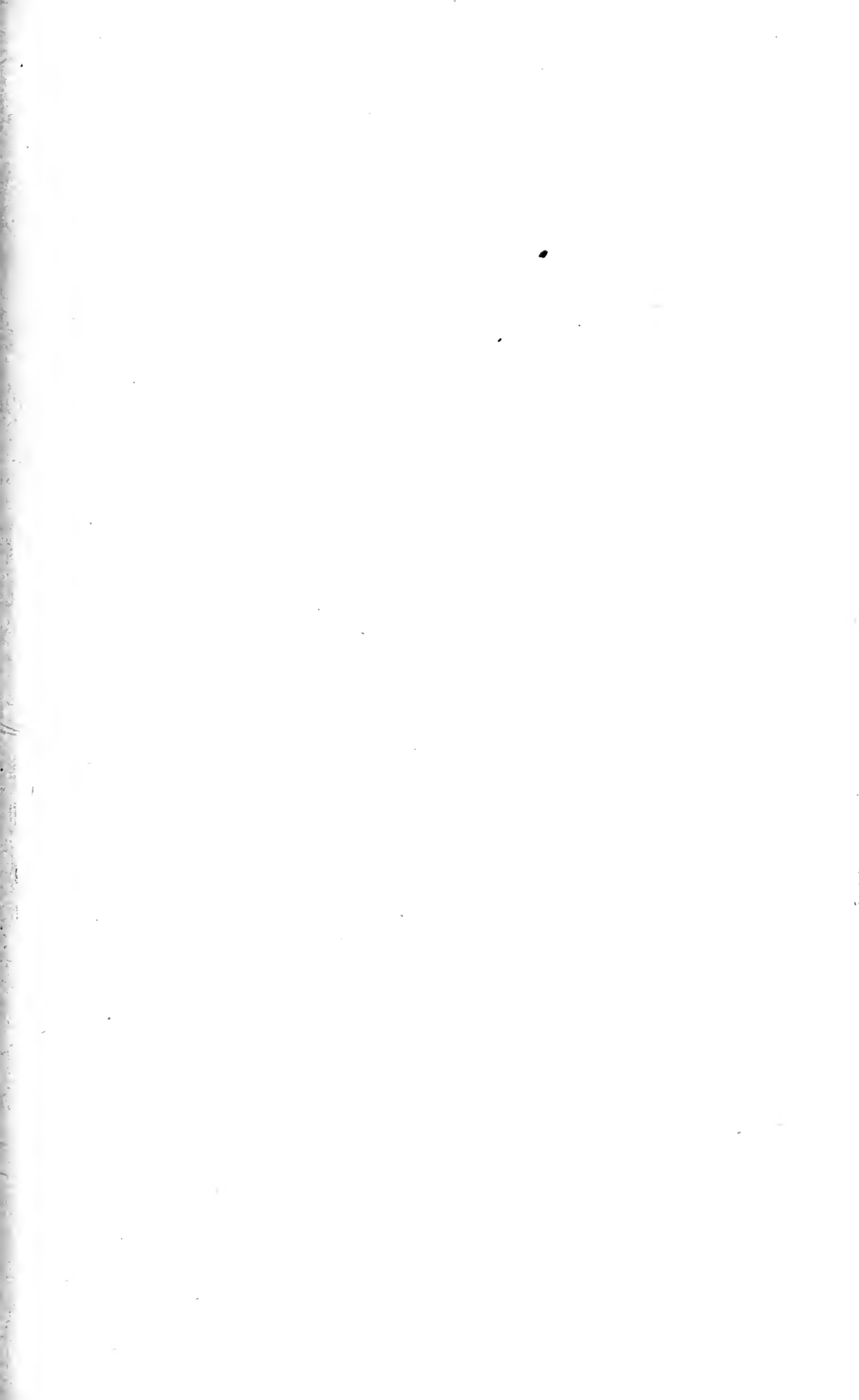
Short title.

12. This Act may be cited as *The Equal Pay for Equal Work Act, 1949*.

SECTION 9. Records must be produced for inspection on demand of the Industry and Labour Board.

SECTION 10. Penalty for intimidation.

SECTION 11. A period of six months is provided for before the Act comes into effect, in order to give employers time to make the necessary adjustments in women's wage schedules.



BILL

An Act respecting Women's Wage Rates.

1st Reading

March 11th, 1949

2nd Reading

3rd Reading

MR. PARK

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Companies Act.

MR. PORTER

EXPLANATORY NOTES

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 and officers or directors of a corporate shareholder or member becoming directors. (Section 147 (3) and 148.)
4. Power is given permitting co-operative corporations to require that patronage returns be loaned to the corporation or invested in issued or unissued 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. Provision is made respecting the distribution of assets on the dissolution of a corporation. (Section 153.)
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. Section 155, 157 and 158 are new and are self-explanatory.

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 includes the word "co- Offences.

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.

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, to a corporation licensed under *The Extra Provincial Corporations Act* or to a corporation heretofore incorporated under the laws of Ontario.

Rev. Stat.,
c. 252.

Share
capital.

143.—(1) The share capital of a company incorporated after the 31st day of May, 1949, 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 issued after the 31st day of May, 1949, 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.

Member
loans.

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.

(2) A corporation may borrow money from its shareholders or members 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. Borrowing from members or shareholders.

145. Where a member of a corporation without share capital dies or does not transact any business with the corporation for a period of two years, 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. Memberships.

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. No person shall hold office as a director of a corporation unless he is a member or shareholder thereof or a director or officer of a corporate member or shareholder thereof. Qualification of a director.

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,— Reserve fund and dividends.

(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.

150.—(1) Subject to section 149, the surplus arising from Distribution of net surplus.

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 surplus may be allocated, credited or paid to non-members or non-shareholders at the same or at lesser rates than 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.

Investment of patronage return. 151.—(1) A company may by by-law provide that in each fiscal year the whole, or such part as the directors may determine, of the patronage return of each shareholder shall be applied to the purchase for the shareholder of a stated number of unissued shares of the company or a stated number of issued shares of the company, if obtainable.

Notice. (2) Where a company has enacted a by-law under subsection 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.

Purchase of shares on behalf of shareholder required to purchase. (3) Unless within thirty days from the date of mailing of the notice referred to in subsection 2, the shareholder required to purchase issued shares has presented for transfer to himself the number of shares which he is required to purchase, the company may on behalf of such shareholder,—

(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) A corporation may enact by-laws requiring its share-^{Compulsory borrowing.}holders or members to lend to it the whole, or such part as the directors may determine, of the patronage returns to which they may become entitled in each fiscal year, upon such terms and at such rate of interest not exceeding six per centum per annum as the by-laws may provide.

(5) No shareholder shall be required under this section to ^{Proviso.}purchase issued or unissued shares at a price in excess of the par value thereof, or issued shares when no such shares are available for purchase.

(6) No member or shareholder shall be required under this ^{Idem.}section to loan his patronage return and no shareholder to purchase shares of the corporation when the corporation is insolvent.

(7) This section shall not prevent a member or shareholder ^{Idem.}from receiving so much of his patronage return as has not been appropriated to loans to the corporation or to the purchase of shares of the corporation in accordance with such by-laws.

152.—(1) Subject to subsections 2 and 3, a company may,—^{Purchase of 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 corporate shareholder is about to be dissolved, or a shareholder has failed for a period of two years to transact any business with the company, purchase for redemption the shares of such shareholder, or require the transfer of such shares to another person, at the book value or par value, whichever is less.

(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;

^{Prohibition re purchase for redemption.}

- (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 certificates of redeemed shares not surrendered.

(4) Where shares are subject to purchase for redemption, and the company gives to the shareholder written notice of purchase in which the shareholder is requested to surrender the share certificates, if any, for cancellation, and the shareholder fails to comply within the time specified, not being less than thirty days after the giving of such notice, the company may pay the purchase price into a chartered bank to the credit of the shareholder and cancel the shares upon its books.

Distribution of assets.

153.—(1) 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 debts.

Distribution of assets upon dissolution.

(2) A corporation may enact by-laws providing that upon the dissolution of the corporation and after the payment of all debts and liabilities, including any declared and unpaid dividends, and the amount paid up on outstanding shares, if any, the remaining assets of the corporation or part thereof may be distributed or disposed of as follows:

- (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) to charitable organizations or to organizations whose objects are beneficial to a community.

By-laws.

154.—(1) A corporation may enact by-laws providing for,—

- (a) the division of 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 and 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 with each corporation, or both;
 - (e) the manner and method of electing delegates;
 - (f) the holding of meetings of delegates;
 - (g) the authority of delegates at meetings or providing that a meeting of delegates shall for all purposes be deemed to be and to have all the powers of 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.
- (2) A delegate shall have only one vote and shall not vote ^{voting.} by proxy.
- (3) No person shall be elected a delegate who is not either ^{Qualifica-} a member or shareholder of the corporation or a director, ^{tion of} officer, member or shareholder of a corporate member or ^{delegate.} shareholder of the corporation.
- (4) No such by-law shall prohibit members or shareholders ^{Proviso.} from attending meetings of delegates.
- 155.—(1) The by-laws of a corporation passed pursuant to ^{By-laws} the authority of this Part shall not take effect until confirmed ^{to be} by a vote of two-thirds of the members or shareholders ^{confirmed.} present or represented at a meeting duly called for considering the same.

By-laws a contract.

(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, his heirs, executors and administrators to conform thereto subject to the provisions of this Part.

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 after each annual meeting to the office of the Provincial Secretary a copy of the balance sheet, statement of income and expenditure and report of the auditor presented thereat;

Delivering statements to members.

(d) deliver to every member or shareholder 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.

Educational and advisory work.

157. A corporation shall have power to carry on, encourage and assist educational and advisory work relating to co-operatives and the co-operative ideal.

Powers of Lieutenant-Governor in Council.

158. The Lieutenant-Governor in Council may,—

(a) relieve any corporation incorporated prior to the 1st day of June, 1949, from compliance with any of the provisions of this Part, and

(b) declare that a corporation shall no longer be subject to this Part, and change such corporation's name, if it appears to the Lieutenant-Governor in Council that fifty per centum or more in value of the business of the corporation during its last fiscal year was transacted with persons or corporations who were neither members nor shareholders of the corporation.

2. This Act shall come into force on the 1st day of June, ^{Commence-}
1949. _{ment of Act.}

3. This Act may be cited as *The Companies Amendment* ^{Short title.}
Act, 1949.

BILL

An Act to amend
The Companies Act.

1st Reading

March 11th, 1949

2nd Reading

3rd Reading

MR. PORTER

No. 125

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Companies Act.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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An Act to amend The Companies Act.

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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 includes the word "co- Offences.

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.

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, to a corporation licensed under *The Extra Provincial Corporations Act* or to a corporation heretofore incorporated under the laws of Ontario.

Rev. Stat.,
c. 252.

Share
capital.

143.—(1) The share capital of a company incorporated after the 31st day of May, 1949, 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 issued after the 31st day of May, 1949, 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.

Member
loans.

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.

(2) A corporation may borrow money from its shareholders or members 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. Borrowing from members or shareholders.

145. Where a member of a corporation without share capital dies or does not transact any business with the corporation for a period of two years, 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. Memberships.

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. No person shall hold office as a director of a corporation unless he is a member or shareholder thereof or a director or officer of a corporate member or shareholder thereof. Qualification of a director.

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,— Reserve fund and dividends.

(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.

150.—(1) Subject to section 149, the surplus arising from Distribution of net surplus.

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 surplus may be allocated, credited or paid to non-members or non-shareholders at the same or at lesser rates than 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.

Investment of patronage return. 151.—(1) A company may by by-law provide that in each fiscal year the whole, or such part as the directors may determine, of the patronage return of each shareholder shall be applied to the purchase for the shareholder of a stated number of unissued shares of the company or a stated number of issued shares of the company, if obtainable.

Notice. (2) Where a company has enacted a by-law under subsection 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.

Purchase of shares on behalf of shareholder required to purchase. (3) Unless within thirty days from the date of mailing of the notice referred to in subsection 2, the shareholder required to purchase issued shares has presented for transfer to himself the number of shares which he is required to purchase, the company may on behalf of such shareholder,—

(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) A corporation may enact by-laws requiring its share-^{Compulsory borrowing.}holders or members to lend to it the whole, or such part as the directors may determine, of the patronage returns to which they may become entitled in each fiscal year, upon such terms and at such rate of interest not exceeding six per centum per annum as the by-laws may provide.

(5) No shareholder shall be required under this section to ^{Proviso.}purchase issued or unissued shares at a price in excess of the par value thereof, or issued shares when no such shares are available for purchase.

(6) No member or shareholder shall be required under this ^{Idem.}section to loan his patronage return and no shareholder to purchase shares of the corporation when the corporation is insolvent.

(7) This section shall not prevent a member or shareholder ^{Idem.}from receiving so much of his patronage return as has not been appropriated to loans to the corporation or to the purchase of shares of the corporation in accordance with such by-laws.

152.—(1) Subject to subsections 2 and 3, a company may,—^{Purchase of 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 corporate shareholder is about to be dissolved, or a shareholder has failed for a period of two years to transact any business with the company, purchase for redemption the shares of such shareholder, or require the transfer of such shares to another person, at the book value or par value, whichever is less.

(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;

^{Prohibition re purchase for redemption.}

- (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 certificates of redeemed shares not surrendered.

(4) Where shares are subject to purchase for redemption, and the company gives to the shareholder written notice of purchase in which the shareholder is requested to surrender the share certificates, if any, for cancellation, and the shareholder fails to comply within the time specified, not being less than thirty days after the giving of such notice, the company may pay the purchase price into a chartered bank to the credit of the shareholder and cancel the shares upon its books.

Distribution of assets.

153.—(1) 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 debts.

Distribution of assets upon dissolution.

(2) A corporation may enact by-laws providing that upon the dissolution of the corporation and after the payment of all debts and liabilities, including any declared and unpaid dividends, and the amount paid up on outstanding shares, if any, the remaining assets of the corporation or part thereof may be distributed or disposed of as follows:

- (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) to charitable organizations or to organizations whose objects are beneficial to a community.

By-laws.

154.—(1) A corporation may enact by-laws providing for,—

- (a) the division of 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 and 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 with each corporation, or both;
- (e) the manner and method of electing delegates;
- (f) the holding of meetings of delegates;
- (g) the authority of delegates at meetings or providing that a meeting of delegates shall for all purposes be deemed to be and to have all the powers of 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.

(2) A delegate shall have only one vote and shall not vote ^{voting.} by proxy.

(3) No person shall be elected a delegate who is not either ^{Qualifica-} a member or shareholder of the corporation or a director, ^{tion of} officer, member or shareholder of a corporate member or ^{delegate.} shareholder of the corporation.

(4) No such by-law shall prohibit members or shareholders ^{Proviso.} from attending meetings of delegates.

155.—(1) The by-laws of a corporation passed pursuant to ^{By-laws} the authority of this Part shall not take effect until confirmed ^{to be} by a vote of two-thirds of the members or shareholders ^{confirmed.} present or represented at a meeting duly called for considering the same.

By-laws a contract. (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, his heirs, executors and administrators to conform thereto subject to the provisions of this Part.

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 after each annual meeting to the office of the Provincial Secretary a copy of the balance sheet, statement of income and expenditure and report of the auditor presented thereat;

Delivering statements to members. (d) deliver to every member or shareholder 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.

Educational and advisory work. 157. A corporation shall have power to carry on, encourage and assist educational and advisory work relating to co-operatives and the co-operative ideal.

Powers of Lieutenant-Governor in Council. 158. The Lieutenant-Governor in Council may,—

(a) relieve any corporation incorporated prior to the 1st day of June, 1949, from compliance with any of the provisions of this Part, and

(b) declare that a corporation shall no longer be subject to this Part, and change such corporation's name, if it appears to the Lieutenant-Governor in Council that fifty per centum or more in value of the business of the corporation during its last fiscal year was transacted with persons or corporations who were neither members nor shareholders of the corporation.

2. This Act shall come into force on the 1st day of June, ^{Commence-}
1949. _{ment of Act.}

3. This Act may be cited as *The Companies Amendment* ^{Short title.}
Act, 1949.

BILL

An Act to amend
The Companies Act.

1st Reading

March 11th, 1949

2nd Reading

March 21st, 1949

3rd Reading

March 25th, 1949

MR. PORTER

No. 126

1ST SESSION, 23RD LEGISLATURE, ONTARIO
• 13 GEORGE VI, 1949

BILL

An Act to amend The Marriage Act.

MR. DUNBAR

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

EXPLANATORY NOTES

This Bill is complementary to sections 2, 6, 7 and 8 of *The Vital Statistics Amendment Act, 1949* (Bill No. 129). The requirements for the completion of the statement which will constitute the registration of a marriage are transposed from *The Vital Statistics Act* to *The Marriage Act* for convenience of administration as the form will be printed on every marriage licence and certificate of proclamation of the banns.

The personal particulars will henceforth be completed by the parties to the marriage and the person who solemnizes the marriage will forward the statement direct to the Registrar-General rather than to the division registrar. This will enable marriage certificates to be issued sooner than has been possible in the past.

BILL

An Act to amend The Marriage Act.

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 5 of *The Marriage Act* is repealed and the following substituted therefor: Rev. Stat., c. 207, s. 5, subs. 5, re-enacted.
- (5) Forthwith after the solemnization of the marriage,— Completion of Form 4A.
- (a) the parties to the marriage shall complete and sign the statement of marriage (Form 4A) endorsed on the certificate or license to marry or the certificate of proclamation, and shall leave it with the person who solemnized the marriage;
- (b) at least two adult witnesses to the marriage shall affix their signatures to the statement; and
- (c) the person who solemnized the marriage shall complete the certificate on the statement.
- (6) Within two days after the day of the marriage, the person who solemnized the marriage shall forward the statement, duly completed in accordance with subsection 5, to the Registrar-General. Form to be forwarded to Registrar-General.
2. Subsection 1 of section 34 of *The Marriage Act* is amended by inserting after the figure "4" in the fourth line the words, figure and letter "or Form 4A", so that the subsection shall read as follows: Rev. Stat., c. 207, s. 34, subs. 1, amended.
- (1) Any person who knowingly makes any false statement of fact in any affidavit made under the provisions of this Act or in or touching the particulars mentioned in Form 4 or Form 4A, in addition to any other penalty or punishment which he may be Penalty for making false statement.

liable to incur, shall, on summary conviction, be liable to a penalty of not less than \$20 and not more than \$200.

Rev. Stat.,
c. 207,
amended.

3. *The Marriage Act* is amended by adding thereto the form set out in the Schedule to this Act.

Commence-
ment of Act.

4. This Act 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 Marriage Amendment Act, 1949*.

SCHEDULE

FORM 4A
(Section 5 (5))

STATEMENT OF MARRIAGE

(For use of Registrar-General only)

1. Place of Marriage: The of in the of (county or territorial district)
 (city, town, village or township) (county or territorial district)

2. Date of Marriage: (month by name) (day) (year) 3. License Banns
 (month by name) (day) (year) (Place X in proper square)

Bridegroom		Bride	
4.	Surname Given Names	17.	Surname Given Names
5. The of in the of (city, town, village or township) (county or territorial district)	Residence	18. The of in the of (city, town, village or township) (county or territorial district)	Residence
6. (Bachelor, Widower, Divorcee)	Marital Status	19. (Spinster, Widower, Divorcee)	Marital Status
7.	Religious Denomination	20.	Religious Denomination
8. Age 9. Citizenship 10. Origin (in years) (If in Canada state Province; if foreign born state country)	Age Citizenship Racial Origin	21. Age 22. Citizenship 23. Origin (in years) (If in Canada state Province; if foreign born state country)	Age Citizenship Racial Origin
11. (If in Canada state Province; if foreign born state country)	Place of Birth	24. (If in Canada state Province; if foreign born state country)	Place of Birth
12.	Occupation	25.	Occupation
13.	Name of Father Surname Given Names	26.	Name of Father Surname Given Names
14.	Maiden Name of Mother Maiden Surname Given Names	27.	Maiden Name of Mother Maiden Surname Given Names
15. (Province or Country)	Birthplace of Father	28. (Province or Country)	Birthplace of Father
16. (Provinces or Country)	Birthplace of Mother	29. (Province or Country)	Birthplace of Mother

.....
 (Signature of Bridegroom) (Signature of Bride)

 (Signature of Witness) (Signature of Witness)

 (Address of Witness) (Address of Witness)

I CERTIFY that I solemnized the marriage of the parties named in Items 4 and 17 on the date and at the place set out above.
 Registration No.
 Religious Denomination

.....
 (Signature of person solemnizing the marriage)

 (Post Office Address)
 Date





An Act to amend The Marriage Act.

1st Reading

March 11th, 1949

2nd Reading

3rd Reading

MR. DUNBAR

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Marriage Act.

MR. DUNBAR

BILL

An Act to amend The Marriage Act.

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1. Subsection 5 of section 5 of *The Marriage Act* is repealed and the following substituted therefor: Rev. Stat., c. 207, s. 5, subs. 5, re-enacted.
- (5) Forthwith after the solemnization of the marriage,— Completion of Form 4A.
- (a) the parties to the marriage shall complete and sign the statement of marriage (Form 4A) endorsed on the certificate or license to marry or the certificate of proclamation, and shall leave it with the person who solemnized the marriage;
- (b) at least two adult witnesses to the marriage shall affix their signatures to the statement; and
- (c) the person who solemnized the marriage shall complete the certificate on the statement.
- (6) Within two days after the day of the marriage, the person who solemnized the marriage shall forward the statement, duly completed in accordance with subsection 5, to the Registrar-General. Form to be forwarded to Registrar-General.
2. Subsection 1 of section 34 of *The Marriage Act* is amended by inserting after the figure "4" in the fourth line the words, figure and letter "or Form 4A", so that the subsection shall read as follows: Rev. Stat., c. 207, s. 34, subs. 1, amended.
- (1) Any person who knowingly makes any false statement of fact in any affidavit made under the provisions of this Act or in or touching the particulars mentioned in Form 4 or Form 4A, in addition to any other penalty or punishment which he may be Penalty for making false statement.

liable to incur, shall, on summary conviction, be liable to a penalty of not less than \$20 and not more than \$200.

Rev. Stat.,
c. 207,
amended. **3.** *The Marriage Act* is amended by adding thereto the form set out in the Schedule to this Act.

Commence-
ment of Act. **4.** This Act 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 Marriage Amendment Act, 1949*.

SCHEDULE

FORM 4A (Section 5 (5))

STATEMENT OF MARRIAGE

(For use of Registrar-General only)

1. Place of Marriage: The of in the of
 (city, town, village or township) (county or territorial district)
2. Date of Marriage: 3. License Banns
 (month by name) (day) (year) (Place X in proper square)

Bridegroom		Bride	
4. Surname Given Names	17.	17. Surname Given Names	17.
5. The of in the of (city, town, village or township) (county or territorial district)	18. The of in the of (city, town, village or township) (county or territorial district)	18. Residence	18. The of in the of (city, town, village or township) (county or territorial district)
6. (Bachelor, Widower, Divorcee)	19. (Spinster, Widow, Divorcee)	19. Marital Status	19. (Spinster, Widow, Divorcee)
7.	20.	20. Religious Denomination	20.
8. Age 9. Citizenship 10. Origin (in years) (If in Canada state Province; if foreign born state country)	21. Age 22. Citizenship 23. Origin (in years) (If in Canada state Province; if foreign born state country)	21. Age 22. Citizenship 23. Origin (in years) (If in Canada state Province; if foreign born state country)	21. Age 22. Citizenship 23. Origin (in years) (If in Canada state Province; if foreign born state country)
11. (If in Canada state Province; if foreign born state country)	24. (If in Canada state Province; if foreign born state country)	24. Place of Birth	24. (If in Canada state Province; if foreign born state country)
12.	25.	25. Occupation	25.
13.	26.	26. Name of Father Surname Given Names	26.
14.	27.	27. Maiden Name of Mother Maiden Surname Given Names	27.
15. (Province or Country)	28. (Province or Country)	28. Birthplace of Father	28. (Province or Country)
16. (Province or Country)	29. (Province or Country)	29. Birthplace of Mother	29. (Province or Country)

.....
 (Signature of Bridegroom) (Signature of Bride)

 (Signature of Witness) (Signature of Witness)

 (Address of Witness) (Address of Witness)

I CERTIFY that I solemnized the marriage of the parties named in Items 4 and 17 on the date and at the place set out above.
 Registration No. (Signature of person solemnizing the marriage)
 Religious Denomination (Post Office Address)
 Date



An Act to amend The Marriage Act.

1st Reading

March 11th, 1949

2nd Reading

March 18th, 1949

3rd Reading

March 22nd, 1949

MR. DUNBAR

No. 127

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Telephone Act.

MR. DUNBAR

TORONTO
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EXPLANATORY NOTES

SECTION 1. This provision, which is self-explanatory, is new.

BILL

An Act to amend The Telephone Act.

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

1. *The Telephone Act* is amended by adding thereto the following section: Rev. Stat.,
c. 261
amended.

22a.—(1) Subject to the approval of a majority of the subscribers present in person or represented by proxy at a special general meeting of the subscribers called for the purpose, and subject to the approval of the Board, the council of an initiating municipality in which a telephone system established under this Part is vested may by by-law provide for the sale and disposal of the whole or any part of the telephone system. Sale of
telephone
system or
part.

(2) The proceeds of sale shall, under the direction of the Board, be applied and used in payment of outstanding debenture debt and other indebtedness and liabilities incurred with respect to the telephone system. Use of pro-
ceeds to
discharge
debts.

(3) The proceeds of sale not required for the purposes mentioned in subsection 2 shall, under the direction of the Board,— Disposition
of surplus.

(a) in the case of a sale of part only of the telephone system, belong to the system and be applied and used according to the Board's directions; and

(b) in the case of a sale of the whole of the telephone system, belong to the subscribers and be distributed among them in such manner and on such basis in respect of their separate interests as the Board may direct and, in the event of dispute, as the Board may determine.

Where subscribers are unknown.

(4) Where from absence or loss of records or other cause, the council of an initiating municipality is unable to ascertain who are the subscribers and is therefore unable to obtain their consent to a sale of the whole or a part of a telephone system, the Board, upon proof of the fact, may authorize the sale, notwithstanding the absence of consent of subscribers, and the proceeds of sale shall, subject to subsection 2,—

(a) in the case of a sale of part only of the system, belong to the system and be applied and used according to the Board's directions; and

(b) in the case of a sale of the whole of the system, be held, applied, used, distributed and disposed of as and when the Board may authorize and approve.

Rev. Stst.,
c. 261, s. 58,
amended.

2. Section 58 of *The Telephone Act* is amended by striking out the words, figures and letters "15th day of February" in the third line and inserting in lieu thereof the words, figure and letters "1st day of March", so that the section shall read as follows:

Annual meeting.

58. Every system established under this Part shall hold a general meeting of its subscribers in each year not later than the 1st day of March, or at such other time as may be approved by the Board.

Commencement of Act.

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

Short title.

4. This Act may be cited as *The Telephone Amendment Act, 1949*.

SECTION 2. The last day for holding the annual meetings of local municipal telephone systems is extended from February 15th to March 1st in order to give more time for the preparation of the auditor's report and for due notice of the meeting to be given.

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BILL

An Act to amend The Telephone Act.

1st Reading

March 11th, 1949

2nd Reading

3rd Reading

MR. DUNBAR

No. 127

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

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BILL

An Act to amend The Telephone Act.

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

1. *The Telephone Act* is amended by adding thereto the following section: Rev. Stat.,
c. 261,
amended.

- 22a.—(1) Subject to the approval of a majority of the subscribers present in person or represented by proxy at a special general meeting of the subscribers called for the purpose, and subject to the approval of the Board, the council of an initiating municipality in which a telephone system established under this Part is vested may by by-law provide for the sale and disposal of the whole or any part of the telephone system. Sale of
telephone
system or
part.
- (2) The proceeds of sale shall, under the direction of the Board, be applied and used in payment of outstanding debenture debt and other indebtedness and liabilities incurred with respect to the telephone system. Use of pro-
ceeds to
discharge
debts.
- (3) The proceeds of sale not required for the purposes mentioned in subsection 2 shall, under the direction of the Board,— Disposition
of surplus.
- (a) in the case of a sale of part only of the telephone system, belong to the system and be applied and used according to the Board's directions; and
- (b) in the case of a sale of the whole of the telephone system, belong to the subscribers and be distributed among them in such manner and on such basis in respect of their separate interests as the Board may direct and, in the event of dispute, as the Board may determine.

Where subscribers are unknown.

- (4) Where from absence or loss of records or other cause, the council of an initiating municipality is unable to ascertain who are the subscribers and is therefore unable to obtain their consent to a sale of the whole or a part of a telephone system, the Board, upon proof of the fact, may authorize the sale, notwithstanding the absence of consent of subscribers, and the proceeds of sale shall, subject to subsection 2,—

- (a) in the case of a sale of part only of the system, belong to the system and be applied and used according to the Board's directions; and
- (b) in the case of a sale of the whole of the system, be held, applied, used, distributed and disposed of as and when the Board may authorize and approve.

Rev. Stat., c. 261, s. 58, amended.

2. Section 58 of *The Telephone Act* is amended by striking out the words, figures and letters "15th day of February" in the third line and inserting in lieu thereof the words, figure and letters "1st day of March", so that the section shall read as follows:

Annual meeting.

58. Every system established under this Part shall hold a general meeting of its subscribers in each year not later than the 1st day of March, or at such other time as may be approved by the Board.

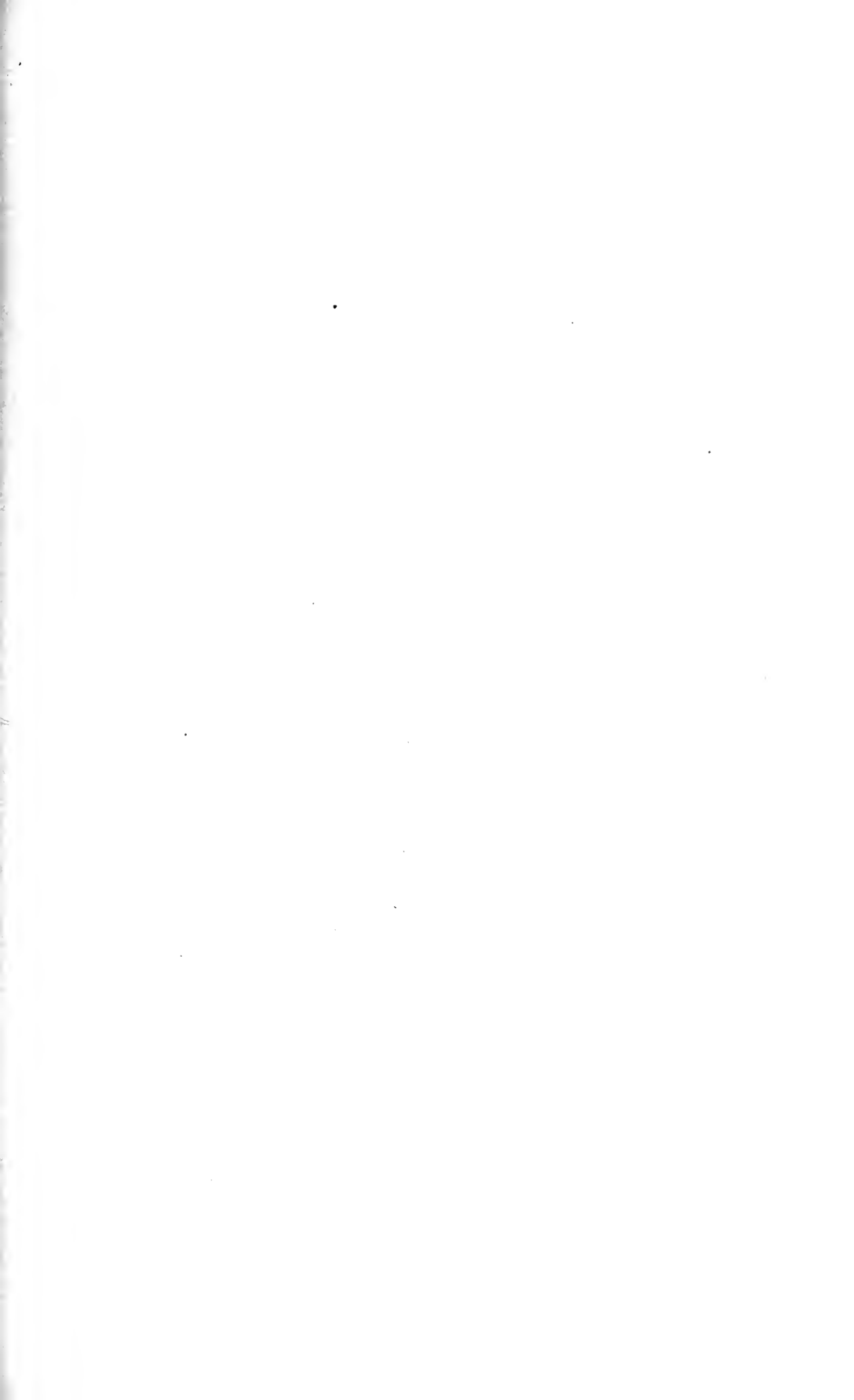
Commencement of Act.

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

Short title.

4. This Act may be cited as *The Telephone Amendment Act, 1949*.





BILL

An Act to amend The Telephone Act.

1st Reading

March 11th, 1949

2nd Reading

March 18th, 1949

3rd Reading

March 22nd, 1949

MR. DUNBAR

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

**An Act for Quieting Doubts affecting the Legal Status and Boundaries
of Municipalities.**

MR. DUNBAR

EXPLANATORY NOTES

When the territorial districts were developing the district judges were given power to establish township municipalities in the districts. Under the statutes of the time it was required that a copy of the order be filed in the office of the Provincial Secretary and in the local registry or land titles office. This was not done in many cases and there is no documentary proof available as to the incorporation, status and boundaries of the municipality.

In addition there are other municipalities in the older settled parts of Ontario for which records of incorporation and boundaries have been lost and the only present method of clarifying and settling these difficulties is by private Act of the Legislature.

This Bill will provide a simple procedure whereby a municipality can obtain from the Ontario Municipal Board a quieting order which will declare the status, name and boundaries of the municipality.

BILL

An Act for Quieting Doubts affecting the Legal Status and Boundaries of Municipalities.

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) "Board" means Ontario Municipal Board; Interpretation,—
"Board";
- (b) "Department" means Department of Municipal Affairs; "Department";
- (c) "municipality" means a county, city, town, village or township; "municipality";
- (d) "quieting order" means an order establishing the legal existence and corporate status of a municipality and its proper area and boundaries in order to quiet doubts affecting the same. "quieting order".

2.—(1) Upon the application of the council of a municipality, the Board may make a quieting order respecting the municipality. Power of Municipal Board to make quieting order.

(2) A quieting order may be made retroactive in its effect and operation for the purpose and to the extent provided therein, except that it shall not affect or prejudice the rights of any person in any action, litigation or other proceeding pending at the time when the order is made. Retroactive effect of order.

3.—(1) Where the council of a municipality is aware of any doubt affecting the legal existence or corporate status or proper area and boundaries of the municipality, it may apply to the Board for a quieting order. Application for quieting order.

(2) The application shall be in duplicate and shall specify the nature and cause of the doubt which exists and set forth full particulars of all evidence and proofs that are known respecting the existence and status and the area and boundaries of the municipality. Particulars of application.

(3) Upon receipt of an application for a quieting order,—

Duplicate copy for Department.

(a) the secretary of the Board shall transmit one copy to the Department; and

Appointment for hearing and notice of same.

(b) the Board shall fix a day, time and place for hearing the application and shall direct the applicant as to the notice of the application and of the appointment for hearing to be published by it and as to any special notice thereof it shall give to any other municipality and to any person.

Objections to be heard.

4. The Board shall hear any other municipality and any person present or represented at the hearing and take into consideration any objections to the application.

Effect of quieting order.

5. Every quieting order made by the Board shall according to its tenor be valid and binding for all purposes and upon all municipalities and persons.

Publication of quieting orders.

6. Forthwith after the issue of a quieting order, the applicant shall,—

(a) publish the order locally in such manner as the board may direct;

(b) publish a copy in *The Ontario Gazette*;

(c) file a certified copy with the Department; and

(d) register a certified copy in the proper registry office, as in the case of an order of the Board registered under section 72 of *The Registry Act*, which section shall apply.

Rev. Stat., c. 170.

Powers of Department.

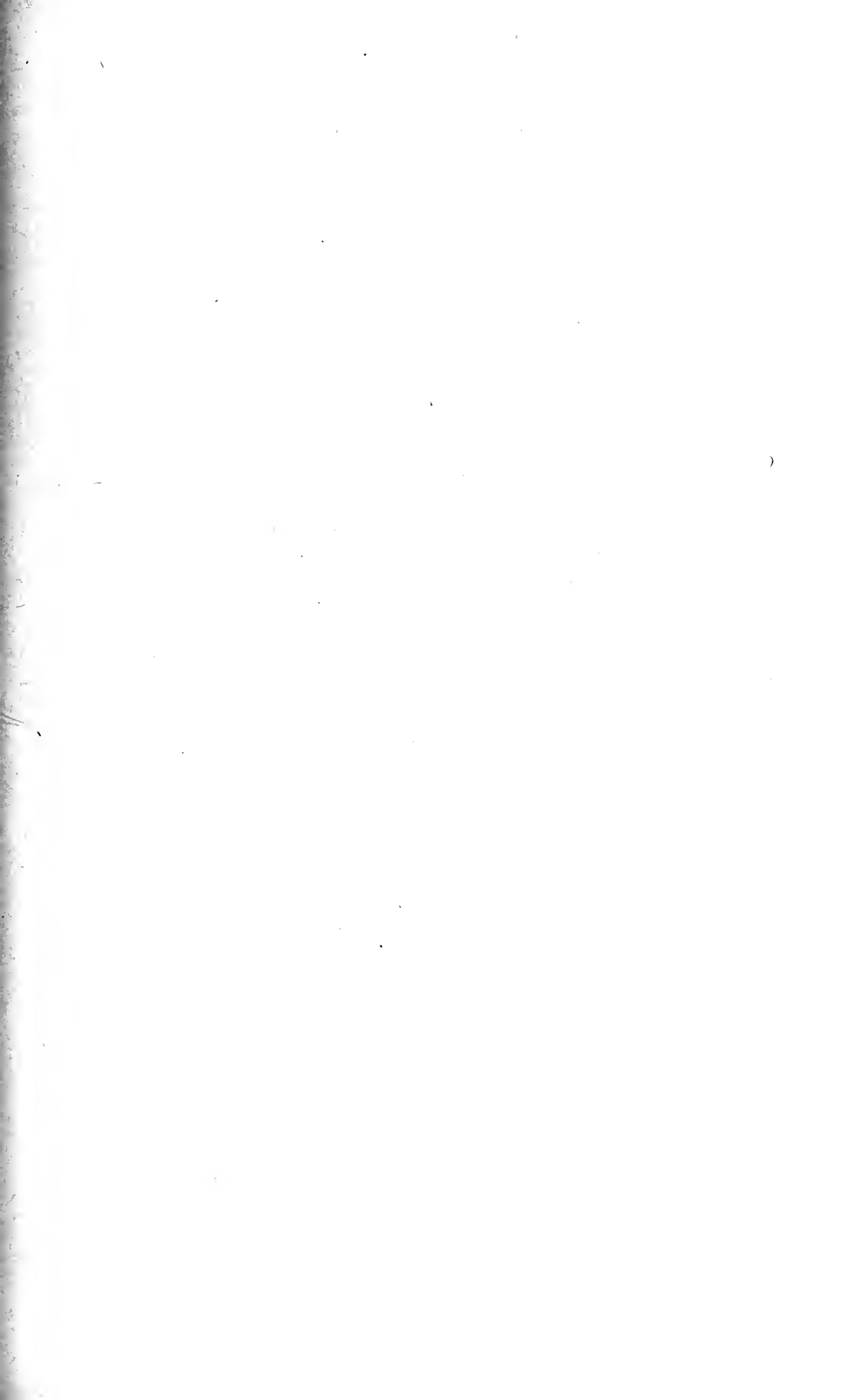
7. The Department may,—

(a) authorize the board of trustees of an improvement district or of a police village to apply under this Act for a quieting order with respect to the improvement district or police village, as the case may be, and for such purpose all the provisions of this Act shall, *mutatis mutandis*, apply;

(b) require the council of any municipality to apply for a quieting order with respect to the municipality and upon neglect or failure of the council to apply for the order within sixty days after being so required, the Department may on behalf of the council and in the name of the municipality apply to the Board for the quieting order.

8. The fee payable upon any application under this Act shall ^{Fee of} be fixed by the Board, but shall not exceed \$10. _{Board.}

9. This Act may be cited as *The Municipal Corporations* Short title. *(Quieting Orders) Act, 1949.*



BILL

An Act for Quieting Doubts affecting the
Legal Status and Boundaries of
Municipalities.

1st Reading

March 11th, 1949

2nd Reading

3rd Reading

MR. DUNBAR

No. 128

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

**An Act for Quieting Doubts affecting the Legal Status and Boundaries
of Municipalities.**

MR. DUNBAR

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



BILL

An Act for Quieting Doubts affecting the Legal Status and Boundaries of Municipalities.

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) "Board" means Ontario Municipal Board; Interpretation,—
"Board";
- (b) "Department" means Department of Municipal Affairs; "Department";
- (c) "municipality" means a county, city, town, village or township; "municipality";
- (d) "quieting order" means an order establishing the legal existence and corporate status of a municipality and its proper area and boundaries in order to quiet doubts affecting the same. "quieting order".

2.—(1) Upon the application of the council of a municipality, the Board may make a quieting order respecting the municipality. Power of Municipal Board to make quieting order.

(2) A quieting order may be made retroactive in its effect and operation for the purpose and to the extent provided therein, except that it shall not affect or prejudice the rights of any person in any action, litigation or other proceeding pending at the time when the order is made. Retroactive effect of order.

3.—(1) Where the council of a municipality is aware of any doubt affecting the legal existence or corporate status or proper area and boundaries of the municipality, it may apply to the Board for a quieting order. Application for quieting order.

(2) The application shall be in duplicate and shall specify the nature and cause of the doubt which exists and set forth full particulars of all evidence and proofs that are known respecting the existence and status and the area and boundaries of the municipality. Particulars of application.

(3) Upon receipt of an application for a quieting order,—

Duplicate copy for Department.

(a) the secretary of the Board shall transmit one copy to the Department; and

Appointment for hearing and notice of same.

(b) the Board shall fix a day, time and place for hearing the application and shall direct the applicant as to the notice of the application and of the appointment for hearing to be published by it and as to any special notice thereof it shall give to any other municipality and to any person.

Objections to be heard.

4. The Board shall hear any other municipality and any person present or represented at the hearing and take into consideration any objections to the application.

Effect of quieting order.

5. Every quieting order made by the Board shall according to its tenor be valid and binding for all purposes and upon all municipalities and persons.

Publication of quieting orders.

6. Forthwith after the issue of a quieting order, the applicant shall,—

(a) publish the order locally in such manner as the board may direct;

(b) publish a copy in *The Ontario Gazette*;

(c) file a certified copy with the Department; and

(d) register a certified copy in the proper registry office, as in the case of an order of the Board registered under section 72 of *The Registry Act*, which section shall apply.

Rev. Stat., c. 170.

Powers of Department.

7. The Department may,—

(a) authorize the board of trustees of an improvement district or of a police village to apply under this Act for a quieting order with respect to the improvement district or police village, as the case may be, and for such purpose all the provisions of this Act shall, *mutatis mutandis*, apply;

(b) require the council of any municipality to apply for a quieting order with respect to the municipality and upon neglect or failure of the council to apply for the order within sixty days after being so required, the Department may on behalf of the council and in the name of the municipality apply to the Board for the quieting order.

8. The fee payable upon any application under this Act shall be fixed by the Board, but shall not exceed \$10. ^{Fee of Board.}

9. This Act may be cited as *The Municipal Corporations (Quieting Orders) Act, 1949.* Short title.



BILL

An Act for Quieting Doubts affecting the
Legal Status and Boundaries of
Municipalities.

1st Reading

March 11th, 1949

2nd Reading

March 18th, 1949

3rd Reading

March 22nd, 1949

MR. DUNBAR

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Vital Statistics Act, 1948.

MR. DUNBAR

EXPLANATORY NOTES

SECTION 1. At present clause *d* imposes a duty on two persons to register a birth. It is desirable that only one person should act as informant.

SECTION 2. This section is complementary to *The Marriage Amendment Act, 1949* (Bill No. 126). Henceforth the statement of marriage, which will become the registration of the marriage, will be in Form 4A to *The Marriage Act*, and will be printed on every marriage licence and certificate of proclamation of banns. The form will be forwarded direct to the Registrar-General rather than through the division registrar. The amendment will come into force on Proclamation to give time to print and distribute the new marriage licence and bann certificate forms.

BILL

An Act to amend 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:

1.—(1) Clause *c* of subsection 1 of section 6 of *The Vital Statistics Act, 1948* is amended by striking out the word “or” at the end thereof. 1948, c. 97, s. 6, subs. 1, cl. *c*, amended.

(2) Clause *d* of subsection 1 of the said section 6 is amended by striking out the words “and the nurse or other person present at the birth” at the end thereof and inserting in lieu thereof the word “or”, so that the clause shall read as follows: 1948, c. 97, s. 6, subs. 1, cl. *d*, amended.

(*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; or

(3) Subsection 1 of the said section 6 is further amended by adding thereto the following clause: 1948, c. 97, s. 6, subs. 1, amended.

(*e*) if none of the persons mentioned in clauses *a* to *d* is capable or available, the nurse present at the birth.

2. Section 14 of *The Vital Statistics Act, 1948* is repealed and the following substituted therefor: 1948, c. 97, s. 14, re-enacted.

14.—(1) Every marriage that is solemnized in Ontario shall be registered under this Act. Marriages.

(2) Upon receipt of the statement of marriage forwarded under subsection 6 of section 5 of *The Marriage Act*, the Registrar General, if he is satisfied as to the correctness and sufficiency thereof, shall register the marriage by signing the statement, Registration of marriage. Rev. Stat., c. 207.

and thereupon the statement shall constitute the registration of the marriage.

Acknowledgment of registration.

- (3) The Registrar-General shall thereupon mail to the person by whom the marriage was solemnized, an acknowledgment of the receipt in the prescribed form.

1948, c. 97, s. 16, subs. 3, re-enacted; subs. 4, repealed.

3. Subsections 3 and 4 of section 16 of *The Vital Statistics Act, 1948* are repealed and the following substituted therefor:

- (3) The legally qualified medical practitioner who was last in attendance during the last illness of a deceased person or the coroner who conducts an investigation or inquest into the death of a person shall, forthwith after the death, investigation or inquest, as the case may be, complete and sign a medical certificate of death in the prescribed form, 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 to the funeral director in charge of the body.

Medical certificate.

1948, c. 97, s. 17, amended.

4. Section 17 of *The Vital Statistics Act, 1948* is amended by adding thereto the following subsection:

- (4) Except as may be required by the regulations, the cause of death shall not be stated on a burial permit.

Cause of death on burial permit.

1948, c. 97, s. 19, subs. 2, re-enacted; subs. 3, 4 repealed.

5. Subsections 2, 3 and 4 of section 19 of *The Vital Statistics Act, 1948* are repealed and the following substituted therefor:

- (2) Where a person has died under any of the circumstances mentioned in subsection 1 and it is impracticable for the coroner to complete a medical certificate of the cause of death, he may issue his warrant to bury when he has examined the body as provided in *The Coroners Act, 1948*, and the division registrar shall issue a burial permit on the delivery to him of the warrant to bury, and the coroner shall, within two days of his determining the cause of death or of the completion of his investigation, certify and deliver or mail the medical certificate of death to the division registrar.

Coroner's warrant to bury.

1948, c. 17.

6. Subsection 1 of section 31 of *The Vital Statistics Act, 1948* is amended by striking out the word "marriage" in the first line thereof.

1948, c. 97, s. 31, subs. 1, amended.

SECTION 3. The provision for referring cases where there is no doctor in attendance during the last illness of a deceased person to the local medical officer of health is removed from the Act as with large health units the officer cannot readily cover the large area for such cases. These cases are referred to the coroner having jurisdiction under subsection 2 of section 7 of *The Coroners Act, 1948*.

The requirement that the doctor state that he has viewed the body in his medical certificate of death is removed.

SECTION 4. Self-explanatory.

SECTION 5. Complementary to section 3. All cases of death from unnatural causes or where no doctor was in attendance at the last illness are referred to the coroner under section 7 of *The Coroners Act, 1948* and these subsections contained some duplication of these provisions and also implicated the local medical officer of health in cases in which the coroner has jurisdiction.

SECTIONS 6, 7 and 8. Complementary to section 2.

SECTION 9—Subsection 1. For the purposes of disinterment of the bodies of persons who have died of certain communicable diseases it is desirable that the cause of death be available on the burial permit at the cemetery. The diseases in question will be set out in the regulations.

Subsection 2. For statistics and control in connection with epidemics it is desirable that local health officials be given access to the division registrar's records rather than have to wait to get the information from the Registrar-General.

7.—(1) Section 34 of *The Vital Statistics Act, 1948* is amended by striking out the word “marriage” wherever it occurs in clauses *e, f, g, l, m* and *o*. 1948, c. 97, s. 34, cls. e, f, g, l, m, o, amended.

(2) Clause *k* of the said section 34 is amended by striking out the word “marriages” and the word “four” in the second line and the word “marriage” in the fourth line thereof. 1948, c. 97, s. 34, cl. k, amended.

8. Subsection 1 of section 36 of *The Vital Statistics Act, 1948* is amended by striking out the word “marriage” in the third line thereof. 1948, c. 97, s. 36, subs. 1, amended.

9.—(1) Section 54 of *The Vital Statistics Act, 1948* is amended by adding thereto the following clause: 1948, c. 97, s. 54, amended.

(*ff*) prescribing the conditions under which the division registrar shall state the cause of death on a burial permit.

(2) Clause *j* of the said section 54 is amended by inserting after the word “office” in the third line the words “or in a division registrar’s office”, so that the clause shall read as follows: 1948, c. 97, s. 54, cl. j, amended.

(*j*) designating the persons who may have access to, or may be given information from the records in the Registrar-General’s office or in a division registrar’s office, and prescribing an oath of secrecy to be taken by such persons.

10.—(1) This Act, except sections 2, 6, 7 and 8, shall come into force on the day it receives the Royal Assent. Commencement of Act.

(2) Sections 2, 6, 7 and 8 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Idem.

11. This Act may be cited as *The Vital Statistics Amendment Act, 1949*. Short title.

BILL

An Act to amend
The Vital Statistics Act, 1949.

1st Reading

March 11th, 1949

2nd Reading

3rd Reading

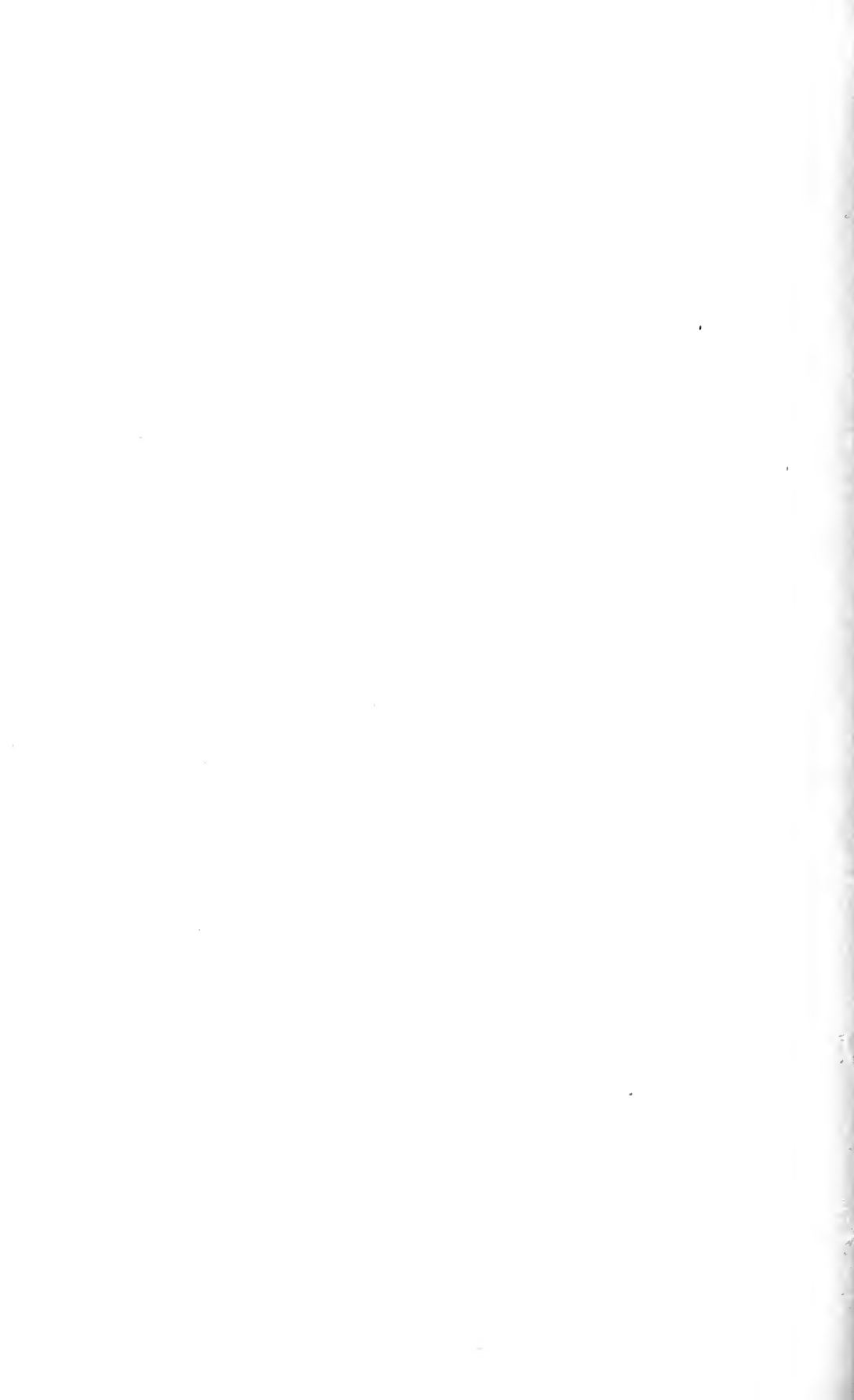
MR. DUNBAR

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Vital Statistics Act, 1948.

MR. DUNBAR



BILL

An Act to amend 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:

1.—(1) Clause *c* of subsection 1 of section 6 of *The Vital Statistics Act, 1948* is amended by striking out the word “or” at the end thereof. 1948, c. 97, s. 6, subs. 1, cl. c, amended.

(2) Clause *d* of subsection 1 of the said section 6 is amended by striking out the words “and the nurse or other person present at the birth” at the end thereof and inserting in lieu thereof the word “or”, so that the clause shall read as follows: 1948, c. 97, s. 6, subs. 1, cl. d, amended.

(*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; or

(3) Subsection 1 of the said section 6 is further amended by adding thereto the following clause: 1948, c. 97, s. 6, subs. 1, amended.

(*e*) if none of the persons mentioned in clauses *a* to *d* is capable or available, the nurse present at the birth.

2. Section 14 of *The Vital Statistics Act, 1948* is repealed and the following substituted therefor: 1948, c. 97, s. 14, re-enacted.

14.—(1) Every marriage that is solemnized in Ontario shall be registered under this Act. Marriages.

(2) Upon receipt of the statement of marriage forwarded under subsection 6 of section 5 of *The Marriage Act*, the Registrar General, if he is satisfied as to the correctness and sufficiency thereof, shall register the marriage by signing the statement, Registration of marriage. Rev. Stat., c. 207.

and thereupon the statement shall constitute the registration of the marriage.

Acknowledgment of registration.

- (3) The Registrar-General shall thereupon mail to the person by whom the marriage was solemnized, an acknowledgment of the receipt in the prescribed form.

1948, c. 97, s. 16, subs. 3, re-enacted; subs. 4, repealed.

3. Subsections 3 and 4 of section 16 of *The Vital Statistics Act, 1948* are repealed and the following substituted therefor:

Medical certificate.

- (3) The legally qualified medical practitioner who was last in attendance during the last illness of a deceased person or the coroner who conducts an investigation or inquest into the death of a person shall, forthwith after the death, investigation or inquest, as the case may be, complete and sign a medical certificate of death in the prescribed form, 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 to the funeral director in charge of the body.

1948, c. 97, s. 17, amended.

4. Section 17 of *The Vital Statistics Act, 1948* is amended by adding thereto the following subsection:

Cause of death on burial permit.

- (4) Except as may be required by the regulations, the cause of death shall not be stated on a burial permit.

1948, c. 97, s. 19, subs. 2, re-enacted; subs. 3, 4 repealed.

5. Subsections 2, 3 and 4 of section 19 of *The Vital Statistics Act, 1948* are repealed and the following substituted therefor:

Coroner's warrant to bury.

- (2) Where a person has died under any of the circumstances mentioned in subsection 1 and it is impracticable for the coroner to complete a medical certificate of the cause of death, he may issue his warrant to bury when he has examined the body as provided in *The Coroners Act, 1948*, and the division registrar shall issue a burial permit on the delivery to him of the warrant to bury, and the coroner shall, within two days of his determining the cause of death or of the completion of his investigation, certify and deliver or mail the medical certificate of death to the division registrar.

1948, c. 17.

6. Subsection 1 of section 31 of *The Vital Statistics Act, 1948* is amended by striking out the word "marriage" in the first line thereof.

1948, c. 97, s. 31, subs. 1, amended.

7.—(1) Section 34 of *The Vital Statistics Act, 1948* is amended by striking out the word “marriage” wherever it occurs in clauses *e, f, g, l, m* and *o*. 1948, c. 97, s. 34; cls. e, f, g, l, m, o, amended.

(2) Clause *k* of the said section 34 is amended by striking out the word “marriages” and the word “four” in the second line and the word “marriage” in the fourth line thereof. 1948, c. 97, s. 34, cl. k, amended.

8. Subsection 1 of section 36 of *The Vital Statistics Act, 1948* is amended by striking out the word “marriage” in the third line thereof. 1948, c. 97, s. 36, subs. 1, amended.

9.—(1) Section 54 of *The Vital Statistics Act, 1948* is amended by adding thereto the following clause: 1948, c. 97, s. 54, amended.

(*f*) prescribing the conditions under which the division registrar shall state the cause of death on a burial permit.

(2) Clause *j* of the said section 54 is amended by inserting after the word “office” in the third line the words “or in a division registrar’s office”, so that the clause shall read as follows: 1948, c. 97, s. 54, cl. j, amended.

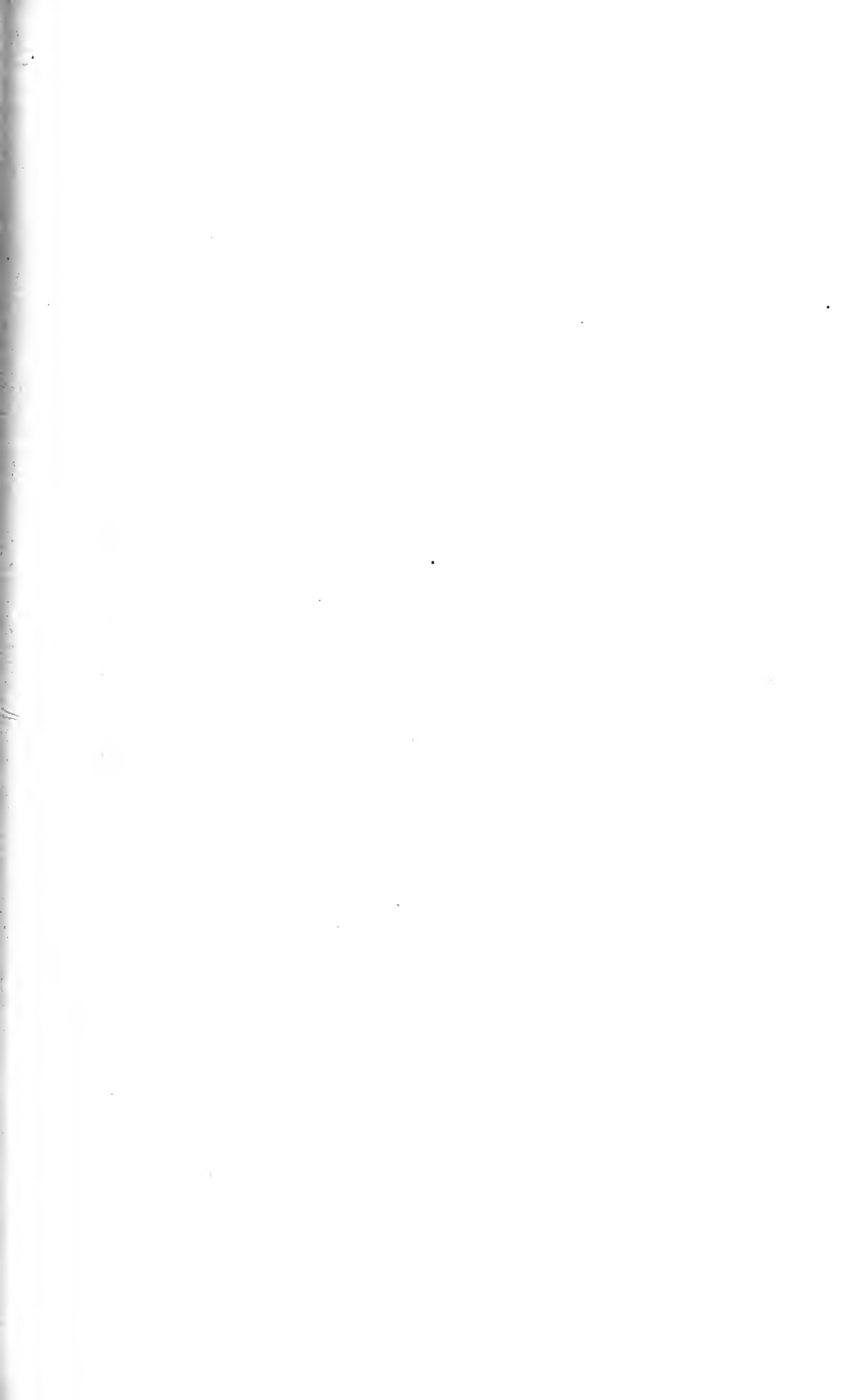
(*j*) designating the persons who may have access to, or may be given information from the records in the Registrar-General’s office or in a division registrar’s office, and prescribing an oath of secrecy to be taken by such persons.

10.—(1) This Act, except sections 2, 6, 7 and 8, shall come into force on the day it receives the Royal Assent. Commencement of Act.

(2) Sections 2, 6, 7 and 8 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. idem.

11. This Act may be cited as *The Vital Statistics Amendment Act, 1949*. Short title.





BILL

An Act to amend
The Vital Statistics Act, 1949.

1st Reading

March 11th, 1949

2nd Reading

March 18th, 1949

3rd Reading

March 22nd, 1949

Mr. DUNBAR

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Public Utilities Act.

MR. DUNBAR

EXPLANATORY NOTES

SECTION 1. This amendment is complementary to the amendments to *The Power Commission Act* in respect of frequency conversion.

SECTION 2. These amendments give the municipal council power to ensure that the interests of the municipality are protected where the control of a public utility undertaking is vested in a commission. Section 31 of *The Public Utilities Act*, referred to in clause *b*, provides that after paying for expenditures for maintenance and operation the receipts of a public utility shall be paid over to the treasurer of the municipality.

BILL

An Act to amend The Public Utilities Act.

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

1. *The Public Utilities Act* is amended by adding thereto the following section: Rev. Stat., c. 286, amended.

25b.—(1) Where The Hydro-Electric Power Commission of Ontario changes the periodicity in alternations of current at which it supplies electrical power or energy to a municipal corporation or a commission, the corporation or commission may change the periodicity in alternations of current at which it supplies that electrical power or energy to any person, notwithstanding any agreement heretofore or hereafter made. Change of frequency.

(2) Nothing done under subsection 1 shall be deemed a breach of contract by the municipal corporation or commission or entitle any person to rescind any agreement or release any guarantor from the performance of his obligation, or render the municipal corporation or commission, its servants or agents liable in any action or other legal proceeding for damages or otherwise. Conversion not breach of contract.

2. Section 36 of *The Public Utilities Act* is amended by adding thereto the following subsection: Rev. Stat., c. 286, s. 36, amended.

(5) Where the construction or control and management of a public utility works belonging to a municipal corporation is entrusted to a commission,— Limitations on powers of commission.

(a) no part of the works shall be undertaken in or extended into and no supply of the public utility shall be furnished to or in any other municipality by the commission without the consent of the council of the corporation to which the public utility works belong; and

- (b) no extensions, additions, enlargements, improvements or alterations in, of or to the works shall be undertaken by the commission without the consent of the council of the corporation to which the public utility works belong, if the cost or any part of the cost is intended to be provided for out of moneys which under section 31 are required to be paid to the treasurer of the municipality.

Rev. Stat.,
c. 286, s. 37,
amended.

3. Section 37 of *The Public Utilities Act*, as amended by section 2 of *The Public Utilities Amendment Act, 1947*, is further amended by adding thereto the following subsections:

Increasing or
decreasing
number of
commission
members.

- (3a) Where a commission has been in existence for not less than five years, the council of the corporation may by by-law provide that from the time of the municipal elections next ensuing the number of members of the commission,—

(a) if it consists of three members, shall be increased to five members; or

(b) if it consists of five members, shall be decreased to three members.

proviso.

subject, however, to the assent of the electors if the existing number of members was established by a by-law passed with the assent of the electors.

Where the
number is
increased.

- (3b) Where the number of members of a commission is to be increased to five members the elected member then holding office for a term which does not expire until the end of the next succeeding year shall not be affected and he may continue to hold office until the expiration of the term for which he was elected, and at the municipal elections next ensuing after the by-law is passed three members of the commission shall be elected of whom the two elected who receive the highest number of votes shall hold office for a term of two years and until their successors are elected and the third elected shall hold office for a term of one year and until his successor is elected.

Where the
number is
decreased.

- (3c) Where the number of members of a commission is to be decreased to three members, that one of the two members last elected for a term of two years who received the higher number of votes shall continue to hold office until the expiration of the term for which he was elected and the other three members shall hold office until the expiration of the then

SECTION 3. Self-explanatory.

current year only; and at the municipal elections next ensuing after the by-law is passed, one member of the commission shall be elected to hold office for a term of two years and until his successor is elected.

- (3d) Where in subsection 3b or 3c it is provided that the term of office of any member be determined in relation to the number of votes he received at his election and such determination is impossible by reason of an acclamation to office or there having been an equality of votes at the election, the matter shall be determined by the casting of lots by the members affected. Acclamation or equality of votes.
- (3e) At every election after the first municipal election the members or member to be elected as provided in subsection 3b or 3c shall be elected for a term of two years and until their respective successors are elected. Two-year term.
- (3f) Nothing in subsections 3a, 3b, 3c and 3e shall affect the *ex officio* membership in a commission of the head of the council. Head of council not affected.
- (3g) Where the number of members of a commission is increased or decreased by a by-law passed under subsection 3a, no further change in the number of members shall be made until the by-law has been in force for not less than five years. Future changes in commission membership.

4. This Act may be cited as *The Public Utilities Amendment Act, 1949*. Short title.

An Act to amend The Public Utilities Act.

1st Reading

March 11th, 1949

2nd Reading

3rd Reading

MR. DUNBAR

No. 130

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Public Utilities Act.

MR. DUNBAR

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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An Act to amend The Public Utilities Act.

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1. *The Public Utilities Act* is amended by adding thereto the following section: Rev. Stat.,
c. 286,
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25b.—(1) Where The Hydro-Electric Power Commission of Ontario changes the periodicity in alternations of current at which it supplies electrical power or energy to a municipal corporation or a commission, the corporation or commission may change the periodicity in alternations of current at which it supplies that electrical power or energy to any person, notwithstanding any agreement heretofore or hereafter made. Change of
frequency.

(2) Nothing done under subsection 1 shall be deemed a breach of contract by the municipal corporation or commission or entitle any person to rescind any agreement or release any guarantor from the performance of his obligation, or render the municipal corporation or commission, its servants or agents liable in any action or other legal proceeding for damages or otherwise. Conversion
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2. Section 36 of *The Public Utilities Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 286, s. 36,
amended.

(5) Where the construction or control and management of a public utility works belonging to a municipal corporation is entrusted to a commission,— Limitations
on powers of
commission.

(a) no part of the works shall be undertaken in or extended into and no supply of the public utility shall be furnished to or in any other municipality by the commission without the consent of the council of the corporation to which the public utility works belong; and

- (b) no extensions, additions, enlargements, improvements or alterations in, of or to the works shall be undertaken by the commission without the consent of the council of the corporation to which the public utility works belong, if the cost or any part of the cost is intended to be provided for out of moneys which under section 31 are required to be paid to the treasurer of the municipality.

Rev. Stat.,
c. 286, s. 37,
amended.

3. Section 37 of *The Public Utilities Act*, as amended by section 2 of *The Public Utilities Amendment Act, 1947*, is further amended by adding thereto the following subsections:

Increasing or
decreasing
number of
commission
members.

- (3a) Where a commission has been in existence for not less than five years, the council of the corporation may by by-law provide that from the time of the municipal elections next ensuing the number of members of the commission,—

(a) if it consists of three members, shall be increased to five members; or

(b) if it consists of five members, shall be decreased to three members.

proviso.

subject, however, to the assent of the electors if the existing number of members was established by a by-law passed with the assent of the electors.

Where the
number is
increased.

- (3b) Where the number of members of a commission is to be increased to five members the elected member then holding office for a term which does not expire until the end of the next succeeding year shall not be affected and he may continue to hold office until the expiration of the term for which he was elected, and at the municipal elections next ensuing after the by-law is passed three members of the commission shall be elected of whom the two elected who receive the highest number of votes shall hold office for a term of two years and until their successors are elected and the third elected shall hold office for a term of one year and until his successor is elected.

Where the
number is
decreased.

- (3c) Where the number of members of a commission is to be decreased to three members, that one of the two members last elected for a term of two years who received the higher number of votes shall continue to hold office until the expiration of the term for which he was elected and the other three members shall hold office until the expiration of the then

current year only; and at the municipal elections next ensuing after the by-law is passed, one member of the commission shall be elected to hold office for a term of two years and until his successor is elected.

- (3d) Where in subsection 3b or 3c it is provided that the term of office of any member be determined in relation to the number of votes he received at his election and such determination is impossible by reason of an acclamation to office or there having been an equality of votes at the election, the matter shall be determined by the casting of lots by the members affected. Acclamation or equality of votes.
- (3e) At every election after the first municipal election the members or member to be elected as provided in subsection 3b or 3c shall be elected for a term of two years and until their respective successors are elected. Two-year term.
- (3f) Nothing in subsections 3a, 3b, 3c and 3e shall affect the *ex officio* membership in a commission of the head of the council. Head of council not affected.
- (3g) Where the number of members of a commission is increased or decreased by a by-law passed under subsection 3a, no further change in the number of members shall be made until the by-law has been in force for not less than five years. Future changes in commission membership.

4. This Act may be cited as *The Public Utilities Amendment Act, 1949*. Short title.





An Act to amend The Public Utilities Act.

1st Reading

March 11th, 1949

2nd Reading

March 18th, 1949

3rd Reading

March 25th, 1949

MR. DUNBAR

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Department of Municipal Affairs Act.

MR. DUNBAR

EXPLANATORY NOTES

SECTION 1. This amendment adds "planning board" to the definition of "local board" and corrects the reference to "board of police commissioners", so that it now reads "board of commissioners of police".

SECTION 2. The repealed clause authorizes the Department to extend the time for the return of the assessment roll in any municipality and the time for proceedings in respect of county equalization by-laws. Under amendments to *The Assessment Act* in Bill No. 104 power to extend these times by by-law is given to the municipality and county respectively and this clause is therefor no longer necessary.

SECTION 3. Under these amendments the treasurer of a municipality is required to register in the registry office proof that he has complied with subsection 4 of section 43 which requires him, upon registering a tax arrears certificate, to send to the assessed owner of the land and all persons appearing by the records of the registry office and the sheriff's office to have an interest in the land a written notice of the registration of the certificate and of the last day for redemption of the land.

BILL

An Act to amend The Department of Municipal Affairs Act.

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

1. Clause *d* of section 1 of *The Department of Municipal Affairs Act* is amended by striking out the words "police commissioners" in the fourth and fifth lines and inserting in lieu thereof the words "commissioners of police, planning board", so that the clause shall read as follows:

Rev. Stat.,
c. 59, s. 1,
cl. *d*,
amended.

(*d*) "Local board" shall mean and include any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof.

"Local
board".

2. Clause *b* of section 9*a* of *The Department of Municipal Affairs Act*, as enacted by section 2 of *The Department of Municipal Affairs Amendment Act, 1946*, is repealed.

Rev. Stat.,
c. 59, s. 9*a*,
cl. *b* (1946,
c. 20, s. 2),
repealed.

3. Section 43 of *The Department of Municipal Affairs Act*, as amended by subsection 1 of section 4 of *The Department of Municipal Affairs Amendment Act, 1938*, subsection 2 of section 6 of *The Statute Law Amendment Act, 1939* and section 4 of *The Department of Municipal Affairs Amendment Act, 1941*, is further amended by adding thereto the following subsections:

Rev. Stat.,
c. 59, s. 43,
amended.

(4*a*) The treasurer, forthwith after he has sent the notice as required by subsection 4, shall make and register in the registry office a statutory declaration describ-

Registration
of declara-
tion as to
sending of
notices.

ing the land to which it relates and setting forth the names and addresses of all persons to whom he has sent the notice and the date of sending the same to each person, and a copy of the notice shall be attached to the declaration as an exhibit.

Declara-
tion,—
fee for.

(4b) The registrar shall be paid a fee of \$1 for registration of the statutory declaration.

Commence-
ment of Act.

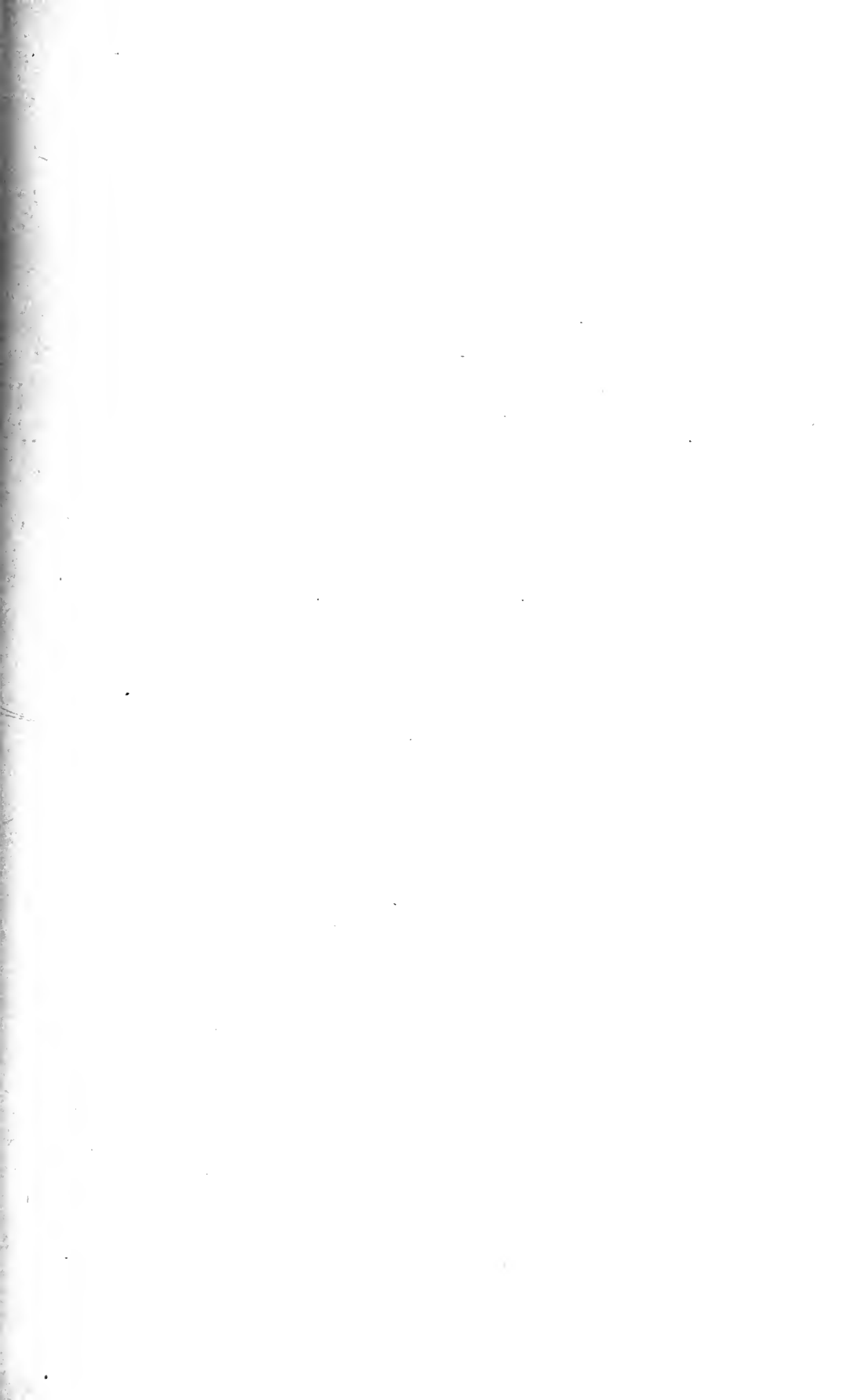
4.—(1) This Act, except section 2, shall come into force on the day it receives the Royal Assent.

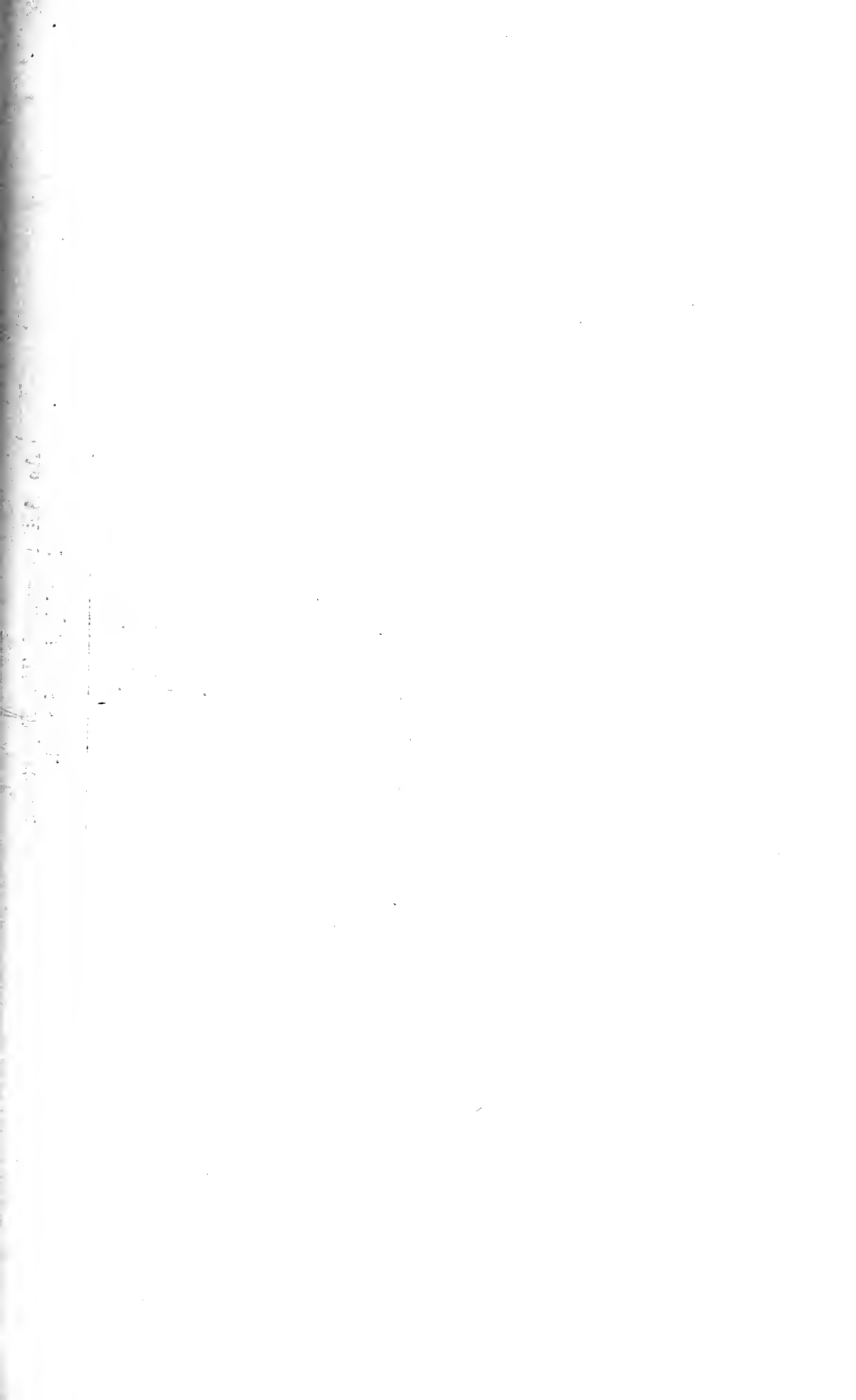
Idem.

(2) Section 2 shall come into force on the 1st day of January, 1950.

Short title.

5. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1949*.





An Act to amend The Department of
Municipal Affairs Act.

1st Reading

March 11th, 1949

2nd Reading

3rd Reading

MR. DUNBAR

No. 131

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

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An Act to amend The Department of Municipal Affairs Act.

MR. DUNBAR

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c. 59, s. 1,
cl. *d*,
amended.

(*d*) "Local board" shall mean and include any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof.

"Local
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2. Clause *b* of section 9a of *The Department of Municipal Affairs Act*, as enacted by section 2 of *The Department of Municipal Affairs Amendment Act, 1946*, is repealed.

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- Declara-
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- Commence-
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on the day it receives the Royal Assent.
- Idem. (2) Section 2 shall come into force on the 1st day of January,
1950.
- Short title. 5. This Act may be cited as *The Department of Municipal
Affairs Amendment Act, 1949*.







BILL

An Act to amend The Department of
Municipal Affairs Act.

1st Reading

March 11th, 1949

2nd Reading

March 18th, 1949

3rd Reading

March 25th, 1949

MR. DUNBAR



