









No. 76

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Public Libraries Act

MR. DUNLOP

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

EXPLANATORY NOTES

SECTION 1. A new provision is added to section 31 authorizing the acquisition or erection, with the consent of the municipal council, of buildings larger than are required for library purposes, so that the parts not required may be rented to increase the revenues of the board.

SECTION 2. Subsection 2 of section 35, which authorizes certain public library boards to establish pension "funds", is repealed.

SECTION 3. New provisions are added to the Act to authorize public library boards to establish pension and sick leave credit schemes for employees in the same manner as municipal councils and school boards may establish such schemes.

BILL

An Act to amend The Public Libraries Act

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

1. Section 31 of *The Public Libraries Act* is amended by adding thereto the following subsection:

<ol style="list-style-type: none"> (1a) The board, with the consent of the municipal council, may acquire, or may erect on any lands held by it, buildings larger than are required for library and branch library purposes, and may lease any parts of the buildings not so required. 	<small>Acquisition or erection of building larger than required</small>
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2. Subsection 2 of section 35 of *The Public Libraries Act* is repealed.

<small>Rev. Stat., c. 310, s. 35, subs. 2, repealed</small>

- 3.—(1) *The Public Libraries Act* is amended by adding thereto the following sections:

<ol style="list-style-type: none"> 35a.—(1) A public library board, by resolution, may provide, by arrangement either with Her Majesty pursuant to the <i>Government Annuities Act</i> (Canada) or with an insurer licensed under <i>The Insurance Act</i>, or with both Her Majesty and an insurer as aforesaid, pensions for employees or any class thereof and their wives and children. 	<small>Pensions R.S.C. 1927, c. 7 Rev. Stat., c. 183</small>
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- (2) No resolution passed under this section shall become operative until approved by the Minister, nor shall any such resolution so passed and approved be amended or repealed without the approval of the Minister.

<small>Approval of Minister</small>

- (3) The board shall make such payments or contributions to the scheme as are provided for in the resolution.

<small>Contributions by board</small>

- (4) The board shall deduct from the salary, wages or other remuneration of every employee to whom the

<small>Deduction of employee contributions</small>
--

scheme is applicable, the amount which the employee is required by the resolution to contribute.

Transfer
of funds

- (5) Where an employee,
- (a) becomes a member of the civil service of Ontario or Canada;
 - (b) becomes an employee of a municipality, as defined in *The Department of Municipal Affairs Act*; or
 - (c) becomes a member of the staff of any board, commission or public institution established under any Act of this Legislature,

Rev. Stat.,
c. 96

the board by resolution may authorize the transfer of, or may transfer, the whole or any part of any money standing to the credit of the employee in connection with a pension plan established for employees of the board, to any like plan or fund maintained to provide superannuation benefits for the members of such civil or civic service or such staff, as the case may be.

Sick
leave
credits

35b.—(1) A public library board, by resolution, may establish a system of sick leave credit gratuities and payments for the regular attendance of employees or any class thereof.

Approval
of Minister

(2) No resolution passed under subsection 1 shall become operative until approved by the Minister, nor shall any resolution so passed and approved be amended or repealed without the approval of the Minister.

Existing
pension
schemes
validated

(2) Any pension scheme heretofore established by a board which conforms to section 35a of *The Public Libraries Act*, as enacted by subsection 1 of this section, and which is approved by the Minister of Education, shall be deemed to have been validly established as of the date of its establishment.

Existing
sick leave
systems
validated

(3) Any sick leave credit system heretofore established by a board which conforms to section 35b of *The Public Libraries Act*, as enacted by subsection 1 of this section, and which is approved by the Minister of Education, shall be deemed to have been validly established as of the date of its establishment.

Commence-
ment

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

(2) Section 1 shall be deemed to have come into force on Idem the 1st day of March, 1951.

5. This Act may be cited as *The Public Libraries Amend-^{Short title}ment Act, 1952.*



No. 76

BILL

An Act to amend The Public Libraries Act

1st Reading

March 12th, 1952

2nd Reading

3rd Reading

MR. DUNLOP

No. 76

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
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BILL

An Act to amend The Public Libraries Act

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

1. Section 31 of *The Public Libraries Act* is amended by adding thereto the following subsection:

	Rev. Stat., c. 310, s. 31, amended
--	--

 - (1a) The board, with the consent of the municipal council, may acquire, or may erect on any lands held by it, buildings larger than are required for library and branch library purposes, and may lease any parts of the buildings not so required.

	Acquisition or erection of building larger than required
--	--

2. Subsection 2 of section 35 of *The Public Libraries Act* is repealed.

	Rev. Stat., c. 310, s. 35, subs. 2, repealed
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- 3.—(1) *The Public Libraries Act* is amended by adding thereto the following sections:

	Rev. Stat., c. 310, amended
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 - 35a.—(1) A public library board, by resolution, may provide, by arrangement either with Her Majesty pursuant to the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act*, or with both Her Majesty and an insurer as aforesaid, pensions for employees or any class thereof and their wives and children.

	Pensions R.S.C. 1927, c. 7 Rev. Stat., c. 183
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 - (2) No resolution passed under this section shall become operative until approved by the Minister, nor shall any such resolution so passed and approved be amended or repealed without the approval of the Minister.

	Approval of Minister
--	-------------------------

 - (3) The board shall make such payments or contributions to the scheme as are provided for in the resolution.

	Contribu- tions by board
--	--------------------------------

 - (4) The board shall deduct from the salary, wages or other remuneration of every employee to whom the

	Deduction of employee contributions
--	---

scheme is applicable, the amount which the employee is required by the resolution to contribute.

Transfer
of funds

- (5) Where an employee,
- (a) becomes a member of the civil service of Ontario or Canada;
 - (b) becomes an employee of a municipality, as defined in *The Department of Municipal Affairs Act*; or
 - (c) becomes a member of the staff of any board, commission or public institution established under any Act of this Legislature,

Rev. Stat.,
c. 96

the board by resolution may authorize the transfer of, or may transfer, the whole or any part of any money standing to the credit of the employee in connection with a pension plan established for employees of the board, to any like plan or fund maintained to provide superannuation benefits for the members of such civil or civic service or such staff, as the case may be.

Sick
leave
credits

- 35b.—(1) A public library board, by resolution, may establish a system of sick leave credit gratuities and payments for the regular attendance of employees or any class thereof.

Approval
of Minister

- (2) No resolution passed under subsection 1 shall become operative until approved by the Minister, nor shall any resolution so passed and approved be amended or repealed without the approval of the Minister.

Existing
pension
schemes
validated

- (2) Any pension scheme heretofore established by a board which conforms to section 35a of *The Public Libraries Act*, as enacted by subsection 1 of this section, and which is approved by the Minister of Education, shall be deemed to have been validly established as of the date of its establishment.

Existing
sick leave
systems
validated

- (3) Any sick leave credit system heretofore established by a board which conforms to section 35b of *The Public Libraries Act*, as enacted by subsection 1 of this section, and which is approved by the Minister of Education, shall be deemed to have been validly established as of the date of its establishment.

Commence-
ment

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

(2) Section 1 shall be deemed to have come into force on ~~Idem~~ the 1st day of March, 1951.

5. This Act may be cited as *The Public Libraries Amend-* Short title
ment Act, 1952.



BILL

An Act to amend The Public Libraries Act

1st Reading

March 12th, 1952

2nd Reading

March 28th, 1952

3rd Reading

April 7th, 1952

Mr. DUNLOP

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Forest Fires Prevention Act

MR. SCOTT

EXPLANATORY NOTE

These amendments are designed to simplify and improve administrative practices in creating fire districts and travel permit areas and in the closure of fire districts.

This bill also authorizes departmental officers to prohibit the setting out of fire for cooking or obtaining warmth by the holder of a travel permit.

BILL

An Act to amend The Forest Fires Prevention Act

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

1.—(1) Clause *a* of section 1 of *The Forest Fires Prevention Act* is repealed. Rev. Stat.,
c. 144, s. 1,
cl. *a*,
repealed.

(2) Clause *i* of the said section 1 is repealed and the following substituted therefor: Rev. Stat.,
c. 144, s. 1,
cl. *i*,
re-enacted

(i) "travel permit area" means such parts of Ontario as are declared to be travel permit areas under section 9.

2. Subsection 2 of section 2 of *The Forest Fires Prevention Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 144, s. 2,
subs. 2,
re-enacted

(2) The Lieutenant-Governor in Council may declare parts of Ontario to be fire districts and may declare the name that each fire district shall bear. Creation
of fire
districts

3. Section 9 of *The Forest Fires Prevention Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 144, s. 9,
re-enacted

9.—(1) The Lieutenant-Governor in Council may declare parts of Ontario that are within one or more fire districts to be travel permit areas. Creation
of travel
permit
areas

(2) Upon application, an officer may issue, without charge, a permit called a travel permit upon such terms and conditions as he deems proper. Issue of
travel
permits

(3) A travel permit shall be authority to the permittee to enter and travel about in the travel permit area during the fire season in accordance with the terms and conditions of the permit and in accordance with the regulations. Authority
conferred
by travel
permit

Prohibition
against
fires

- (4) Notwithstanding subsection 3 of section 7, an officer, under the terms and conditions of a travel permit, may prohibit the permittee from setting out fire for the purpose of cooking or obtaining warmth.

Prohibition
against
entering
travel permit
areas

- (5) No person shall enter and travel about in a travel permit area during the fire season except under and in accordance with the terms and conditions of his travel permit and in accordance with the regulations.

Rev. Stat.,
c. 144, s. 11,
subs. 1,
re-enacted

4.—(1) Subsection 1 of section 11 of *The Forest Fires Prevention Act* is repealed and the following substituted therefor:

CLOSED DISTRICTS

Closure of
fire districts

- (1) Whenever the Minister deems it expedient to close one or more fire districts owing to extremely hazardous fire conditions therein, he may make an order in writing closing the fire district or fire districts that he designates, specifying therein the period during which such closure shall be in force and prescribing therein such other terms and conditions as he deems proper.

Rev. Stat.,
c. 144, s. 11,
subs. 2,
amended

(2) Subsection 2 of the said section 11 is amended by striking out the word "area" in the third line and inserting in lieu thereof the words "fire district or fire districts", so that the subsection shall read as follows:

Notice of
order

- (2) The Minister shall provide for such notice as he deems necessary under the circumstances, and shall publish a notice of the order setting out the fire district or fire districts closed and the period of closure in such newspapers as in his opinion will give the greatest publicity.

Rev. Stat.,
c. 144, s. 11,
subs. 3,
amended

(3) Subsection 3 of the said section 11 is amended by striking out the word "area" in the second line and inserting in lieu thereof the word "district", so that the subsection shall read as follows:

Prohibition

- (3) No person, unless specially authorized by the Minister, shall enter a closed district during the period of closure.

Commence-
ment

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

Short title

6. This Act may be cited as *The Forest Fires Prevention Amendment Act, 1952*.



BILL

An Act to amend The Forest Fires
Prevention Act

1st Reading

March 12th, 1952

2nd Reading

3rd Reading

MR. SCOTT

No. 77

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Forest Fires Prevention Act

MR. SCOTT

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



BILL

An Act to amend The Forest Fires Prevention Act

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

1.—(1) Clause *a* of section 1 of *The Forest Fires Prevention Act* is repealed. Rev. Stat., c. 144, s. 1, cl. a, repealed.

(2) Clause *i* of the said section 1 is repealed and the following substituted therefor: Rev. Stat., c. 144, s. 1, cl. i, re-enacted

(i) “travel permit area” means such parts of Ontario as are declared to be travel permit areas under section 9.

2. Subsection 2 of section 2 of *The Forest Fires Prevention Act* is repealed and the following substituted therefor: Rev. Stat., c. 144, s. 2, subs. 2, re-enacted

(2) The Lieutenant-Governor in Council may declare parts of Ontario to be fire districts and may declare the name that each fire district shall bear. Creation of fire districts

3. Section 9 of *The Forest Fires Prevention Act* is repealed and the following substituted therefor: Rev. Stat., c. 144, s. 9, re-enacted

9.—(1) The Lieutenant-Governor in Council may declare parts of Ontario that are within one or more fire districts to be travel permit areas. Creation of travel permit areas

(2) Upon application, an officer may issue, without charge, a permit called a travel permit upon such terms and conditions as he deems proper. Issue of travel permits

(3) A travel permit shall be authority to the permittee to enter and travel about in the travel permit area during the fire season in accordance with the terms and conditions of the permit and in accordance with the regulations. Authority conferred by travel permit

Prohibition
against
fires

- (4) Notwithstanding subsection 3 of section 7, an officer, under the terms and conditions of a travel permit, may prohibit the permittee from setting out fire for the purpose of cooking or obtaining warmth.

Prohibition
against
entering
travel permit
areas

- (5) No person shall enter and travel about in a travel permit area during the fire season except under and in accordance with the terms and conditions of his travel permit and in accordance with the regulations.

Rev. Stat.,
c. 144, s. 11,
subs. 1,
re-enacted

4.—(1) Subsection 1 of section 11 of *The Forest Fires Prevention Act* is repealed and the following substituted therefor:

CLOSED DISTRICTS

Closure of
fire districts

- (1) Whenever the Minister deems it expedient to close one or more fire districts owing to extremely hazardous fire conditions therein, he may make an order in writing closing the fire district or fire districts that he designates, specifying therein the period during which such closure shall be in force and prescribing therein such other terms and conditions as he deems proper.

Rev. Stat.,
c. 144, s. 11,
subs. 2,
amended

(2) Subsection 2 of the said section 11 is amended by striking out the word "area" in the third line and inserting in lieu thereof the words "fire district or fire districts", so that the subsection shall read as follows:

Notice of
order

- (2) The Minister shall provide for such notice as he deems necessary under the circumstances, and shall publish a notice of the order setting out the fire district or fire districts closed and the period of closure in such newspapers as in his opinion will give the greatest publicity.

Rev. Stat.,
c. 144, s. 11,
subs. 3,
amended

(3) Subsection 3 of the said section 11 is amended by striking out the word "area" in the second line and inserting in lieu thereof the word "district", so that the subsection shall read as follows:

Prohibition

- (3) No person, unless specially authorized by the Minister, shall enter a closed district during the period of closure.

Commence-
ment

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

Short title

6. This Act may be cited as *The Forest Fires Prevention Amendment Act, 1952*.



BILL

An Act to amend The Forest Fires
Prevention Act

1st Reading

March 12th, 1952

2nd Reading

March 27th, 1952

3rd Reading

April 1st, 1952

MR. SCOTT

No. 78

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Provincial Parks Act

MR. SCOTT

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

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2—Subsection 1. Clause *b* is re-written in order to control the number and location of establishments that cater to the public. Heretofore control has been restricted to private and commercial establishments.

Clause *bb* is added to assist in administration.

Subsection 2. The scope of the regulation-making power is widened as indicated.

BILL

An Act to amend The Provincial Parks Act

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

1. Subsection 1 of section 2 of *The Provincial Parks Act* is amended by striking out the words "Ipperwash Provincial Park" in the second line and the words "Rondeau Provincial Park" in the third and fourth lines, so that the subsection shall read as follows:

Rev. Stat.,
c. 300, s. 2,
subs. 1,
amended

- (1) The public lands reserved, set apart and known as Algonquin Provincial Park, Lake Superior Provincial Park, Quetico Provincial Park and Sibley Provincial Park shall continue to be reserved, set apart and known as provincial parks.

Present
parks
continued

2.—(1) Clause *b* of subsection 1 of section 11 of *The Provincial Parks Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 300, s. 11,
subs. 1,
cl. *b.* re-
enacted

- (*b*) designating parts of provincial parks in which land may be leased or occupied under licence of occupation for private, public or commercial purposes, and regulating the location of sites that may be so leased or occupied, and limiting the number of such sites that may be so leased or occupied for public or commercial purposes in each of the parts so designated;
- (*bb*) governing the granting, issue, form, renewal, transfer and cancellation of leases and licences of occupation under this Act, and prescribing their terms and conditions.

(2) Clause *f* of subsection 1 of the said section 11 is amended by striking out the words "power boats on waters" in the second line and inserting in lieu thereof the word "boats", so that the clause shall read as follows:

Rev. Stat.,
c. 300, s. 11,
subs. 1,
cl. *f.*,
amended

(f) for issuing permits for and governing the use of boats in provincial parks.

Commence-
ment

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

Short title

4. This Act may be cited as *The Provincial Parks Amendment Act, 1952*.



BILL

An Act to amend The Provincial
Parks Act

1st Reading

March 13th, 1952

2nd Reading

3rd Reading

MR. SCOTT

No. 78

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Provincial Parks Act

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BILL

An Act to amend The Provincial Parks Act

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

1. Subsection 1 of section 2 of *The Provincial Parks Act* Rev. Stat., c. 300, s. 2, subs. 1, amended is amended by striking out the words "Ipperwash Provincial Park" in the second line and the words "Rondeau Provincial Park" in the third and fourth lines, so that the subsection shall read as follows:

- (1) The public lands reserved, set apart and known as Present parks continued Algonquin Provincial Park, Lake Superior Provincial Park, Quetico Provincial Park and Sibley Provincial Park shall continue to be reserved, set apart and known as provincial parks.

2.—(1) Clause *b* of subsection 1 of section 11 of *The Provincial Parks Act* Rev. Stat., c. 300, s. 11, subs. 1, cl. b, re-enacted is repealed and the following substituted therefor:

- (b) designating parts of provincial parks in which land may be leased or occupied under licence of occupation for private, public or commercial purposes, and regulating the location of sites that may be so leased or occupied, and limiting the number of such sites that may be so leased or occupied for public or commercial purposes in each of the parts so designated;
- (bb) governing the granting, issue, form, renewal, transfer and cancellation of leases and licences of occupation under this Act, and prescribing their terms and conditions.

(2) Clause *f* of subsection 1 of the said section 11 is amended Rev. Stat., c. 300, s. 11, subs. 1, cl. f, amended by striking out the words "power boats on waters" in the second line and inserting in lieu thereof the word "boats", so that the clause shall read as follows:

(f) for issuing permits for and governing the use of boats in provincial parks.

Commence-
ment

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

Short title

4. This Act may be cited as *The Provincial Parks Amendment Act, 1952*.



BILL

An Act to amend The Provincial
Parks Act

1st Reading

March 13th, 1952

2nd Reading

March 27th, 1952

3rd Reading

April 1st, 1952

MR. SCOTT

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Pharmacy Act

MR. PHILLIPS

EXPLANATORY NOTES

SECTIONS 1 and 2. At present the Act limits the right to vote for members of Council and the right to sit as members of Council to proprietors of stores and managers of stores operated by corporations. The amendments will extend the right to vote and the right to sit as members of Council to all registered pharmaceutical chemists.

BILL

An Act to amend The Pharmacy Act

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

1. Section 5 of *The Pharmacy Act* is repealed and the following substituted therefor: Rev. Stat., c. 276, s. 5, re-enacted
 - 5.—(1) An election of members of the Council shall be held on the first Wednesday in August in every second year and the persons qualified to vote in any electoral district at an election shall be every member of the College whose place of business or employment is within such district and who has paid all fees payable by him under this Act. Election of members of Council
 - (2) If any member of the College carries on business or is employed in more than one electoral district he may name one of such districts as being his principal place of business or employment and may vote in that district only. Member employed in more than one district
 - (3) If any member of the College has no fixed place of business or employment within Ontario he may vote in the electoral district in which he resides. No fixed place of employment
2. Section 7 of *The Pharmacy Act* is amended by striking out the words "carrying on business" in the fifth line and inserting in lieu thereof the words "qualified to vote", so that the section shall read as follows: Rev. Stat., c. 276, s. 7, amended
 7. A member of the Council may at any time resign by notice in writing to the registrar of the College, and in the event of such resignation or in the event of a vacancy occurring, the remaining members of the Council shall appoint a member of the College qualified to vote in the electoral district in the representation of which the vacancy occurs, to fill the same. Resignations, vacancies

Rev. Stat.,
c. 276, s. 21,
subs. 1,
re-enacted

3. Subsection 1 of section 21 of *The Pharmacy Act* is repealed and the following substituted therefor:

Fees

- (1) There shall be payable to the registrar for the use of the College,
 - (a) by every person before he is entered upon the register, such sum not exceeding \$25 as may be determined by the by-laws of the Council;
 - (b) on such day in each year as the Council may fix by by-law by every person registered and practising as a pharmaceutical chemist, such sum not exceeding \$10 as may be determined by by-law of the Council;
 - (c) on such day in each year as the Council may fix by by-law by every person registered and practising as a pharmaceutical chemist as owner or as manager of the business of a pharmaceutical chemist or as manager of a dispensary, in addition to the sum paid under clause *b*, such sum not exceeding \$15 as may be determined by by-law of the Council; and
 - (d) on such day in each year as the Council may fix by by-law by every registered pharmaceutical chemist who is a director of an incorporated company carrying on the business of a pharmaceutical chemist, in addition to the sums paid under clauses *b* and *c*, such sum not exceeding \$15 as may be determined by by-law of the Council.

Rev. Stat.,
c. 276, s. 29,
amended

4. Section 29 of *The Pharmacy Act* is amended by inserting after the word "registered" in the third line the words "as pharmaceutical chemists", so that the section shall read as follows:

Shops kept
by incor-
porated
companies

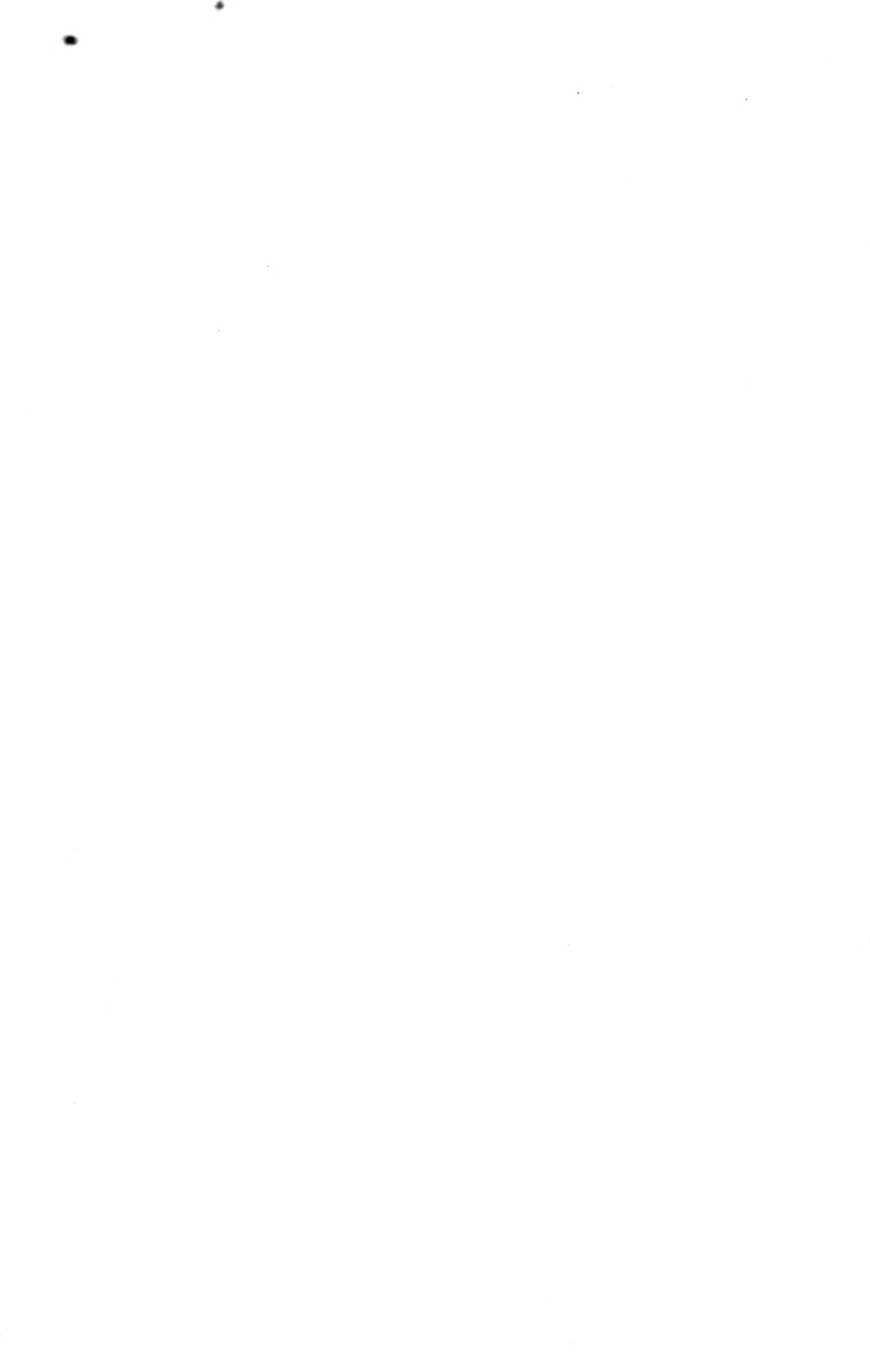
29. No incorporated company shall do any of the acts prohibited by section 28 unless the majority of the directors thereof are duly registered as pharmaceutical chemists under this Act, and no person not so registered shall in any way interfere with or take part in the management and conduct of such shop, and anything done or omitted which would be an offence under this Act if done or omitted by an individual shall be an offence by each of such registered directors, and by such company, and the prosecution of any one or more of them shall not be a bar to the prosecution of the other or others.

Short title

5. This Act may be cited as *The Pharmacy Amendment Act, 1952*.

SECTION 3. At present registered pharmaceutical chemists employed in stores, as distinct from owners or managers, pay no annual fee. With the change of status by reason of the amendments in sections 1 and 2 these pharmaceutical chemists will be liable to pay an annual fee and further a readjustment in fees paid by owners and managers will be authorized.

SECTION 4. The intention in enacting section 29 was that a majority of the directors of a corporation engaged in retail pharmacy should be registered pharmaceutical chemists. A question has arisen as to whether or not an apprentice registered under the Act comes within the present wording "registered under this Act". The section is amended to make it clear that the section only refers to registered pharmaceutical chemists.



BILL

An Act to amend The Pharmacy Act

1st Reading

March 13th, 1952

2nd Reading

3rd Reading

Mr. PHILLIPS

No. 79

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Pharmacy Act

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BILL

An Act to amend The Pharmacy Act

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

1. Section 5 of *The Pharmacy Act* is repealed and the following substituted therefor: Rev. Stat., c. 276, s. 5, re-enacted
- 5.—(1) An election of members of the Council shall be held on the first Wednesday in August in every second year and the persons qualified to vote in any electoral district at an election shall be every member of the College whose place of business or employment is within such district and who has paid all fees payable by him under this Act. Election of members of Council
- (2) If any member of the College carries on business or is employed in more than one electoral district he may name one of such districts as being his principal place of business or employment and may vote in that district only. Member employed in more than one district
- (3) If any member of the College has no fixed place of business or employment within Ontario he may vote in the electoral district in which he resides. No fixed place of employment
2. Section 7 of *The Pharmacy Act* is amended by striking out the words "carrying on business" in the fifth line and inserting in lieu thereof the words "qualified to vote", so that the section shall read as follows: Rev. Stat., c. 276, s. 7, amended
7. A member of the Council may at any time resign by notice in writing to the registrar of the College, and in the event of such resignation or in the event of a vacancy occurring, the remaining members of the Council shall appoint a member of the College qualified to vote in the electoral district in the representation of which the vacancy occurs, to fill the same. Resignations, vacancies

Rev. Stat.,
c. 276, s. 21,
subs. 1,
re-enacted

3. Subsection 1 of section 21 of *The Pharmacy Act* is repealed and the following substituted therefor:

Fees

(1) There shall be payable to the registrar for the use of the College,

- (a) by every person before he is entered upon the register, such sum not exceeding \$25 as may be determined by the by-laws of the Council;
- (b) on such day in each year as the Council may fix by by-law by every person registered and practising as a pharmaceutical chemist, such sum not exceeding \$10 as may be determined by by-law of the Council;
- (c) on such day in each year as the Council may fix by by-law by every person registered and practising as a pharmaceutical chemist as owner or as manager of the business of a pharmaceutical chemist or as manager of a dispensary, in addition to the sum paid under clause *b*, such sum not exceeding \$15 as may be determined by by-law of the Council; and
- (d) on such day in each year as the Council may fix by by-law by every registered pharmaceutical chemist who is a director of an incorporated company carrying on the business of a pharmaceutical chemist, in addition to the sums paid under clauses *b* and *c*, such sum not exceeding \$15 as may be determined by by-law of the Council.

Rev. Stat.,
c. 276, s. 29,
amended

4. Section 29 of *The Pharmacy Act* is amended by inserting after the word "registered" in the third line the words "as pharmaceutical chemists", so that the section shall read as follows:

Shops kept
by incor-
porated
companies

29. No incorporated company shall do any of the acts prohibited by section 28 unless the majority of the directors thereof are duly registered as pharmaceutical chemists under this Act, and no person not so registered shall in any way interfere with or take part in the management and conduct of such shop, and anything done or omitted which would be an offence under this Act if done or omitted by an individual shall be an offence by each of such registered directors, and by such company, and the prosecution of any one or more of them shall not be a bar to the prosecution of the other or others.

Short title

5. This Act may be cited as *The Pharmacy Amendment Act, 1952*.







BILL

An Act to amend The Pharmacy Act

1st Reading

March 13th, 1952

2nd Reading

March 27th, 1952

3rd Reading

April 1st, 1952

MR. PHILLIPS

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Workmen's
Compensation Act

MR. DALEY

EXPLANATORY NOTES

SECTION 1—Subsection 1. The words added are designed to clarify the intent of the clause in order to ensure that apprentices and the like are covered by the Act.

Subsection 2. The definition of "learner" is added to the Act as complementary to the clarification effected in subsection 1 of this section of the Bill.

The definition of "member of a municipal volunteer fire brigade" is added to the Act to implement the recommendation of the Honourable Mr. Justice Roach in this regard. See also subsections 3 and 4 of this section of the Bill.

BILL

An Act to amend The Workmen's Compensation Act

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

1.—(1) Clause *g* of subsection 1 of section 1 of *The Workmen's Compensation Act* is amended by inserting after the word "Province" in the seventh line the words "and includes a person who authorizes or permits a learner to be in or about an industry for the purpose mentioned in clause *kk*", so that the clause shall read as follows:

Rev. Stat.,
c. 430, s. 1,
subs. 1, cl. *g*,
amended

(*g*) "employer" includes every person having in his service under a contract of hiring or apprenticeship, written or oral, express or implied, any person engaged in any work in or about an industry and includes the Crown in right of the Province and any permanent board or commission appointed by the Crown in right of the Province and includes a person who authorizes or permits a learner to be in or about an industry for the purpose mentioned in clause *kk*, and where the services of a workman are temporarily lent or hired to another person by the person with whom the workman has entered into such a contract the latter is deemed to continue to be the employer of the workman while he is working for that other person.

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

Rev. Stat.,
c. 430, s. 1,
subs. 1,
amended

(*kk*) "learner" means a person who, although not under a contract of service or apprenticeship, becomes subject to the hazards of an industry within the scope of Part I for the purpose of undergoing training or probationary work specified or stipulated by the employer as a preliminary to employment;

.

- (nn) "member of a municipal volunteer fire brigade" means a person whose membership has been approved either by the chief of the fire department of a corporation, commission or board mentioned in subsection 2 or by a duly authorized official thereof.

Rev. Stat.,
c. 430, s. 1,
subs. 1, cl. 5,
amended

(3) Clause s of subsection 1 of the said section 1 is amended by inserting after the word "otherwise" in the fourth line the words "and includes a learner and a member of a volunteer fire brigade", so that the clause shall read as follows:

- (s) "workman" includes a person who has entered into or works under a contract of service or apprenticeship, written or oral, express or implied, whether by way of manual labour or otherwise, and includes a learner and a member of a volunteer fire brigade, but when used in Part I does not include an out-worker or an executive officer of a corporation.

Rev. Stat.,
c. 430, s. 1,
amended

(4) The said section 1 is amended by adding thereto the following subsection:

Volunteer
fire
brigades

- (3) For the purposes of this Act a municipal corporation, commission or board mentioned in subsection 2 shall be deemed to be the employer of a member of a municipal volunteer fire brigade, and such employment shall be deemed to be included in the exercise and performance of the powers and duties of the corporation, commission or board and it shall yearly on or before such date as the Board may prescribe or at such other times as the Board may prescribe notify the Board, specifying the number of volunteers engaged and shall state the average earnings of such volunteers which in no case shall be less than \$2,000 or more than \$4,000 per annum.

Rev. Stat.,
c. 430, s. 32,
subs. 1,
amended

2. Subsection 1 of section 32 of *The Workmen's Compensation Act* is amended by striking out the words "if invested so as to earn interest at the rate of five per cent per annum" in the fifth, sixth and seventh lines, so that the subsection shall read as follows:

Where
employer
required to
pay capital
sum

- (1) Where the accident causes total or partial permanent disability or the death of the workman and the compensation is payable by the employer individually, the Board may require the employer to pay to the Board such sum as in its opinion will be sufficient with the interest thereon to meet the future payments to be made to the workman or his dependants, and such sum when paid to the Board shall be invested by it and shall form a fund to meet such future payments.

Subsection 3. Complementary to subsections 1 and 2 of this section of the Bill.

Subsection 4. Same as above.

SECTION 2. This amendment is advisable having regard to prevailing rates of interest.

SECTION 3. These provisions will enable employees of accident prevention associations to come under the superannuation plan of the Workmen's Compensation Board.

SECTION 4. Subsection 2 of section 167 of the *Criminal Code* reads as follows:

167: 2. Every one is guilty of an indictable offence and liable to six months' imprisonment who, having reasonable notice that he is required to assist any sheriff, deputy-sheriff, mayor or other head officer, justice, magistrate, or peace officer, in the execution of his duty in arresting any person, or in preserving the peace, without reasonable excuse omits to do so.

This amendment implements a recommendation of the Honourable Mr. Justice Roach.

3. Section 69 of *The Workmen's Compensation Act* is amended by adding thereto the following subsections: Rev. Stat.,
c. 430, s. 69,
amended

(2a) The employees of designated associations for accident prevention formed under subsection 1 of section 115 and the employees of designated corporations for accident prevention the members of which are employers within the meaning of section 115 shall for the purposes of this section be deemed to be employees of the Board, and every employee in the service of any such association or corporation when this provision comes into force shall, for the purposes of this section, be deemed to have entered the service of the Board on the date he last entered the service of his association or corporation. Employees
of accident
prevention
associations

(2b) The Board may designate associations and corporations for the purposes of subsection 2a. Idem

4. *The Workmen's Compensation Act* is amended by adding thereto the following section: Rev. Stat.,
c. 430,
amended

119a. For the purposes of this Act, every person who under subsection 2 of section 167 of the *Criminal Code* (Canada) is required to assist in arresting any person or in preserving the peace shall be deemed to be an employee of the Crown in right of Ontario and his average earnings shall be deemed to be the same in amount as his average earnings at his regular employment but in any case not less than \$15 per week and not more than \$4,000 per annum. Assistance
to peace
officers
R.S.C. 1927,
c. 36

5. This Act, except the provisions respecting members of volunteer fire brigades, comes into force on the day it receives Royal Assent, and the provisions respecting the members of volunteer fire brigades come into force on the 1st day of January, 1953. Commence-
ment

6. This Act may be cited as *The Workmen's Compensation Amendment Act, 1952*. Short title

BILL

An Act to amend The Workmen's
Compensation Act

1st Reading

March 13th, 1952

2nd Reading

3rd Reading

MR. DALEY

No. 80

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Workmen's
Compensation Act

MR. DALEY

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



BILL

An Act to amend The Workmen's Compensation Act

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

1.—(1) Clause *g* of subsection 1 of section 1 of *The Workmen's Compensation Act* is amended by inserting after the word "Province" in the seventh line the words "and includes a person who authorizes or permits a learner to be in or about an industry for the purpose mentioned in clause *kk*", so that the clause shall read as follows:

Rev. Stat.,
c. 430, s. 1,
subs. 1, cl. *g*,
amended

(*g*) "employer" includes every person having in his service under a contract of hiring or apprenticeship, written or oral, express or implied, any person engaged in any work in or about an industry and includes the Crown in right of the Province and any permanent board or commission appointed by the Crown in right of the Province and includes a person who authorizes or permits a learner to be in or about an industry for the purpose mentioned in clause *kk*, and where the services of a workman are temporarily lent or hired to another person by the person with whom the workman has entered into such a contract the latter is deemed to continue to be the employer of the workman while he is working for that other person.

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

Rev. Stat.,
c. 430, s. 1,
subs. 1,
amended

(*kk*) "learner" means a person who, although not under a contract of service or apprenticeship, becomes subject to the hazards of an industry within the scope of Part I for the purpose of undergoing training or probationary work specified or stipulated by the employer as a preliminary to employment;

(nn) "member of a municipal volunteer fire brigade" means a person whose membership has been approved either by the chief of the fire department of a corporation, commission or board mentioned in subsection 2 or by a duly authorized official thereof.

Rev. Stat.,
c. 430, s. 1,
subs. 1, cl. 5,
amended (3) Clause s of subsection 1 of the said section 1 is amended by inserting after the word "otherwise" in the fourth line the words "and includes a learner and a member of a municipal volunteer fire brigade", so that the clause shall read as follows:

(s) "workman" includes a person who has entered into or works under a contract of service or apprenticeship, written or oral, express or implied, whether by way of manual labour or otherwise, and includes a learner and a member of a municipal volunteer fire brigade, but when used in Part I does not include an outworker or an executive officer of a corporation.

Rev. Stat.,
c. 430, s. 1,
amended (4) The said section 1 is amended by adding thereto the following subsection:

Volunteer
fire
brigades

(3) For the purposes of this Act a municipal corporation, commission or board mentioned in subsection 2 shall be deemed to be the employer of a member of a municipal volunteer fire brigade, and such employment shall be deemed to be included in the exercise and performance of the powers and duties of the corporation, commission or board and it shall yearly on or before such date as the Board may prescribe or at such other times as the Board may prescribe notify the Board, specifying the number of volunteers engaged and shall state the average earnings of such volunteers which in no case shall be less than \$2,000 or more than \$4,000 per annum.

Rev. Stat.,
c. 430, s. 32,
subs. 1,
amended 2. Subsection 1 of section 32 of *The Workmen's Compensation Act* is amended by striking out the words "if invested so as to earn interest at the rate of five per cent per annum" in the fifth, sixth and seventh lines, so that the subsection shall read as follows:

Where
employer
required to
pay capital
sum

(1) Where the accident causes total or partial permanent disability or the death of the workman and the compensation is payable by the employer individually, the Board may require the employer to pay to the Board such sum as in its opinion will be sufficient with the interest thereon to meet the future payments to be made to the workman or his dependants, and such sum when paid to the Board shall be invested by it and shall form a fund to meet such future payments.

3. Section 69 of *The Workmen's Compensation Act* is amended by adding thereto the following subsections: Rev. Stat., c. 430, s. 69, amended

(2a) The employees of designated associations for accident prevention formed under subsection 1 of section 115 and the employees of designated corporations for accident prevention the members of which are employers within the meaning of section 115 shall for the purposes of this section be deemed to be employees of the Board, and every employee in the service of any such association or corporation when this provision comes into force shall, for the purposes of this section, be deemed to have entered the service of the Board on the date he last entered the service of his association or corporation. Employees of accident prevention associations

(2b) The Board may designate associations and corporations for the purposes of subsection 2a. Idem

4. *The Workmen's Compensation Act* is amended by adding thereto the following section: Rev. Stat., c. 430, amended

119a. For the purposes of this Act, every person who under subsection 2 of section 167 of the *Criminal Code* (Canada) is required to assist in arresting any person or in preserving the peace shall be deemed to be an employee of the Crown in right of Ontario and his average earnings shall be deemed to be the same in amount as his average earnings at his regular employment but in any case not less than \$15 per week and not more than \$4,000 per annum. Assistance to peace officers
R.S.C. 1927, c. 36

5. This Act, except the provisions respecting members of municipal volunteer fire brigades, comes into force on the day it receives Royal Assent, and the provisions respecting the members of volunteer fire brigades come into force on the 1st day of January, 1953. Commencement

6. This Act may be cited as *The Workmen's Compensation Amendment Act, 1952*. Short title



BILL

An Act to amend The Workmen's
Compensation Act

1st Reading

March 13th, 1952

2nd Reading

March 21st, 1952

3rd Reading

April 1st, 1952

MR. DALEY

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Insurance Act

MR. PORTER

EXPLANATORY NOTES

At present fraternal societies are denied the right under *The Insurance Act* to issue annuities or endowment or term insurance. The Act also limits the sum payable on death to \$10,000. The corresponding provisions of *The Canadian and British Insurance Companies Act* with respect to fraternal societies, which were amended in 1950, empower fraternal societies to carry on the type of business prohibited by the Ontario Act, and do not impose the \$10,000 limitation.

The amendments will bring the Ontario Act into conformity with the **Dominion Act** except that by virtue of the new sections 263 and 264 the carrying on of such business must be authorized by a by-law of the fraternal society passed upon the recommendation of the actuary.

BILL

An Act to amend The Insurance Act

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

1. Clauses *b* and *c* of section 239 of *The Insurance Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 183, s. 239,
cl. *b*, re-
enacted;
cl. *c*,
repealed

 - (*b*) except as provided in section 263, if it insures or indemnifies against contingencies other than sickness, accident, disability, death or funeral expenses; or

2. Section 241 of *The Insurance Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 183, s. 241,
re-enacted

241. Clause *b* of section 239 shall not apply to contracts guaranteeing the fidelity of officers, servants or employees of the branches or subdivisions of a corporation.

Guarantee
and endow-
ment
insurance

3. Sections 263 and 264 of *The Insurance Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 183,
ss. 263, 264,
re-enacted

263. A fraternal society licensed under this Act which has filed with the Superintendent for at least three successive years a declaration of an actuary as required by subsection 2 of section 252, if duly authorized by a by-law of the society passed on the recommendation of the actuary, may issue to its members,

Insurance
and annuities
in fraternal
societies

 - (*a*) endowment or term insurance contracts;
 - (*b*) insurance contracts under which the sum or sums payable on the death of any one person, other than a double indemnity accident benefit, is in excess of \$10,000; and
 - (*c*) annuities of all kinds.

Recommendation of actuary

264. Every by-law referred to in section 263 shall set forth the rates of benefit and indemnity and the amounts of insurance or annuity that may be issued, but such by-law shall be without effect unless the actuary of the society certifies to the reasonableness of the rates of benefit and indemnity and of the amounts of insurance or annuity having regard to,

- (a) all the conditions and circumstances of their issuance;
- (b) the sufficiency of the rates of contribution therefor; and
- (c) the reasonableness of the loan values, cash values and other equities that may be provided,

and recommends the passing of such by-law.

Societies composed of municipal and government employees

264a. Notwithstanding the provisions of section 263 and 264, any society the membership of which is limited by its constitution or laws to municipal or government employees may undertake annuities on lives in the nature of old age pensions.

Short title

4. This Act may be cited as *The Insurance Amendment Act, 1952*.



BILL

An Act to amend The Insurance Act

1st Reading

March 13th, 1952

2nd Reading

3rd Reading

MR. PORTER

No. 81

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Insurance Act

MR. PORTER

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



BILL

An Act to amend The Insurance Act

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

1. Clauses *b* and *c* of section 239 of *The Insurance Act* are repealed and the following substituted therefor: Rev. Stat.,
c. 183, s. 239,
cl. *b*, re-
enacted;
cl. *c*,
repealed

(b) except as provided in section 263, if it insures or indemnifies against contingencies other than sickness, accident, disability, death or funeral expenses; or

.

2. Section 241 of *The Insurance Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 183, s. 241,
re-enacted

241. Clause *b* of section 239 shall not apply to contracts guaranteeing the fidelity of officers, servants or employees of the branches or subdivisions of a corporation. Guarantee
and endow-
ment
insurance

3. Sections 263 and 264 of *The Insurance Act* are repealed and the following substituted therefor: Rev. Stat.,
c. 183,
ss. 263, 264,
re-enacted

263. A fraternal society licensed under this Act which has filed with the Superintendent for at least three successive years a declaration of an actuary as required by subsection 2 of section 252, if duly authorized by a by-law of the society passed on the recommendation of the actuary, may issue to its members, Insurance
and annuities
in fraternal
societies

(a) endowment or term insurance contracts;

(b) insurance contracts under which the sum or sums payable on the death of any one person, other than a double indemnity accident benefit, is in excess of \$10,000; and

(c) annuities of all kinds.

Recommendation of actuary

264. Every by-law referred to in section 263 shall set forth the rates of benefit and indemnity and the amounts of insurance or annuity that may be issued, but such by-law shall be without effect unless the actuary of the society certifies to the reasonableness of the rates of benefit and indemnity and of the amounts of insurance or annuity having regard to,

- (a) all the conditions and circumstances of their issuance;
- (b) the sufficiency of the rates of contribution therefor; and
- (c) the reasonableness of the loan values, cash values and other equities that may be provided,

and recommends the passing of such by-law.

Societies composed of municipal and government employees

264a. Notwithstanding the provisions of section 263 and 264, any society the membership of which is limited by its constitution or laws to municipal or government employees may undertake annuities on lives in the nature of old age pensions.

Short title

4. This Act may be cited as *The Insurance Amendment Act, 1952*.





BILL

An Act to amend The Insurance Act

1st Reading

March 13th, 1952

2nd Reading

March 27th, 1952

3rd Reading

April 1st, 1952

MR. PORTER

No. 82

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

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

MR. PORTER

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

EXPLANATORY NOTES

SECTION 1. A question has arisen as to whether or not judgment creditors in the present section includes all creditors of the person bonded or only those in respect of claims arising out of trades in real estate. It was originally intended that the bond should only be for the benefit of persons having claims in respect of trades in real estate.

SECTION 2. The amendment makes it clear that the account into which deposits are paid is a trust account and prevents brokers from using trust moneys otherwise than in accordance with the terms of the trust.

BILL

An Act to amend The Real Estate and Business Brokers Act

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

1. Section 21 of *The Real Estate and Business Brokers Act* Rev. Stat., c. 332, s. 21, amended is amended by inserting after the word "become" in the tenth line the words "in respect of claims arising out of trades in real estate", so that the section shall read as follows:

21. The Lieutenant-Governor in Council may direct the Treasurer of Ontario, Assignment of bond or payment of moneys to creditors
- (a) to assign any bond forfeited under section 18 and transfer the collateral security, if any;
 - (b) to pay over any moneys recovered under such bond; or
 - (c) to pay over any moneys realized from the sale of the collateral security under section 19,

to any person, or to the Accountant of the Supreme Court in trust for such persons as may become, in respect of claims arising out of trades in real estate, judgment creditors of the person bonded or who deposited the securities, as the case may be, or to any trustee, custodian, interim receiver, receiver or liquidator of such person, as the case may be.

2. Section 35 of *The Real Estate and Business Brokers Act* Rev. Stat., c. 332, s. 35, amended is amended by inserting after the word "account" in the first line the words "designated as a trust account" and by adding at the end thereof the words "and shall disburse such moneys only in accordance with the terms of the trust", so that the section shall read as follows:

35. Every broker shall maintain an account designated as a trust account in a chartered bank, loan or trust company or Province of Ontario Savings Office in Bank account

which shall be deposited all moneys which come into his hands in trust for other persons in connection with his business, and he shall at all times keep such moneys separate and apart from moneys belonging to himself or to the partnership, in the case of a partnership, and shall disburse such moneys only in accordance with the terms of the trust.

Rev. Stat.,
c. 332, s. 52,
subs. 2,
amended

3. Subsection 2 of section 52 of *The Real Estate and Business Brokers Act* is amended by adding at the end thereof the words "and unless the broker or salesman immediately after the execution of the agreement delivers a true copy thereof to the person who has signed the agreement", so that the subsection shall read as follows:

Expiry of
agreement

(2) No agreement to list real estate for sale, exchange, lease or rental with a broker or salesman shall be valid unless it is provided therein that it will expire on a date therein specified and unless the broker or salesman immediately after the execution of the agreement delivers a true copy thereof to the person who has signed the agreement.

Short title

4. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1952*.

SECTION 3. The amendment will force a broker or salesman to deliver a copy of a listing agreement to the vendor who has signed it.



BILL

An Act to amend The Real Estate and
Business Brokers Act

1st Reading

March 13th, 1952

2nd Reading

3rd Reading

Mr. PORTER

No. 82

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

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

MR. PORTER

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



BILL

An Act to amend The Real Estate and Business Brokers Act

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

1. Section 21 of *The Real Estate and Business Brokers Act* Rev. Stat., c. 332, s. 21, amended is amended by inserting after the word "become" in the tenth line the words "in respect of claims arising out of trades in real estate", so that the section shall read as follows:

21. The Lieutenant-Governor in Council may direct the Treasurer of Ontario, Assignment of bond or payment of moneys to creditors
- (a) to assign any bond forfeited under section 18 and transfer the collateral security, if any;
 - (b) to pay over any moneys recovered under such bond; or
 - (c) to pay over any moneys realized from the sale of the collateral security under section 19,

to any person, or to the Accountant of the Supreme Court in trust for such persons as may become, in respect of claims arising out of trades in real estate, judgment creditors of the person bonded or who deposited the securities, as the case may be, or to any trustee, custodian, interim receiver, receiver or liquidator of such person, as the case may be.

2. Section 35 of *The Real Estate and Business Brokers Act* Rev. Stat., c. 332, s. 35, amended is amended by inserting after the word "account" in the first line the words "designated as a trust account" and by adding at the end thereof the words "and shall disburse such moneys only in accordance with the terms of the trust", so that the section shall read as follows:

35. Every broker shall maintain an account designated Bank account as a trust account in a chartered bank, loan or trust company or Province of Ontario Savings Office in

which shall be deposited all moneys which come into his hands in trust for other persons in connection with his business, and he shall at all times keep such moneys separate and apart from moneys belonging to himself or to the partnership, in the case of a partnership, and shall disburse such moneys only in accordance with the terms of the trust.

Rev. Stat.,
c. 332, s. 52,
subs. 2,
amended

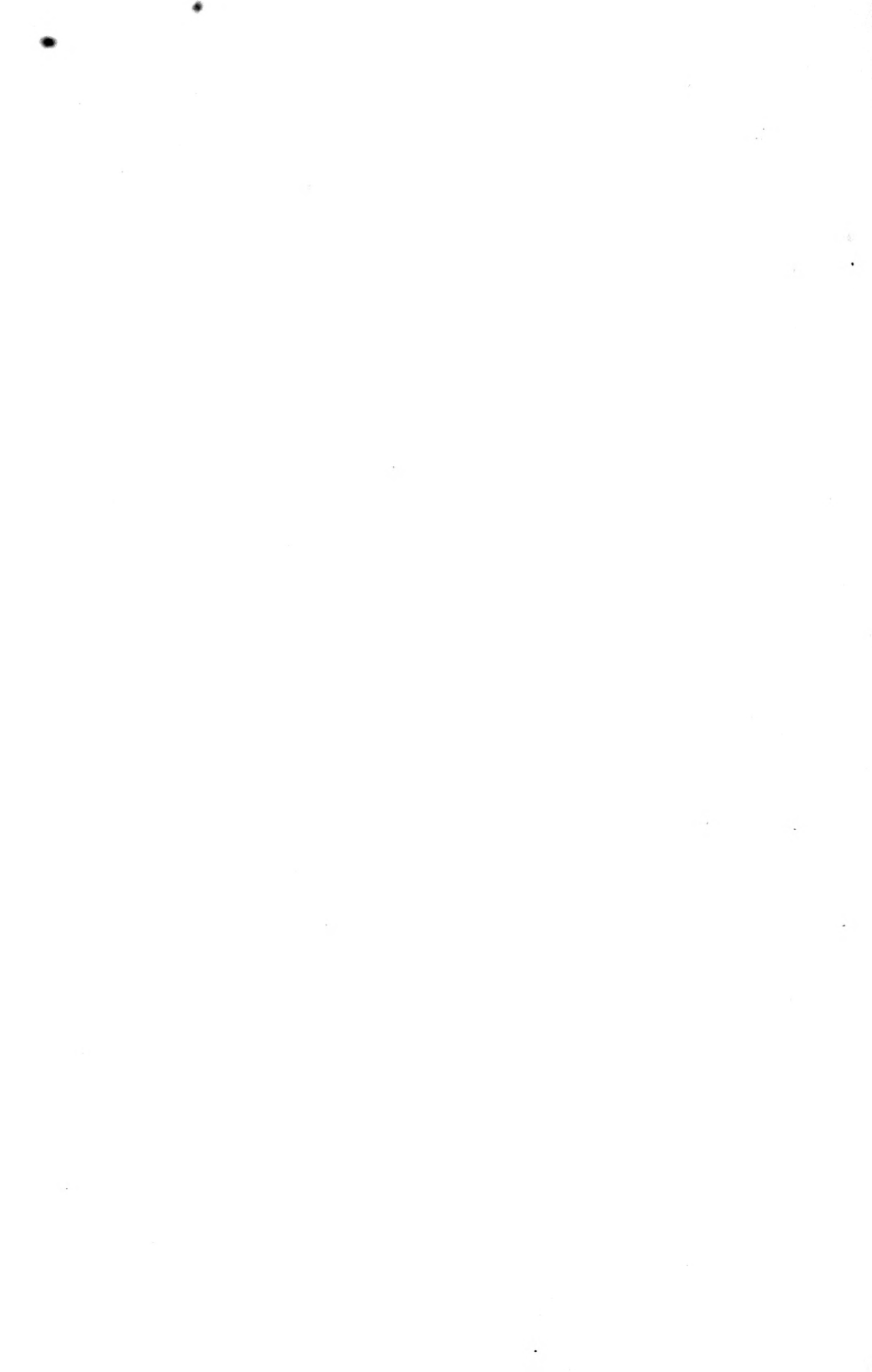
3. Subsection 2 of section 52 of *The Real Estate and Business Brokers Act* is amended by adding at the end thereof the words "and unless the broker or salesman immediately after the execution of the agreement delivers a true copy thereof to the person who has signed the agreement", so that the subsection shall read as follows:

Expiry of
agreement

(2) No agreement to list real estate for sale, exchange, lease or rental with a broker or salesman shall be valid unless it is provided therein that it will expire on a date therein specified and unless the broker or salesman immediately after the execution of the agreement delivers a true copy thereof to the person who has signed the agreement.

Short title

4. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1952*.



BILL

An Act to amend The Real Estate and
Business Brokers Act

1st Reading

March 13th, 1952

2nd Reading

March 27th, 1952

3rd Reading

April 1st, 1952

MR. PORTER

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Natural Gas
Conservation Act

MR. GEMMELL



BILL

An Act to amend The Natural Gas
Conservation Act

1st Reading

March 13th, 1952

2nd Reading

3rd Reading

MR. GEMMELL

No. 83

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Natural Gas
Conservation Act

MR. GEMMELL

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

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

EXPLANATORY NOTES

SECTION 1. These new subsections take the orders of the Natural Gas Referee out of *The Regulations Act* and substitute a more appropriate method of recording them.

BILL

An Act to amend The Natural Gas Conservation Act

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

1. Section 7 of *The Natural Gas Conservation Act* is amended Rev. Stat., c. 251, s. 7, amended by adding thereto the following subsections:
 - (5) Every order made by the Referee under this section shall be deemed to be of an administrative and not Nature of orders of a legislative nature.
 - (6) The Referee shall file with the Minister a copy of Filing of orders every order made by him under this section forthwith after it is made.
2. This Act, except section 2, comes into force on the day Commencement it receives Royal Assent.
3. This Act may be cited as *The Natural Gas Conservation Short title Amendment Act, 1952.*

BILL

An Act to amend The Natural Gas
Conservation Act

1st Reading

March 13th, 1952

2nd Reading

March 28th, 1952

3rd Reading

MR. GEMMELL

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

No. 83

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Natural Gas
Conservation Act

MR. GEMMELL



BILL

An Act to amend The Natural Gas Conservation Act

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

1. Section 7 of *The Natural Gas Conservation Act* is amended by adding thereto the following subsections: Rev. Stat.,
c. 251, s. 7,
amended
 - (5) Every order made by the Referee under this section shall be deemed to be of an administrative and not of a legislative nature. Nature of
orders
 - (6) The Referee shall file with the Minister a copy of every order made by him under this section forthwith after it is made. Filing of
orders
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Natural Gas Conservation Amendment Act, 1952*. Short title

BILL

An Act to amend The Natural Gas
Conservation Act

1st Reading

March 13th, 1952

2nd Reading

March 28th, 1952

3rd Reading

April 9th, 1952

MR. GEMMELL

No. 84

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Mining Act

MR. GEMMELL

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

EXPLANATORY NOTES

SECTION 1. The subsection repealed reads as follows:

- (9) Work performed on a mining claim located in those parts of the territorial district of Kenora (Patricia Portion), not included in the Red Lake or Kenora mining division, between the date of staking the claim and the date of recording the claim may be reported in the same manner as if it had been performed after the recording.

Since there is now a recording office at Sioux Lookout and another at Red Lake, the subsection is no longer necessary.

SECTION 2. Subsection 2 of section 98 as re-enacted is extended to cover leases of mining claims. No change in principle.

The new subsection 2a is necessary as otherwise an additional year in which to take out a patent would be allowed under section 97, subsection 2, of the Act.

SECTION 3. The survey should precede the application for patent, otherwise the claim cannot be properly identified.

BILL

An Act to amend The Mining Act

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

1. Subsection 9 of section 80 of *The Mining Act* is repealed. Rev. Stat., c. 236, s. 80, subs. 9, repealed
2. Subsection 2 of section 98 of *The Mining Act* is repealed and the following substituted therefor: Rev. Stat., c. 236, s. 98, subs. 2, re-enacted
 - (2) Where the area of the mining claim exceeds by more than five acres the prescribed area as defined in sections 50 and 51 and such claim is not reduced in size under section 107, the price or rental per acre of such area in excess of the area so prescribed shall be twice the price or rental provided for in this Act, and there shall be performed at least five days work per acre for such excess area, but where there is a group of contiguous claims held by the same licensee and their average area does not exceed forty-five acres, the Minister may direct that this subsection does not apply. Where area exceeds prescribed area
 - (2a) Where additional work is required under subsection 2, the Minister may prescribe the time within which such work is to be performed and recorded, and application and payment for patent or lease shall be made within the time so prescribed. Where additional work required
3. Subsection 1 of section 105 of *The Mining Act* is amended by striking out the word "issued" in the second line and inserting in lieu thereof the words "applied for", so that the subsection shall read as follows: Rev. Stat., c. 236, s. 105, subs. 1, amended
 - (1) Before a patent of a mining claim in unsurveyed territory is applied for the claim shall be surveyed by an Ontario land surveyor at the expense of the applicant. When survey required in unsurveyed territory

Rev. Stat.,
c. 236, s. 109,
amended

4. Section 109 of *The Mining Act* is amended by adding thereto the following subsection:

Limitation

- (7) A licensee shall not in any one licence year stake out more than three areas or apply for or obtain more than three boring permits.

Rev. Stat.,
c. 236,
amended

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

Provision
for two
judges of
Mining
Court

- 115a. Notwithstanding any other provision of this Act, there may be two judges of the Mining Court appointed in the manner set out in section 115, in which case either of such judges shall be deemed to be "the Judge" within the meaning of and for the purposes of this Act and *The Mining Tax Act*.

Rev. Stat.,
c. 237

Rev. Stat.,
c. 236, s. 165,
re-enacted

6. Section 165 of *The Mining Act* is repealed and the following substituted therefor:

Notice of
accident

165. Where in or about any mine, metallurgical works or quarry or any sand, clay or gravel pit an accident occurs to a person employed therein that causes a fracture or a dislocation of any bone of his body or any other injury which in the opinion of the attending physician may result in his being incapacitated for work for at least five days, the owner, agent, manager or superintendent of such mine, works, quarry or pit shall within three days of the accident send notice in writing to the Inspector resident in the part of Ontario in which the mine, works, quarry or pit is situate on the form prescribed for such purpose.

Rev. Stat.,
c. 236, s. 189,
subs. 2,
amended

7. Subsection 2 of section 189 of *The Mining Act* is amended by adding at the end thereof the words "and the area of each claim shall not exceed the area prescribed in sections 50 and 51", so that the subsection shall read as follows:

Where
section not
to apply

- (2) In the case of each person who has enlisted or enrolled for active service this section shall apply to not more than three claims whether or not he is the sole owner thereof, and the area of each claim shall not exceed the area prescribed in sections 50 and 51.

Certain
authoriza-
tions to
take oaths
validated

8. Every instrument signed by the Deputy Minister of Mines before the 15th day of June, 1948, that purports to authorize any officer, employee or agent of the Department of Mines to take affidavits, declarations or affirmations required under *The Mining Act* is validated and confirmed

SECTION 4. This new provision sets out what is now the departmental policy in this regard.

SECTION 5. Self explanatory.

SECTION 6. In order for a mine accident to be reportable to the Inspector, the injury must be such as to incapacitate the employee for at least five days, instead of seven days. Otherwise the section is unchanged in principle.

SECTION 7. It was never intended that licensees who go on active service should obtain free patents to oversize claims.

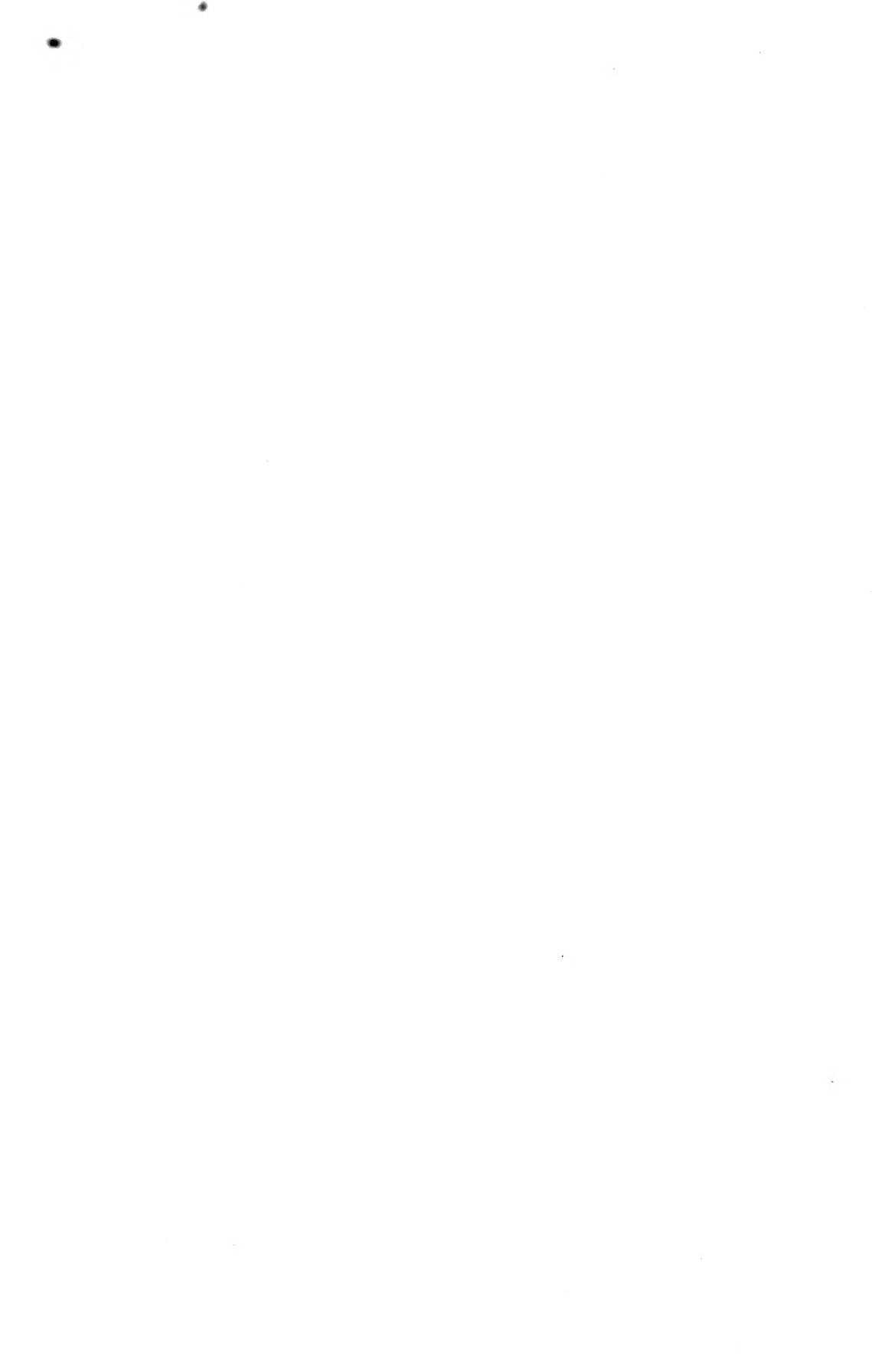
This amendment allows free patents to such persons of areas that do not exceed forty acres.

SECTION 8. In 1948 section 18 was added to this Act. It reads:

18. The Minister or Deputy Minister may, in the prescribed form, authorize any officer, employee or agent of the Department to take affidavits, declarations or affirmations required under this Act and any declaration, affidavit or affirmation taken before the person so authorized shall have the same force and effect as if taken before a commissioner appointed under *The Commissioners for taking Affidavits Act*.

However, a recent court decision has held that such authorizations of the Deputy Minister of Mines before this section came into force were invalid.

Section 8 of the bill validates these authorizations.



and every affidavit, declaration or affirmation taken before any person so authorized shall have the same force and effect as if taken before a commissioner appointed under *The Commissioners for taking Affidavits Act*. Rev. Stat., c. 57

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

10. This Act may be cited as *The Mining Amendment Act, 1952*. Short title

BILL

An Act to amend The Mining Act

1st Reading

March 13th, 1952

2nd Reading

3rd Reading

MR. GEMMELL

No. 84

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Mining Act

MR. GEMMELL

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



BILL

An Act to amend The Mining Act

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

1. Subsection 9 of section 80 of *The Mining Act* is repealed. Rev. Stat.,
c. 236, s. 80,
subs. 9,
repealed
2. Subsection 2 of section 98 of *The Mining Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 236, s. 98,
subs. 2,
re-enacted
 - (2) Where the area of the mining claim exceeds by more than five acres the prescribed area as defined in sections 50 and 51 and such claim is not reduced in size under section 107, the price or rental per acre of such area in excess of the area so prescribed shall be twice the price or rental provided for in this Act, and there shall be performed at least five days work per acre for such excess area, but where there is a group of contiguous claims held by the same licensee and their average area does not exceed forty-five acres, the Minister may direct that this subsection does not apply. Where area
exceeds
prescribed
area
 - (2a) Where additional work is required under subsection 2, the Minister may prescribe the time within which such work is to be performed and recorded, and application and payment for patent or lease shall be made within the time so prescribed. Where
additional
work
required
3. Subsection 1 of section 105 of *The Mining Act* is amended by striking out the word "issued" in the second line and inserting in lieu thereof the words "applied for", so that the subsection shall read as follows: Rev. Stat.,
c. 236, s. 105,
subs. 1,
amended
 - (1) Before a patent of a mining claim in unsurveyed territory is applied for the claim shall be surveyed by an Ontario land surveyor at the expense of the applicant. When survey
required in
unsurveyed
territory

Rev. Stat.,
c. 236, s. 109,
amended

4. Section 109 of *The Mining Act* is amended by adding thereto the following subsection:

Limitation

(7) A licensee shall not in any one licence year stake out more than three areas or apply for or obtain more than three boring permits.

Rev. Stat.,
c. 236,
amended

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

Provision
for two
judges of
Mining
Court

115a. Notwithstanding any other provision of this Act, there may be two judges of the Mining Court appointed in the manner set out in section 115, in which case either of such judges shall be deemed to be "the Judge" within the meaning of and for the purposes of this Act and *The Mining Tax Act*.

Rev. Stat.,
c. 237

Rev. Stat.,
c. 236, s. 165,
re-enacted

6. Section 165 of *The Mining Act* is repealed and the following substituted therefor:

Notice of
accident

165. Where in or about any mine, metallurgical works or quarry or any sand, clay or gravel pit an accident occurs to a person employed therein that causes a fracture or a dislocation of any bone of his body or any other injury which in the opinion of the attending physician may result in his being incapacitated for work for at least five days, the owner, agent, manager or superintendent of such mine, works, quarry or pit shall within three days of the accident send notice in writing to the Inspector resident in the part of Ontario in which the mine, works, quarry or pit is situate on the form prescribed for such purpose.

Rev. Stat.,
c. 236, s. 189,
subs. 2,
amended

7. Subsection 2 of section 189 of *The Mining Act* is amended by adding at the end thereof the words "and the area of each claim shall not exceed the area prescribed in sections 50 and 51", so that the subsection shall read as follows:

Where
section not
to apply

(2) In the case of each person who has enlisted or enrolled for active service this section shall apply to not more than three claims whether or not he is the sole owner thereof, and the area of each claim shall not exceed the area prescribed in sections 50 and 51.

Certain
authoriza-
tions to
take oaths
validated

8. Every instrument signed by the Deputy Minister of Mines before the 15th day of June, 1948, that purports to authorize any officer, employee or agent of the Department of Mines to take affidavits, declarations or affirmations required under *The Mining Act* is validated and confirmed

and every affidavit, declaration or affirmation taken before any person so authorized shall have the same force and effect as if taken before a commissioner appointed under *The Commissioners for taking Affidavits Act.* Rev. Stat., c. 57

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

10. This Act may be cited as *The Mining Amendment Act, 1952.* Short title



BILL

An Act to amend The Mining Act

1st Reading

March 13th, 1952

2nd Reading

March 28th, 1952

3rd Reading

April 9th, 1952

MR. GEMMELL

No. 85

1ST SESSION, 24TH LEGISLATURE, Ontario
1 ELIZABETH II, 1952

BILL

An Act to amend The Department of
Municipal Affairs Act

MR. DUNBAR

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

EXPLANATORY NOTES

SECTION 1. The definition of "municipality" in section 1 of the Act is amended to make it clear that the definition includes a school board in an unorganized township or in unsurveyed territory.

SECTION 2. With the amendment to the definition of "municipality" carried out in section 1 of the Bill, subsection 2 of section 11 of the Act, which authorizes the Department to order that the tax arrears procedures of the Act apply to school boards in unorganized townships or unsurveyed territory, is no longer necessary and is repealed.

SECTIONS 3 and 4. These amendments are to make the Act conform to existing practice whereby if the land in respect of which a tax arrears certificate is registered is under *The Land Titles Act*, the persons to be notified are those persons appearing by the records of the land titles office to have an interest in the land.

BILL

An Act to amend The Department of Municipal Affairs Act

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

1. Clause *f* of section 1 of *The Department of Municipal Affairs Act* is amended by inserting after the word "affairs" in the fifth line the words "or purposes, including school purposes", so that the clause shall read as follows:

Rev. Stat.,
c. 96, s. 1,
cl. *f*,
amended

(*f*) "municipality" means the corporation of a county, city, town, village, township or improvement district and includes a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes, in an unorganized township or unsurveyed territory.

2. Subsection 2 of section 11 of *The Department of Municipal Affairs Act*, as enacted by section 2 of *The Department of Municipal Affairs Amendment Act, 1951*, is repealed.

Rev. Stat.,
c. 96, s. 11,
subs. 2
(1951,
c. 19, s. 2),
repealed

3. Subsection 4 of section 45 of *The Department of Municipal Affairs Act* is amended by inserting after the word "registry" in the fifth line the words "or land titles", so that the subsection shall read as follows:

Rev. Stat.,
c. 96, s. 45,
subs. 4,
amended

(4) Immediately upon registration of a tax arrears certificate, the treasurer shall cause to be sent by registered mail to the last known address of the assessed owner of the land therein described and to all persons appearing by the records of the registry or land titles office and the sheriff's office to have an interest therein a written notice (Form 2) of the registration of such certificate and of the last day for redemption of the land.

Notice of
registration
of cer-
tificate

Rev. Stat.,
c. 96, s. 47,
subs. 1,
amended

4. Subsection 1 of section 47 of *The Department of Municipal Affairs Act*, as amended by section 3 of *The Department of Municipal Affairs Amendment Act, 1951*, is further amended by inserting after the word "registry" in the second line the words "or land titles", so that the subsection shall read as follows:

Right of
redemption

- (1) The owner or assessed owner of or any person appearing by the records of the registry or land titles office or the sheriff's office to have an interest in any vacant land or improved land in respect of which a tax arrears certificate has been registered may redeem the land at any time within one year after the date of registration of the certificate by paying to the municipality the amount set forth in such certificate in respect of the land to be redeemed with interest thereon to the day of redemption, together with the amount of all expenses incurred by the municipality and the treasurer in registering the certificates and for searches and postage and \$1 for each certificate and for each notice sent under subsection 4 of section 45, and also by paying to the municipality all taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and had been liable for ordinary taxation and if the value thereof is not shown upon the assessment roll, such taxes shall be computed at the rate fixed by by-law for each year for which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontage as shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement, and a certificate of the treasurer as to the total amount payable in order to redeem the land shall be final and conclusive.

Rev. Stat.,
c. 96, s. 51,
amended

5. Section 51 of *The Department of Municipal Affairs Act* is amended by adding thereto the following subsections:

Further
notice

- (2) Notwithstanding subsection 1, the treasurer may, at any time after the expiration of ten years from the date of registration of the certificate, cause to be sent by registered mail, to each person to whom notice was sent under subsection 4 of section 45, a further notice that if he does not apply for a

SECTION 5. At present under section 51 of the Act any person interested in land in respect of which a tax arrears certificate is registered can apply at any time for a conveyance of the land if it has not meanwhile been sold or declared by by-law to be required for municipal purposes. New subsections are added to provide a means whereby this right can be extinguished after ten years.



conveyance of the land under subsection 1 and tender the payment required under subsection 1 within six months of the date the notice is sent, his right to do so will expire.

- (3) If a person notified under subsection 2 does not apply for a conveyance and tender the payment required under subsection 1 within the said six months, his right to do so shall cease to exist. ^{Cessation of rights under subs. 1}

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

7. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1952*. ^{Short title}

BILL

An Act to amend The Department of
Municipal Affairs Act

1st Reading

March 13th, 1952

2nd Reading

3rd Reading

MR. DUNBAR

1ST SESSION, 24TH LEGISLATURE, Ontario
1 ELIZABETH II, 1952

BILL
**An Act to amend The Department of
Municipal Affairs Act**

MR. DUNBAR



BILL

An Act to amend The Department of Municipal Affairs Act

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

1. Clause *f* of section 1 of *The Department of Municipal Affairs Act* is amended by inserting after the word "affairs" in the fifth line the words "or purposes, including school purposes", so that the clause shall read as follows:

Rev. Stat.,
c. 96, s. 1,
cl. *f*,
amended

(*f*) "municipality" means the corporation of a county, city, town, village, township or improvement district and includes a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes, in an unorganized township or unsurveyed territory.

2. Subsection 2 of section 11 of *The Department of Municipal Affairs Act*, as enacted by section 2 of *The Department of Municipal Affairs Amendment Act, 1951*, is repealed.

Rev. Stat.,
c. 96, s. 11,
subs. 2
(1951,
c. 19, s. 2),
repealed

3. Subsection 4 of section 45 of *The Department of Municipal Affairs Act* is amended by inserting after the word "registry" in the fifth line the words "or land titles", so that the subsection shall read as follows:

Rev. Stat.,
c. 96, s. 45,
subs. 4,
amended

(4) Immediately upon registration of a tax arrears certificate, the treasurer shall cause to be sent by registered mail to the last known address of the assessed owner of the land therein described and to all persons appearing by the records of the registry or land titles office and the sheriff's office to have an interest therein a written notice (Form 2) of the registration of such certificate and of the last day for redemption of the land.

Notice of
registration
of cer-
tificate

Rev. Stat.,
c. 96, s. 47,
subs. 1,
amended

4. Subsection 1 of section 47 of *The Department of Municipal Affairs Act*, as amended by section 3 of *The Department of Municipal Affairs Amendment Act, 1951*, is further amended by inserting after the word "registry" in the second line the words "or land titles", so that the subsection shall read as follows:

Right of
redemption

- (1) The owner or assessed owner of or any person appearing by the records of the registry or land titles office or the sheriff's office to have an interest in any vacant land or improved land in respect of which a tax arrears certificate has been registered may redeem the land at any time within one year after the date of registration of the certificate by paying to the municipality the amount set forth in such certificate in respect of the land to be redeemed with interest thereon to the day of redemption, together with the amount of all expenses incurred by the municipality and the treasurer in registering the certificates and for searches and postage and \$1 for each certificate and for each notice sent under subsection 4 of section 45, and also by paying to the municipality all taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and had been liable for ordinary taxation and if the value thereof is not shown upon the assessment roll, such taxes shall be computed at the rate fixed by by-law for each year for which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontage as shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement, and a certificate of the treasurer as to the total amount payable in order to redeem the land shall be final and conclusive.

Rev. Stat.,
c. 96, s. 51,
amended

5. Section 51 of *The Department of Municipal Affairs Act* is amended by adding thereto the following subsections:

Further
notice

- (2) Notwithstanding subsection 1, the treasurer may, at any time after the expiration of ten years from the date of registration of the certificate, cause to be sent by registered mail, to each person to whom notice was sent under subsection 4 of section 45, a further notice that if he does not apply for a

conveyance of the land under subsection 1 and tender the payment required under subsection 1 within six months of the date the notice is sent, his right to do so will expire.

- (3) If a person notified under subsection 2 does not apply for a conveyance and tender the payment required under subsection 1 within the said six months, his right to do so shall cease to exist.

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

7. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1952*.



BILL

An Act to amend The Department of
Municipal Affairs Act

1st Reading

March 13th, 1952

2nd Reading

March 28th, 1952

3rd Reading

April 7th, 1952

MR. DUNBAR

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Ontario Municipal
Board Act

MR. DUNBAR

EXPLANATORY NOTES

SECTION 1. At present section 57 of the Act authorizes voluntary applications by municipalities for approval of the exercise by the municipality of any of its powers which may require the issue of debentures, or for approval of the incurring of any debt or the issue of debentures. This authority is removed from section 57 as section 67 of the Act makes the obtaining of the approval of the Board mandatory in respect of these matters.

SECTION 2. Subsection 2 of section 79 of the Act provides that where personal service of notices cannot be made, the Board may order service by publication for at least three weeks in *The Ontario Gazette* and also if required in any other newspaper. The subsection is amended to remove this restriction and to permit substitutional service in such manner as the Board directs.

SECTION 3. The annual report provision of the Act is brought into line with the uniform formula adopted by the Department of the Provincial Secretary.

BILL

An Act to amend The Ontario Municipal Board Act

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

1. Section 57 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor: Rev. Stat., c. 262, s. 57, re-enacted

57. A municipality may apply to the Board for its approval of any by-law the passing of which has been authorized by an order of the Board made pursuant to section 67. Voluntary application for approval of by-laws

2. Subsection 2 of section 79 of *The Ontario Municipal Board Act* is amended by striking out the words "by the publication of the notice for any period not less than three weeks in *The Ontario Gazette*, and also, if required, in any other newspaper" in the fifth, sixth and seventh lines and inserting in lieu thereof the words "in such manner as the Board directs", so that the subsection shall read as follows: Rev. Stat., c. 262, s. 79, subs. 2, amended

(2) If, in any case within the jurisdiction of the Board, it is made to appear to the satisfaction of the Board that service of any such notice cannot conveniently be made in the manner provided in subsection 1, the Board may order and allow such service to be made in such manner as the Board directs, and such publication in each case shall be deemed to be equivalent to service in the manner provided in subsection 1. Service by publication

3. Section 103 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor: Rev. Stat., c. 262, s. 103, re-enacted

103.—(1) The Board shall, after the close of each calendar year, make an annual report upon the affairs of the Board to the Minister of Municipal Affairs who shall file it with the Provincial Secretary. Annual report

Tabling

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly if it is in session, or if not, at the next ensuing session.

Commence-
ment

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

Short title

5. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1952*.



BILL

An Act to amend The Ontario Municipal
Board Act

1st Reading

March 13th, 1952

2nd Reading

3rd Reading

MR. DUNBAR

No. 86

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Ontario Municipal
Board Act

MR. DUNBAR

TORONTO

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



BILL

An Act to amend The Ontario Municipal Board Act

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

1. Section 57 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor: Rev. Stat., c. 262, s. 57, re-enacted

57. A municipality may apply to the Board for its approval of any by-law the passing of which has been authorized by an order of the Board made pursuant to section 67. Voluntary application for approval of by-laws

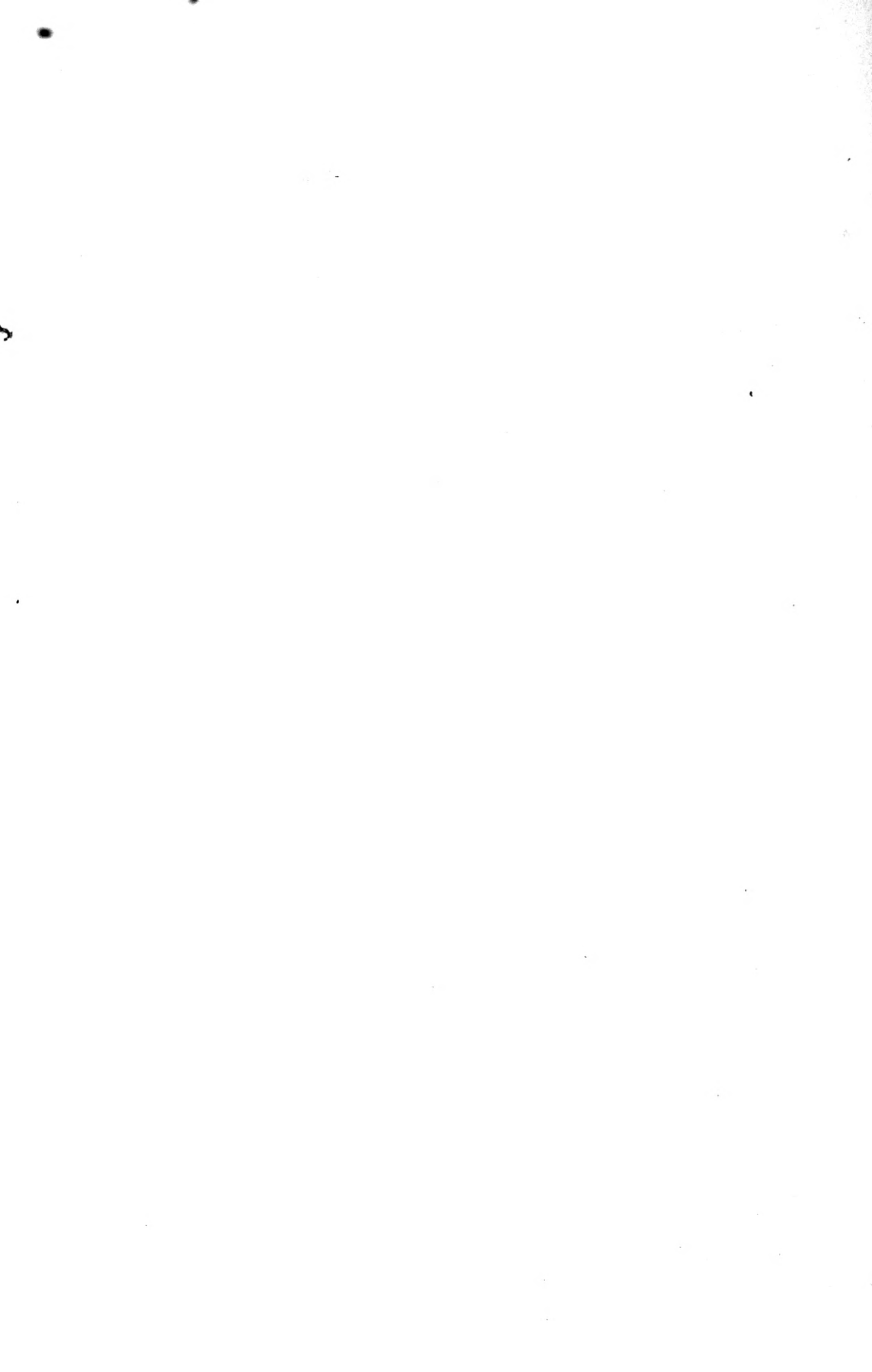
2. Subsection 2 of section 79 of *The Ontario Municipal Board Act* is amended by striking out the words "by the publication of the notice for any period not less than three weeks in *The Ontario Gazette*, and also, if required, in any other newspaper" in the fifth, sixth and seventh lines and inserting in lieu thereof the words "in such manner as the Board directs", so that the subsection shall read as follows: Rev. Stat., c. 262, s. 79, subs. 2, amended

(2) If, in any case within the jurisdiction of the Board, it is made to appear to the satisfaction of the Board that service of any such notice cannot conveniently be made in the manner provided in subsection 1, the Board may order and allow such service to be made in such manner as the Board directs, and such publication in each case shall be deemed to be equivalent to service in the manner provided in subsection 1. Service by publication

3. Section 103 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor: Rev. Stat., c. 262, s. 103, re-enacted

103.—(1) The Board shall, after the close of each calendar year, make an annual report upon the affairs of the Board to the Minister of Municipal Affairs who shall file it with the Provincial Secretary. Annual report

- Tabling (2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.
- Commence-
ment 4. This Act comes into force on the day it receives Royal Assent.
- Short title 5. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1952*.





BILL

An Act to amend The Ontario Municipal
Board Act

1st Reading

March 13th, 1952

2nd Reading

March 28th, 1952

3rd Reading

April 7th, 1952

MR. DUNBAR

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

Bill No. 87 The Companies Act, 1952 is in
mimeographed form and stacked with the Report
of the Special Committee of the Legislature
charged with the revision of the Companies Act.
(Ont. Comm. 1952)

BILL

An Act to amend The Conservation Authorities Act

MR. GRIESINGER

EXPLANATORY NOTES

SECTION 1. A definition of "administration costs" is added to the Act (complementary to section 10 of this Bill).

SECTION 2. Self-explanatory.

SECTION 3. Self-explanatory.

BILL

An Act to amend The Conservation Authorities Act

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

1. Section 1 of *The Conservation Authorities Act* is amended Rev. Stat., c. 62, s. 1, amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

- (a) "administration costs" means salaries and travelling expenses of members and employees of the authority; office rent, maintenance and purchase of office equipment; purchase and maintenance of equipment for conservation work such as earth-moving machinery and tree-planting machines; expenses connected with exhibits, visual equipment, printed matter for educational purposes; assistance for farm planning, farm ponds, the investigation of reforestation lands and the securing of options, and other conservation projects; the preliminary investigations and engineering of proposed schemes; and all expenditures necessary for carrying out the conservation work of the authority other than capital expenses and maintenance of approved schemes.

2. Section 4 of *The Conservation Authorities Act* is amended Rev. Stat., c. 62, s. 4, amended by adding thereto the following subsection:

- (1a) Where a city, town or village is only partly within the watershed, the Lieutenant-Governor in Council Urban municipalities may include the whole or that part of the city, town or village in the area over which the authority shall have jurisdiction.

3. *The Conservation Authorities Act* is amended by adding Rev. Stat., c. 62, amended thereto the following section:

- 7a. Where a new municipality is erected within or partly within the area over which an authority has juris- New municipalities

diction, the Lieutenant-Governor in Council may designate the municipality as a participating municipality.

Rev. Stat.,
c. 62, s. 8,
subs. 1,
amended

4. Subsection 1 of section 8 of *The Conservation Authorities Act* is amended by adding at the end thereof the words "and each member shall hold office until the first meeting of the authority after his appointment is terminated", so that the subsection shall read as follows:

Members of
authority

- (1) Members of an authority shall be appointed by the respective councils of the participating municipalities in the numbers prescribed by subsection 2 of section 3 for the appointment of representatives and shall hold office during the pleasure of the respective councils, and each member shall hold office until the first meeting of the authority after his appointment is terminated.

Rev. Stat.,
c. 62, s. 14,
amended

5. Section 14 of *The Conservation Authorities Act* is amended by adding at the end thereof the words "and shall obtain the approval of the Ontario Municipal Board", so that the section shall read as follows:

Filing
of plans

14. Before proceeding with a scheme an authority shall file plans and a description thereof with and obtain the approval in writing of the Minister of Lands and Forests, the Minister of Planning and Development and the Minister of Public Works, and shall obtain the approval of the Ontario Municipal Board.

Rev. Stat.,
c. 62, s. 17,
repealed

6. Section 17 of *The Conservation Authorities Act* is repealed.

Rev. Stat.,
c. 62, s. 22,
subss. 3-9,
re-enacted

7. Subsections 3 to 9 of section 22 of *The Conservation Authorities Act* are repealed and the following substituted therefor:

Compensa-
tion

- (3) Upon the expiration of the time indicated in the notice, an advisory board shall consider and determine the amount of compensation which in its opinion should be payable.

Filing of
statement

- (4) The advisory board shall make such inquiries and inspection and secure such advice as it thinks desirable and shall file with the authority a statement of the amount of compensation it considers should be payable, together with written reasons for its finding, and the statement and reasons shall be signed by each member of the advisory board.

SECTION 4. Provision is made for continuity of membership in the authority.

SECTION 5. Since many schemes involve heavy capital expenditure which may require debenture issues by the participating municipalities, authorities will now be required to obtain the approval of the Municipal Board before embarking on a scheme.

SECTION 6. The repealed section reads as follows:

17. In the event that an authority determines that any participating municipality does not benefit by any scheme and is not required to pay any part of the expenses of the authority, such municipality shall not be entitled to representation on the authority and shall cease to be a participating municipality.

SECTIONS 7 and 8. Section 22, which deals with compensation on expropriation, and section 25, which deals with compensation for injurious affection, are rewritten in the light of *Cresswell v. The Etobicoke-Mimico Conservation Authority*, 1951 O.R. 197. This case indicated that the advisory board in such cases should hold hearings and generally act as arbitrators. Under the amendments it is provided that their function is advisory, and if the claimant is not satisfied with the report of a board he can have the matter determined finally by the Ontario Municipal Board. It is also made clear that the injurious affection for which compensation is payable is not limited to interference with drainage, and the references to the drainage referee are replaced by references to the Municipal Board.



- (5) Within one month of the filing of the statement and reasons, the authority shall cause a copy thereof to be sent by registered mail to the person claiming compensation. Notice to claimant
- (6) If within one month of the mailing of the copy under subsection 5 the claimant does not serve the authority and the Ontario Municipal Board with a notice of dissatisfaction in accordance with subsection 7, the authority may pay to the claimant the amount recommended by the advisory board, and thereafter no further claim shall be made against the authority in respect of the expropriation of the land. Where no request for determination by Municipal Board
- (7) Any person who is dissatisfied with the amount of compensation recommended by the advisory board may, within one month of the mailing of the copy of the statement and reasons, notify the authority and the secretary of the Ontario Municipal Board in writing by registered mail that he is dissatisfied and desires that the compensation payable be determined by the Ontario Municipal Board. Notice of dissatisfaction
- (8) Upon receipt of a notice of dissatisfaction, the authority shall forward to the secretary of the Ontario Municipal Board a true copy of the statement and written reasons of the advisory board and a copy of the plan and description certified by the chief officer. Notification to Municipal Board
- (9) Upon receipt of a notice of dissatisfaction under this section, the secretary of the Ontario Municipal Board shall arrange a time and place for the determination of the compensation and shall send notice thereof by registered mail to the authority and to the claimant at least fourteen days before the hearing. Notice of hearing
- (10) The Ontario Municipal Board shall have authority to determine the amount of compensation payable and its decision shall be final and shall not be open to appeal except that an appeal shall lie to the Court of Appeal upon a question of jurisdiction or upon a question of law in the manner and under the conditions set out in section 98 of *The Ontario Municipal Board Act*, and that section shall apply *mutatis mutandis*. Power of Municipal Board

8. Section 25 of *The Conservation Authorities Act* is repealed and the following substituted therefor: Rev. Stat., c. 62, s. 25, re-enacted

Damage to
lands

25.—(1) Where the carrying out or completion of any scheme injuriously affects any land, the owner of the land may apply in writing to the authority in question for compensation and the application shall contain a statement of the nature of the plaintiff's claim and the amount of compensation claimed.

Report
of advisory
board

(2) Upon receipt of an application for compensation under subsection 1, the authority shall direct an advisory board of engineers to investigate the claim and the board shall make such inquiries and inspection and secure such advice as it thinks desirable, and upon the completion of its investigation the advisory board shall report to the authority in writing, signed by each member of the board, whether in its opinion the land of the applicant has been injuriously affected by reason of the carrying out or completion of the scheme, and if damage has been so occasioned, what amount of money the board deems to be reasonable compensation therefor, and the authority shall cause a true copy of the report to be sent to the applicant by registered mail.

Amount of
compensa-
tion

(3) In determining what amount of money is fair compensation for damage occasioned, the advisory board and the Ontario Municipal Board shall include in such amount reasonable compensation for such damage as may reasonably be expected to be suffered by the land by reason of the carrying out or completion of the scheme.

Where no
request for
determina-
tion by
Municipal
Board

(4) If within one month of the mailing of the copy of the report under subsection 2 the applicant does not serve the authority and the Ontario Municipal Board with a notice of dissatisfaction in accordance with subsection 5, the authority may pay to the applicant the amount deemed by the advisory board to be reasonable compensation, and thereafter no further claim shall be made against the authority in respect of the land.

Notice of
dissatis-
faction

(5) Any applicant who is dissatisfied with the report of the advisory board may, within one month of the mailing of the copy of the report, notify the authority and the secretary of the Ontario Municipal Board in writing by registered mail that he is dissatisfied with the report and desires that the question as to whether the land has been injuriously affected, and if so, the compensation therefor, be determined by the Ontario Municipal Board.

SECTION 9. A subsection is added to make it clear that the authority is entitled to recover from the participating municipalities their share of the capital cost of a scheme.

SECTION 10. Section 36 is amended in the light of the new definition of administration costs, and to provide for their apportionment among the participating municipalities.

(6) Upon receipt of a notice of dissatisfaction, the authority shall forward to the secretary of the Ontario Municipal Board a copy of the report of the advisory board. Copy to be sent to Municipal Board

(7) Upon receipt of a notice of dissatisfaction under this section, the secretary of the Ontario Municipal Board shall arrange a time and place for the determination of the matter, and shall send notice thereof by registered mail to the authority and the applicant at least fourteen days before the hearing. Notice of hearing

(8) The Ontario Municipal Board shall have authority to determine whether the land has been injuriously affected, and if so, to determine the amount of compensation payable therefor, and its decision shall be final and shall not be open to appeal except that an appeal shall lie to the Court of Appeal upon a question of jurisdiction or upon a question of law, in the manner and under the conditions set out in section 98 of *The Ontario Municipal Board Act*, and that section shall apply *mutatis mutandis*. Power of Municipal Board
Rev. Stat., c. 262

9. Section 35 of *The Conservation Authorities Act* is amended by adding thereto the following subsection: Rev. Stat., c. 62, s. 35, amended

(3a) Subject to subsection 3, an authority may enforce payment against any participating municipality of the portion of the capital cost required to be raised by the municipality as a debt due by the municipality to the authority. Enforcement of payment

10.—(1) Subsections 1 and 2 of section 36 of *The Conservation Authorities Act* are repealed and the following substituted therefor: Rev. Stat., c. 62, s. 36, subss. 1, 2, re-enacted

(1) For the purposes of paying administration costs and the costs of maintenance of the works included in any scheme, a sum may annually be levied by an authority against each of the participating municipalities. Assessment for administration costs and maintenance

(2) After determining the approximate total cost of administration costs and maintenance for the succeeding calendar year, the authority shall apportion such cost to the participating municipalities according to the benefit derived or to be derived by each such municipality, and the amount apportioned to each municipality shall be levied against each such municipality, and the secretary-treasurer of the authority shall forthwith certify to the clerk of each participating municipality the total amount which

has been so levied, and the clerk of the municipality shall calculate and insert the same in the collector's roll for the current year, and such amount shall be collected in the same manner as municipal taxes for general purposes and paid over to the authority.

Commence-
ment

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

Short title

12. This Act may be cited as *The Conservation Authorities Amendment Act, 1952*.



BILL

An Act to amend The Conservation
Authorities Act

1st Reading

March 14th, 1952

2nd Reading

3rd Reading

MR. GRIESINGER

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Conservation Authorities Act

MR. GRIESINGER



No. 88

1952

BILL

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1. Section 1 of *The Conservation Authorities Act* is amended Rev. Stat.,
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- (1a) Where a city, town or village is only partly within Urban
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3. *The Conservation Authorities Act* is amended by adding Rev. Stat.,
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- 7a. Where a new municipality is erected within or partly New
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4. Subsection 1 of section 8 of *The Conservation Authorities Act* is amended by adding at the end thereof the words "and each member shall hold office until the first meeting of the authority after his appointment is terminated", so that the subsection shall read as follows:

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- (5) Within one month of the filing of the statement and reasons, the authority shall cause a copy thereof to be sent by registered mail to the person claiming compensation. Notice to claimant
- (6) If within one month of the mailing of the copy under subsection 5 the claimant does not serve the authority and the Ontario Municipal Board with a notice of dissatisfaction in accordance with subsection 7, the authority may pay to the claimant the amount recommended by the advisory board, and thereafter no further claim shall be made against the authority in respect of the expropriation of the land. Where no request for determination by Municipal Board
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- 9.** Section 35 of *The Conservation Authorities Act* is amended by adding thereto the following subsection: Rev. Stat., c. 62, s. 35, amended
- (3a) Subject to subsection 3, an authority may enforce payment against any participating municipality of the portion of the capital cost required to be raised by the municipality as a debt due by the municipality to the authority. Enforcement of payment
- 10.—**(1) Subsections 1 and 2 of section 36 of *The Conservation Authorities Act* are repealed and the following substituted therefor: Rev. Stat., c. 62, s. 36, subss. 1, 2, re-enacted
- (1) For the purposes of paying administration costs and the costs of maintenance of the works included in any scheme, a sum may annually be levied by an authority against each of the participating municipalities. Assessment for administration costs and maintenance
- (2) After determining the approximate total cost of administration costs and maintenance for the succeeding calendar year, the authority shall apportion such cost to the participating municipalities according to the benefit derived or to be derived by each such municipality, and the amount apportioned to each municipality shall be levied against each such municipality, and the secretary-treasurer of the authority shall forthwith certify to the clerk of each participating municipality the total amount which

has been so levied, and the clerk of the municipality shall calculate and insert the same in the collector's roll for the current year, and such amount shall be collected in the same manner as municipal taxes for general purposes and paid over to the authority.

Commence-
ment

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

Short title

12. This Act may be cited as *The Conservation Authorities Amendment Act, 1952*.



BILL

An Act to amend The Conservation
Authorities Act

1st Reading

March 14th, 1952

2nd Reading

March 28th, 1952

3rd Reading

April 9th, 1952

MR. GRIESINGER

No. 89

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Loan and Trust Corporations Act

MR. PORTER

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

EXPLANATORY NOTES

SECTION 1. Section 76 of *The Loan and Trust Corporations Act* authorizes trust companies to invest trust moneys in a common trust fund. The amendment provides for the passing of accounts with respect to common trust funds in the office of the surrogate court of the county or district in which the fund is being administered.

BILL

An Act to amend The Loan and Trust Corporations Act

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

1. Section 76 of *The Loan and Trust Corporations Act* is amended by adding thereto the following subsections:

Rev. Stat.,
c. 214, s. 76,
amended

- (4) Not more than three years after the date on which a common trust fund is established, and triennially thereafter, the trust company maintaining such fund shall file and pass an account of its dealings with respect thereto in the office of the surrogate court of the county or district in which the fund is being administered, and the judge of the surrogate court, on the passing of such account, shall, subject to this section, have the same duties and powers as in the case of the passing of executors' accounts.
- (5) A trust company may at any time file and pass in the office of the surrogate court as aforesaid an account of its dealings with a common trust fund for any period of less than three years, but no subsequent accounting shall be for a period of more than three years.
- (6) Notwithstanding any other Act or law, a trust company shall not be required to render an account of its dealings with a common trust fund except as provided in this section or the regulations.
- (7) Upon the filing of an account pursuant to this section, the judge of the surrogate court shall fix a time and place for the passing of the account, and the trust company shall cause a written notice of such appointment and a copy of the account to be served upon the Registrar at least fourteen days before the date fixed for the passing, and the trust company shall not be required to give any other notice of the appointment.

Common
trust fund,
passing of
account

Period for
which
accounts
passed

Accounting
only neces-
sary under
this section
or regula-
tions

Time and
place for
passing of
account

Form of
account

(8) For the purposes of any such accounting an account may be filed in the form of audited accounts filed with the Registrar pursuant to regulations made under this section.

Registrar to
represent
persons
having in-
terest in
fund

(9) Upon the passing of an account pursuant to this section, the Registrar shall represent all persons having an interest in the funds invested in the common trust fund, but any such person shall have the right at his own expense to appear personally or to be separately represented.

Approval
of judge

(10) Where an account filed pursuant to this section has been approved by the judge of the surrogate court, such approval, except so far as mistake or fraud is shown, shall be binding and conclusive upon all interested persons as to all matters shown in the account and as to the trust company's administration of the common trust fund for the period covered by the account.

Costs

(11) The costs of passing an account pursuant to this section shall be charged to principal and income of the common trust fund in such proportions as the judge of the surrogate court deems proper.

Application
of Rev. Stat.,
c. 400, s. 27

(12) Where a common trust fund is restricted to investments in which trustees are by law authorized to invest, section 27 of *The Trustee Act* shall apply to that part of each participating trust or estate which from time to time has not been invested in the common trust fund as if such part constituted the whole trust or estate.

Rev. Stat.,
c. 214, s. 134,
subs. 1,
amended

2. Subsection 1 of section 134 of *The Loan and Trust Corporations Act* is amended by inserting after the word "by" in the ninth line the words and figures "section 26 of", so that the subsection shall read as follows:

Investments
by trust
companies

(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 133, provided that at all times at least 50 per cent of moneys received for guaranteed investment in the manner authorized by subsection 1 of section 80 or as deposits in the manner authorized by subsection 1 of section 78 shall be invested in or loaned upon such securities only as are authorized by section 26 of *The Trustee Act*.

Rev. Stat.,
c. 400

Short title

3. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1952*.

SECTION 2. The amendment is complementary to the amendments to sections 26 and 27 of *The Trustee Act* as provided in Bill No. 74, *An Act to amend The Trustee Act*. There is no change in principle.



BILL

An Act to amend The Loan and
Trust Corporations Act

1st Reading

March 18th, 1952

2nd Reading

3rd Reading

MR. PORTER

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Loan and Trust Corporations Act

MR. PORTER

(Reprinted as amended by the Committee on Legal Bills)

EXPLANATORY NOTES

SECTION 1. Section 76 of *The Loan and Trust Corporations Act* authorizes trust companies to invest trust moneys in a common trust fund. The amendment provides for the passing of accounts with respect to common trust funds in the office of the surrogate court of the county or district in which the fund is being administered.

BILL

An Act to amend The Loan and Trust Corporations Act

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

1. Section 76 of *The Loan and Trust Corporations Act* Rev. Stat.,
c. 214, s. 76,
amended is amended by adding thereto the following subsections:

- (4) Not more than three years after the date on which a common trust fund is established, and triennially thereafter, the trust company maintaining such fund shall file and pass an account of its dealings with respect thereto in the office of the surrogate court of the county or district in which the fund is being administered, and the judge of the surrogate court, on the passing of such account, shall, subject to this section, have the same duties and powers as in the case of the passing of executors' accounts. Common trust fund, passing of account
- (5) A trust company may at any time file and pass in the office of the surrogate court as aforesaid an account of its dealings with a common trust fund for any period of less than three years, but no subsequent accounting shall be for a period of more than three years. Period for which accounts passed
- (6) Notwithstanding any other Act or law, a trust company shall not be required to render an account of its dealings with a common trust fund except as provided in this section or the regulations. Accounting only necessary under this section or regulations
- (7) Upon the filing of an account pursuant to this section, the judge of the surrogate court shall fix a time and place for the passing of the account, and the trust company shall cause a written notice of such appointment and a copy of the account to be served upon the Registrar at least fourteen days before the date fixed for the passing, and the trust company shall not be required to give any other notice of the appointment. Time and place for passing of account

Form of
account

(8) For the purposes of any such accounting an account may be filed in the form of audited accounts filed with the Registrar pursuant to regulations made under this section.

Registrar to
represent
persons
having in-
terest in
fund

(9) Upon the passing of an account pursuant to this section, the Registrar shall represent all persons having an interest in the funds invested in the common trust fund, but any such person shall have the right at his own expense to appear personally or to be separately represented.

Approval
of judge

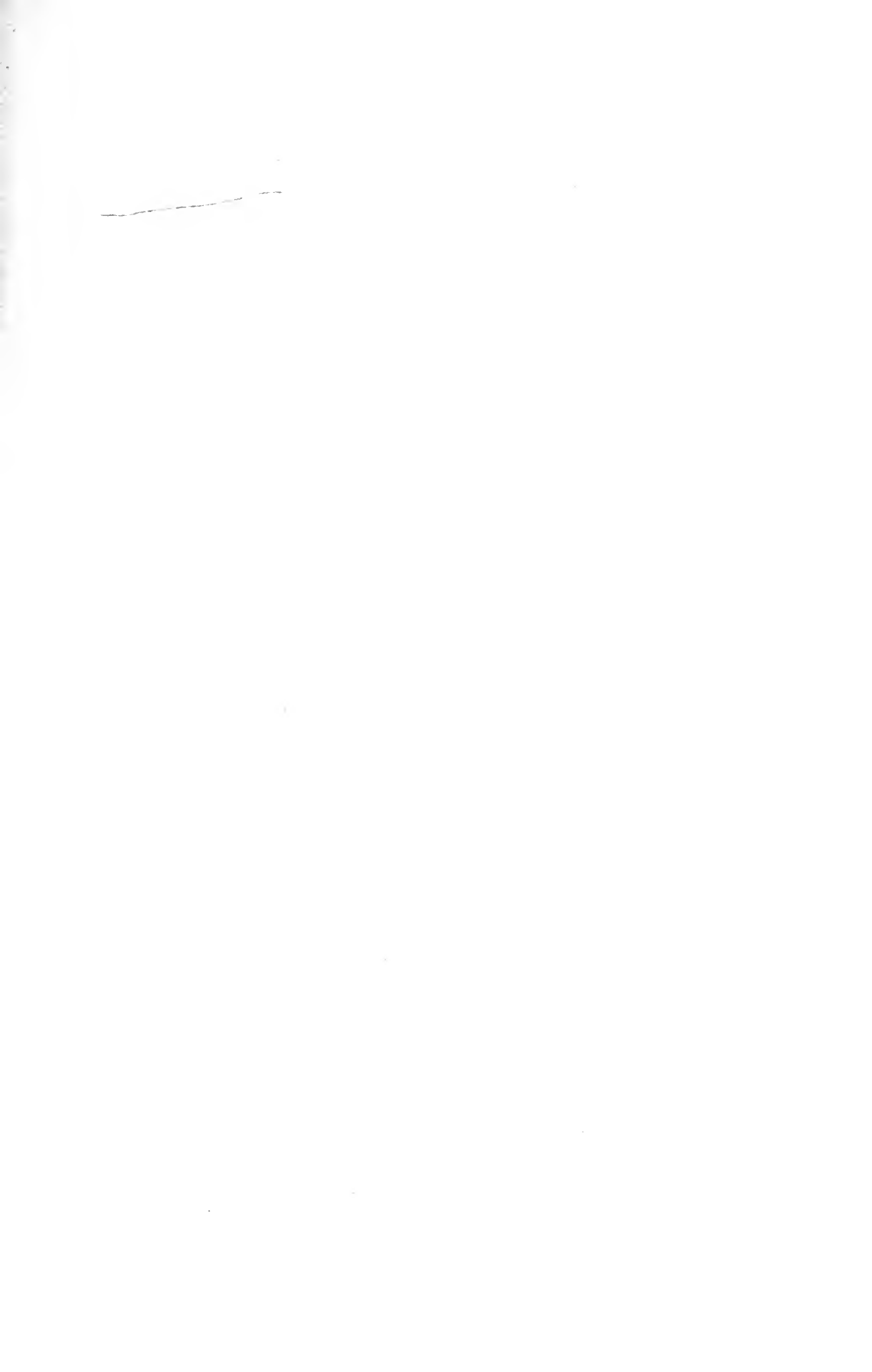
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Costs

(11) The costs of passing an account pursuant to this section shall be charged to principal and income of the common trust fund in such proportions as the judge of the surrogate court deems proper.

Short title

2. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1952.*





BILL

An Act to amend The Loan and
Trust Corporations Act

1st Reading

March 18th, 1952

2nd Reading

March 25th, 1952

3rd Reading

MR. PORTER

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

No. 89

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1 ELIZABETH II, 1952

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An Act to amend The Loan and Trust Corporations Act

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

1. Section 76 of *The Loan and Trust Corporations Act* Rev. Stat., c. 214, s. 76. amended is amended by adding thereto the following subsections:

- (4) Not more than three years after the date on which a common trust fund is established, and triennially thereafter, the trust company maintaining such fund shall file and pass an account of its dealings with respect thereto in the office of the surrogate court of the county or district in which the fund is being administered, and the judge of the surrogate court, on the passing of such account, shall, subject to this section, have the same duties and powers as in the case of the passing of executors' accounts. Common trust fund, passing of account
- (5) A trust company may at any time file and pass in the office of the surrogate court as aforesaid an account of its dealings with a common trust fund for any period of less than three years, but no subsequent accounting shall be for a period of more than three years. Period for which accounts passed
- (6) Notwithstanding any other Act or law, a trust company shall not be required to render an account of its dealings with a common trust fund except as provided in this section or the regulations. Accounting only necessary under this section or regulations
- (7) Upon the filing of an account pursuant to this section, the judge of the surrogate court shall fix a time and place for the passing of the account, and the trust company shall cause a written notice of such appointment and a copy of the account to be served upon the Registrar at least fourteen days before the date fixed for the passing, and the trust company shall not be required to give any other notice of the appointment. Time and place for passing of account

Form of
account

(8) For the purposes of any such accounting an account may be filed in the form of audited accounts filed with the Registrar pursuant to regulations made under this section.

Registrar to
represent
persons
having in-
terest in
fund

(9) Upon the passing of an account pursuant to this section, the Registrar shall represent all persons having an interest in the funds invested in the common trust fund, but any such person shall have the right at his own expense to appear personally or to be separately represented.

Approval
of judge

(10) Where an account filed pursuant to this section has been approved by the judge of the surrogate court, such approval, except so far as mistake or fraud is shown, shall be binding and conclusive upon all interested persons as to all matters shown in the account and as to the trust company's administration of the common trust fund for the period covered by the account.

Costs

(11) The costs of passing an account pursuant to this section shall be charged to principal and income of the common trust fund in such proportions as the judge of the surrogate court deems proper.

Short title

2. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1952*.



BILL

An Act to amend The Loan and
Trust Corporations Act

1st Reading

March 18th, 1952

2nd Reading

March 25th, 1952

3rd Reading

April 7th, 1952

MR. PORTER

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Tourist Establishments Act

MR. CECILE

TORONTO

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

EXPLANATORY NOTE

Heretofore all matters in connection with tourist outfitters' camps have been administered by the Department of Lands and Forests under the authority of *The Game and Fisheries Act*. This has been done in order to efficiently conserve wild life.

The effect of this bill, together with complementary amendments which will be made to *The Game and Fisheries Act* at this session, is that the licensing of tourist outfitters' camps remains in the Department of Lands and Forests as this is a conservation matter, but all other features of control such as classification and inspection will become a function of the Department of Travel and Publicity.

BILL

An Act to amend The Tourist Establishments Act

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

1. Clause *d* of section 1 of *The Tourist Establishments Act* is amended by inserting after the word "regulations" in the third line the words "and includes tourist outfitters' camps under *The Game and Fisheries Act*" and by striking out the words "or *The Game and Fisheries Act*" in the fifth and sixth lines, so that the clause shall read as follows:

Rev. Stat.,
c. 393, s. 1,
cl. *d*,
amended

(*d*) "tourist establishment" means any premises operated for the accommodation of the travelling or vacationing public within the meaning of the regulations and includes tourist outfitters' camps under *The Game and Fisheries Act*, but does not include any premises licensed under *The Liquor Licence Act* or any camp operated by a charitable institution within the meaning of *The Charitable Institutions Act* or any summer camp within the meaning of the regulations made under *The Public Health Act*.

Rev. Stat.,
cc. 153,
211, 49,
306

2. Clause *b* of subsection 1 of section 2 of *The Tourist Establishments Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 393, s. 2,
subs. 1, cl. *b*,
re-enacted

(*b*) providing for the licensing of tourist establishments, except tourist outfitters' camps under *The Game and Fisheries Act*, and the issue, form, renewal, transfer, refusal, suspension or cancellation of such licences and prescribing the fees payable for such licences and renewals thereof.

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

Commence-
ment

4. This Act may be cited as *The Tourist Establishments Amendment Act, 1952*.

Short title

BILL

An Act to amend The Tourist
Establishments Act

1st Reading

March 18th, 1952

2nd Reading

3rd Reading

MR. CECILE

No. 90

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Tourist Establishments Act

MR. CECILE

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



No. 90

1952

BILL

An Act to amend The Tourist Establishments Act

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

1. Clause *d* of section 1 of *The Tourist Establishments Act* is amended by inserting after the word "regulations" in the third line the words "and includes tourist outfitters' camps under *The Game and Fisheries Act*" and by striking out the words "or *The Game and Fisheries Act*" in the fifth and sixth lines, so that the clause shall read as follows:

Rev. Stat.,
c. 393, s. 1,
cl. *d*,
amended

(*d*) "tourist establishment" means any premises operated for the accommodation of the travelling or vacationing public within the meaning of the regulations and includes tourist outfitters' camps under *The Game and Fisheries Act*, but does not include any premises licensed under *The Liquor Licence Act* or any camp operated by a charitable institution within the meaning of *The Charitable Institutions Act* or any summer camp within the meaning of the regulations made under *The Public Health Act*.

Rev. Stat.,
cc. 153,
211, 49,
306

2. Clause *b* of subsection 1 of section 2 of *The Tourist Establishments Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 393, s. 2,
subs. 1, cl. *b*,
re-enacted

(*b*) providing for the licensing of tourist establishments, except tourist outfitters' camps under *The Game and Fisheries Act*, and the issue, form, renewal, transfer, refusal, suspension or cancellation of such licences and prescribing the fees payable for such licences and renewals thereof.

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

Commence-
ment

4. This Act may be cited as *The Tourist Establishments Amendment Act, 1952*.

Short title

BILL

An Act to amend The Tourist
Establishments Act

1st Reading

March 18th, 1952

2nd Reading

March 31st, 1952

3rd Reading

April 9th, 1952

MR. CECHE

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Mechanics' Lien Act

MR. MACAULAY

EXPLANATORY NOTES

SECTION 1. Section 3 of the Act requires builders, etc., to hold in trust all moneys received on account of the contract price, until the workmen, suppliers, etc., are paid, but heretofore no penalty has attached for failure to comply with the requirement.

SECTION 2. Under the present Act an owner of land or his agent may designate a place in the immediate vicinity of the land for delivery of materials and if the supply man places the materials on land so designated it constitutes good and sufficient delivery for the purposes of the Act.

The amendment extends the meaning of the word "agent" in the manner provided in order to accord with modern practices in the construction business.

SECTION 3—Subsection 1. The period of retention is increased from 30 to 35 days and the method of calculating the value at the time of abandonment is made more specific.

BILL

An Act to amend The Mechanics' Lien Act

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

1. Section 3 of *The Mechanics' Lien Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 227, s. 3,
amended
 - (2) Every builder, contractor or subcontractor who fails to comply with subsection 1 shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$5,000 or to imprisonment for a term of not more than two years, or both, and every director or officer of a corporation who assents to or acquiesces in any such offence by the corporation shall be guilty of such offence in addition to the corporation. Offence
and
penalty

2. Section 5 of *The Mechanics' Lien Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 227, s. 5,
amended
 - (3) For the purposes of subsection 1, "agent" shall be deemed to include the contractor or subcontractor, unless the person placing or furnishing the materials has had actual notice from the owner to the contrary. Interpre-
tation

- 3.—(1) Subsection 1 of section 11 of *The Mechanics' Lien Act* is amended by striking out the word "thirty" in the fourth line and inserting in lieu thereof the word "thirty-five" and by inserting after the word "calculated" in the tenth line the words "upon direct evidence given in that regard", so that the subsection shall read as follows: Rev. Stat.,
c. 227, s. 11,
subs. 1,
amended
 - (1) In all cases the person primarily liable upon any contract under or by virtue of which a lien may arise shall, as the work is done or materials are furnished under the contract, retain for a period of thirty-five days after the completion or abandonment of the work done or to be done under the contract 20 per cent of the value of the work, service and Retention
of percen-
tage by
owner

materials actually done, placed or furnished, as mentioned in section 5, irrespective of whether the contract or subcontract provides for partial payments or payment on completion of the work and the value shall be calculated upon direct evidence given in that regard on the basis of the contract price, or if there is no specific contract price, then on the basis of the actual value of the work, service or materials.

Rev. Stat.,
c. 227, s. 11,
amended (2) The said section 11 is amended by adding thereto the following subsection:

Reduction
in amount
retained

(2a) In the case of a contract that is under the supervision of an architect, engineer or other person upon whose certificate payments are to be made and thirty days have elapsed after the completion of the subcontract to the satisfaction of such architect, engineer or other person, the amount to be retained shall be reduced by 15 per cent of the subcontract price, but this subsection shall not operate if anything has been done under this Act which may preserve the lien of any lienholder whose lien is derived under the subcontract.

Rev. Stat.,
c. 227, s. 11,
subs. 4,
amended (3) Subsection 4 of the said section 11 is amended by inserting after the figure "2" in the third line the words "and payments permitted as a result of the operation of subsection 2a", so that the subsection shall read as follows:

Payments
made in
good faith
without
notice of
lien

(4) All payments up to 80 per cent as fixed by subsection 1 or up to 85 per cent as fixed by subsection 2 and payments permitted as a result of the operation of subsection 2a made in good faith by an owner to a contractor, or by a contractor to a subcontractor, or by one subcontractor to another subcontractor, before notice in writing of the lien given by the person claiming the lien to the owner, contractor or subcontractor, as the case may be, shall operate as a discharge *pro tanto* of the lien.

Rev. Stat.,
c. 227, s. 11,
subs. 5,
amended (4) Subsection 5 of the said section 11 is amended by striking out the word "thirty" in the fourth line and inserting in lieu thereof the word "thirty-five", so that the subsection shall read as follows:

Payment of
percentage
and dis-
charge of
liens

(5) Payment of the percentage required to be retained under this section may be validly made so as to discharge all liens or charges in respect thereof after the expiration of the period of thirty-five days mentioned in subsection 1 unless in the meantime

Subsection 2. This provision, which is new, is designed to lessen the financing problems that arise where the completion of a main contract is delayed.

Subsection 3. Complementary to subsection 2.

Subsection 4. Complementary to subsection 1.

Subsection 5. The new subsection 6 is designed to prevent the anomaly that may exist in contracts that call for payment in full on completion of the work.

The new subsection 7 takes the place of the present section 14 (4) of the Act which is repealed by section 4 of this bill.

SECTION 4. The subject matter of the subsection repealed is now dealt with in subsection 7 of section 11 of the Act as enacted by subsection 5 of section 3 of this bill.

SECTION 5. Section 15 of the Act is re-enacted in order to clarify its intent and to give the supply man a right to remove his materials without the authorization of the court.

SECTIONS 6 and 7. The basic period of time is increased from 30 to 35 days. According to custom 30 days credit is given so that it is not until the period has expired that a material man knows that he is not going to be paid and then it is too late to register a lien.

proceedings have been commenced to enforce any lien or charge against the percentage as provided by sections 22 and 23, in which case the owner may pay the percentage into court in the proceedings and the payment shall constitute valid payment in discharge of the owner to the amount thereof.

(5) The said section 11 is amended by adding thereto the following subsections: Rev. Stat., c. 227, s. 11, amended

(6) Every contract is further amended in so far as is necessary to give effect to this section. Amendment of contracts

(7) Where the contractor or subcontractor makes default in completing his contract, the percentage shall not be applied by the owner, contractor or subcontractor to the completion of the contract or for any other purpose nor to the payment of damages for the non-completion of the contract by the contractor or subcontractor nor in payment or satisfaction of any claim against the contractor or subcontractor. Where percentage not to be applied

4. Subsection 4 of section 14 of *The Mechanics' Lien Act* is repealed. Rev. Stat., c. 227, s. 14, subs. 4, repealed

5. Section 15 of *The Mechanics' Lien Act* is repealed and the following substituted therefor: Rev. Stat., c. 227, s. 15, re-enacted

15.—(1) Material actually delivered to be used for any of the purposes mentioned in section 5 shall be subject to a lien in favour of the person who furnished it until it is placed in the building, erection or work, and it shall not be subject to execution or other process except that of the person who furnished it to recover the sale price. Lien for material

(2) No material that is subject to a lien shall be removed to the prejudice of the lien by any person except the person who furnished it. Removal of material

6.—(1) Subsection 1 of section 21 of *The Mechanics' Lien Act* is amended by striking out the word "thirty" in the fourth line and inserting in lieu thereof the word "thirty-five". Rev. Stat., c. 227, s. 21, subs. 1, amended

(2) Subsection 2 of the said section 21 is amended by striking out the word "thirty" in the second line and inserting in lieu thereof the word "thirty-five". Rev. Stat., c. 227, s. 21, subs. 2, amended

(3) Subsection 3 of the said section 21 is amended by striking out the word "thirty" in the second line and inserting in lieu thereof the word "thirty-five". Rev. Stat., c. 227, s. 21, subs. 3, amended

Rev. Stat.,
c. 227, s. 21,
subs. 4,
amended

(4) Subsection 4 of the said section 21 is amended by striking out the word "thirty" in the third line and inserting in lieu thereof the word "thirty-five".

Rev. Stat.,
c. 227, s. 23,
amended

7. Section 23 of *The Mechanics' Lien Act* is amended by striking out the word "thirty" in the seventh line and inserting in lieu thereof the word "thirty-five".

Rev. Stat.,
c. 227, s. 32,
subs. 4,
re-enacted

8.—(1) Subsection 4 of section 32 of *The Mechanics' Lien Act* is repealed and the following substituted therefor;

Power to
direct
sale and
appoint
trustee

(4) At any time after the delivery of the statement of claim, any lien claimant, mortgagee or other party interested, may make an application to a judge or officer having jurisdiction to try the action, who may hear *viva voce* or affidavit evidence and who shall have power to appoint, upon such terms and upon the giving of such security or without security as the judge or officer deems best, a trustee with power to manage or sell the property upon which the lien is filed, and such management or sale shall be under the supervision and direction of the court, and shall be approved by the court, and with power, when so directed by the court, to complete the property and in the event that mortgage moneys are advanced to the trustee as the result of such power, such moneys shall take priority over all liens existing as of the date of the appointment.

Rev. Stat.,
c. 227, s. 32,
subs. 5, re-
pealed

(2) Subsection 5 of the said section 32 is repealed.

Rev. Stat.,
c. 227, s. 32,
subs. 8,
amended

(3) Subsection 8 of the said section 32 is amended by striking out the words "The judge of the Supreme Court or" at the commencement thereof, so that the subsection shall read as follows:

Orders for
completion
of sale

(8) The judge or officer having jurisdiction as aforesaid, as the case may be, shall make all necessary orders for the completion of the sale for the vesting of the property in the purchaser and for possession.

Short
title

9. This Act may be cited as *The Mechanics' Lien Amendment Act, 1952*.

SECTION 8—Subsection 1. The procedures of the present section, i.e., an application by way of originating notice of motion to a judge of the Supreme Court in chambers, are both slow and expensive. Under the subsection as re-enacted, these applications will be made to a judge or officer having jurisdiction to try the action.

“Manage and sell” and “management and sale” are changed to “manage or sell” and “management or sale” so that it will be possible to have a trustee to manage only.

Subsection 2. The provision repealed is now covered in subsection 4 as re-enacted by subsection 1 of this section of the bill.

Subsection 3. The words deleted are no longer apt by reason of the changes made above.





BILL

An Act to amend 'The Mechanics' Lien
Act

1st Reading

March 18th, 1952

2nd Reading

3rd Reading

MR. MACAULAY

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Mechanics' Lien Act

MR. MACAULAY

(Reprinted as amended by the Committee on Legal Bills)

EXPLANATORY NOTES

SECTION 1. Section 3 of the Act requires builders, etc., to hold in trust all moneys received on account of the contract price, until the workmen, suppliers, etc., are paid, but heretofore no penalty has attached for failure to comply with the requirement.

SECTION 2. Under the present Act an owner of land or his agent may designate a place in the immediate vicinity of the land for delivery of materials and if the supply man places the materials on land so designated it constitutes good and sufficient delivery for the purposes of the Act.

The amendment extends the meaning of the word "agent" in the manner provided in order to accord with modern practices in the construction business.

BILL

An Act to amend *The Mechanics' Lien Act*

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

1. Section 3 of *The Mechanics' Lien Act* is amended by adding thereto the following subsections: Rev. Stat.,
c. 227, s. 3,
amended

(2) Every builder, contractor or subcontractor who appropriates or converts any part of the contract price referred to in subsection 1 to his own use or to any use not authorized by the trust shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$5,000 or to imprisonment for a term of not more than two years or both, and every director or officer of a corporation who knowingly assents to or acquiesces in any such offence by the corporation shall be guilty of such offence in addition to the corporation. Offence
and
penalty

(3) Notwithstanding the provisions of this section, where a builder, contractor or subcontractor has paid in whole or part for any materials supplied on account of the contract, or any workman or subcontractor who has performed any work or services or placed or furnished any material in respect of such contract, the retention by such builder, contractor or subcontractor of any amount so paid by him shall not be deemed an appropriation or conversion thereof to his own use or to any use not authorized by the trust. Saving

2. Section 5 of *The Mechanics' Lien Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 227, s. 5,
amended

(3) For the purposes of subsection 1, "agent" shall be deemed to include the contractor or subcontractor for whom the materials are placed or furnished, unless the person placing or furnishing the materials has had actual notice from the owner to the contrary. Interpre-
tation

Rev. Stat.,
c. 227, s. 11,
subs. 1,
amended

3.—(1) Subsection 1 of section 11 of *The Mechanics' Lien Act* is amended by striking out the word "thirty" in the fourth line and inserting in lieu thereof the word "thirty-seven" and by inserting after the word "calculated" in the tenth line the words "upon evidence given in that regard", so that the subsection shall read as follows:

Retention
of percent-
age by
owner

- (1) In all cases the person primarily liable upon any contract under or by virtue of which a lien may arise shall, as the work is done or materials are furnished under the contract, retain for a period of thirty-seven days after the completion or abandonment of the work done or to be done under the contract 20 per cent of the value of the work, service and materials actually done, placed or furnished, as mentioned in section 5, irrespective of whether the contract or subcontract provides for partial payments or payment on completion of the work and the value shall be calculated upon evidence given in that regard on the basis of the contract price, or if there is no specific contract price, then on the basis of the actual value of the work, service or materials.

Rev. Stat.,
c. 227, s. 11,
amended

(2) The said section 11 is amended by adding thereto the following subsections:

Reduction
in amount
retained

- (2a) In the case of a contract that is under the supervision of an architect, engineer or other person upon whose certificates payments are to be made, where thirty-seven days have elapsed after a certificate issued by that architect, engineer or other person to the effect that the subcontract has been completed to his satisfaction has been given to the person primarily liable upon that contract and to the person who became a subcontractor by a subcontract made directly under that contract, the amount to be retained by the person primarily liable upon that contract shall be reduced by 15 per cent of the subcontract price or, if there is no specific subcontract price, by 15 per cent of the actual value of the work, service performed or materials furnished or placed under that subcontract, but this subsection shall not operate if and so long as any lien derived under that subcontract is preserved by anything done under this Act.

Idem

- (2b) Where a certificate issued by an architect, engineer or other person to the effect that a subcontract by which a subcontractor became a subcontractor has

SECTION 3—Subsection 1. The period of retention is increased from 30 to 37 days and the method of calculating the value at the time of abandonment is made more specific.

Subsection 2. This provision, which is new, is designed to lessen the financing problems that arise where the completion of a main contract is delayed.

Subsection 3. Complementary to subsection 2.

Subsection 4. Complementary to subsection 1.

Subsection 5. The new subsection 6 is designed to prevent the anomaly that may exist in contracts that call for payment in full on completion of the work.

The new subsection 7 takes the place of the present section 14 (4) of the Act which is repealed by section 4 of this bill.

been completed to the satisfaction of that architect, engineer or other person has been given to that subcontractor, then for the purposes of subsections 1, 2 and 3 of section 21 and section 23 that subcontract and any materials furnished or placed or to be furnished or placed thereunder and any work or services performed or to be performed thereunder shall, so far as concerns any lien thereunder of that subcontractor, be deemed to have been completed or furnished or placed not later than the time at which the certificate was so given.

(3) Subsection 4 of the said section 11 is amended by inserting after the figure "2" in the third line the words "and payments permitted as a result of the operation of subsections 2a and 2b", so that the subsection shall read as follows:

Rev. Stat.,
c. 227, s. 11,
subs. 4,
amended

(4) All payments up to 80 per cent as fixed by subsection 1 or up to 85 per cent as fixed by subsection 2 and payments permitted as a result of the operation of subsections 2a and 2b made in good faith by an owner to a contractor, or by a contractor to a subcontractor, or by one subcontractor to another subcontractor, before notice in writing of the lien given by the person claiming the lien to the owner, contractor or subcontractor, as the case may be, shall operate as a discharge *pro tanto* of the lien.

Payments
made in
good faith
without
notice of
lien

(4) Subsection 5 of the said section 11 is amended by striking out the word "thirty" in the fourth line and inserting in lieu thereof the word "thirty-seven", so that the subsection shall read as follows:

Rev. Stat.,
c. 227, s. 11,
subs. 5,
amended

(5) Payment of the percentage required to be retained under this section may be validly made so as to discharge all liens or charges in respect thereof after the expiration of the period of thirty-seven days mentioned in subsection 1 unless in the meantime proceedings have been commenced to enforce any lien or charge against the percentage as provided by sections 22 and 23, in which case the owner may pay the percentage into court in the proceedings and the payment shall constitute valid payment in discharge of the owner to the amount thereof.

Payment of
percentage
and dis-
charge of
liens

(5) The said section 11 is amended by adding thereto the following subsections:

Rev. Stat.,
c. 227, s. 11,
amended

(6) Every contract is amended in so far as is necessary to be in conformity with this section.

Amendment
of con-
tracts

Where percentage not to be applied

- (7) Where the contractor or subcontractor makes default in completing his contract, the percentage shall not as against any lienholder who by virtue of subsection 3 has a charge thereupon be applied by the owner, contractor or subcontractor to the completion of the contract or for any other purpose nor to the payment of damages for the non-completion of the contract by the contractor or subcontractor nor in payment or satisfaction of any claim against the contractor or subcontractor.

Rev. Stat., c. 227, s. 14, subs. 4, repealed

4. Subsection 4 of section 14 of *The Mechanics' Lien Act* is repealed.

Rev. Stat., c. 227, s. 15, re-enacted

5. Section 15 of *The Mechanics' Lien Act* is repealed and the following substituted therefor:

Lien for material

- 15.—(1) Material actually delivered to be used for any of the purposes mentioned in section 5 shall be subject to a lien for any of the purchase price thereof which is unpaid in favour of the person who furnished it until it is placed in the building, erection or work, and it shall not during the continuance of such lien be subject to execution or other process to enforce any debt other than for the purchase price thereof due to the person furnishing the same.

Removal of material

- (2) No material that is subject to a lien shall be removed to the prejudice of the lien by any person except the person furnishing it.

Rev. Stat., c. 227, s. 21, subs. 1, amended

- 6.—(1) Subsection 1 of section 21 of *The Mechanics' Lien Act* is amended by striking out the word "thirty" in the fourth line and inserting in lieu thereof the word "thirty-seven".

Rev. Stat., c. 227, s. 21, subs. 2, amended

- (2) Subsection 2 of the said section 21 is amended by striking out the word "thirty" in the second line and inserting in lieu thereof the word "thirty-seven".

Rev. Stat., c. 227, s. 21, subs. 3, amended

- (3) Subsection 3 of the said section 21 is amended by striking out the word "thirty" in the second line and inserting in lieu thereof the word "thirty-seven".

Rev. Stat., c. 227, s. 21, subs. 4, amended

- (4) Subsection 4 of the said section 21 is amended by striking out the word "thirty" in the third line and inserting in lieu thereof the word "thirty-seven".

SECTION 4. The subject matter of the subsection repealed is now dealt with in subsection 7 of section 11 of the Act as enacted by subsection 5 of section 3 of this bill.

SECTION 5. Section 15 of the Act is re-enacted in order to clarify its intent and to give the supply man a right to remove his materials without the authorization of the court.

SECTIONS 6 and 7. The basic period of time is increased from 30 to 37 days. According to custom 30 days credit is given so that it is not until the period has expired that a material man knows that he is not going to be paid and then it is too late to register a lien.

SECTION 8—Subsection 1. The procedures of the present section, i.e., an application by way of originating notice of motion to a judge of the Supreme Court in chambers, are both slow and expensive. Under the subsection as re-enacted, these applications will be made to a judge or officer having jurisdiction to try the action.

Subsection 2. The provision repealed is now covered in subsection 4 as re-enacted by subsection 1 of this section of the bill.

Subsection 3. The words deleted are no longer apt by reason of the changes made above.

7. Section 23 of *The Mechanics' Lien Act* is amended by striking out the word "thirty" in the seventh line and inserting in lieu of the word "thirty-seven". Rev. Stat.,
c. 227, s. 23,
amended

8.—(1) Subsection 4 of section 32 of *The Mechanics' Lien Act* is repealed and the following substituted therefor; Rev. Stat.,
c. 227, s. 32,
subs. 4,
re-enacted

(4) At any time after the delivery of the statement of claim, any lien claimant, mortgagee or other party interested, may make an application to a judge or officer having jurisdiction to try the action, who may hear *viva voce* or affidavit evidence or both and who shall have power to appoint, upon such terms and upon the giving of such security or without security as the judge or officer deems best, a trustee or trustees with power to manage and sell or manage or sell the property upon which the lien is filed, and such management and sale or management or sale shall be under the supervision and direction of the court, and such sale shall require the approbation of the court, and with power, when so directed by the court, to complete or partially complete the property and in the event that mortgage moneys are advanced to the trustee or trustees as the result of any of the powers conferred upon him or them under this subsection, such moneys shall take priority over all liens existing as of the date of the appointment. Power to
direct
sale and
appoint
trustee

(2) Subsection 5 of the said section 32 is repealed. Rev. Stat.,
c. 227, s. 32,
subs. 5, re-
pealed

(3) Subsection 8 of the said section 32 is amended by striking out the words "The judge of the Supreme Court or" at the commencement thereof, so that the subsection shall read as follows: Rev. Stat.,
c. 227, s. 32,
subs. 8,
amended

(8) The judge or officer having jurisdiction as aforesaid, as the case may be, shall make all necessary orders for the completion of the sale for the vesting of the property in the purchaser and for possession. Orders for
completion
of sale

9. This Act may be cited as *The Mechanics' Lien Amendment Act, 1952*. Short
title

BILL

An Act to amend The Mechanics' Lien
Act

1st Reading

March 18th, 1952

2nd Reading

March 27th, 1952

3rd Reading

MR. MACAVULAY

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

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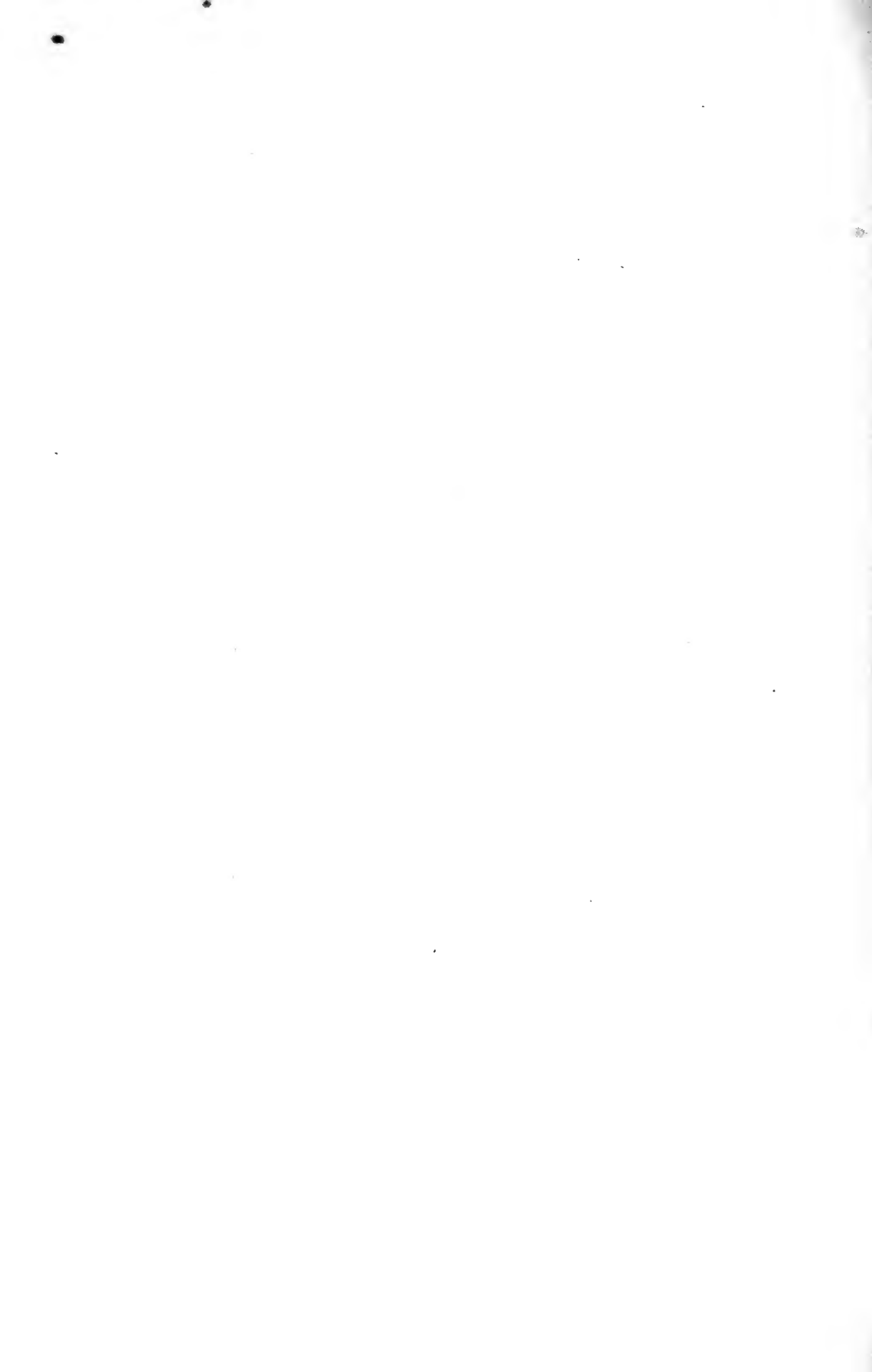
1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Mechanics' Lien Act

MR. MACAULAY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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BILL

An Act to amend The Mechanics' Lien Act

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

1. Section 3 of *The Mechanics' Lien Act* is amended by adding thereto the following subsections: Rev. Stat.,
c. 227, s. 3,
amended

(2) Every builder, contractor or subcontractor who appropriates or converts any part of the contract price referred to in subsection 1 to his own use or to any use not authorized by the trust shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$5,000 or to imprisonment for a term of not more than two years or both, and every director or officer of a corporation who knowingly assents to or acquiesces in any such offence by the corporation shall be guilty of such offence in addition to the corporation. Offence
and
penalty

(3) Notwithstanding the provisions of this section, where a builder, contractor or subcontractor has paid in whole or part for any materials supplied on account of the contract, or any workman or subcontractor who has performed any work or services or placed or furnished any material in respect of such contract, the retention by such builder, contractor or subcontractor of any amount so paid by him shall not be deemed an appropriation or conversion thereof to his own use or to any use not authorized by the trust. Saving

2. Section 5 of *The Mechanics' Lien Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 227, s. 5,
amended

(3) For the purposes of subsection 1, "agent" shall be deemed to include the contractor or subcontractor for whom the materials are placed or furnished, unless the person placing or furnishing the materials has had actual notice from the owner to the contrary. Interpre-
tation

Rev. Stat.,
c. 227, s. 11,
subs. 1,
amended

3.—(1) Subsection 1 of section 11 of *The Mechanics' Lien Act* is amended by striking out the word "thirty" in the fourth line and inserting in lieu thereof the word "thirty-seven" and by inserting after the word "calculated" in the tenth line the words "upon evidence given in that regard", so that the subsection shall read as follows:

Retention
of percent-
age by
owner

- (1) In all cases the person primarily liable upon any contract under or by virtue of which a lien may arise shall, as the work is done or materials are furnished under the contract, retain for a period of thirty-seven days after the completion or abandonment of the work done or to be done under the contract 20 per cent of the value of the work, service and materials actually done, placed or furnished, as mentioned in section 5, irrespective of whether the contract or subcontract provides for partial payments or payment on completion of the work and the value shall be calculated upon evidence given in that regard on the basis of the contract price, or if there is no specific contract price, then on the basis of the actual value of the work, service or materials.

Rev. Stat.,
c. 227, s. 11,
amended

(2) The said section 11 is amended by adding thereto the following subsections:

Reduction
in amount
retained

- (2a) In the case of a contract that is under the supervision of an architect, engineer or other person upon whose certificates payments are to be made, where thirty-seven days have elapsed after a certificate issued by that architect, engineer or other person to the effect that the subcontract has been completed to his satisfaction has been given to the person primarily liable upon that contract and to the person who became a subcontractor by a subcontract made directly under that contract, the amount to be retained by the person primarily liable upon that contract shall be reduced by 15 per cent of the subcontract price or, if there is no specific subcontract price, by 15 per cent of the actual value of the work, service performed or materials furnished or placed under that subcontract, but this subsection shall not operate if and so long as any lien derived under that subcontract is preserved by anything done under this Act.

Idem

- (2b) Where a certificate issued by an architect, engineer or other person to the effect that a subcontract by which a subcontractor became a subcontractor has

been completed to the satisfaction of that architect, engineer or other person has been given to that subcontractor, then for the purposes of subsections 1, 2 and 3 of section 21 and section 23 that subcontract and any materials furnished or placed or to be furnished or placed thereunder and any work or services performed or to be performed thereunder shall, so far as concerns any lien thereunder of that subcontractor, be deemed to have been completed or furnished or placed not later than the time at which the certificate was so given.

(3) Subsection 4 of the said section 11 is amended by inserting after the figure "2" in the third line the words "and payments permitted as a result of the operation of subsections 2a and 2b", so that the subsection shall read as follows:

Rev. Stat.,
c. 227, s. 11,
subs. 4,
amended

(4) All payments up to 80 per cent as fixed by subsection 1 or up to 85 per cent as fixed by subsection 2 and payments permitted as a result of the operation of subsections 2a and 2b made in good faith by an owner to a contractor, or by a contractor to a subcontractor, or by one subcontractor to another subcontractor, before notice in writing of the lien given by the person claiming the lien to the owner, contractor or subcontractor, as the case may be, shall operate as a discharge *pro tanto* of the lien.

Payments
made in
good faith
without
notice of
lien

(4) Subsection 5 of the said section 11 is amended by striking out the word "thirty" in the fourth line and inserting in lieu thereof the word "thirty-seven", so that the subsection shall read as follows:

Rev. Stat.,
c. 227, s. 11,
subs. 5,
amended

(5) Payment of the percentage required to be retained under this section may be validly made so as to discharge all liens or charges in respect thereof after the expiration of the period of thirty-seven days mentioned in subsection 1 unless in the meantime proceedings have been commenced to enforce any lien or charge against the percentage as provided by sections 22 and 23, in which case the owner may pay the percentage into court in the proceedings and the payment shall constitute valid payment in discharge of the owner to the amount thereof.

Payment of
percentage
and dis-
charge of
liens

(5) The said section 11 is amended by adding thereto the following subsections:

Rev. Stat.,
c. 227, s. 11,
amended

(6) Every contract is amended in so far as is necessary to be in conformity with this section.

Amendment
of con-
tracts

Where per-
centage not
to be
applied

- (7) Where the contractor or subcontractor makes default in completing his contract, the percentage shall not as against any lienholder who by virtue of subsection 3 has a charge thereupon be applied by the owner, contractor or subcontractor to the completion of the contract or for any other purpose nor to the payment of damages for the non-completion of the contract by the contractor or subcontractor nor in payment or satisfaction of any claim against the contractor or subcontractor.

Rev. Stat.,
c. 227, s. 14,
subs. 4, re-
pealed

4. Subsection 4 of section 14 of *The Mechanics' Lien Act* is repealed.

Rev. Stat.,
c. 227, s. 15,
re-enacted

5. Section 15 of *The Mechanics' Lien Act* is repealed and the following substituted therefor:

Lien for
material

- 15.—(1) Material actually delivered to be used for any of the purposes mentioned in section 5 shall be subject to a lien for any of the purchase price thereof which is unpaid in favour of the person who furnished it until it is placed in the building, erection or work, and it shall not during the continuance of such lien be subject to execution or other process to enforce any debt other than for the purchase price thereof due to the person furnishing the same.

Removal of
material

- (2) No material that is subject to a lien shall be removed to the prejudice of the lien by any person except the person furnishing it.

Rev. Stat.,
c. 227, s. 21,
subs. 1,
amended

- 6.—(1) Subsection 1 of section 21 of *The Mechanics' Lien Act* is amended by striking out the word "thirty" in the fourth line and inserting in lieu thereof the word "thirty-seven".

Rev. Stat.,
c. 227, s. 21,
subs. 2,
amended

- (2) Subsection 2 of the said section 21 is amended by striking out the word "thirty" in the second line and inserting in lieu thereof the word "thirty-seven".

Rev. Stat.,
c. 227, s. 21,
subs. 3,
amended

- (3) Subsection 3 of the said section 21 is amended by striking out the word "thirty" in the second line and inserting in lieu thereof the word "thirty-seven".

Rev. Stat.,
c. 227, s. 21,
subs. 4,
amended

- (4) Subsection 4 of the said section 21 is amended by striking out the word "thirty" in the third line and inserting in lieu thereof the word "thirty-seven".

7. Section 23 of *The Mechanics' Lien Act* is amended by striking out the word "thirty" in the seventh line and inserting in lieu of the word "thirty-seven". Rev. Stat., c. 227, s. 23, amended

8.—(1) Subsection 4 of section 32 of *The Mechanics' Lien Act* is repealed and the following substituted therefor; Rev. Stat., c. 227, s. 32, subs. 4, re-enacted

(4) At any time after the delivery of the statement of claim, any lien claimant, mortgagee or other party interested, may make an application to a judge or officer having jurisdiction to try the action, who may hear *viva voce* or affidavit evidence or both and who shall have power to appoint, upon such terms and upon the giving of such security or without security as the judge or officer deems best, a trustee or trustees with power to manage and sell or manage or sell the property upon which the lien is filed, and such management and sale or management or sale shall be under the supervision and direction of the court, and such sale shall require the approbation of the court, and with power, when so directed by the court, to complete or partially complete the property and in the event that mortgage moneys are advanced to the trustee or trustees as the result of any of the powers conferred upon him or them under this subsection, such moneys shall take priority over all liens existing as of the date of the appointment. Power to direct sale and appoint trustee

(2) Subsection 5 of the said section 32 is repealed.

Rev. Stat., c. 227, s. 32, subs. 5, repealed

(3) Subsection 8 of the said section 32 is amended by striking out the words "The judge of the Supreme Court or" at the commencement thereof, so that the subsection shall read as follows: Rev. Stat., c. 227, s. 32, subs. 8, amended

(8) The judge or officer having jurisdiction as aforesaid, as the case may be, shall make all necessary orders for the completion of the sale for the vesting of the property in the purchaser and for possession. Orders for completion of sale

9. This Act may be cited as *The Mechanics' Lien Amendment Act, 1952*. Short title

BILL

An Act to amend The Mechanics' Lien
Act

1st Reading

March 18th, 1952

2nd Reading

March 27th, 1952

3rd Reading

April 9th, 1952

MR. MACAULAY

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Municipal Act

MR. DUNBAR

EXPLANATORY NOTES

SECTION 1. The definition of a money by-law is amended to exclude by-laws for current borrowings.

Section 2. The amendment is to provide that the board of trustees of an improvement district will not function as the high school board for a high school district comprising the improvement district and additional unorganized territory.

SECTION 3. This amendment corrects an omission so as to ensure that the head of a council or a member of the board of control will not be disqualified by reason of any claim he may have as to his salary paid by the municipality.

SECTION 4. Subsection 7 of section 58, which authorizes the issue of a certificate to vote to persons whose names do not appear on the voters' list but are entered on the last revised assessment roll, is amended to authorize the issue of such certificates to persons added to the assessment roll under section 51a of *The Assessment Act*.

BILL

An Act to amend The Municipal Act

HER 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 Municipal Act* is amended by adding at the end thereof the words "other than a by-law passed under section 341", so that the clause shall read as follows: Rev. Stat., c. 243, s. 1, cl. j, amended

(*j*) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 341.

2. Subsection 5 of section 45 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 243, s. 45, subs. 5, re-enacted

(5) The board, with respect to the improvement district, shall function as every local board within the meaning of *The Department of Municipal Affairs Act* except a separate school board and except a high school board of a high school district established under subsection 5 of section 5 of *The High Schools Act*. Board to function as local boards
Rev. Stat., cc. 96, 165

3. Clause *r* of subsection 1 of section 56 of *The Municipal Act* is amended by inserting after the word "section" in the fifth line the figures "223, 230", so that the clause shall read as follows: Rev. Stat., c. 243, s. 56, subs. 1, cl. r, amended

(*r*) a person who, either himself or by or with or through another has any claim, action or proceeding against the corporation, but this clause shall not apply with respect to any moneys paid or payable to a member of council under section 223, 230, 417, 418, 419 or 420.

4. Subsection 7 of section 58 of *The Municipal Act* is amended by inserting after the word "roll" in the fifth line the words "or has been added to the assessment roll under section 51a of *The Assessment Act*", so that the subsection shall read as follows: Rev. Stat., c. 243, s. 58, subs. 7, amended

Certificate
for voters
if names
omitted

- (7) Where after the voters' list has been finally revised, the clerk is satisfied that the name of a person entitled to be entered thereon under this section has by error been omitted therefrom he may, if such person is entered on the last revised assessment roll, or has been added to the assessment roll under section 51a of *The Assessment Act*, and is not otherwise disqualified, issue a certificate (Form 10), authorizing the returning officer or proper deputy returning officer to enter the name of such person on the voters' list to entitle him to vote as if his name has been entered thereon before the list was revised.

Rev. Stat.,
c. 24

Rev. Stat.,
c. 243, s. 70,
subs. 2,
amended

5. Subsection 2 of section 70 of *The Municipal Act* is amended by inserting after the word "candidate" in the second line the words "and the residence and occupation of the proposer and seconder", so that the subsection shall read as follows:

Nomination
papers

- (2) Every nomination shall be in writing and state the name, residence and occupation of the candidate and the residence and occupation of the proposer and seconder and shall be signed by the proposer and seconder, both of whom shall be municipal electors and present, and shall be filed with the returning officer within one hour from the opening of the nomination meeting.

Rev. Stat.,
c. 243, s. 72,
subs. 1,
cl. c
(1951,
c. 53, s. 5),
amended

6. Clause c of subsection 1 of section 72 of *The Municipal Act*, as re-enacted by section 5 of *The Municipal Amendment Act, 1951*, is amended by inserting after the word "qualifying" in the fourth line the words "and no unpaid taxes against him in respect of an assessment for business", so that the clause shall read as follows:

- (c) a certificate of the treasurer or collector that there were, at the time of the opening of the nomination meeting, no unpaid taxes for any preceding year against the land in respect of which he is qualifying and no unpaid taxes against him in respect of an assessment for business, or a statutory declaration to the same effect.

Rev. Stat.,
c. 243, s. 107,
amended

7. Section 107 of *The Municipal Act* is amended by striking out the words "final revision" in the seventh line and inserting in lieu thereof the word "return", so that the section shall read as follows:

In municipa-
lities not
divided into
polling sub-
divisions,
clerk to per-
form duties
of deputy
returning
officers

107. In municipalities not divided into polling subdivisions, the clerk shall perform the duties which in other cases are performed by deputy returning

SECTION 5. Self-explanatory.

SECTION 6. Subsection 1 of section 72 is amended to provide that the treasurer's certificate to be filed with the declaration of qualification of a candidate shall certify that no business taxes are unpaid.

Section 7. Under *The Voters' Lists Act, 1951* the voters' lists are now prepared immediately on the return of the assessment roll, rather than on the final revision of the roll. The amendment brings section 107 into line with present practice.

SECTION 8. Section 111 at present provides for an advance poll only for railway employees, commercial travellers, bus and transport drivers, and members of the armed forces. A new section is added as an alternative to conform with the advance poll provisions of *The Election Act, 1951* so that the advance poll may be used for all persons who will be absent from the municipality on polling day in the ordinary course of their business or employment.

officers, and shall provide himself with the necessary ballot papers, the materials for marking ballot papers, the printed directions for the guidance of voters, copies of the voters' list, poll book and defaulters' list, and a certificate of the date of the return of the assessment roll, and the last day for making complaints to the judge with respect to the voters' list, and he shall perform the like duties with respect to the whole municipality as are imposed upon a deputy returning officer for a polling subdivision.

8. *The Municipal Act* is amended by adding thereto the following section: Rev. Stat.,
c. 243,
amended

- 111a.—(1) A by-law may be passed by the council of a local municipality for providing advance polls for the purpose of receiving the votes of voters who will be absent in the ordinary course of their business or employment from the municipality on the day fixed for polling. Advance
poll
- (2) A by-law passed under subsection 1 shall be in force from year to year until repealed, and must be passed at least sixty days before the day fixed for polling. By-law
- (3) Polls for receiving the votes of such voters shall be held and kept open from 9 a.m. until 5 p.m. and from 7 p.m. until 9 p.m. on the Thursday, Friday and Saturday of the week preceding the week during which the poll is to be held, and if a holiday falls upon any of such days the poll shall be held on the Wednesday of the same week in lieu of such holiday. Time of
poll
- (4) Except as otherwise provided, all the provisions of this Act as to proceedings prior to the holding of the poll and at the poll, and after the closing of the poll, shall apply. Application
of Act
- (5) In a municipality where the election is to be held by wards there shall be a separate poll book for each ward. Poll book
for each
ward
- (6) In a municipality where the election is by general vote the clerk or some other person appointed by him shall act as deputy returning officer, and in a municipality where the election is by wards the clerk may act as deputy returning officer for one or more wards or may appoint one or more persons to act as deputy returning officers for one or more wards, and may also appoint as many poll clerks as there are deputy returning officers, and may fix one or more polling places. Deputy
returning
officer

Notice of
polls

(7) Notice of the times and places at which polls will be opened shall, prior to the day so fixed for holding the poll, be given by the returning officer by posting up notices at each of the polling places so appointed and in conspicuous places in the municipality and, where possible, by advertisement in a newspaper published or circulated in the municipality.

Declaration
by voter

(8) Every person offering himself as a voter at the polling place before being allowed to vote shall be required by the deputy returning officer to make the following declaration, which shall be kept by the deputy returning officer with the other records of the poll:

I,, declare that I will be absent in the ordinary course of my business or employment from the.....of.....
(*name of municipality*) on the day for holding the poll at the coming election.

Dated at....., this.....day
of....., 19.....

Witness: Signature of Voter
.....
Deputy Returning Officer

Penalty

(9) Any person signing any such declaration knowing that any statement therein is false shall be guilty of an offence and liable to a penalty of not less than \$25 and not more than \$100.

Qualifica-
tion of voter

(10) No person shall be entitled to vote unless his name appears on the last revised voters' list for the municipality.

Oath

(11) The deputy returning officer and every candidate or his agent may require that the voter, before being handed a ballot, take the oath to be administered to a voter under this Act.

Record of
declaration

(12) The poll clerk shall record in the poll book in the column headed "Remarks" after the name of each person who votes under this section a note that he has made the declaration mentioned in subsection 8 and the number of the polling subdivision, if any, in which he is entered on the voters' list.

Fixing of
seals

(13) At the close of the poll each day the deputy returning officer and any candidate or agent present who desires to do so shall affix his seal to the ballot box in such a manner that it cannot be opened or any ballots be deposited in it without breaking the seals.

SECTION 9. The maximum annual salary which a municipal council may grant a member of a board of control in a city exceeding 300,000 population is increased from \$5,000 to \$7,500.

SECTION 10—Subsection 1. A new provision is added dealing with the recitals in a money by-law issued by one municipality on behalf of two or more municipalities.

(14) At the close of the poll each day the deputy returning officer shall forthwith make up and deliver or mail to the returning officer a list of the names of all persons who have voted showing in each case the number of the polling subdivision in which the voter is entered on the voters' list, and the returning officer shall, at the request of any candidate, furnish him with a copy of such list.

List of persons voting

(15) Upon receiving from the deputy returning officer the list mentioned in subsection 14, the returning officer shall make an entry in the voters' list to be supplied to each deputy returning officer on polling day opposite the name of each voter whose name appears on such list and whose vote has been received at an advance poll, showing that such voter has polled his vote.

Noting other deputy returning officers' lists

(16) On the day fixed for holding the general poll at the election, the deputy returning officer at the polling place shall, in the presence of such candidates and their agents as may be present at the hour fixed for the closing of the general poll, open the ballot box, count the votes and perform all the other duties required of a deputy returning officer by this Act with respect to the votes polled under this section.

Opening ballot box and counting ballots

(17) No by-law shall be passed under this section while a by-law under section 111 is in force, and no by-law shall be passed under section 111 while a by-law under this section is in force.

Proviso

9.—(1) Subsection 5 of section 223 of *The Municipal Act* is amended by inserting after the figures "200,000" in the first line the words and figures "but is less than 300,000", so that the subsection shall read as follows:

Rev. Stat., c. 243, s. 223, subs. 5, amended

(5) Where the population of a city exceeds 200,000 but is less than 300,000, the salary shall not exceed for each member of the board the sum of \$5,000 per annum.

(2) The said section 223 is amended by adding thereto the following subsection:

Rev. Stat., c. 243, s. 223, amended

(6) Where the population of a city exceeds 300,000, the salary shall not exceed for each member of the board the sum of \$7,500 per annum.

10.—(1) Subsection 1 of section 298 of *The Municipal Act* is amended by adding thereto the following clause:

Rev. Stat., c. 243, s. 298, subs. 1, amended

Idem

- (bb) where the debt intended to be created is to provide moneys for any purpose on behalf of two or more municipalities, the amount of the whole rateable property of each municipality or portion thereof for whose benefit the debt is to be created, according to the last revised assessment roll of such municipality.

Rev. Stat., c. 243, s. 298, subs. 2, cl. d. repealed and the following substituted therefor:

- (d) if the debt is for any other purpose, in such term of years as the Municipal Board may approve.

Rev. Stat., c. 243, s. 298, subs. 3, 4, re-enacted; subs. 4a (1951, c. 53, s. 10), repealed

(3) Subsections 3 and 4, and subsection 4a as enacted by section 10 of *The Municipal Amendment Act, 1951*, of the said section 298 are repealed and the following substituted therefor:

Principal and interest payments

- (3) The by-law shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Amount to be raised annually

- (4) The by-law shall provide for raising in each year by a special rate on all the rateable property in the municipality the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act or in accordance with subsection 14 of this section.

Rev. Stat., c. 243, s. 298, amended

(4) The said section 298 is amended by adding thereto the following subsection:

Joint municipal projects

- (14) Notwithstanding anything in this section, if a municipality will be liable for a portion of the annual carrying charges on a debt intended to be created on behalf of two or more municipalities, such municipality may pass a by-law providing for raising, by a special rate on all the rateable property liable therefor in the municipality in each year of the currency of the debt, its share of the principal and interest falling due in each such year, and the by-law shall provide that such share shall be determined

Subsection 2. Subsection 2 of section 298 is amended to provide that where the maximum term of years of a debenture issue is not specifically provided for in the Act, the maximum shall be fixed by the Municipal Board instead of the maximum of twenty years now provided.

Subsection 3. Subsections 3, 4 and 4a of section 298 are rewritten in the light of changes in the law in recent years whereby one municipality issues debentures on behalf of other municipalities, and also to clarify the provisions dealing with the levy clause when the debentures are chargeable only to part of the property in the municipality, e.g. public school property, property in a high school district, etc.

Subsection 4. A new subsection is added to authorize a municipality on whose behalf debentures are issued by another municipality, to pass a levy by-law for its share without specifically setting out the amount of the levy.

SECTION 11. Section 299 is re-enacted to provide for the issue of municipal debentures in American funds.

SECTION 12. This amendment excludes by-laws passed under *The Municipal Drainage Act* from the requirements of section 300 that a council shall not incur any debt the payment of which is not provided in the current estimates except with the assent of the electors.

SECTION 13. The repealed provision authorizes a county council, without the assent of the electors, to borrow up to \$50,000 for the purpose of making a grant towards the erection, establishment, maintenance or equipment of a public hospital. Under paragraph 29 of section 386 and subsection 3 of section 300 a county council has this power without restriction as to amount, and subsection 2 of section 302 is therefore unnecessary.

as provided in the Act authorizing the issue of the debentures and need not provide for the raising of a specific sum in each year of the currency of the debt.

11. Section 299 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 243, s. 299, re-enacted

299.—(1) The authority conferred upon municipalities by this Act and any other general or special Act to borrow or raise money for any purpose and to issue debentures therefor shall extend to and shall be deemed always to have extended to include power to borrow and raise such money and to issue such debentures expressed and payable in sterling money of Great Britain or dollars of the United States of America for such principal amount as the council may deem necessary to realize the sum required for such purpose. Debentures expressed in foreign currency

(2) Where under the provisions of any by-law of a municipality debentures issued thereunder are expressed and made payable in sterling or dollars of the United States of America, the council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon and to meet sinking fund payments or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for the said purposes and as the requirements for such purposes may from year to year vary. Annual rates

(3) No by-law for the borrowing and raising of money or the issue of debentures expressed and payable in sterling or dollars of the United States of America shall be passed finally until approved by the Municipal Board. Approval of Municipal Board

12. Clause *c* of subsection 3 of section 300 of *The Municipal Act* is amended by inserting after the word "Act" the words "or *The Municipal Drainage Act*", so that the clause shall read as follows: Rev. Stat., c. 243, s. 300, subs. 3, cl. c, amended

(c) under *The Local Improvement Act* or *The Municipal Drainage Act*; or Rev. Stat., cc. 215, 246

.

13. Subsection 2 of section 302 of *The Municipal Act* is repealed. Rev. Stat., c. 243, s. 302, subs. 2, repealed

Rev. Stat.,
c. 243, s. 350,
subs. 1,
amended

14. Subsection 1 of section 350 of *The Municipal Act* is amended by striking out the words "city having a population of not less than 50,000 or a municipality bordering on such a city" in the first, second and third lines and inserting in lieu thereof the words "local municipality", so that the subsection shall read as follows:

By-law may
fix future
date for
widening,
etc.

(1) A by-law of the council of a local municipality for establishing or laying out, or for extending, widening or diverting a highway or part of a highway may provide that the corporation shall not enter immediately on the land required to be taken or proceed to carry out the work but that the same shall be deferred until a day named therein not less than three and not more than ten years after the date of the passing of the by-law, and in this section "highway" includes "street" as defined in *The Local Improvement Act*.

Rev. Stat.,
c. 215

Rev. Stat.,
c. 243, s. 386,
par. 29,
amended

15.—(1) Paragraph 29 of section 386 of *The Municipal Act* is amended by inserting after the word "hospitals" in the second line the words "including municipal hospitals", so that the paragraph shall read as follows:

Aid to
hospitals

29. For granting aid for the erection, establishment, maintenance or equipment of public hospitals including municipal hospitals, public sanatoria or municipal isolation hospitals, within or outside the municipality, and may issue debentures therefor.

Rev. Stat.,
c. 243, s. 386,
par. 52,
amended

(2) Paragraph 52 of the said section 386, as amended by subsection 2 of section 15 of *The Municipal Amendment Act, 1951*, is further amended by inserting after the word "parked" in the second line the words "and for erecting buildings for such purposes thereon", so that the paragraph, exclusive of the clauses, shall read as follows:

Municipal
parking
lots

52. For acquiring, establishing, laying out and improving land where vehicles may be parked and for erecting buildings for such purposes thereon, and for regulating, supervising and governing the parking of vehicles thereon provided a fee is charged and collected for such parking.

Rev. Stat.,
c. 243, s. 388,
subs. 1,
amended

16.—(1) Subsection 1 of section 388 of *The Municipal Act* is amended by adding thereto the following paragraphs:

Television
installers

11a. For licensing, regulating and governing persons engaged in the installation, erection, construction, reconstruction, alteration or repair of structures used to carry television antennae, and for revoking any such licence.

SECTION 14. Section 350 which authorizes "deferred widening" by-laws in respect of highways is extended to all local municipalities. The authority is presently limited to cities having 50,000 population and municipalities bordering on such cities.

SECTION 15—Subsection 1. The authority to all municipalities to make grants in aid of hospitals is extended to make it clear that grants may be made in respect of municipal hospitals and debentures issued therefor.

Subsection 2. This amendment will authorize the erection by municipalities of parking garages.

SECTION 16—Subsection 1. Local authorities are authorized to license, regulate and govern installers, etc., of structures carrying television antennae, and to establish standards and otherwise control television antennae and structures supporting them.

Subsection 2. The authority of local municipalities to pass by-laws prohibiting or regulating the discharge of guns and the setting off of fire-works, etc., is extended so that the by-law may be made applicable in the whole or any part or parts of the municipality.

Subsection 3: *Paragraph 71a.* Power is given to local municipalities to prohibit motor vehicle or motorcycle racing.

Paragraph 89a. A new paragraph is added to authorize councils of local municipalities to procure investigations and reports as to water works and sewage works, and to issue debentures for the purpose without the assent of the electors. This provision, limited to sewage works and to cities of 100,000 population, formerly appeared as section 110 of *The Public Health Act*.

Television installations

11b. For establishing standards governing the quality of material to be used in television antennae or in structures carrying television antennae, and the quality of material and the method to be used in supporting such structures and making them safe and for requiring that all such antennae or structures and material used conform to such standards; for requiring the installation of safety equipment on such antennae or structures, and for establishing standards governing the quality of such safety equipment; for requiring that, before any such antenna, structure or equipment is installed, erected, constructed, reconstructed, altered or repaired, plans thereof shall be submitted to and approved by a designated official of the municipality and for providing that without such approval no such work shall be commenced; for charging a fee not exceeding \$2 for such approval and for the issue by the designated official of a certificate of such approval and for providing that if the work is not commenced within the time specified in the by-law the approval and certificate shall be void; and for providing for the inspection of television antennae and structures carrying television antennae and the safety equipment installed thereon.

Rev. Stat., c. 243, s. 388, par. 37, re-enacted

(2) Paragraph 37 of subsection 1 of the said section 388, as amended by subsection 2 of section 16 of *The Municipal Amendment Act, 1951*, is repealed and the following substituted therefor:

Discharge of fire-arms, fire-works, etc.

37. For prohibiting or regulating the discharge of guns or other firearms, and air-guns, spring-guns or any class or type of spring-gun, and the firing and setting off of fireballs, squibs, crackers or fireworks in the municipality or in one or more defined areas thereof.

Rev. Stat., c. 243, s. 388, subs. 1, amended

(3) Subsection 1 of the said section 388 is amended by adding thereto the following paragraphs:

Racing

71a. For prohibiting the racing of motor vehicles or motorcycles, or any class or classes thereof, in the municipality or one or more defined areas thereof.

Reports on water and sewage works

89a. For procuring investigations and reports as to water works and sewage works, and may issue debentures therefor.

(a) It shall not be necessary to procure the assent of the electors to any by-law passed under this paragraph.

- (b) Instead of making a separate issue of debentures to defray the expenses of such investigation and report, the council may provide that such expenses shall be included in the cost of the work and be paid out of the proceeds of any debentures issued therefor.

.

Trailers

91a. For prohibiting the use of any trailer for the living, sleeping or eating accommodation of persons, within the municipality or one or more defined areas thereof, for more than a total of sixty days in any period of ten consecutive months.

Interpretation

(a) In this paragraph, "trailer" means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked-up or that its running-gear is removed.

Application of by-law

(b) A by-law passed under this paragraph may be made to apply to any trailer whether or not such trailer was used for the living, sleeping or eating accommodation of persons before the by-law was passed.

Penalties

(c) The by-law may provide for imposing penalties of not less than \$10 and not more than \$50, exclusive of costs, upon every person who contravenes the by-law, and may provide that each day that a person contravenes the by-law shall be deemed to constitute a separate offence.

Rev. Stat., c. 243, s. 388, subs. 1, par. 102, amended

(4) Paragraph 102 of subsection 1 of the said section 388 is amended by striking out the words "or gas" in the third line and inserting in lieu thereof the words "gas or sewage", so that the paragraph shall read as follows:

Water, gas or sewage pipes in highways

102. Subject to *The Municipal Franchises Act*, for authorizing the laying down, maintenance and use of pipes and other necessary works for the transmission of water, gas or sewage on, in, under, along or across any highway under the jurisdiction of the council.

Rev. Stat., c. 249

Rev. Stat., c. 243, s. 399, subs. 1, amended

17. Subsection 1 of section 399 of *The Municipal Act*, as amended by subsection 1 of section 20 of *The Municipal*

Paragraph 91a. Local municipalities are authorized to pass by-laws prohibiting the use of trailers for human habitation.

Subsection 4. This amendment authorizes local municipalities to pass by-laws authorizing establishment and maintenance of sewage pipes under the municipal highways. Counties presently have this power under paragraph 5 of section 402.

SECTION 17. The powers in respect of smoke control by-laws are extended to all local municipalities and authority is given to make the by-laws applicable in the whole or any part or parts of the municipality.

SECTION 18. Counties are authorized to pass by-laws to provide for the installation of services such as sewers, water, sidewalks and roads in land owned by the county in a local municipality.

SECTION 19—Subsection 1. This amendment will permit the licensing, regulating and governing of instructors employed by driving schools.

Subsection 2. At present a transient trader's licence fee is credited to the person paying it or to a purchaser who carries on the business on account of the business tax during the year in which the licence was issued and five years thereafter. The amendment will permit in certain cases the credit of the licence fee toward real property taxes.

Amendment Act, 1951, is further amended by striking out the words "By-laws may be passed by the councils of cities and towns" in the first and second lines and inserting in lieu thereof the words "By-laws may be passed by the councils of local municipalities applicable to the municipality or one or more defined areas thereof", so that the subsection, exclusive of the paragraphs, shall read as follows:

- (1) **By-laws may be passed by the councils of local municipalities applicable to the municipality or one or more defined areas thereof:**

18. Section 402 of *The Municipal Act* is amended by adding thereto the following paragraph: Rev. Stat.,
c. 243, s. 402,
amended

- 11. For installing services in land owned by the county in any municipality situated in the county, subject to the approval of the local municipality in which the land is situated, to assist in the disposal of the land for building purposes. Installation
of services
on county
land

19.—(1) Paragraph 2a of section 413 of *The Municipal Act*, as enacted by subsection 2 of section 22 of *The Municipal Amendment Act, 1951*, is amended by inserting after the word "vehicles" in the third line the words "and driving instructors employed in such business", so that the paragraph shall read as follows: Rev. Stat.,
c. 243, s. 413,
par. 2a
(1951,
c. 53, s. 22,
subs. 2),
amended

- 2a. For licensing, regulating and governing persons who carry on the business of teaching persons to operate motor vehicles and driving instructors employed in such business, and for regulating and governing the equipment used in such business, and for revoking any such licence. Driving
schools and
instructors

(a) The licence fee shall not exceed \$50. Fee

(2) Clause *f* of paragraph 14 of the said section 413 is amended by inserting after the word "business" in the fourth line the words "and in respect of real property taxes on the land used for the purposes of or in connection with the business if the land is owned by the person carrying on the business", so that the clause shall read as follows: Rev. Stat.,
c. 243, s. 413,
par. 14, cl. f.
amended

- (f) The sum paid for a licence shall be credited to the person paying it, or to any *bona fide* purchaser of the business who carries on the same, on account of taxes payable in respect of the business, and in respect of real property taxes on the land used for the purposes of or in connection with the business if the land is owned by the person carrying on the business, during the year in which the licence was issued and five years thereafter. Credit of
fees on
taxes

Rev. Stat.,
c. 243, s. 414,
para. 3,
amended

20. Paragraph 3 of section 414 of *The Municipal Act* is amended by inserting after the word "magazines" in the eighth line the words "and for prohibiting the taking or soliciting of subscriptions to magazines upon any highway or in any public place", so that the paragraph shall read as follows:

Sale of
newspapers
and maga-
zines on
streets

3. For licensing, regulating and governing persons selling newspapers and magazines upon any highway and for restricting the operations of such persons to a particular location upon a highway, and for restricting the operations of such persons to the sale of newspapers and magazines only, and for prohibiting the selling or offering for sale upon any highway of books, periodicals, pamphlets or other printed matter except newspapers and magazines, and for prohibiting the taking or soliciting of subscriptions to magazines upon any highway or in any public place, and for revoking any such licence.

Rev. Stat.,
c. 243, s. 417,
re-enacted

21. Section 417 of *The Municipal Act* is repealed and the following substituted therefor:

Daily
remunera-
tion of
councillors

- 417.—(1) The council of a municipality may pass by-laws for paying the members of the council for attendance at meetings of council, or of its committees, at the following rates:
- (a) in the case of a county, at a rate not exceeding \$10 a day with a maximum of \$700 a year;
 - (b) in the case of a local municipality having a population of 120,000 or more, at a rate not exceeding \$15 a day with a maximum of \$1,000 a year;
 - (c) in the case of a local municipality having a population of 20,000 or more but under 120,000, at a rate not exceeding \$12 a day with a maximum of \$750 a year;
 - (d) in the case of a local municipality having a population of 10,000 or more but under 20,000, at a rate not exceeding \$10 a day with a maximum of \$500 a year;
 - (e) in the case of a local municipality having a population of 5,000 or more but under 10,000, at a rate not exceeding \$8 a day with a maximum of \$400 a year;
 - (f) in the case of a local municipality having a population of 2,000 or more but under 5,000, at a rate not exceeding \$6 a day with a maximum of \$300 a year;

SECTION 20. Self-explanatory.

SECTION 21. The section authorizing daily remuneration of members of council is rewritten in the light of present day conditions.

SECTION 22. The maximum annual allowance that a municipal council may grant to an alderman in a city of 300,000 or more population is increased from \$1,200 to \$1,500.

SECTION 23. Section 421 which stipulates the maximum amounts a municipality may spent for entertaining guests and for travelling expenses is amended to authorize up to \$50,000 in any year for a city having a population of not less than 500,000. The present maximum for such a city is \$30,000.

SECTION 24. Complementary to section 4 of the Bill.

(g) in the case of a local municipality having a population of under 2,000, at a rate not exceeding \$5 a day with a maximum of \$150 a year.

- (2) Where a member of a council is paid remuneration under section 223, 230 or 418, such member shall not be entitled to payment under this section for attendance at meetings. Where member receives salary
- (3) In the case of a council of a county or a township, the by-law may provide for the payment of not more than 10 cents a mile for each mile necessarily travelled in attending such meetings. Mileage allowance
- (4) The provisions of this section shall be deemed to authorize payments at the rates and limitations mentioned in subsection 1 to members of the council for their services as members of any utility commission to which they are appointed under the authority of any general or special Act. Fees to council members on utility commission

22. Clauses *a* and *b* of subsection 1 of section 418 of *The Municipal Act* are repealed and the following substituted therefor: Rev. Stat., c. 243, s. 418, subs. 1, cls. a, b, re-enacted

- (a) where the population of a city exceeds 200,000 but is less than 300,000, and annual allowance not exceeding \$1,200 to aldermen;
- (b) where the population of a city exceeds 300,000, an annual allowance not exceeding \$1,500 to aldermen;
- (c) in addition to the amounts set out in clauses *a* and *b*, an annual allowance not exceeding \$100 to each chairman of a standing committee and to the chairman of the court of revision and of the local board of health;
- (d) in the case of any other municipality, such annual allowance as may be approved by the Department.

23. Section 421 of *The Municipal Act* is amended by re-lettering clause *a* as clause *aa* and by adding thereto the following clause: Rev. Stat., c. 243, s. 421, amended

- (a) in the case of a city having a population of not less than 500,000—\$50,000.

24. Form 10 to *The Municipal Act* is amended by striking out the words "whose name is entered on the last revised" Rev. Stat., c. 243, Form 10, amended

assessment roll has been in error" in the two lines immediately following the frame of columns and inserting in lieu thereof the words "has been".

1951
expenditures
on enter-
tainment,
etc.

25. For the purposes of expenditures in the year 1951 made under section 421 of *The Municipal Act*, a municipality shall be deemed to have had the authority to expend twice the amount authorized for such municipality under that section.

Commence-
ment

26.—(1) This Act, except sections 9, 10, 21, 22 and 23, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 9, 21 and 22 shall be deemed to have come into force on the 1st day of January, 1952.

Idem

(3) Section 10 comes into force on the 1st day of June, 1952.

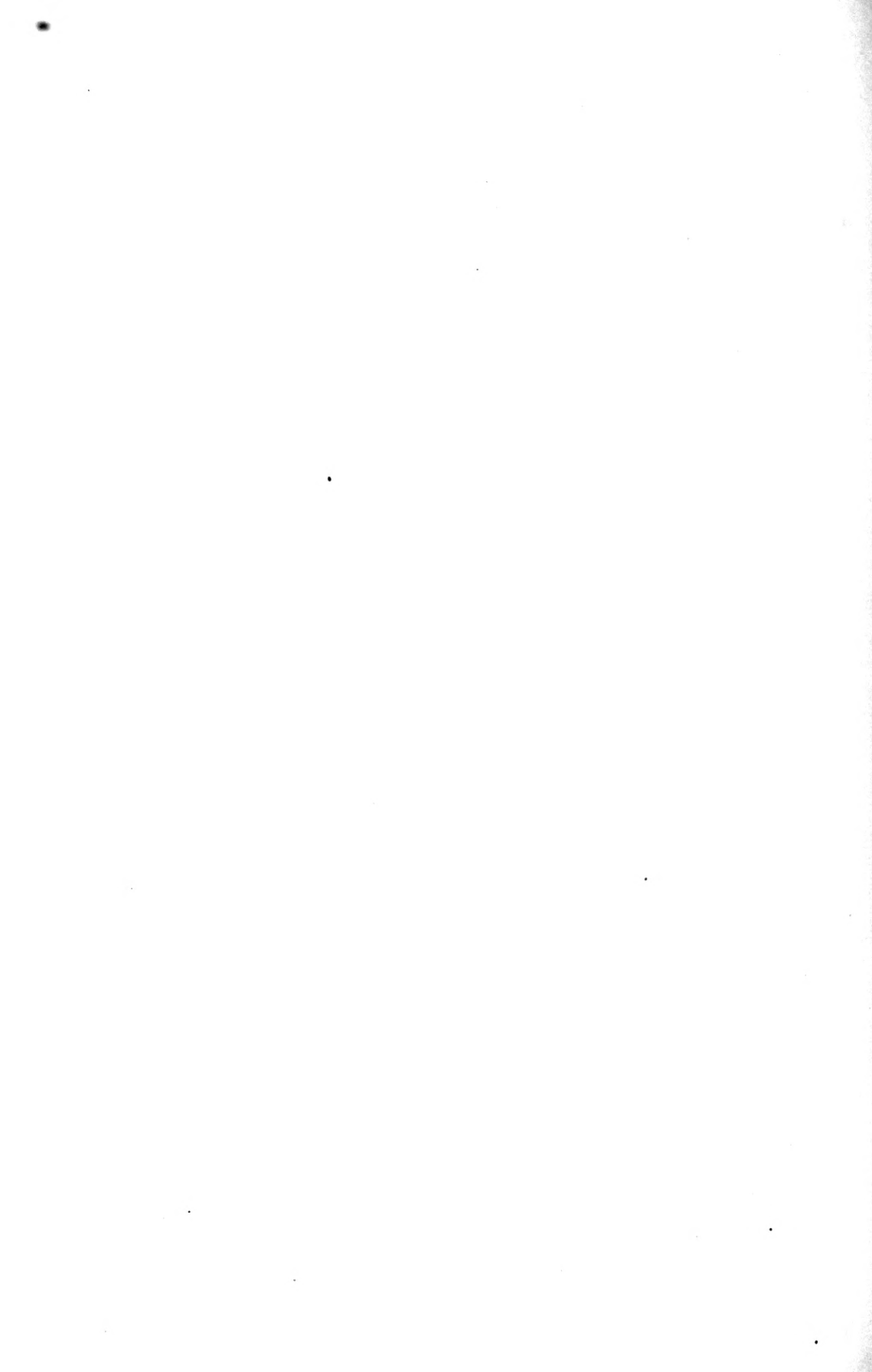
Idem

(4) Section 23 shall be deemed to have come into force on the 1st day of January, 1951.

Short title

27. This Act may be cited as *The Municipal Amendment Act, 1952*.

SECTION 25. In 1951 some municipalities expended more money on entertainment that was permitted under section 421 of *The Municipal Act*. This amendment will validate the over-expenditures.



BILL

An Act to amend The Municipal Act

1st Reading

March 18th, 1952

2nd Reading

3rd Reading

MR. DUNBAR

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Municipal Act

MR. DUNBAR

(Reprinted as amended by the Committee on Municipal Law)

EXPLANATORY NOTES

SECTION 1. The definition of a money by-law is amended to exclude by-laws for current borrowings.

Section 2. The amendment is to provide that the board of trustees of an improvement district will not function as the high school board for a high school district comprising the improvement district and additional unorganized territory.

SECTION 3. This amendment corrects an omission so as to ensure that the head of a council or a member of the board of control will not be disqualified by reason of any claim he may have as to his salary paid by the municipality.

SECTION 4. Subsection 7 of section 58, which authorizes the issue of a certificate to vote to persons whose names do not appear on the voters' list but are entered on the last revised assessment roll, is amended to authorize the issue of such certificates to persons added to the assessment roll under section 51a of *The Assessment Act*.

BILL

An Act to amend The Municipal Act

HER 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 Municipal Act* is amended by adding at the end thereof the words "other than a by-law passed under section 341", so that the clause shall read as follows: Rev. Stat., c. 243, s. 1, cl. j, amended

(*j*) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 341.

2. Subsection 5 of section 45 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 243, s. 45, subs. 5, re-enacted

(5) The board, with respect to the improvement district, shall function as every local board within the meaning of *The Department of Municipal Affairs Act* except a separate school board and except a high school board of a high school district established under subsection 5 of section 5 of *The High Schools Act*. Board to function as local boards
Rev. Stat., cc. 96, 165

3. Clause *r* of subsection 1 of section 56 of *The Municipal Act* is amended by inserting after the word "section" in the fifth line the figures "223, 230", so that the clause shall read as follows: Rev. Stat., c. 243, s. 56, subs. 1, cl. r, amended

(*r*) a person who, either himself or by or with or through another has any claim, action or proceeding against the corporation, but this clause shall not apply with respect to any moneys paid or payable to a member of council under section 223, 230, 417, 418, 419 or 420.

4. Subsection 7 of section 58 of *The Municipal Act* is amended by inserting after the word "roll" in the fifth line the words "or has been added to the assessment roll under section 51a of *The Assessment Act*", so that the subsection shall read as follows: Rev. Stat., c. 243, s. 58, subs. 7, amended

Certificate
for voters
if names
omitted

- (7) Where after the voters' list has been finally revised, the clerk is satisfied that the name of a person entitled to be entered thereon under this section has by error been omitted therefrom he may, if such person is entered on the last revised assessment roll, or has been added to the assessment roll under section 51a of *The Assessment Act*, and is not otherwise disqualified, issue a certificate (Form 10), authorizing the returning officer or proper deputy returning officer to enter the name of such person on the voters' list to entitle him to vote as if his name has been entered thereon before the list was revised.

Rev. Stat.,
c. 24

Rev. Stat.,
c. 243, s. 70,
subs. 2,
amended

5. Subsection 2 of section 70 of *The Municipal Act* is amended by inserting after the word "candidate" in the second line the words "and the residence and occupation of the proposer and seconder", so that the subsection shall read as follows:

Nomination
papers

- (2) Every nomination shall be in writing and state the name, residence and occupation of the candidate and the residence and occupation of the proposer and seconder and shall be signed by the proposer and seconder, both of whom shall be municipal electors and present, and shall be filed with the returning officer within one hour from the opening of the nomination meeting.

Rev. Stat.,
c. 243, s. 72,
subs. 1,
cl. c
(1951,
c. 53, s. 5),
amended

6. Clause c of subsection 1 of section 72 of *The Municipal Act*, as re-enacted by section 5 of *The Municipal Amendment Act, 1951*, is amended by inserting after the word "qualifying" in the fourth line the words "and no unpaid taxes against him in respect of an assessment for business", so that the clause shall read as follows:

- (c) a certificate of the treasurer or collector that there were, at the time of the opening of the nomination meeting, no unpaid taxes for any preceding year against the land in respect of which he is qualifying and no unpaid taxes against him in respect of an assessment for business, or a statutory declaration to the same effect.

Rev. Stat.,
c. 243, s. 107,
amended

7. Section 107 of *The Municipal Act* is amended by striking out the words "final revision" in the seventh line and inserting in lieu thereof the word "return", so that the section shall read as follows:

In municipa-
lities not
divided into
polling sub-
divisions,
clerk to per-
form duties
of deputy
returning
officers

107. In municipalities not divided into polling subdivisions, the clerk shall perform the duties which in other cases are performed by deputy returning

SECTION 5. Self-explanatory.

SECTION 6. Subsection 1 of section 72 is amended to provide that the treasurer's certificate to be filed with the declaration of qualification of a candidate shall certify that no business taxes are unpaid.

Section 7. Under *The Voters' Lists Act, 1951* the voters' lists are now prepared immediately on the return of the assessment roll, rather than on the final revision of the roll. The amendment brings section 107 into line with present practice.

SECTION 8. Section 111 at present provides for an advance poll only for railway employees, commercial travellers, bus and transport drivers, and members of the armed forces. A new section is added as an alternative to conform with the advance poll provisions of *The Election Act, 1951* so that the advance poll may be used for all persons who will be absent from the municipality on polling day in the ordinary course of their business or employment.

officers, and shall provide himself with the necessary ballot papers, the materials for marking ballot papers, the printed directions for the guidance of voters, copies of the voters' list, poll book and defaulters' list, and a certificate of the date of the return of the assessment roll, and the last day for making complaints to the judge with respect to the voters' list, and he shall perform the like duties with respect to the whole municipality as are imposed upon a deputy returning officer for a polling subdivision.

8. *The Municipal Act* is amended by adding thereto the following section: Rev. Stat.,
c. 243,
amended

- 111a.—(1) A by-law may be passed by the council of a local municipality for providing advance polls for the purpose of receiving the votes of voters who will be absent in the ordinary course of their business or employment from the municipality on the day fixed for polling. Advance
poll
- (2) A by-law passed under subsection 1 shall be in force from year to year until repealed, and must be passed at least sixty days before the day fixed for polling. By-law
- (3) Polls for receiving the vote of such voters shall be held and kept open for such times and on such days as may be provided in the by-law. Time of
poll
- (4) Except as otherwise provided, all the provisions of this Act as to proceedings prior to the holding of the poll and at the poll, and after the closing of the poll, shall apply. Application
of Act
- (5) In a municipality where the election is to be held by wards there shall be a separate poll book for each ward. Poll book
for each
ward
- (6) In a municipality where the election is by general vote the clerk or some other person appointed by him shall act as deputy returning officer, and in a municipality where the election is by wards the clerk may act as deputy returning officer for one or more wards or may appoint one or more persons to act as deputy returning officers for one or more wards, and may also appoint as many poll clerks as there are deputy returning officers, and may fix one or more polling places. Deputy
returning
officer

Notice of polls

(7) Notice of the times and places at which polls will be opened shall, prior to the day so fixed for holding the poll, be given by the returning officer by posting up notices at each of the polling places so appointed and in conspicuous places in the municipality and, where possible, by advertisement in a newspaper published or circulated in the municipality.

Declaration by voter

(8) Every person offering himself as a voter at the polling place before being allowed to vote shall be required by the deputy returning officer to make the following declaration, which shall be kept by the deputy returning officer with the other records of the poll:

I,, declare that I will be absent in the ordinary course of my business or employment from the.....of.....
(*name of municipality*) on the day for holding the poll at the coming election.

Dated at....., this.....day of....., 19....

Witness:
Signature of Voter

.....
Deputy Returning Officer

Penalty

(9) Any person signing any such declaration knowing that any statement therein is false shall be guilty of an offence and liable to a penalty of not less than \$25 and not more than \$100.

Qualification of voter

(10) No person shall be entitled to vote unless his name appears on the last revised voters' list for the municipality.

Oath

(11) The deputy returning officer and every candidate or his agent may require that the voter, before being handed a ballot, take the oath to be administered to a voter under this Act.

Record of declaration

(12) The poll clerk shall record in the poll book in the column headed "Remarks" after the name of each person who votes under this section a note that he has made the declaration mentioned in subsection 8 and the number of the polling subdivision, if any, in which he is entered on the voters' list.

Fixing of seals

(13) At the close of the poll each day the deputy returning officer and any candidate or agent present who desires to do so shall affix his seal to the ballot box in such a manner that it cannot be opened or any ballots be deposited in it without breaking the seals.



SECTION 9. The maximum annual salary which a municipal council may grant a member of a board of control in a city exceeding 300,000 population is increased from \$5,000 to \$7,500.

SECTION 10—Subsection 1. A new provision is added dealing with the recitals in a money by-law issued by one municipality on behalf of two or more municipalities.

- (14) At the close of the poll each day the deputy returning officer shall forthwith make up and deliver or mail to the returning officer a list of the names of all persons who have voted showing in each case the number of the polling subdivision in which the voter is entered on the voters' list, and the returning officer shall, at the request of any candidate, furnish him with a copy of such list. List of persons voting
- (15) Upon receiving from the deputy returning officer the list mentioned in subsection 14, the returning officer shall make an entry in the voters' list to be supplied to each deputy returning officer on polling day opposite the name of each voter whose name appears on such list and whose vote has been received at an advance poll, showing that such voter has polled his vote. Noting other deputy returning officers' lists
- (16) On the day fixed for holding the general poll at the election, the deputy returning officer at the polling place shall, in the presence of such candidates and their agents as may be present at the hour fixed for the closing of the general poll, open the ballot box, count the votes and perform all the other duties required of a deputy returning officer by this Act with respect to the votes polled under this section. Opening ballot box and counting ballots
- (17) No by-law shall be passed under this section while a by-law under section 111 is in force, and no by-law shall be passed under section 111 while a by-law under this section is in force. Proviso

9.—(1) Subsection 5 of section 223 of *The Municipal Act* is amended by inserting after the figures "200,000" in the first line the words and figures "but is less than 300,000", so that the subsection shall read as follows: Rev. Stat., c. 243, s. 223, subs. 5, amended

- (5) Where the population of a city exceeds 200,000 but is less than 300,000, the salary shall not exceed for each member of the board the sum of \$5,000 per annum.

(2) The said section 223 is amended by adding thereto the following subsection: Rev. Stat., c. 243, s. 223, amended

- (6) Where the population of a city exceeds 300,000, the salary shall not exceed for each member of the board the sum of \$7,500 per annum.

10.—(1) Subsection 1 of section 298 of *The Municipal Act* is amended by adding thereto the following clause: Rev. Stat., c. 243, s. 298, subs. 1, amended

Idem

(bb) where the debt intended to be created is to provide moneys for any purpose on behalf of two or more municipalities, the amount of the whole rateable property of each municipality or portion thereof for whose benefit the debt is to be created, according to the last revised assessment roll of such municipality.

Rev. Stat., c. 243, s. 298, subs. 2, cl. d, repealed and the following substituted therefor:

(d) if the debt is for any other purpose, in such term of years as the Municipal Board may approve.

Rev. Stat., c. 243, s. 298, subs. 3, 4, re-enacted; subs. 4a (1951, c. 53, s. 10), repealed

(3) Subsections 3 and 4, and subsection 4a as enacted by section 10 of *The Municipal Amendment Act, 1951*, of the said section 298 are repealed and the following substituted therefor:

Principal and interest payments

(3) The by-law shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Amount to be raised annually

(4) The by-law shall provide for raising in each year by a special rate on all the rateable property in the municipality the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act or in accordance with subsection 14 of this section.

Rev. Stat., c. 243, s. 298, amended

(4) The said section 298 is amended by adding thereto the following subsection:

Joint municipal projects

(14) Notwithstanding anything in this section, if a municipality will be liable for a portion of the annual carrying charges on a debt intended to be created on behalf of two or more municipalities, such municipality may pass a by-law providing for raising, by a special rate on all the rateable property liable therefor in the municipality in each year of the currency of the debt, its share of the principal and interest falling due in each such year, and the by-law shall provide that such share shall be determined

Subsection 2. Subsection 2 of section 298 is amended to provide that where the maximum term of years of a debenture issue is not specifically provided for in the Act, the maximum shall be fixed by the Municipal Board instead of the maximum of twenty years now provided.

Subsection 3. Subsections 3, 4 and 4a of section 298 are rewritten in the light of changes in the law in recent years whereby one municipality issues debentures on behalf of other municipalities, and also to clarify the provisions dealing with the levy clause when the debentures are chargeable only to part of the property in the municipality, e.g. public school property, property in a high school district, etc.

Subsection 4. A new subsection is added to authorize a municipality on whose behalf debentures are issued by another municipality, to pass a levy by-law for its share without specifically setting out the amount of the levy.

SECTION 11. Section 299 is re-enacted to provide for the issue of municipal debentures in American funds.

SECTION 12. This amendment excludes by-laws passed under *The Municipal Drainage Act* from the requirements of section 300 that a council shall not incur any debt the payment of which is not provided in the current estimates except with the assent of the electors.

SECTION 13. The repealed provision authorizes a county council, without the assent of the electors, to borrow up to \$50,000 for the purpose of making a grant towards the erection, establishment, maintenance or equipment of a public hospital. Under paragraph 29 of section 386 and subsection 3 of section 300 a county council has this power without restriction as to amount, and subsection 2 of section 302 is therefore unnecessary.

as provided in the Act authorizing the issue of the debentures and need not provide for the raising of a specific sum in each year of the currency of the debt.

11. Section 299 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 243, s. 299,
re-enacted

299.—(1) The authority conferred upon municipalities by this Act and any other general or special Act to borrow or raise money for any purpose and to issue debentures therefor shall extend to and shall be deemed always to have extended to include power to borrow and raise such money and to issue such debentures expressed and payable in sterling money of Great Britain or dollars of the United States of America for such principal amount as the council may deem necessary to realize the sum required for such purpose. Debentures
expressed
in foreign
currency

(2) Where under the provisions of any by-law of a municipality debentures issued thereunder are expressed and made payable in sterling or dollars of the United States of America, the council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon and to meet sinking fund payments or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for the said purposes and as the requirements for such purposes may from year to year vary. Annual
rates

(3) No by-law for the borrowing and raising of money or the issue of debentures expressed and payable in sterling or dollars of the United States of America shall be passed finally until approved by the Municipal Board. Approval of
Municipal
Board

12. Clause *c* of subsection 3 of section 300 of *The Municipal Act* is amended by inserting after the word "Act" the words "or *The Municipal Drainage Act*", so that the clause shall read as follows: Rev. Stat.,
c. 243, s. 300,
subs. 3, cl. *c*,
amended

(*c*) under *The Local Improvement Act* or *The Municipal Drainage Act*; or Rev. Stat.,
cc. 215, 246

.

13. Subsection 2 of section 302 of *The Municipal Act* is repealed. Rev. Stat.,
c. 243, s. 302,
subs. 2,
repealed

Rev. Stat.,
c. 243, s. 350,
subs. 1,
amended

14. Subsection 1 of section 350 of *The Municipal Act* is amended by striking out the words "city having a population of not less than 50,000 or a municipality bordering on such a city" in the first, second and third lines and inserting in lieu thereof the words "local municipality", so that the subsection shall read as follows:

By-law may
fix future
date for
widening,
etc.

(1) A by-law of the council of a local municipality for establishing or laying out, or for extending, widening or diverting a highway or part of a highway may provide that the corporation shall not enter immediately on the land required to be taken or proceed to carry out the work but that the same shall be deferred until a day named therein not less than three and not more than ten years after the date of the passing of the by-law, and in this section "highway" includes "street" as defined in *The Local Improvement Act*.

Rev. Stat.,
c. 215

Rev. Stat.,
c. 243, s. 386,
par. 29,
amended

15.—(1) Paragraph 29 of section 386 of *The Municipal Act* is amended by inserting after the word "hospitals" in the second line the words "including municipal hospitals", so that the paragraph shall read as follows:

Aid to
hospitals

29. For granting aid for the erection, establishment, maintenance or equipment of public hospitals including municipal hospitals, public sanatoria or municipal isolation hospitals, within or outside the municipality, and may issue debentures therefor.

Rev. Stat.,
c. 243, s. 386,
par. 52,
amended

(2) Paragraph 52 of the said section 386, as amended by subsection 2 of section 15 of *The Municipal Amendment Act, 1951*, is further amended by inserting after the word "parked" in the second line the words "and for erecting buildings for such purposes thereon", so that the paragraph, exclusive of the clauses, shall read as follows:

Municipal
parking
lots

52. For acquiring, establishing, laying out and improving land where vehicles may be parked and for erecting buildings for such purposes thereon, and for regulating, supervising and governing the parking of vehicles thereon provided a fee is charged and collected for such parking.

Rev. Stat.,
c. 243, s. 388,
subs. 1,
amended

16.—(1) Subsection 1 of section 388 of *The Municipal Act* is amended by adding thereto the following paragraphs:

Television
installers

11a. For licensing, regulating and governing persons engaged in the installation, erection, construction, reconstruction, alteration or repair of structures used to carry television antennae, and for revoking any such licence.

SECTION 14. Section 350 which authorizes "deferred widening" by-laws in respect of highways is extended to all local municipalities. The authority is presently limited to cities having 50,000 population and municipalities bordering on such cities.

SECTION 15—Subsection 1. The authority to all municipalities to make grants in aid of hospitals is extended to make it clear that grants may be made in respect of municipal hospitals and debentures issued therefor.

Subsection 2. This amendment will authorize the erection by municipalities of parking garages.

SECTION 16—Subsection 1. Local authorities are authorized to license, regulate and govern installers, etc., of structures carrying television antennae, and to establish standards and otherwise control television antennae and structures supporting them.

Subsection 2. The authority of local municipalities to pass by-laws prohibiting or regulating the discharge of guns and the setting off of fireworks, etc., is extended so that the by-law may be made applicable in the whole or any part or parts of the municipality.

Subsection 3: *Paragraph 71a.* Power is given to local municipalities to prohibit motor vehicle or motorcycle racing.

11b. For establishing standards governing the quality of material to be used in television antennae or in structures carrying television antennae, and the quality of material and the method to be used in supporting such structures and making them safe and for requiring that all such antennae or structures and material used conform to such standards; for requiring the installation of safety equipment on such antennae or structures, and for establishing standards governing the quality of such safety equipment; for requiring that, before any such antenna, structure or equipment is installed, erected, constructed, reconstructed, altered or repaired, plans thereof shall be submitted to and approved by a designated official of the municipality and for providing that without such approval no such work shall be commenced; for charging a fee not exceeding \$2 for such approval and for the issue by the designated official of a certificate of such approval and for providing that if the work is not commenced within the time specified in the by-law the approval and certificate shall be void; and for providing for the inspection of television antennae and structures carrying television antennae and the safety equipment installed thereon.

Television installations

(2) Paragraph 37 of subsection 1 of the said section 388, as amended by subsection 2 of section 16 of *The Municipal Amendment Act, 1951*, is repealed and the following substituted therefor:

Rev. Stat., c. 243, s. 388, par. 37, re-enacted

37. For prohibiting or regulating the discharge of guns or other firearms, and air-guns, spring-guns or any class or type of spring-gun, and the firing and setting off of fireballs, squibs, crackers or fireworks in the municipality or in one or more defined areas thereof.

Discharge of firearms, fireworks, etc.

(3) Subsection 1 of the said section 388 is amended by adding thereto the following paragraphs:

Rev. Stat., c. 243, s. 388, subs. 1, amended

71a. For prohibiting, or for licensing, regulating and governing, the racing of motor vehicles or motorcycles, or one or more defined classes thereof, in the municipality or one or more defined areas thereof; and for prohibiting, or for licensing, regulating and governing, the holding of motor vehicle or motorcycle races, or one or more defined classes thereof, in the municipality or one or more defined areas thereof.

Motor vehicle and motorcycle racing

.

Reports on water and sewage works

89a. For procuring investigations and reports as to water works and sewage works, and may issue debentures therefor.

(a) It shall not be necessary to procure the assent of the electors to any by-law passed under this paragraph.

(b) Instead of making a separate issue of debentures to defray the expenses of such investigation and report, the council may provide that such expenses shall be included in the cost of the work and be paid out of the proceeds of any debentures issued therefor.

.

Trailers

91a. For prohibiting the use, and for prohibiting the owner or lessee of any trailer from permitting the use, of any trailer for the living, sleeping or eating accommodation of persons, within the municipality or one or more defined areas thereof, for more than such number of days, not less than sixty, as the by-law provides, in any period of ten consecutive months.

Interpretation

(a) In this paragraph, "trailer" means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked-up or that its running-gear is removed.

Application of by-law

(b) A by-law passed under this paragraph may be made to apply to any trailer whether or not such trailer was used for the living, sleeping or eating accommodation of persons before the by-law was passed.

Penalties

(c) The by-law may provide for imposing penalties of not less than \$10 and not more than \$50, exclusive of costs, upon every person who contravenes the by-law, and may provide that each day that a person contravenes the by-law shall be deemed to constitute a separate offence.

Rev. Stat., c. 243, s. 388, subs. 1, par. 102, amended

(4) Paragraph 102 of subsection 1 of the said section 388 is amended by striking out the words "or gas" in the third line and inserting in lieu thereof the words "gas or sewage", so that the paragraph shall read as follows:

Paragraph 89a. A new paragraph is added to authorize councils of local municipalities to procure investigations and reports as to water works and sewage works, and to issue debentures for the purpose without the assent of the electors. This provision, limited to sewage works and to cities of 100,000 population, formerly appeared as section 110 of *The Public Health Act*.

Paragraph 91a. Local municipalities are authorized to pass by-laws prohibiting the use of trailers for human habitation.

Subsection 4. This amendment authorizes local municipalities to pass by-laws authorizing establishment and maintenance of sewage pipes under the municipal highways. Counties presently have this power under paragraph 5 of section 402.

SECTION 17. The powers in respect of smoke control by-laws are extended to all local municipalities and authority is given to make the by-laws applicable in the whole or any part or parts of the municipality.

SECTION 18. Counties are authorized to pass by-laws to provide for the installation of services such as sewers, water, sidewalks and roads in land owned by the county in a local municipality.

SECTION 19. The authority relating to the sale of newspapers, magazines, etc., is extended to townships and enlarged to authorize prohibition of the taking of subscriptions to magazines.

SECTION 20—Subsection 1. This amendment will permit the licensing, regulating and governing of instructors employed by driving schools.

102. Subject to *The Municipal Franchises Act*, for authorizing the laying down, maintenance and use of pipes and other necessary works for the transmission of water, gas or sewage on, in, under, along or across any highway under the jurisdiction of the council.

Water, gas or sewage pipes in highways
Rev. Stat., c. 249

17. Subsection 1 of section 399 of *The Municipal Act*, as amended by subsection 1 of section 20 of *The Municipal Amendment Act, 1951*, is further amended by striking out the words "By-laws may be passed by the councils of cities and towns" in the first and second lines and inserting in lieu thereof the words "By-laws may be passed by the councils of local municipalities applicable to the municipality or one or more defined areas thereof", so that the subsection, exclusive of the paragraphs, shall read as follows:

Rev. Stat., c. 243, s. 399, subs. 1, amended

(1) **By-laws may be passed by the councils of local municipalities applicable to the municipality or one or more defined areas thereof:**

18. Section 402 of *The Municipal Act* is amended by adding thereto the following paragraph:

Rev. Stat., c. 243, s. 402, amended

11. For installing services in land owned by the county in any municipality situated in the county, subject to the approval of the local municipality in which the land is situated, to assist in the disposal of the land for building purposes.

Installation of services on county land

19. Section 406 of *The Municipal Act* is amended by adding thereto the following paragraph:

Rev. Stat., c. 243, s. 406, amended

4. For licensing, regulating and governing persons selling newspapers and magazines upon any highway and for restricting the operations of such persons to a particular location upon a highway, and for restricting the operations of such persons to the sale of newspapers and magazines only, and for prohibiting the selling or offering for sale upon any highway of books, periodicals, pamphlets or other printed matter except newspapers and magazines, and for prohibiting the taking or soliciting of subscriptions to magazines upon any highway or in any public place, and for revoking any such licence.

Sale of newspapers and magazines on streets

20.—(1) Paragraph 2a of section 413 of *The Municipal Act*, as enacted by subsection 2 of section 22 of *The Municipal Amendment Act, 1951*, is amended by inserting after the word "vehicles" in the third line the words "and driving instructors employed in such business", so that the paragraph shall read as follows:

Rev. Stat., c. 243, s. 413, par. 2a (1951), c. 53, s. 22, subs. 2), amended

2a. For licensing, regulating and governing persons who carry on the business of teaching persons to

Driving schools and instructors

operate motor vehicles and driving instructors employed in such business, and for regulating and governing the equipment used in such business, and for revoking any such licence.

Fee

(a) The licence fee shall not exceed \$50.

Rev. Stat.,
c. 243, s. 413,
par. 14, cl. f.
amended

(2) Clause *f* of paragraph 14 of the said section 413 is amended by inserting after the word "business" in the forth line the words "and in respect of real property taxes on the land used for the purposes of or in connection with the business if the land is owned by the person carrying on the business", so that the clause shall read as follows:

Credit of
fees on
taxes

(f) The sum paid for a licence shall be credited to the person paying it, or to any *bona fide* purchaser of the business who carries on the same, on account of taxes payable in respect of the business, and in respect of real property taxes on the land used for the purposes of or in connection with the business if the land is owned by the person carrying on the business, during the year in which the licence was issued and five years thereafter.

Rev. Stat.,
c. 243, s. 414,
para. 3,
repealed

21. Paragraph 3 of section 414 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 417,
re-enacted

22. Section 417 of *The Municipal Act* is repealed and the following substituted therefor:

Daily
remunera-
tion of
councillors

417.—(1) The council of a municipality may pass by-laws for paying the members of the council for attendance at meetings of council, or of its committees, at the following rates:

- (a) in the case of a county, at a rate not exceeding \$10 a day;
- (b) in the case of a local municipality having a population of 120,000 or more, at a rate not exceeding \$15 a day;
- (c) in the case of a local municipality having a population of 20,000 or more but under 120,000, at a rate not exceeding \$12 a day;
- (d) in the case of a local municipality having a population of 10,000 or more but under 20,000, at a rate not exceeding \$10 a day;
- (e) in the case of a local municipality having a population of 5,000 or more but under 10,000, at a rate not exceeding \$8 a day;

Subsection 2. At present a transient trader's licence fee is credited to the person paying it or to a purchaser who carries on the business on account of the business tax during the year in which the licence was issued and five years thereafter. The amendment will permit in certain cases the credit of the licence fee toward real property taxes.

SECTION 21. Complementary to section 19.

SECTION 22. The section authorizing daily remuneration of members of council is rewritten in the light of present day conditions.

SECTION 23. The maximum annual allowance that a municipal council may grant to an alderman in a city of 300,000 or more population is increased from \$1,200 to \$1,800 and in a city of between 200,000 and 300,000 population is increased from \$1,200 to \$1,500.

SECTION 24. Section 421 which stipulates the maximum amounts a municipality may spent for entertaining guests and for travelling expenses is amended to authorize up to \$50,000 in any year for a city having a population of not less than 500,000. The present maximum for such a city is \$30,000.

SECTION 25. Complementary to section 4 of the Bill.

(f) in the case of a local municipality having a population of 2,000 or more but under 5,000, at a rate not exceeding \$6 a day;

(g) in the case of a local municipality having a population of under 2,000, at a rate not exceeding \$5 a day.

- (2) Where a member of a council is paid remuneration under section 223, 230 or 418, such member shall not be entitled to payment under this section for attendance at meetings. Where member receives salary
- (3) In the case of a council of a county or a township, the by-law may provide for the payment of not more than 10 cents a mile for each mile necessarily travelled in attending such meetings. Mileage allowance
- (4) The provisions of this section shall be deemed to authorize payments at the rates and limitations mentioned in subsection 1 to members of the council for their services as members of any utility commission to which they are appointed under the authority of any general or special Act. Fees to council members on utility commission

23. Clauses *a* and *b* of subsection 1 of section 418 of *The Municipal Act* are repealed and the following substituted therefor: Rev. Stat., c. 243, s. 418, subs. 1, cls. a, b, re-enacted

- (a) where the population of a city exceeds 200,000 but is less than 300,000, an annual allowance not exceeding \$1,500 to aldermen;
- (b) where the population of a city exceeds 300,000, an annual allowance not exceeding \$1,800 to aldermen;
- (c) in addition to the amounts set out in clauses *a* and *b*, an annual allowance not exceeding \$100 to each chairman of a standing committee and to the chairman of the court of revision and of the local board of health;
- (d) in the case of any other municipality, such annual allowance as may be approved by the Department.

24. Section 421 of *The Municipal Act* is amended by re-lettering clause *a* as clause *aa* and by adding thereto the following clause: Rev. Stat., c. 243, s. 421, amended

- (a) in the case of a city having a population of not less than 500,000—\$50,000.

25. Form 10 to *The Municipal Act* is amended by striking out the words "whose name is entered on the last revised" Rev. Stat., c. 243, Form 10, amended

assessment roll has been in error" in the two lines immediately following the frame of columns and inserting in lieu thereof the words "has been".

1951
expenditures
on enter-
tainment,
etc.

26. For the purposes of expenditures in the year 1951 made under section 421 of *The Municipal Act*, a municipality shall be deemed to have had the authority to expend twice the amount authorized for such municipality under that section.

Commence-
ment

27.—(1) This Act, except sections 9, 10, 22, 23 and 24, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 9, 22 and 23 shall be deemed to have come into force on the 1st day of January, 1952.

Idem

(3) Section 10 comes into force on the 1st day of June, 1952.

Idem

(4) Section 24 shall be deemed to have come into force on the 1st day of January, 1951.

Short title

28. This Act may be cited as *The Municipal Amendment Act, 1952*.

SECTION 26. In 1951 some municipalities expended more money on entertainment that was permitted under section 421 of *The Municipal Act*. This amendment will validate the over-expenditures.

BILL

An Act to amend The Municipal Act

1st Reading

March 18th, 1952

2nd Reading

March 28th, 1952

3rd Reading

MR. DUNBAR

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

No. 92

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Municipal Act

MR. DUNBAR

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



BILL

An Act to amend The Municipal Act

HER 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 Municipal Act* is amended by adding at the end thereof the words "other than a by-law passed under section 341", so that the clause shall read as follows:

Rev. Stat.,
c. 243, s. 1,
cl. *j*,
amended

(*j*) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 341.

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

Rev. Stat.,
c. 243, s. 45,
subs. 5,
re-enacted

(5) The board, with respect to the improvement district, shall function as every local board within the meaning of *The Department of Municipal Affairs Act* except a separate school board and except a high school board of a high school district established under subsection 5 of section 5 of *The High Schools Act*.

Board to
function
as local
boards

Rev. Stat.,
cc. 96, 165

3. Clause *r* of subsection 1 of section 56 of *The Municipal Act* is amended by inserting after the word "section" in the fifth line the figures "223, 230", so that the clause shall read as follows:

Rev. Stat.,
c. 243, s. 56,
subs. 1, cl. *r*,
amended

(*r*) a person who, either himself or by or with or through another has any claim, action or proceeding against the corporation, but this clause shall not apply with respect to any moneys paid or payable to a member of council under section 223, 230, 417, 418, 419 or 420.

4. Subsection 7 of section 58 of *The Municipal Act* is amended by inserting after the word "roll" in the fifth line the words "or has been added to the assessment roll under section 51a of *The Assessment Act*", so that the subsection shall read as follows:

Rev. Stat.,
c. 243, s. 58,
subs. 7,
amended

Certificate
for voters
if names
omitted

- (7) Where after the voters' list has been finally revised, the clerk is satisfied that the name of a person entitled to be entered thereon under this section has by error been omitted therefrom he may, if such person is entered on the last revised assessment roll, or has been added to the assessment roll under section 51a of *The Assessment Act*, and is not otherwise disqualified, issue a certificate (Form 10), authorizing the returning officer or proper deputy returning officer to enter the name of such person on the voters' list to entitle him to vote as if his name has been entered thereon before the list was revised.

Rev. Stat.,
c. 24

Rev. Stat.,
c. 243, s. 70,
subs. 2,
amended

5. Subsection 2 of section 70 of *The Municipal Act* is amended by inserting after the word "candidate" in the second line the words "and the residence and occupation of the proposer and seconder", so that the subsection shall read as follows:

Nomination
papers

- (2) Every nomination shall be in writing and state the name, residence and occupation of the candidate and the residence and occupation of the proposer and seconder and shall be signed by the proposer and seconder, both of whom shall be municipal electors and present, and shall be filed with the returning officer within one hour from the opening of the nomination meeting.

Rev. Stat.,
c. 243, s. 72,
subs. 1,
cl. c
(1951,
c. 53, s. 5),
amended

6. Clause c of subsection 1 of section 72 of *The Municipal Act*, as re-enacted by section 5 of *The Municipal Amendment Act, 1951*, is amended by inserting after the word "qualifying" in the fourth line the words "and no unpaid taxes against him in respect of an assessment for business", so that the clause shall read as follows:

- (c) a certificate of the treasurer or collector that there were, at the time of the opening of the nomination meeting, no unpaid taxes for any preceding year against the land in respect of which he is qualifying and no unpaid taxes against him in respect of an assessment for business, or a statutory declaration to the same effect.

Rev. Stat.,
c. 243, s. 107,
amended

7. Section 107 of *The Municipal Act* is amended by striking out the words "final revision" in the seventh line and inserting in lieu thereof the word "return", so that the section shall read as follows:

In municipa-
lities not
divided into
polling sub-
divisions,
clerk to per-
form duties
of deputy
returning
officers

107. In municipalities not divided into polling subdivisions, the clerk shall perform the duties which in other cases are performed by deputy returning

officers, and shall provide himself with the necessary ballot papers, the materials for marking ballot papers, the printed directions for the guidance of voters, copies of the voters' list, poll book and defaulters' list, and a certificate of the date of the return of the assessment roll, and the last day for making complaints to the judge with respect to the voters' list, and he shall perform the like duties with respect to the whole municipality as are imposed upon a deputy returning officer for a polling subdivision.

8. *The Municipal Act* is amended by adding thereto the following section: Rev. Stat.,
c. 243,
amended

- 111a.—(1) A by-law may be passed by the council of a local municipality for providing advance polls for the purpose of receiving the votes of voters who will be absent in the ordinary course of their business or employment from the municipality on the day fixed for polling. Advance
poll
- (2) A by-law passed under subsection 1 shall be in force from year to year until repealed, and must be passed at least sixty days before the day fixed for polling. By-law
- (3) Polls for receiving the vote of such voters shall be held and kept open for such times and on such days as may be provided in the by-law. Time of
poll
- (4) Except as otherwise provided, all the provisions of this Act as to proceedings prior to the holding of the poll and at the poll, and after the closing of the poll, shall apply. Application
of Act
- (5) In a municipality where the election is to be held by wards there shall be a separate poll book for each ward. Poll book
for each
ward
- (6) In a municipality where the election is by general vote the clerk or some other person appointed by him shall act as deputy returning officer, and in a municipality where the election is by wards the clerk may act as deputy returning officer for one or more wards or may appoint one or more persons to act as deputy returning officers for one or more wards, and may also appoint as many poll clerks as there are deputy returning officers, and may fix one or more polling places. Deputy
returning
officer

Notice of polls

(7) Notice of the times and places at which polls will be opened shall, prior to the day so fixed for holding the poll, be given by the returning officer by posting up notices at each of the polling places so appointed and in conspicuous places in the municipality and, where possible, by advertisement in a newspaper published or circulated in the municipality.

Declaration by voter

(8) Every person offering himself as a voter at the polling place before being allowed to vote shall be required by the deputy returning officer to make the following declaration, which shall be kept by the deputy returning officer with the other records of the poll:

I,, declare that I will be absent in the ordinary course of my business or employment from the.....of.....
(name of municipality) on the day for holding the poll at the coming election.

Dated at....., this.....day of....., 19.....

Witness: Signature of Voter

..... Deputy Returning Officer

Penalty

(9) Any person signing any such declaration knowing that any statement therein is false shall be guilty of an offence and liable to a penalty of not less than \$25 and not more than \$100.

Qualification of voter

(10) No person shall be entitled to vote unless his name appears on the last revised voters' list for the municipality.

Oath

(11) The deputy returning officer and every candidate or his agent may require that the voter, before being handed a ballot, take the oath to be administered to a voter under this Act.

Record of declaration

(12) The poll clerk shall record in the poll book in the column headed "Remarks" after the name of each person who votes under this section a note that he has made the declaration mentioned in subsection 8 and the number of the polling subdivision, if any, in which he is entered on the voters' list.

Fixing of seals

(13) At the close of the poll each day the deputy returning officer and any candidate or agent present who desires to do so shall affix his seal to the ballot box in such a manner that it cannot be opened or any ballots be deposited in it without breaking the seals.

- (14) At the close of the poll each day the deputy returning officer shall forthwith make up and deliver or mail to the returning officer a list of the names of all persons who have voted showing in each case the number of the polling subdivision in which the voter is entered on the voters' list, and the returning officer shall, at the request of any candidate, furnish him with a copy of such list. List of persons voting
- (15) Upon receiving from the deputy returning officer the list mentioned in subsection 14, the returning officer shall make an entry in the voters' list to be supplied to each deputy returning officer on polling day opposite the name of each voter whose name appears on such list and whose vote has been received at an advance poll, showing that such voter has polled his vote. Noting other deputy returning officers' lists
- (16) On the day fixed for holding the general poll at the election, the deputy returning officer at the polling place shall, in the presence of such candidates and their agents as may be present at the hour fixed for the closing of the general poll, open the ballot box, count the votes and perform all the other duties required of a deputy returning officer by this Act with respect to the votes polled under this section. Opening ballot box and counting ballots
- (17) No by-law shall be passed under this section while a by-law under section 111 is in force, and no by-law shall be passed under section 111 while a by-law under this section is in force. Proviso

9.—(1) Subsection 5 of section 223 of *The Municipal Act* is amended by inserting after the figures "200,000" in the first line the words and figures "but is less than 300,000", so that the subsection shall read as follows: Rev. Stat., c. 243, s. 223, subs. 5, amended

- (5) Where the population of a city exceeds 200,000 but is less than 300,000, the salary shall not exceed for each member of the board the sum of \$5,000 per annum.

(2) The said section 223 is amended by adding thereto the following subsection: Rev. Stat., c. 243, s. 223, amended

- (6) Where the population of a city exceeds 300,000, the salary shall not exceed for each member of the board the sum of \$7,500 per annum

10.—(1) Subsection 1 of section 298 of *The Municipal Act* is amended by adding thereto the following clause: Rev. Stat., c. 243, s. 298, subs. 1, amended

Idem

(bb) where the debt intended to be created is to provide moneys for any purpose on behalf of two or more municipalities, the amount of the whole rateable property of each municipality or portion thereof for whose benefit the debt is to be created, according to the last revised assessment roll of such municipality.

Rev. Stat., c. 243, s. 298, subs. 2, cl. d, re-enacted (1951), (2) Clause *d* of subsection 2 of the said section 298 is repealed and the following substituted therefor:

(d) if the debt is for any other purpose, in such term of years as the Municipal Board may approve.

Rev. Stat., c. 243, s. 298, subs. 3, 4, re-enacted; subs. 4a (1951, c. 53, s. 10), (3) Subsections 3 and 4, and subsection 4a as enacted by section 10 of *The Municipal Amendment Act, 1951*, of the said section 298 are repealed and the following substituted therefor:

Principal and interest payments

(3) The by-law shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Amount to be raised annually

(4) The by-law shall provide for raising in each year by a special rate on all the rateable property in the municipality the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act or in accordance with subsection 14 of this section.

Rev. Stat., c. 243, s. 298, amended (4) The said section 298 is amended by adding thereto the following subsection:

Joint municipal projects

(14) Notwithstanding anything in this section, if a municipality will be liable for a portion of the annual carrying charges on a debt intended to be created on behalf of two or more municipalities, such municipality may pass a by-law providing for raising, by a special rate on all the rateable property liable therefor in the municipality in each year of the currency of the debt, its share of the principal and interest falling due in each such year, and the by-law shall provide that such share shall be determined

as provided in the Act authorizing the issue of the debentures and need not provide for the raising of a specific sum in each year of the currency of the debt.

11. Section 299 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 243, s. 299, re-enacted

299.—(1) The authority conferred upon municipalities by this Act and any other general or special Act to borrow or raise money for any purpose and to issue debentures therefor shall extend to and shall be deemed always to have extended to include power to borrow and raise such money and to issue such debentures expressed and payable in sterling money of Great Britain or dollars of the United States of America for such principal amount as the council may deem necessary to realize the sum required for such purpose. Debentures expressed in foreign currency

(2) Where under the provisions of any by-law of a municipality debentures issued thereunder are expressed and made payable in sterling or dollars of the United States of America, the council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon and to meet sinking fund payments or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for the said purposes and as the requirements for such purposes may from year to year vary. Annual rates

(3) No by-law for the borrowing and raising of money or the issue of debentures expressed and payable in sterling or dollars of the United States of America shall be passed finally until approved by the Municipal Board. Approval of Municipal Board

12. Clause *c* of subsection 3 of section 300 of *The Municipal Act* is amended by inserting after the word "*Act*" the words "or *The Municipal Drainage Act*", so that the clause shall read as follows: Rev. Stat., c. 243, s. 300, subs. 3, cl. c, amended

(*c*) under *The Local Improvement Act* or *The Municipal Drainage Act*; or Rev. Stat., cc. 215, 246

13. Subsection 2 of section 302 of *The Municipal Act* is repealed. Rev. Stat., c. 243, s. 302, subs. 2, repealed

Rev. Stat.,
c. 243, s. 350,
subs. 1,
amended

14. Subsection 1 of section 350 of *The Municipal Act* is amended by striking out the words "city having a population of not less than 50,000 or a municipality bordering on such a city" in the first, second and third lines and inserting in lieu thereof the words "local municipality", so that the subsection shall read as follows:

By-law may
fix future
date for
widening,
etc.

- (1) A by-law of the council of a local municipality for establishing or laying out, or for extending, widening or diverting a highway or part of a highway may provide that the corporation shall not enter immediately on the land required to be taken or proceed to carry out the work but that the same shall be deferred until a day named therein not less than three and not more than ten years after the date of the passing of the by-law, and in this section "highway" includes "street" as defined in *The Local Improvement Act*.

Rev. Stat.,
c. 215

Rev. Stat.,
c. 243, s. 386,
par. 29,
amended

15.—(1) Paragraph 29 of section 386 of *The Municipal Act* is amended by inserting after the word "hospitals" in the second line the words "including municipal hospitals", so that the paragraph shall read as follows:

Aid to
hospitals

29. For granting aid for the erection, establishment, maintenance or equipment of public hospitals including municipal hospitals, public sanatoria or municipal isolation hospitals, within or outside the municipality, and may issue debentures therefor.

Rev. Stat.,
c. 243, s. 386,
par. 52,
amended

(2) Paragraph 52 of the said section 386, as amended by subsection 2 of section 15 of *The Municipal Amendment Act, 1951*, is further amended by inserting after the word "parked" in the second line the words "and for erecting buildings for such purposes thereon", so that the paragraph, exclusive of the clauses, shall read as follows:

Municipal
parking
lots

52. For acquiring, establishing, laying out and improving land where vehicles may be parked and for erecting buildings for such purposes thereon, and for regulating, supervising and governing the parking of vehicles thereon provided a fee is charged and collected for such parking.

Rev. Stat.,
c. 243, s. 388,
subs. 1,
amended

16.—(1) Subsection 1 of section 388 of *The Municipal Act* is amended by adding thereto the following paragraphs:

Television
installers

- 11a. For licensing, regulating and governing persons engaged in the installation, erection, construction, reconstruction, alteration or repair of structures used to carry television antennae, and for revoking any such licence.

11b. For establishing standards governing the quality of material to be used in television antennae or in structures carrying television antennae, and the quality of material and the method to be used in supporting such structures and making them safe and for requiring that all such antennae or structures and material used conform to such standards; for requiring the installation of safety equipment on such antennae or structures, and for establishing standards governing the quality of such safety equipment; for requiring that, before any such antenna, structure or equipment is installed, erected, constructed, reconstructed, altered or repaired, plans thereof shall be submitted to and approved by a designated official of the municipality and for providing that without such approval no such work shall be commenced; for charging a fee not exceeding \$2 for such approval and for the issue by the designated official of a certificate of such approval and for providing that if the work is not commenced within the time specified in the by-law the approval and certificate shall be void; and for providing for the inspection of television antennae and structures carrying television antennae and the safety equipment installed thereon.

Television installations

(2) Paragraph 37 of subsection 1 of the said section 388, as amended by subsection 2 of section 16 of *The Municipal Amendment Act, 1951*, is repealed and the following substituted therefor:

Rev. Stat., c. 243, s. 388, par. 37, re-enacted

37. For prohibiting or regulating the discharge of guns or other firearms, and air-guns, spring-guns or any class or type of spring-gun, and the firing and setting off of fireballs, squibs, crackers or fireworks in the municipality or in one or more defined areas thereof.

Discharge of firearms, fireworks, etc.

(3) Subsection 1 of the said section 388 is amended by adding thereto the following paragraphs:

Rev. Stat., c. 243, s. 388, subs. 1, amended

71a. For prohibiting, or for licensing, regulating and governing, the racing of motor vehicles or motorcycles, or one or more defined classes thereof, in the municipality or one or more defined areas thereof; and for prohibiting, or for licensing, regulating and governing, the holding of motor vehicle or motorcycle races, or one or more defined classes thereof, in the municipality or one or more defined areas thereof.

Motor vehicle and motorcycle racing

.

Reports on
water and
sewage
works

89a. For procuring investigations and reports as to water works and sewage works, and may issue debentures therefor.

- (a) It shall not be necessary to procure the assent of the electors to any by-law passed under this paragraph.
- (b) Instead of making a separate issue of debentures to defray the expenses of such investigation and report, the council may provide that such expenses shall be included in the cost of the work and be paid out of the proceeds of any debentures issued therefor.

.

Trailers

91a. For prohibiting the use, and for prohibiting the owner or lessee of any trailer from permitting the use, of any trailer for the living, sleeping or eating accommodation of persons, within the municipality or one or more defined areas thereof, for more than such number of days, not less than sixty, as the by-law provides, in any period of ten consecutive months.

Interpre-
tation

(a) In this paragraph, "trailer" means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked-up or that its running-gear is removed.

Application
of by-law

(b) A by-law passed under this paragraph may be made to apply to any trailer whether or not such trailer was used for the living, sleeping or eating accommodation of persons before the by-law was passed.

Penalties

(c) The by-law may provide for imposing penalties of not less than \$10 and not more than \$50, exclusive of costs, upon every person who contravenes the by-law, and may provide that each day that a person contravenes the by-law shall be deemed to constitute a separate offence.

Rev. Stat.,
c. 243, s. 388,
subs. 1,
par. 102,
amended

(4) Paragraph 102 of subsection 1 of the said section 388 is amended by striking out the words "or gas" in the third line and inserting in lieu thereof the words "gas or sewage", so that the paragraph shall read as follows:

102. Subject to *The Municipal Franchises Act*, for authorizing the laying down, maintenance and use of pipes and other necessary works for the transmission of water, gas or sewage on, in, under, along or across any highway under the jurisdiction of the council.

Water, gas or sewage pipes in highways

Rev. Stat., c. 249

17. Subsection 1 of section 399 of *The Municipal Act*, as amended by subsection 1 of section 20 of *The Municipal Amendment Act, 1951*, is further amended by striking out the words "By-laws may be passed by the councils of cities and towns" in the first and second lines and inserting in lieu thereof the words "By-laws may be passed by the councils of local municipalities applicable to the municipality or one or more defined areas thereof", so that the subsection, exclusive of the paragraphs, shall read as follows:

Rev. Stat., c. 243, s. 399, subs. 1, amended

(1) **By-laws may be passed by the councils of local municipalities applicable to the municipality or one or more defined areas thereof:**

18. Section 402 of *The Municipal Act* is amended by adding thereto the following paragraph:

Rev. Stat., c. 243, s. 402, amended

11. For installing services in land owned by the county in any municipality situated in the county, subject to the approval of the local municipality in which the land is situated, to assist in the disposal of the land for building purposes.

Installation of services on county land

19. Section 406 of *The Municipal Act* is amended by adding thereto the following paragraph:

Rev. Stat., c. 243, s. 406, amended

4. For licensing, regulating and governing persons selling newspapers and magazines upon any highway and for restricting the operations of such persons to a particular location upon a highway, and for restricting the operations of such persons to the sale of newspapers and magazines only, and for prohibiting the selling or offering for sale upon any highway of books, periodicals, pamphlets or other printed matter except newspapers and magazines, and for prohibiting the taking or soliciting of subscriptions to magazines upon any highway or in any public place, and for revoking any such licence.

Sale of newspapers and magazines on streets

20.—(1) Paragraph 2a of section 413 of *The Municipal Act*, as enacted by subsection 2 of section 22 of *The Municipal Amendment Act, 1951*, is amended by inserting after the word "vehicles" in the third line the words "and driving instructors employed in such business", so that the paragraph shall read as follows:

Rev. Stat., c. 243, s. 413, par. 2a (1951), c. 53, s. 22, subs. 2), amended

2a. For licensing, regulating and governing persons who carry on the business of teaching persons to

Driving schools and instructors

operate motor vehicles and driving instructors employed in such business, and for regulating and governing the equipment used in such business, and for revoking any such licence.

Fee

(a) The licence fee shall not exceed \$50.

Rev. Stat.,
c. 243, s. 413,
par. 14, cl. f,
amended

(2) Clause *f* of paragraph 14 of the said section 413 is amended by inserting after the word "business" in the fourth line the words "and in respect of real property taxes on the land used for the purposes of or in connection with the business if the land is owned by the person carrying on the business", so that the clause shall read as follows:

Credit*of
fees on
taxes

(f) The sum paid for a licence shall be credited to the person paying it, or to any *bona fide* purchaser of the business who carries on the same, on account of taxes payable in respect of the business, and in respect of real property taxes on the land used for the purposes of or in connection with the business if the land is owned by the person carrying on the business, during the year in which the licence was issued and five years thereafter.

Rev. Stat.,
c. 243, s. 414,
para. 3,
repealed

21. Paragraph 3 of section 414 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 417,
re-enacted

22. Section 417 of *The Municipal Act* is repealed and the following substituted therefor:

Daily
remunera-
tion of
councillors

417.—(1) The council of a municipality may pass by-laws for paying the members of the council for attendance at meetings of council, or of its committees, at the following rates:

- (a) in the case of a county, at a rate not exceeding \$10 a day;
- (b) in the case of a local municipality having a population of 120,000 or more, at a rate not exceeding \$15 a day;
- (c) in the case of a local municipality having a population of 20,000 or more but under 120,000, at a rate not exceeding \$12 a day;
- (d) in the case of a local municipality having a population of 10,000 or more but under 20,000, at a rate not exceeding \$10 a day;
- (e) in the case of a local municipality having a population of 5,000 or more but under 10,000, at a rate not exceeding \$8 a day;

(f) in the case of a local municipality having a population of 2,000 or more but under 5,000, at a rate not exceeding \$6 a day;

(g) in the case of a local municipality having a population of under 2,000, at a rate not exceeding \$5 a day.

(2) Where a member of a council is paid remuneration under section 223, 230 or 418, such member shall not be entitled to payment under this section for attendance at meetings. Where member receives salary

(3) In the case of a council of a county or a township, the by-law may provide for the payment of not more than 10 cents a mile for each mile necessarily travelled in attending such meetings. Mileage allowance

(4) The provisions of this section shall be deemed to authorize payments at the rates and limitations mentioned in subsection 1 to members of the council for their services as members of any utility commission to which they are appointed under the authority of any general or special Act. Fees to council members on utility commission

23. Clauses *a* and *b* of subsection 1 of section 418 of *The Municipal Act* are repealed and the following substituted therefor: Rev. Stat., c. 243, s. 418, subs. 1, cls. a, b, re-enacted

(a) where the population of a city exceeds 200,000 but is less than 300,000, an annual allowance not exceeding \$1,500 to aldermen;

(b) where the population of a city exceeds 300,000, an annual allowance not exceeding \$1,800 to aldermen:

(c) in addition to the amounts set out in clauses *a* and *b*, an annual allowance not exceeding \$100 to each chairman of a standing committee and to the chairman of the court of revision and of the local board of health;

(d) in the case of any other municipality, such annual allowance as may be approved by the Department.

24. Section 421 of *The Municipal Act* is amended by re-lettering clause *a* as clause *aa* and by adding thereto the following clause: Rev. Stat., c. 243, s. 421, amended

(a) in the case of a city having a population of not less than 500,000—\$50,000.

25. Form 10 to *The Municipal Act* is amended by striking out the words "whose name is entered on the last revised" Rev. Stat., c. 243, Form 10, amended

assessment roll has been in error” in the two lines immediately following the frame of columns and inserting in lieu thereof the words “has been”.

1951
expenditures
on enter-
tainment,
etc.

26. For the purposes of expenditures in the year 1951 made under section 421 of *The Municipal Act*, a municipality shall be deemed to have had the authority to expend twice the amount authorized for such municipality under that section.

Commence-
ment

27.—(1) This Act, except sections 9, 10, 22, 23 and 24, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 9, 22 and 23 shall be deemed to have come into force on the 1st day of January, 1952.

Idem

(3) Section 10 comes into force on the 1st day of June, 1952.

Idem

(4) Section 24 shall be deemed to have come into force on the 1st day of January, 1951.

Short title

28. This Act may be cited as *The Municipal Amendment Act, 1952*.





BILL

An Act to amend The Municipal Act

1st Reading

March 18th, 1952

2nd Reading

March 28th, 1952

3rd Reading

April 9th, 1952

MR. DUNBAR

No. 93

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Dower Act

MR. PORTER

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

EXPLANATORY NOTES

SECTION 1. Under section 13 of the Act at present an application to dispense with the consent of the wife to a sale or mortgage of land can be made only where the wife has been living apart from the husband under such circumstances as disentitle her to alimony, and where the wife is of unsound mind and confined as such in a hospital.

The section is amended so that such an application may be made,

- (i) in any case where the husband and wife are living apart;
- (ii) where the wife has not lived in Ontario since the marriage;
- (iii) where the whereabouts of the wife is unknown; and
- (iv) where the wife is of unsound mind and confined as such in a hospital.

A further amendment permits an application to the county or district court of the county or district in which the land is situate. The application is presently limited to the county or district where the owner resides. The judge is also empowered to dispense with personal service where the wife has not lived in Ontario since the marriage.

BILL

An Act to amend The Dower Act

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

1. Subsections 1, 2 and 3 of section 13 of *The Dower Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 109, s. 13,
subss. 1-3,
re-enacted

- (1) An owner of land, who is married and wishes to sell or mortgage the land free from dower and cannot obtain the concurrence of his wife for the purpose of barring her dower, may in any case where,
- Application
to dispense
with consent
- (a) he and his wife are living apart; or
 - (b) his wife has not lived in Ontario since the marriage; or
 - (c) the whereabouts of his wife is unknown; or
 - (d) his wife is of unsound mind and confined as such in a hospital for mentally ill, mentally defective or epileptic persons,

apply to a judge of the Supreme Court or to a judge of the county or district court of the county or district in which the owner resides or the land is situate for an order dispensing with such concurrence.

- (2) The judge may, by order made in a summary way, upon such evidence as to him seems proper and upon notice to be served personally, dispense with the concurrence of the wife for the purpose of barring her dower.
- Order
- (3) Where the judge is satisfied that the wife has not lived in Ontario since the marriage or that for any reason notice cannot be served personally, the order
- Notice

may be made after notice has been served upon the Public Trustee and in such other manner as the judge may direct.

Terms and conditions in order

- (3a) The judge shall, unless the wife has been living apart from the husband under such circumstances as disentitle her to dower, ascertain and state in the order the value of the dower and shall by the order direct that the amount thereof shall be paid into court or shall remain a charge upon the land or be secured otherwise for the benefit of the wife or be paid or applied for her benefit as he may deem best.

Rev. Stat., c. 109, s. 15, re-enacted

- 2.** Section 15 of *The Dower Act* is repealed and the following substituted therefor:

Subsequent orders

15. Where a judge makes an order under section 13 or 14 with reference to a parcel of land, he may afterwards make orders in respect of other sales or mortgages by the husband on the evidence adduced on the first application and on such further evidence as satisfies him that the circumstances under which he made the original order still exist.

Rev. Stat., c. 109, s. 17, subs. 1, re-enacted

- 3.** Subsection 1 of section 17 of *The Dower Act* is repealed and the following substituted therefor:

Application by purchaser or mortgagee

- (1) Where an owner of land, being at the time married, sells and conveys or has sold and conveyed, or mortgages or has mortgaged the land, his wife not having joined in the conveyance or mortgage and the purchaser or mortgagee not having had notice that the grantor or mortgagor had a wife living at the time, the purchaser or mortgagee may, if any of the circumstances set out in clauses *a* to *d* of subsection 1 of section 13 existed at the time of the conveyance or mortgage, apply during the lifetime of the grantor or mortgagor to a judge of the Supreme Court or to a judge of the county or district court of the county or district in which he resides or the land is situate, for an order enabling him to convey or mortgage the land free from the dower of the wife, and the order may be obtained subject to the like conditions and by the like proceedings as are provided by section 13.

Short title

- 4.** This Act may be cited as *The Dower Amendment Act, 1952*.

SECTION 2. Section 15 is rewritten to make it clear that a judge may make subsequent orders, in respect of other lands, on the evidence adduced on the original application and such further evidence as he requires that the circumstances still exist. Under the present section there is an indication that the section applies only where the wife is of unsound mind.

SECTION 3. Section 17 of the Act gives an innocent purchaser or mortgagee, who has purchased or taken a mortgage on land not knowing the owner was married, a right to apply for an order under section 13 if the husband and wife had been living apart for five years at the time of the sale or mortgage. The section as re-written will give the purchaser or mortgagee the right to apply where any of the circumstances set out in subsection 1 of section 13 existed at the time of the sale or mortgage.





BILL

An Act to amend The Dower Act

1st Reading

March 19th, 1952

2nd Reading

3rd Reading

MR. PORTER

No. 93

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Dower Act

MR. PORTER

(Reprinted as amended by the Committee on Legal Bills)

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

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. Under section 13 of the Act at present an application to dispense with the consent of the wife to a sale or mortgage of land can be made only where the wife has been living apart from the husband under such circumstances as disentitle her to alimony, and where the wife is of unsound mind and confined as such in a hospital.

The section is amended so that such an application may be made,

- (i) in any case where the husband and wife are living apart;
- (ii) where the whereabouts of the wife is unknown; and
- (iii) where the wife is of unsound mind and confined as such in a hospital.

A further amendment permits an application to the county or district court of the county or district in which the land is situate. The application is presently limited to the county or district where the owner resides.

BILL

An Act to amend The Dower Act

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

1. Section 12 of *The Dower Act* is amended by adding thereto the following subsection: Rev. Stat. c. 109, s. 12, amended

(2) A person whose wife has not lived in Ontario since their marriage may sell and convey or mortgage any land freed and discharged of any claim of his wife for dower therein. Idem

2. Subsections 1, 2 and 3 of section 13 of *The Dower Act* are repealed and the following substituted therefor: Rev. Stat., c. 109, s. 13, subss. 1-3, re-enacted

(1) An owner of land, who is married and wishes to sell or mortgage the land free from dower, may in any case where, Application to dispense with consent

(a) he and his wife are living apart; or

(b) the whereabouts of his wife is unknown; or

(c) his wife is of unsound mind and confined as such in a hospital for mentally ill, mentally defective or epileptic persons,

apply to a judge of the Supreme Court or to a judge of the county or district court of the county or district in which the owner resides or the land is situate for an order dispensing with the concurrence of his wife for the purpose of barring her dower.

(2) The judge may, by order made in a summary way, upon such evidence as to him seems proper and upon notice to be served personally, dispense with the concurrence of the wife for the purpose of barring her dower. Order

Notice

- (3) Where the judge is satisfied that for any reason notice cannot be served personally, the order may be made after notice has been served upon the Public Trustee and in such other manner as the judge may direct.

Terms and conditions in order

- (3a) The judge may make the order without imposing any conditions or he may, unless the wife has been living apart from the husband under such circumstances as disentitle her to dower, ascertain and state in the order the value of the dower and shall by the order direct that the amount thereof shall be paid into court or shall remain a charge upon the land or be secured otherwise for the benefit of the wife or be paid or applied for her benefit as he may deem best.

Rev. Stat., c. 109, s. 15, re-enacted

- 3.** Section 15 of *The Dower Act* is repealed and the following substituted therefor:

Subsequent orders

15. Where a judge makes an order under section 13 or 14 with reference to a parcel of land, he may afterwards make orders in respect of other sales or mortgages by the husband on the evidence adduced on the first application and on such further evidence as satisfies him that the circumstances under which he made the original order still exist.

Rev. Stat., c. 109, s. 17, subs. 1, re-enacted

- 4.** Subsection 1 of section 17 of *The Dower Act* is repealed and the following substituted therefor:

Application by purchaser or mortgagee

- (1) Where an owner of land, being at the time married, sells and conveys or has sold and conveyed, or mortgages or has mortgaged the land, his wife not having joined in the conveyance or mortgage and the purchaser or mortgagee not having had notice that the grantor or mortgagor had a wife living at the time, the purchaser or mortgagee may, if any of the circumstances set out in clauses *a* to *c* of subsection 1 of section 13 existed at the time of the conveyance or mortgage, apply during the lifetime of the grantor or mortgagor to a judge of the Supreme Court or to a judge of the county or district court of the county or district in which he resides or the land is situate, for an order enabling him to convey or mortgage the land free from the dower of the wife, and the order may be obtained subject to the like conditions and by the like proceedings as are provided by section 13.

Short title

- 5.** This Act may be cited as *The Dower Amendment Act, 1952*.

SECTION 3. Section 15 is rewritten to make it clear that a judge may make subsequent orders, in respect of other lands, on the evidence adduced on the original application and such further evidence as he requires that the circumstances still exist. Under the present section there is an indication that the section applies only where the wife is of unsound mind.

SECTION 4. Section 17 of the Act gives an innocent purchaser or mortgagee, who has purchased or taken a mortgage on land not knowing the owner was married, a right to apply for an order under section 13 if the husband and wife had been living apart for five years at the time of the sale or mortgage. The section as re-written will give the purchaser or mortgagee the right to apply where any of the circumstances set out in subsection 1 of section 13 existed at the time of the sale or mortgage.



BILL

An Act to amend The Dower Act

1st Reading

March 19th, 1952

2nd Reading

March 25th, 1952

3rd Reading

MR. PORTER

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

No. 93

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Dower Act

MR. PORTER

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



BILL

An Act to amend The Dower Act

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

1. Section 12 of *The Dower Act* is amended by adding thereto the following subsection: Rev. Stat. c. 109, s. 12, amended

(2) A person whose wife has not lived in Ontario since their marriage may sell and convey or mortgage any land freed and discharged of any claim of his wife for dower therein. Idem

2. Subsections 1, 2 and 3 of section 13 of *The Dower Act* are repealed and the following substituted therefor: Rev. Stat., c. 109, s. 13, subss. 1-3, re-enacted

(1) An owner of land, who is married and wishes to sell or mortgage the land free from dower, may in any case where, Application to dispense with consent

(a) he and his wife are living apart; or

(b) the whereabouts of his wife is unknown; or

(c) his wife is of unsound mind and confined as such in a hospital for mentally ill, mentally defective or epileptic persons,

apply to a judge of the Supreme Court or to a judge of the county or district court of the county or district in which the owner resides or the land is situate for an order dispensing with the concurrence of his wife for the purpose of barring her dower.

(2) The judge may, by order made in a summary way, upon such evidence as to him seems proper and upon notice to be served personally, dispense with the concurrence of the wife for the purpose of barring her dower. Order

Notice

- (3) Where the judge is satisfied that for any reason notice cannot be served personally, the order may be made after notice has been served upon the Public Trustee and in such other manner as the judge may direct.

Terms and conditions in order

- (3a) The judge may make the order without imposing any conditions or he may, unless the wife has been living apart from the husband under such circumstances as disentitle her to dower, ascertain and state in the order the value of the dower and shall by the order direct that the amount thereof shall be paid into court or shall remain a charge upon the land or be secured otherwise for the benefit of the wife or be paid or applied for her benefit as he may deem best.

Rev. Stat., c. 109, s. 15, re-enacted

3. Section 15 of *The Dower Act* is repealed and the following substituted therefor:

Subsequent orders

15. Where a judge makes an order under section 13 or 14 with reference to a parcel of land, he may afterwards make orders in respect of other sales or mortgages by the husband on the evidence adduced on the first application and on such further evidence as satisfies him that the circumstances under which he made the original order still exist.

Rev. Stat., c. 109, s. 17, subs. 1, re-enacted

4. Subsection 1 of section 17 of *The Dower Act* is repealed and the following substituted therefor:

Application by purchaser or mortgagee

- (1) Where an owner of land, being at the time married, sells and conveys or has sold and conveyed, or mortgages or has mortgaged the land, his wife not having joined in the conveyance or mortgage and the purchaser or mortgagee not having had notice that the grantor or mortgagor had a wife living at the time, the purchaser or mortgagee may, if any of the circumstances set out in clauses *a* to *c* of subsection 1 of section 13 existed at the time of the conveyance or mortgage, apply during the lifetime of the grantor or mortgagor to a judge of the Supreme Court or to a judge of the county or district court of the county or district in which he resides or the land is situate, for an order enabling him to convey or mortgage the land free from the dower of the wife, and the order may be obtained subject to the like conditions and by the like proceedings as are provided by section 13.

Short title

5. This Act may be cited as *The Dower Amendment Act, 1952*.







BILL

An Act to amend The Dower Act

1st Reading

March 19th, 1952

2nd Reading

March 25th, 1952

3rd Reading

April 9th, 1952

MR. PORTER

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

**An Act to amend The Housing
Development Act**

MR. GRIESINGER

EXPLANATORY NOTES

SECTION 1. The provisions of subsection 4 of section 6, and section 6*a* of the Act, dealing with municipal participation in and contributions to the government joint housing projects, are combined as a new subsection 4. Agreements will now be authorized between the province alone and the municipality as well as between the partnership and the municipality. The authority of municipalities to expend or contribute moneys to the project, and to issue debentures therefor, without reference to the Municipal Board or the electors, is clarified.

BILL

An Act to amend The Housing Development Act

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

1. Subsections 4 and 5 of section 6 of *The Housing Development Act* are repealed and the following substituted therefor: Rev. Stat., c. 174, s. 6, subss. 4, 5, re-enacted
- (4) Notwithstanding any other Act, the council of a municipality which enters into or has heretofore entered into an agreement with Her Majesty the Queen in right of Ontario, or with Her Majesty the Queen in right of Ontario and Central Mortgage and Housing Corporation, a corporation established by *The Central Mortgage and Housing Corporation Act* (Canada), pursuant to *The Housing Development Act, 1948* or this Act, shall be deemed to have and to have had authority to enter into such agreement and shall have all such powers as may be necessary to carry out the provisions thereof or of any undertaking given by such council pursuant thereto, and, without limiting the generality of the foregoing, such council may incur continuing obligations and make provisions for the discharge thereof and may contribute moneys to and expend moneys on joint housing projects and raise moneys therefor by the issue of debentures, all without the assent of the electors and without reference to the Ontario Municipal Board, and such council may apportion any debt or obligation arising out of such agreement in such manner as it may deem equitable against any properties, whether such properties form part of a project within the meaning of such agreement or are adjacent thereto, and such debt or obligation when so apportioned shall be deemed to be a land tax within the meaning of *The Assessment Act* and recoverable as such. Powers of municipalities under joint housing agreements
1945 (2nd Sess.), c. 15 (Can.), 1948, c. 44
Rev. Stat., c. 24

Payments
in lieu
of taxes

- (5) The Crown in right of Ontario may agree to pay annually to any municipality, in respect of any lands acquired for a joint housing project within the municipality, a sum of money calculated on any basis whatsoever but not in excess of the amount that in the opinion of the Minister of Municipal Affairs would have been payable to the municipality as taxes on such lands if they had not been exempt from taxation.

Tax exemp-
tion for
tenant-
occupied
lands

- (5a) Where an agreement under subsection 5 is in force in respect of land occupied by tenants, the land shall nevertheless be exempt from taxation, including local improvement rates.

Right to
vote not
affected

- (5b) The right to vote of such tenants shall not be affected by subsection 5a, and the assessment rolls and voters' lists shall be prepared in the usual manner as if subsection 5a had not been passed.

Rev. Stat.,
c. 174, s. 6a
(1951,
c. 37, s. 1),
re-enacted

2. Section 6a of *The Housing Development Act*, as enacted by section 1 of *The Housing Development Amendment Act, 1951*, is repealed and the following substituted therefor:

Acquisition
of land

- 6a.—(1) The Minister of Planning and Development may, for and in the name of Her Majesty in right of Ontario, acquire by purchase or otherwise, or without the consent of the owner enter upon, take and expropriate, any land he deems necessary for the purposes of a housing project under section 6.

Expropria-
tion

- (2) The Minister in the exercise of his powers to take land compulsorily shall have all the powers conferred by *The Public Works Act* on the Minister of Public Works in relation to a public work, and in the application of this section where the words "the Minister", "the Department" or "the Crown" appear in such Act, they shall, where the context permits, mean the Minister of Planning and Development.

Rev. Stat.,
c. 323

Procedure

- (3) The Minister of Planning and Development shall proceed in the manner provided by *The Public Works Act* where the Minister of Public Works enters upon, takes or uses land or property for the use of Ontario, and all the provisions of that Act, including the provisions as to compensation, shall apply *mutatis mutandis*.

Mode of
perfecting
title

- (4) Upon the deposit in the proper registry or land titles office of a plan and description of the land acquired

Subsection 5, dealing with payments by Ontario in lieu of taxes, is rewritten to provide for agreements in respect thereto on any basis, and to provide that the exemption from taxation continues although the land is occupied by tenants. The right of such tenants to vote is protected.

SECTION 2. By a new section 6*a* the Crown is authorized to appropriate land for a joint housing project.

A new section 6*b* is added authorizing the Crown to make an agreement with any corporation under which the latter will contribute to the cost of joint housing projects. The section further ensures that all corporations incorporated under Ontario law will have power to enter into and carry out such agreements.



by the Minister of Planning and Development, signed by him and by an Ontario land surveyor, the land so described shall thereupon vest in the Minister.

6b.—(1) The Crown in right of Ontario may enter into an agreement with any corporation under which the corporation will contribute moneys to any joint housing project being carried out under section 6.

(2) Any corporation incorporated under the laws of Ontario shall have power to enter into and carry out such agreement.

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

4. This Act may be cited as *The Housing Development Amendment Act, 1952*.

BILL

An Act to amend The Housing
Development Act

1st Reading

March 19th, 1952

2nd Reading

3rd Reading

MR. GRIESINGER

No. 94

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

**An Act to amend The Housing
Development Act**

MR. GRIESINGER



BILL

An Act to amend The Housing Development Act

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

1. Subsections 4 and 5 of section 6 of *The Housing Development Act* are repealed and the following substituted therefor: Rev. Stat., c. 174, s. 6, subss. 4, 5, re-enacted

(4) Notwithstanding any other Act, the council of a municipality which enters into or has heretofore entered into an agreement with Her Majesty the Queen in right of Ontario, or with Her Majesty the Queen in right of Ontario and Central Mortgage and Housing Corporation, a corporation established by *The Central Mortgage and Housing Corporation Act* (Canada), pursuant to *The Housing Development Act, 1948* or this Act, shall be deemed to have and to have had authority to enter into such agreement and shall have all such powers as may be necessary to carry out the provisions thereof or of any undertaking given by such council pursuant thereto, and, without limiting the generality of the foregoing, such council may incur continuing obligations and make provisions for the discharge thereof and may contribute moneys to and expend moneys on joint housing projects and raise moneys therefor by the issue of debentures, all without the assent of the electors and without reference to the Ontario Municipal Board, and such council may apportion any debt or obligation arising out of such agreement in such manner as it may deem equitable against any properties, whether such properties form part of a project within the meaning of such agreement or are adjacent thereto, and such debt or obligation when so apportioned shall be deemed to be a land tax within the meaning of *The Assessment Act* and recoverable as such. Powers of municipalities under joint housing agreements 1945 (2nd Sess.), c. 15 (Can.) 1948, c. 44 Rev. Stat., c. 24

Payments
in lieu
of taxes

- (5) The Crown in right of Ontario may agree to pay annually to any municipality, in respect of any lands acquired for a joint housing project within the municipality, a sum of money calculated on any basis whatsoever but not in excess of the amount that in the opinion of the Minister of Municipal Affairs would have been payable to the municipality as taxes on such lands if they had not been exempt from taxation.

Tax exemp-
tion for
tenant-
occupied
lands

- (5a) Where an agreement under subsection 5 is in force in respect of land occupied by tenants, the land shall nevertheless be exempt from taxation, including local improvement rates.

Right to
vote not
affected

- (5b) The right to vote of such tenants shall not be affected by subsection 5a, and the assessment rolls and voters' lists shall be prepared in the usual manner as if subsection 5a had not been passed.

Rev. Stat.,
c. 174, s. 6a
(1951,
c. 37, s. 1),
re-enacted

2. Section 6a of *The Housing Development Act*, as enacted by section 1 of *The Housing Development Amendment Act, 1951*, is repealed and the following substituted therefor:

Acquisition
of land

- 6a.—(1) The Minister of Planning and Development may, for and in the name of Her Majesty in right of Ontario, acquire by purchase or otherwise, or without the consent of the owner enter upon, take and expropriate, any land he deems necessary for the purposes of a housing project under section 6.

Expropria-
tion

Rev. Stat.,
c. 323

- (2) The Minister in the exercise of his powers to take land compulsorily shall have all the powers conferred by *The Public Works Act* on the Minister of Public Works in relation to a public work, and in the application of this section where the words "the Minister", "the Department" or "the Crown" appear in such Act, they shall, where the context permits, mean the Minister of Planning and Development.

Procedure

- (3) The Minister of Planning and Development shall proceed in the manner provided by *The Public Works Act* where the Minister of Public Works enters upon, takes or uses land or property for the use of Ontario, and all the provisions of that Act, including the provisions as to compensation, shall apply *mutatis mutandis*.

Mode of
perfecting
title

- (4) Upon the deposit in the proper registry or land titles office of a plan and description of the land acquired

by the Minister of Planning and Development, signed by him and by an Ontario land surveyor, the land so described shall thereupon vest in the Minister.

6b.—(1) The Crown in right of Ontario may enter into an agreement with any corporation under which the corporation will contribute moneys to any joint housing project being carried out under section 6.

(2) Any corporation incorporated under the laws of Ontario shall have power to enter into and carry out such agreement.

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

4. This Act may be cited as *The Housing Development Amendment Act, 1952*.





BILL

An Act to amend The Housing
Development Act

1st Reading

March 19th, 1952

2nd Reading

April 8th, 1952

3rd Reading

April 10th, 1952

MR. GRIESINGER

No. 95

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Planning Act

MR. GRIESINGER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTES

SECTION 1. The definition of "housing project" is rewritten to ensure that land assembly projects are included.

SECTION 2. The provisions regarding the establishment of municipal planning areas are rewritten to authorize their creation by the Minister on his own initiative and also to clarify the composition of the areas.

BILL

An Act to amend The Planning Act

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

1. Clause *c* of section 1 of *The Planning Act* is repealed and the following substituted therefor: Rev. Stat., c. 277, s. 1, cl. *c*, re-enacted

(*c*) "housing project" means a project designed to provide housing accommodation, or to facilitate in any way the provision of housing accommodation, with or without any public space, recreational facilities and commercial space or buildings appropriate thereto.

2. Subsections 1, 2 and 3 of section 2 of *The Planning Act* are repealed and the following substituted therefor: Rev. Stat., c. 277, s. 2, subss. 1-3, re-enacted

(1) The Minister, upon the application of the council of a municipality or the councils of two or more municipalities, or upon his own initiative where in his opinion it is in the interest of any area, may define and name a planning area. Establishment of planning areas

(2) The planning area shall consist of one municipality or of such municipalities and parts of municipalities as in the opinion of the Minister constitute a complete planning unit having regard to the purposes for which the planning area is defined, and the Minister may include in the area any territory without municipal organization that adjoins a municipality or part of a municipality included in the planning area. Constitution of area

(3) Where the planning area includes more than one municipality, the Minister shall designate the municipality that shall formulate the official plan, and may designate the scope and general purpose thereof. Designated municipality

Rev. Stat.,
c. 277, s. 3,
amended

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

Where
unorganized
territory

- (2) Where the planning area consists of one municipality and territory without municipal organization, the appointment of the planning board shall be subject to the approval of the Minister.

Rev. Stat.,
c. 277,
amended

4. *The Planning Act* is amended by adding thereto the following sections:

Planning
area in
unorganized
territory

- 4a. The Minister may define and name a planning area consisting of territory without municipal organization and may appoint a planning board for the area.

Dissolution
or altera-
tion of
planning
area

- 4b. The Minister may dissolve or alter the boundaries of any planning area, but where an official plan is in effect in the area it shall remain in effect, notwithstanding the dissolution or alteration, until altered in accordance with this Act.

Rev. Stat.,
c. 277, s. 5,
re-enacted

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

Special
provisions

5. Notwithstanding anything in this Act, the Minister may, in order to suit the special needs of any planning area, vary the constitution of the board, the procedures by which it is appointed and the manner in which it is to function, and may make special provisions relating to the adoption and approval of the official plan of the planning area.

Rev. Stat.,
c. 277, s. 7,
re-enacted

6. Section 7 of *The Planning Act* is repealed and the following substituted therefor:

Finances

- 7.—(1) Where the planning area consists of one municipality or of one municipality and territory without municipal organization, the planning board shall submit annually to the council an estimate of its financial requirements for the year and the council may amend such estimate and shall pay to the secretary-treasurer of the board out of the moneys appropriated for the board such amounts as may be requisitioned from time to time.

Estimates

- (2) Where the planning area consists of more than one municipality, the planning board shall submit its estimates to the council of each municipality included in the area, and shall submit with the estimates a statement as to the proportion thereof to be chargeable to each of the municipalities.

Approval

- (3) If the estimates are approved, or are amended and approved, by the councils of municipalities in the

SECTION 3. Self-explanatory.

SECTION 4. Self-explanatory.

SECTION 5. The Minister's authority to make special rules in relation to the planning board of an unusual planning area is extended to permit special rules relating to the adoption of the official plan of the area.

SECTION 6. The provisions relating to the financing of planning boards are rewritten so as to ensure that the municipalities in the area will contribute their fair shares of the financial requirements of a planning board.



area representing more than one-half of the population of the area, the estimates shall be binding on all the municipalities in the area.

- (4) After the estimates have been approved as provided ^{Notice} in subsection 3, the planning board shall so notify each municipality in the area, and shall notify each municipality of the total approved estimates and the amount thereof chargeable to it, based on the apportionment set out in the statement submitted under subsection 1.
- (5) If the council of any municipality is not satisfied ^{Where apportionment unsatisfactory} with the apportionment, it may, within fifteen days after receiving the notice under subsection 4, notify the planning board and the secretary of the Ontario Municipal Board that it desires the apportionment to be made by the Ontario Municipal Board.
- (6) The Ontario Municipal Board shall hold a hearing ^{Power of Municipal Board} and determine the apportionment and its decision shall be final.
- (7) Each municipality shall pay to the secretary- ^{Payments} treasurer of the planning board such amounts as may be requisitioned from time to time up to the amount determined by the planning board under subsection 4 or by the Ontario Municipal Board under subsection 6, as the case may be.
- (8) Where a planning area includes all or a majority of ^{County acting on behalf of its municipalities} the municipalities forming part of a county for municipal purposes and one or more separated municipalities, the Minister may, for the purposes of this section, authorize the council of the county to act on behalf of the municipalities included in the area and forming part of the county for municipal purposes, and in that case the estimates and the statement of the apportionment shall be submitted only to the councils of the county and of each separated municipality in the area, and the apportionment shall be made between the county and such municipalities, and subsections 1 to 7 shall apply *mutatis mutandis* except that the estimates must be approved by the councils of the county and of each separated municipality.
- (9) Where a county is chargeable under subsection 8, ^{Recovery by county} it shall recover its payments as part of the county rates from the municipalities on behalf of which it acts in the manner provided in section 91 of *The* ^{Rev. Stat., c. 24} *Assessment Act*.

Grants,
municipal,

7a.—(1) Any municipality within or partly within the planning area may make grants of money to the planning board.

county

(2) The county in which a planning area or part thereof is situate may make grants of money to the planning board.

Rev. Stat.,
c. 277, s. 15,
re-enacted

7. Section 15 of *The Planning Act* is repealed and the following substituted therefor:

Committee
of adjust-
ment

15.—(1) Where an official plan is implemented by one or more by-laws, the planning board of the municipality that passed the by-law or by-laws may constitute itself or not less than three of its members as a committee of adjustment, except where the council constitutes such a committee composed of such persons, not less than three in number, as the council, subject to the approval of the Minister, deems advisable.

Disquali-
fication

(2) Except where the planning board is the committee of adjustment, no member of the council of the municipality and no employee of the municipality or of a local board thereof shall be eligible to be a member of the committee of adjustment, whether it is constituted by the planning board or the council.

Term of
office

(3) Where the committee is constituted by the planning board, the members shall remain in office during the pleasure of the planning board.

Idem

(4) Where the committee is constituted by the council, the members shall hold office for three years, provided that on the first appointment the council shall designate members who shall hold office,

(a) until the 1st day of January of the year following the date of appointment;

(b) until the 1st day of January of the second year following the date of appointment; and

(c) until the 1st day of January of the third year following the date of appointment,

respectively, so that as nearly as possible one-third of the members shall retire each year.

Reappoint-
ment

(5) The members shall hold office until their successors are appointed and approved, and shall be eligible for reappointment.

SECTION 7. The provisions establishing committees of adjustment are rewritten, primarily to define more clearly the functions and powers of such committees, to provide for continuity of membership, and to provide for appeals in all cases from their decisions.



- (6) Where a member ceases to be a member before the ^{Vacancies} expiration of his term, the council, with the approval of the Minister, shall appoint another eligible person for the unexpired portion of the term.
- (7) A majority of the members shall constitute a quorum. ^{Quorum}
- (8) The members of a committee shall elect one of ^{Chairman} themselves as chairman, and when the chairman is absent, through illness or otherwise, the committee may appoint another member to act as chairman *pro tempore*.
- (9) The committee shall appoint a secretary-treasurer ^{Employees} who may be a member of the committee, and may engage such employees and consultants as is deemed expedient, within the limits of the moneys appropriated for the purpose.
- (10) The members of the committee shall be paid such ^{Remuneration} compensation as the council may provide.
- (11) The secretary-treasurer shall keep on file in his ^{Filing of documents, etc.} office minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 234 of *The Municipal Act* shall apply, *mutatis mutandis*, to such documents. ^{Rev. Stat., c. 243}
- (12) The committee, subject to the approval of the ^{Rules} Minister, may adopt such general rules and rules of procedure as it deems necessary.
- 15a.—(1) The committee, upon the application of the ^{Powers of committee, general} owner of any land, building or structure affected by any by-law that implements an official plan, may, notwithstanding any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, provided that in the opinion of the committee the general intent and purpose of the by-law and of the official plan is maintained.
- (2) In addition to its powers under subsection 1, the ^{special} committee, upon any such application,
- (a) where any land, building or structure, on the day the by-law was passed, was used for a purpose prohibited by the by-law, may permit,

- (i) the enlargement or extension of the building or structure, provided that the land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day the by-law was passed, and provided that no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or
- (ii) the use of such land, building or structure for a purpose which, in the opinion of the committee, conforms more closely to the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, provided that the land, building or structure continues to be used in the same manner and for the same purpose as is authorized by the decision of the committee;

(b) where the land, building or structure adjoins any area in which the permitted uses differ from those permitted in the area in which it is situate, may permit the extension or enlargement, into the adjoining area, of the land, building or structure to such an extent as, in the opinion of the committee, is in keeping with the general intent and purpose of the by-law and of the official plan; or

(c) where the uses of land, building or structure permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose which, in the opinion of the committee, conforms with the uses permitted in the by-law.

Time for hearing

- (3) The hearing on any application shall be held within thirty days after the application is received by the secretary-treasurer.

Notice of hearing

- (4) The committee, before hearing an application, shall give notice thereof in such manner and to such persons as the committee deems proper.

- (5) The committee may require that a fee of not more than \$25 be paid on every application. Fees
- (6) The hearing of every application shall be held in public and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision. Hearing
- (7) The chairman, or in his absence the acting chairman, may administer oaths. Oaths
- (8) No decision of the committee on an application shall be valid unless it is concurred in by a majority of all the members of the committee, and the decision of the committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for its decision, and shall be signed by the members who concur in the decision. Decision
- (9) Any authority or permission granted by the committee may be for such time and subject to such terms and conditions as the committee may deem advisable and as are set out in the decision. Conditions in decision
- (10) Two copies of the decision, certified by the secretary-treasurer, shall be sent to the Minister, and one copy so certified shall be sent by registered mail to the applicant and to each person who appeared in person or by counsel at the hearing and requested notice of the decision, together with a notice of the last day for appealing to the Ontario Municipal Board. Notice of decision
- (11) The applicant or any person who has an interest in the matter may appeal to the Ontario Municipal Board against the decision of the committee by sending notice of appeal by registered mail to the Minister and the secretary of the Ontario Municipal Board within fourteen days after the sending of the notice under subsection 10. Appeal
- (12) If within such fourteen days no notice of appeal is given, the Minister may approve the decision or may refer the matter to the Ontario Municipal Board. Approval or reference to Municipal Board
- (13) On an appeal to the Ontario Municipal Board under subsection 11 the Board shall, or on a reference to the Board under subsection 12 the Board may, hold a hearing. Powers of Municipal Board

- Idem (14) The Ontario Municipal Board may dismiss any appeal, and on any appeal or reference the Board may make any decision that the committee of adjustment could have made on the original application.
- Costs (15) The costs on the appeal or reference shall be in the discretion of the Ontario Municipal Board.
- Notice (16) When the Minister approves of the decision of the committee, he shall so notify the committee.
- Idem (17) When the Ontario Municipal Board makes an order on an appeal or reference, the secretary of the Board shall send a copy thereof to the committee.
- Idem (18) The secretary-treasurer shall send to the applicant a notice of the approval of the committee's decision by the Minister, or in the event of an appeal or reference shall send to the applicant a copy of the Ontario Municipal Board's order thereon, and shall file with the clerk of the municipality a copy of the approved decision or of the order, as the case may be.
- Effect of decision or order (19) The decision of the committee when approved by the Minister, or the decision of the Ontario Municipal Board on an appeal or reference, shall be final and binding.

Rev. Stat.,
c. 277,
amended

8. *The Planning Act* is amended by adding thereto the following section:

Interpre-
tation

16a.—(1) In this section,

- (a) "redevelopment" means the planning or re-planning, design or redesign, clearance, development, reconstruction and rehabilitation, or any of them, of a redevelopment area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary;
- (b) "redevelopment area" means an area within a municipality, the redevelopment of which in the opinion of the council is desirable because of age, dilapidation, over-crowding, faulty arrangement, unsuitability of buildings or for any other reason;
- (c) "redevelopment plan" means a general scheme, including supporting maps and texts,

SECTION 8. A new section is added to the Act to give municipalities powers in relation to the redevelopment of areas.



approved by the Ontario Municipal Board for the redevelopment of a redevelopment area.

- (2) The council of a municipality which has an official ^{Designation of redevelopment area} plan may, with the approval of the Minister, by by-law designate an area within the city as a redevelopment area.
- (3) When a by-law has been passed and approved under ^{Acquisition and clearance of land} subsection 2, the municipality, with the approval of the Minister, may,
- (a) acquire land within the redevelopment area;
 - (b) hold land acquired before or after the passing of the by-law within the redevelopment area; and
 - (c) clear or otherwise prepare the land for redevelopment.
- (4) When a by-law has been passed and approved under ^{Adoption of redevelopment plan} subsection 2, the council, with the approval of the Ontario Municipal Board, may by by-law adopt a redevelopment plan for the redevelopment area.
- (5) No redevelopment plan shall be approved by the ^{Conformity to official plan} Ontario Municipal Board unless it conforms with the official plan.
- (6) A redevelopment plan adopted and approved under ^{Amendment} subsection 4 may be amended by by-law with the approval of the Ontario Municipal Board.
- (7) For the purpose of carrying out the redevelopment ^{Powers of council re land} plan, the municipality, with the approval of the Minister, may,
- (a) construct buildings on land acquired or held by it in the redevelopment area in conformity with the redevelopment plan, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto;
 - (b) sell, lease or otherwise dispose of any land acquired or held by it in the redevelopment area to any person or governmental authority for use in conformity with the redevelopment plan.

Conditions
of sale,
etc.

Rev. Stat.,
c. 243

- (8) Until a by-law or amending by-law passed under section 390 of *The Municipal Act* after the adoption of the redevelopment plan is in force in the redevelopment area, no land acquired, and no building constructed, by the municipality in the redevelopment area shall be sold, leased or otherwise disposed of unless the person or authority to whom it is disposed of agrees with the municipality that he will keep and maintain the land and building and the use thereof in conformity with the redevelopment plan until such a by-law or amending by-law is in force; but the municipality may, with the approval of the Minister, during the period of the development of the plan, lease any land or any building or part thereof in the area for any purpose, whether or not in conformity with the redevelopment plan, for a term of not more than three years at any one time.

Debentures

Rev. Stat.,
c. 243

- (9) Notwithstanding subsection 2 of section 298 of *The Municipal Act*, debentures issued by the municipality for the purpose of this section may be for such term of years as the debenture by-law, with the approval of the Ontario Municipal Board, provides.

Rev. Stat.,
c. 277, s. 24,
amended

- 9.** Section 24 of *The Planning Act* is amended by adding thereto the following subsection:

Notice

- (2a) Where land within a registered plan of subdivision is deemed under the by-law not to be within a registered plan of subdivision, the clerk of the municipality shall, within ten days after the by-law is passed, send notice of the passing of the by-law by registered mail to the last-known address of each person appearing by the last revised assessment roll to be the owner of any of such land.

Rev. Stat.,
c. 277, s. 25,
amended

- 10.** Section 25 of *The Planning Act*, as amended by section 4 of *The Planning Amendment Act, 1951*, is further amended by adding thereto the following subsection:

Revocation
or amend-
ment

- (1b) The Minister may, by order, revoke or amend any order made under subsection 1.

Rev. Stat.,
c. 277, s. 26,
subs. 5,
amended

- 11.—(1)** Subsection 5 of section 26 of *The Planning Act* is amended by inserting after the word "be" in the fourth line the words "conveyed to the municipality or if the land is not in a municipality shall be", so that the subsection shall read as follows:

SECTION 9. In a subdivision control by-law under which sale of land is prohibited unless in accordance with a registered plan of subdivision, or unless certain other circumstances exist, the council may designate land which, although within a registered plan of subdivision, is deemed not to be within such a plan for the purposes of the by-law. A new subsection is added to require the owners of such land to be notified of the passing of the by-law.

SECTION 10. Under section 25 of the Act the Minister is authorized to make orders having the same effect as restricted area by-laws and subdivision control by-laws. The amendment makes it clear that he can revoke or amend such orders.

SECTION 11. At present under section 26, the Minister can require a subdivider to dedicate up to five per cent of the land in the subdivision for public purposes. The amendments will authorize alternative arrangements in certain circumstances so as to make the provisions more workable and clear.



(5) The Minister may impose as a condition to the approval of a plan of subdivision that land to an amount determined by the Minister but not exceeding five per cent of the land included in the plan shall be conveyed to the municipality or if the land is not in a municipality shall be dedicated for public purposes, other than highways, and that highways shall be dedicated adequate for the needs of the subdivision, and when the subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to a width of not more than 43 feet, or in the case of the King's Highway 50 feet, from the centre line of the highway as originally established.

Dedication
of land
for public
and highway
purposes

(2) The said section 26 is amended by adding thereto the following subsections:

Rev. Stat.,
c. 277, s. 26,
amended

(5a) Where the land is in a municipality and an official plan, indicating the amount and location of the land to be ultimately provided for public purposes, is in effect in the municipality, the Minister may authorize, in lieu of the conveyance required under subsection 5, the payment to the municipality of a sum of money not exceeding the value of five per cent of the land included in the subdivision.

Cash pay-
ment in
lieu of
conveyance

(5b) Land conveyed to a municipality under subsection 5 shall be held and used by the municipality for public purposes, but may be sold with the approval of the Minister.

Use and
sale of
land

(5c) All moneys received by the municipality under subsection 5a, and all moneys received on the sale of land under subsection 5b, shall be paid into a special account and shall be expended only for the purchase, with the approval of the Minister, of land to be held and used by the municipality for public purposes.

Special
account

(5d) The Minister may refer any application for his approval of the sale or purchase of land under subsection 5b or 5c respectively to the Ontario Municipal Board, in which case the approval of the Board shall have the same effect as if it were the approval of the Minister, and the decision of the Board shall be final.

Reference
to Municipal
Board

12.—(1) This Act, except section 6, comes into force on the 1st day of May, 1952.

Commence-
ment

Idem

(2) Section 6 comes into force on the 1st day of January, 1953.

Short
title

13. This Act may be cited as *The Planning Amendment Act, 1952*.

BILL

An Act to amend The Planning Act

1st Reading

March 19th, 1952

2nd Reading

3rd Reading

MR. GRIESINGER

No. 95

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Planning Act

MR. GRIESINGER

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



BILL

An Act to amend The Planning Act

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

1. Clause *c* of section 1 of *The Planning Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 277, s. 1,
cl. *c*,
re-enacted

 - (c) "housing project" means a project designed to provide housing accommodation, or to facilitate in any way the provision of housing accommodation, with or without any public space, recreational facilities and commercial space or buildings appropriate thereto.

2. Subsections 1, 2 and 3 of section 2 of *The Planning Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 277, s. 2,
subss. 1-3,
re-enacted

 - (1) The Minister, upon the application of the council of a municipality or the councils of two or more municipalities, or upon his own initiative where in his opinion it is in the interest of any area, may define and name a planning area.

Establishment of
planning
areas

 - (2) The planning area shall consist of one municipality or of such municipalities and parts of municipalities as in the opinion of the Minister constitute a complete planning unit having regard to the purposes for which the planning area is defined, and the Minister may include in the area any territory without municipal organization that adjoins a municipality or part of a municipality included in the planning area.

Constitution of
area

 - (3) Where the planning area includes more than one municipality, the Minister shall designate the municipality that shall formulate the official plan, and may designate the scope and general purpose thereof.

Designated
municipality

Rev. Stat.,
c. 277, s. 3,
amended

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

Where
unorganized
territory

- (2) Where the planning area consists of one municipality and territory without municipal organization, the appointment of the planning board shall be subject to the approval of the Minister.

Rev. Stat.,
c. 277,
amended

4. *The Planning Act* is amended by adding thereto the following sections:

Planning
area in
unorganized
territory

- 4a. The Minister may define and name a planning area consisting of territory without municipal organization and may appoint a planning board for the area.

Dissolution
or altera-
tion of
planning
area

- 4b. The Minister may dissolve or alter the boundaries of any planning area, but where an official plan is in effect in the area it shall remain in effect, notwithstanding the dissolution or alteration, until altered in accordance with this Act.

Rev. Stat.,
c. 277, s. 5,
re-enacted

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

Special
provisions

5. Notwithstanding anything in this Act, the Minister may, in order to suit the special needs of any planning area, vary the constitution of the board, the procedures by which it is appointed and the manner in which it is to function, and may make special provisions relating to the adoption and approval of the official plan of the planning area.

Rev. Stat.,
c. 277, s. 7,
re-enacted

6. Section 7 of *The Planning Act* is repealed and the following substituted therefor:

Finances

- 7.—(1) Where the planning area consists of one municipality or of one municipality and territory without municipal organization, the planning board shall submit annually to the council an estimate of its financial requirements for the year and the council may amend such estimate and shall pay to the secretary-treasurer of the board out of the moneys appropriated for the board such amounts as may be requisitioned from time to time.

Estimates

- (2) Where the planning area consists of more than one municipality, the planning board shall submit its estimates to the council of each municipality included in the area, and shall submit with the estimates a statement as to the proportion thereof to be chargeable to each of the municipalities.

Approval

- (3) If the estimates are approved, or are amended and approved, by the councils of municipalities in the

area representing more than one-half of the population of the area, the estimates shall be binding on all the municipalities in the area.

- (4) After the estimates have been approved as provided in subsection 3, the planning board shall so notify each municipality in the area, and shall notify each municipality of the total approved estimates and the amount thereof chargeable to it, based on the apportionment set out in the statement submitted under subsection 1. ^{Notice}
- (5) If the council of any municipality is not satisfied with the apportionment, it may, within fifteen days after receiving the notice under subsection 4, notify the planning board and the secretary of the Ontario Municipal Board that it desires the apportionment to be made by the Ontario Municipal Board. ^{Where apportionment unsatisfactory}
- (6) The Ontario Municipal Board shall hold a hearing and determine the apportionment and its decision shall be final. ^{Power of Municipal Board}
- (7) Each municipality shall pay to the secretary-treasurer of the planning board such amounts as may be requisitioned from time to time up to the amount determined by the planning board under subsection 4 or by the Ontario Municipal Board under subsection 6, as the case may be. ^{Payments}
- (8) Where a planning area includes all or a majority of the municipalities forming part of a county for municipal purposes and one or more separated municipalities, the Minister may, for the purposes of this section, authorize the council of the county to act on behalf of the municipalities included in the area and forming part of the county for municipal purposes, and in that case the estimates and the statement of the apportionment shall be submitted only to the councils of the county and of each separated municipality in the area, and the apportionment shall be made between the county and such municipalities, and subsections 1 to 7 shall apply *mutatis mutandis* except that the estimates must be approved by the councils of the county and of each separated municipality. ^{County acting on behalf of its municipalities}
- (9) Where a county is chargeable under subsection 8, it shall recover its payments as part of the county rates from the municipalities on behalf of which it acts in the manner provided in section 91 of *The Assessment Act*. ^{Recovery by county} ^{Rev. Stat., c. 24}

Grants,
municipal,

7a.—(1) Any municipality within or partly within the planning area may make grants of money to the planning board.

county

(2) The county in which a planning area or part thereof is situate may make grants of money to the planning board.

Rev. Stat.,
c. 277, s. 15,
re-enacted

7. Section 15 of *The Planning Act* is repealed and the following substituted therefor:

Committee
of adjust-
ment

15.—(1) Where an official plan is implemented by one or more by-laws, the planning board of the municipality that passed the by-law or by-laws may constitute itself or not less than three of its members as a committee of adjustment, except where the council constitutes such a committee composed of such persons, not less than three in number, as the council, subject to the approval of the Minister, deems advisable.

Disquali-
fication

(2) Except where the planning board is the committee of adjustment, no member of the council of the municipality and no employee of the municipality or of a local board thereof shall be eligible to be a member of the committee of adjustment, whether it is constituted by the planning board or the council.

Term of
office

(3) Where the committee is constituted by the planning board, the members shall remain in office during the pleasure of the planning board.

Idem

(4) Where the committee is constituted by the council, the members shall hold office for three years, provided that on the first appointment the council shall designate members who shall hold office,

(a) until the 1st day of January of the year following the date of appointment;

(b) until the 1st day of January of the second year following the date of appointment; and

(c) until the 1st day of January of the third year following the date of appointment,

respectively, so that as nearly as possible one-third of the members shall retire each year.

Reappoint-
ment

(5) The members shall hold office until their successors are appointed and approved, and shall be eligible for reappointment.

- (6) Where a member ceases to be a member before the ^{Vacancies} expiration of his term, the council, with the approval of the Minister, shall appoint another eligible person for the unexpired portion of the term.
- (7) A majority of the members shall constitute a quorum. ^{Quorum}
- (8) The members of a committee shall elect one of ^{Chairman} themselves as chairman, and when the chairman is absent, through illness or otherwise, the committee may appoint another member to act as chairman *pro tempore*.
- (9) The committee shall appoint a secretary-treasurer ^{Employees} who may be a member of the committee, and may engage such employees and consultants as is deemed expedient, within the limits of the moneys appropriated for the purpose.
- (10) The members of the committee shall be paid such ^{Remuneration} compensation as the council may provide.
- (11) The secretary-treasurer shall keep on file in his ^{Filing of documents, etc.} office minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 234 of *The Municipal Act* shall apply, ^{Rev. Stat., c. 243} *mutatis mutandis*, to such documents.
- (12) The committee, subject to the approval of the ^{Rules} Minister, may adopt such general rules and rules of procedure as it deems necessary.
- 15a.—(1) The committee, upon the application of the ^{Powers of committee, general} owner of any land, building or structure affected by any by-law that implements an official plan, may, notwithstanding any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, provided that in the opinion of the committee the general intent and purpose of the by-law and of the official plan is maintained.
- (2) In addition to its powers under subsection 1, the ^{special} committee, upon any such application,
- (a) where any land, building or structure, on the day the by-law was passed, was used for a purpose prohibited by the by-law, may permit,

- (i) the enlargement or extension of the building or structure, provided that the land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day the by-law was passed, and provided that no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or
 - (ii) the use of such land, building or structure for a purpose which, in the opinion of the committee, conforms more closely to the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, provided that the land, building or structure continues to be used in the same manner and for the same purpose as is authorized by the decision of the committee;
- (b) where the land, building or structure adjoins any area in which the permitted uses differ from those permitted in the area in which it is situate, may permit the extension or enlargement, into the adjoining area, of the land, building or structure to such an extent as, in the opinion of the committee, is in keeping with the general intent and purpose of the by-law and of the official plan; or
- (c) where the uses of land, building or structure permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose which, in the opinion of the committee, conforms with the uses permitted in the by-law.

**Time for
hearing**

- (3) The hearing on any application shall be held within thirty days after the application is received by the secretary-treasurer.

**Notice of
hearing**

- (4) The committee, before hearing an application, shall give notice thereof in such manner and to such persons as the committee deems proper.

- (5) The committee may require that a fee of not more than \$25 be paid on every application. Fees
- (6) The hearing of every application shall be held in public and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision. ^{Hearing}
- (7) The chairman, or in his absence the acting chairman, may administer oaths. ^{Oaths}
- (8) No decision of the committee on an application shall be valid unless it is concurred in by a majority of all the members of the committee, and the decision of the committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for its decision, and shall be signed by the members who concur in the decision. ^{Decision}
- (9) Any authority or permission granted by the committee may be for such time and subject to such terms and conditions as the committee may deem advisable and as are set out in the decision. ^{Conditions in decision}
- (10) Two copies of the decision, certified by the secretary-treasurer, shall be sent to the Minister, and one copy so certified shall be sent by registered mail to the applicant and to each person who appeared in person or by counsel at the hearing and requested notice of the decision, together with a notice of the last day for appealing to the Ontario Municipal Board. ^{Notice of decision}
- (11) The applicant or any person who has an interest in the matter may appeal to the Ontario Municipal Board against the decision of the committee by sending notice of appeal by registered mail to the Minister and the secretary of the Ontario Municipal Board within fourteen days after the sending of the notice under subsection 10. ^{Appeal}
- (12) If within such fourteen days no notice of appeal is given, the Minister may approve the decision or may refer the matter to the Ontario Municipal Board. ^{Approval or reference to Municipal Board}
- (13) On an appeal to the Ontario Municipal Board under subsection 11 the Board shall, or on a reference to the Board under subsection 12 the Board may, hold a hearing. ^{Powers of Municipal Board}

- Idem (14) The Ontario Municipal Board may dismiss any appeal, and on any appeal or reference the Board may make any decision that the committee of adjustment could have made on the original application.
- Costs (15) The costs on the appeal or reference shall be in the discretion of the Ontario Municipal Board.
- Notice (16) When the Minister approves of the decision of the committee, he shall so notify the committee.
- Idem (17) When the Ontario Municipal Board makes an order on an appeal or reference, the secretary of the Board shall send a copy thereof to the committee.
- Idem (18) The secretary-treasurer shall send to the applicant a notice of the approval of the committee's decision by the Minister, or in the event of an appeal or reference shall send to the applicant a copy of the Ontario Municipal Board's order thereon, and shall file with the clerk of the municipality a copy of the approved decision or of the order, as the case may be.
- Effect of decision or order (19) The decision of the committee when approved by the Minister, or the decision of the Ontario Municipal Board on an appeal or reference, shall be final and binding.

Rev. Stat.,
c. 277,
amended

8. *The Planning Act* is amended by adding thereto the following section:

Interpre-
tation

16a.—(1) In this section,

- (a) “redevelopment” means the planning or re-planning, design or redesign, clearance, development, reconstruction and rehabilitation, or any of them, of a redevelopment area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary;
- (b) “redevelopment area” means an area within a municipality, the redevelopment of which in the opinion of the council is desirable because of age, dilapidation, over-crowding, faulty arrangement, unsuitability of buildings or for any other reason;
- (c) “redevelopment plan” means a general scheme, including supporting maps and texts,

approved by the Ontario Municipal Board for the redevelopment of a redevelopment area.

- (2) The council of a municipality which has an official ^{Designation of redevelopment area} plan may, with the approval of the Minister, by by-law designate an area within the municipality as a redevelopment area.
- (3) When a by-law has been passed and approved under ^{Acquisition and clearance of land} subsection 2, the municipality, with the approval of the Minister, may,
- (a) acquire land within the redevelopment area;
 - (b) hold land acquired before or after the passing of the by-law within the redevelopment area; and
 - (c) clear or otherwise prepare the land for redevelopment.
- (4) When a by-law has been passed and approved under ^{Adoption of redevelopment plan} subsection 2, the council, with the approval of the Ontario Municipal Board, may by by-law adopt a redevelopment plan for the redevelopment area.
- (5) No redevelopment plan shall be approved by the ^{Conformity to official plan} Ontario Municipal Board unless it conforms with the official plan.
- (6) A redevelopment plan adopted and approved under ^{Amendment} subsection 4 may be amended by by-law with the approval of the Ontario Municipal Board.
- (7) For the purpose of carrying out the redevelopment ^{Powers of council re land} plan, the municipality, with the approval of the Minister, may,
- (a) construct buildings on land acquired or held by it in the redevelopment area in conformity with the redevelopment plan, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto;
 - (b) sell, lease or otherwise dispose of any land acquired or held by it in the redevelopment area to any person or governmental authority for use in conformity with the redevelopment plan.

Conditions
of sale,
etc.

Rev. Stat.,
c. 243

- (8) Until a by-law or amending by-law passed under section 390 of *The Municipal Act* after the adoption of the redevelopment plan is in force in the redevelopment area, no land acquired, and no building constructed, by the municipality in the redevelopment area shall be sold, leased or otherwise disposed of unless the person or authority to whom it is disposed of agrees with the municipality that he will keep and maintain the land and building and the use thereof in conformity with the redevelopment plan until such a by-law or amending by-law is in force; but the municipality may, with the approval of the Minister, during the period of the development of the plan, lease any land or any building or part thereof in the area for any purpose, whether or not in conformity with the redevelopment plan, for a term of not more than three years at any one time.

Debentures

Rev. Stat.,
c. 243

- (9) Notwithstanding subsection 2 of section 298 of *The Municipal Act*, debentures issued by the municipality for the purpose of this section may be for such term of years as the debenture by-law, with the approval of the Ontario Municipal Board, provides.

Rev. Stat.,
c. 277, s. 24,
amended

- 9.** Section 24 of *The Planning Act* is amended by adding thereto the following subsection:

Notice

- (2a) Where land within a registered plan of subdivision is deemed under the by-law not to be within a registered plan of subdivision, the clerk of the municipality shall, within ten days after the by-law is passed, send notice of the passing of the by-law by registered mail to the last-known address of each person appearing by the last revised assessment roll to be the owner of any of such land.

Rev. Stat.,
c. 277, s. 25,
amended

- 10.** Section 25 of *The Planning Act*, as amended by section 4 of *The Planning Amendment Act, 1951*, is further amended by adding thereto the following subsection:

Revocation
or amend-
ment

- (1b) The Minister may, by order, revoke or amend any order made under subsection 1.

Rev. Stat.,
c. 277, s. 26,
subs. 5,
amended

- 11.**—(1) Subsection 5 of section 26 of *The Planning Act* is amended by inserting after the word “be” in the fourth line the words “conveyed to the municipality or if the land is not in a municipality shall be”, so that the subsection shall read as follows:

(5) The Minister may impose as a condition to the approval of a plan of subdivision that land to an amount determined by the Minister but not exceeding five per cent of the land included in the plan shall be conveyed to the municipality or if the land is not in a municipality shall be dedicated for public purposes, other than highways, and that highways shall be dedicated adequate for the needs of the subdivision, and when the subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to a width of not more than 43 feet, or in the case of the King's Highway 50 feet, from the centre line of the highway as originally established.

Dedication
of land
for public
and highway
purposes

(2) The said section 26 is amended by adding thereto the following subsections:

Rev. Stat.,
c. 277, s. 26,
amended

(5a) Where the land is in a municipality and an official plan, indicating the amount and location of the land to be ultimately provided for public purposes, is in effect in the municipality, the Minister may authorize, in lieu of the conveyance required under subsection 5, the payment to the municipality of a sum of money not exceeding the value of five per cent of the land included in the subdivision.

Cash pay-
ment in
lieu of
conveyance

(5b) Land conveyed to a municipality under subsection 5 shall be held and used by the municipality for public purposes, but may be sold with the approval of the Minister.

Use and
sale of
land

(5c) All moneys received by the municipality under subsection 5a, and all moneys received on the sale of land under subsection 5b, shall be paid into a special account and shall be expended only for the purchase, with the approval of the Minister, of land to be held and used by the municipality for public purposes.

Special
account

(5d) The Minister may refer any application for his approval of the sale or purchase of land under subsection 5b or 5c respectively to the Ontario Municipal Board, in which case the approval of the Board shall have the same effect as if it were the approval of the Minister, and the decision of the Board shall be final.

Reference
to Municipa
Board

12.—(1) This Act, except section 6, comes into force on the 1st day of May, 1952.

Commence-
ment

Idem

(2) Section 6 comes into force on the 1st day of January, 1953.

Short
title

13. This Act may be cited as *The Planning Amendment Act, 1952*.



BILL

An Act to amend The Planning Act

1st Reading

March 19th, 1952

2nd Reading

April 8th, 1952

3rd Reading

April 10th, 1952

MR. GRIESINGER

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

**An Act to provide Financial Assistance in the
Building of Houses in Rural Villages and
Hamlets and in Other Rural Areas**

MR. GRIESINGER



BILL

An Act to provide Financial Assistance in the Building of Houses in Rural Villages and Hamlets and in Other Rural Areas

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

1.—(1) There shall be incorporated under *The Companies Act* a company with the name “The Rural Housing Finance Corporation”, herein called “the Company”, with power to lend and invest money on mortgage of real estate in order to provide financial assistance in the building of houses in rural villages and hamlets and in other rural areas. Lending corporation to be created Rev. Stat., c. 59

(2) Notwithstanding subsection 2 of section 2 of *The Companies Act*, the Company may issue bonds, debentures or debenture stock. Power to issue debentures

2. The Company may exercise its power of lending money independently or in co-operation with Central Mortgage and Housing Corporation under *The National Housing Act, 1944* (Canada) or with any other corporation incorporated for similar purposes. Exercise of powers 1944, c. 46 (Can.)

3.—(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to purchase or to guarantee the payment of any notes, bonds, debentures or debenture stock issued by the Company. Provincial guarantee

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant-Governor in Council. Form of guaranty

(3) Every guaranty given or purporting to be given under the authority of this section shall be binding upon the Province and shall not be open to question upon any ground whatsoever. Validity of guaranty

4.—(1) The Lieutenant-Governor in Council may advance moneys by way of loan or otherwise to the Company for its purposes. Provincial advance on loans

- Idem (2) Any moneys advanced or loaned to the Company by the Crown under this Act shall be paid out of the Consolidated Revenue Fund.
- Cost of administration 5. The cost of administration of this Act shall be paid out of the Consolidated Revenue Fund.
- Administration of Act 6. This Act shall be administered by the Minister of Planning and Development or such other member of the Executive Council to whom it may be assigned by the Lieutenant-Governor in Council.
- Commencement 7. This Act comes into force on the day it receives Royal Assent.
- Short title 8. This Act may be cited as *The Rural Housing Assistance Act, 1952*.



BILL

An Act to provide Financial Assistance in the Building of Houses in Rural Villages and Hamlets and in Other Rural Areas

1st Reading

March 19th, 1952

2nd Reading

3rd Reading

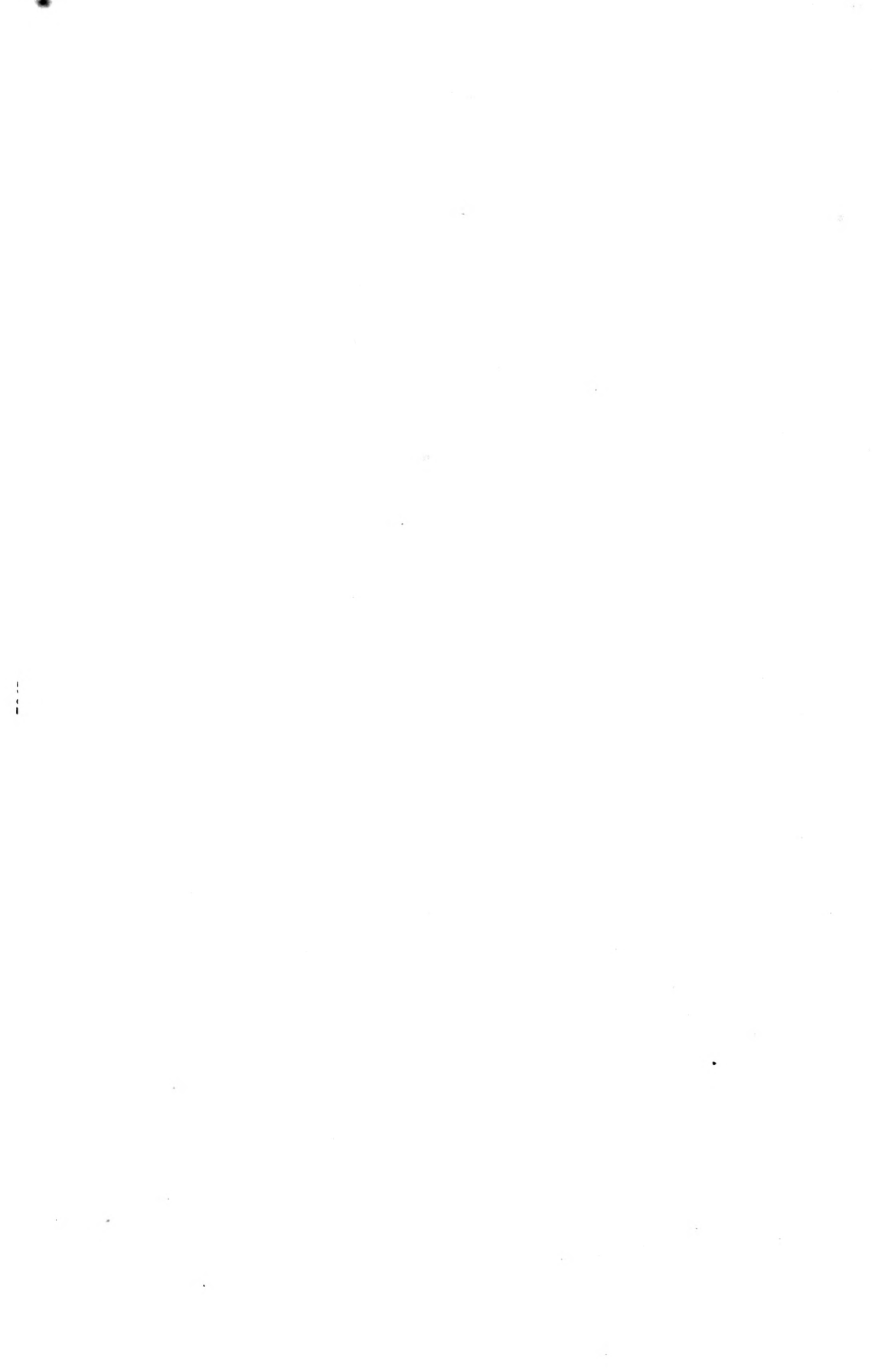
Mr. GRIESINGER

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

**An Act to provide Financial Assistance in the
Building of Houses in Rural Villages and
Hamlets and in Other Rural Areas**

MR. GRIESINGER



BILL

An Act to provide Financial Assistance in the Building of Houses in Rural Villages and Hamlets and in Other Rural Areas

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

1.—(1) There shall be incorporated under *The Companies Act* a company with the name “The Rural Housing Finance Corporation”, herein called “the Company”, with power to lend and invest money on mortgage of real estate in order to provide financial assistance in the building of houses in rural villages and hamlets and in other rural areas. Lending corporation to be created Rev. Stat., c. 59

(2) Notwithstanding subsection 2 of section 2 of *The Companies Act*, the Company may issue bonds, debentures or debenture stock. Power to issue debentures

2. The Company may exercise its power of lending money independently or in co-operation with Central Mortgage and Housing Corporation under *The National Housing Act, 1944* (Canada) or with any other corporation incorporated for similar purposes. Exercise of powers 1944, c. 46 (Can.)

3.—(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to purchase or to guarantee the payment of any notes, bonds, debentures or debenture stock issued by the Company. Provincial guarantee

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant-Governor in Council. Form of guaranty

(3) Every guaranty given or purporting to be given under the authority of this section shall be binding upon the Province and shall not be open to question upon any ground whatsoever. Validity of guaranty

4.—(1) The Lieutenant-Governor in Council may advance moneys by way of loan or otherwise to the Company for its purposes. Provincial advance on loans

- Idem (2) Any moneys advanced or loaned to the Company by the Crown under this Act shall be paid out of the Consolidated Revenue Fund.
- Cost of administration **5.** The cost of administration of this Act shall be paid out of the Consolidated Revenue Fund.
- Administration of Act **6.** This Act shall be administered by the Minister of Planning and Development or such other member of the Executive Council to whom it may be assigned by the Lieutenant-Governor in Council.
- Commencement **7.** This Act comes into force on the day it receives Royal Assent.
- Short title **8.** This Act may be cited as *The Rural Housing Assistance Act, 1952*.







BILL

An Act to provide Financial Assistance in the Building of Houses in Rural Villages and Hamlets and in Other Rural Areas

1st Reading

March 19th, 1952

2nd Reading

April 8th, 1952

3rd Reading

April 10th, 1952

MR. GRIESINGER

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

**An Act to incorporate The Ontario Junior Farmer Establish-
ment Loan Corporation for the Purpose of
Assisting Young Farmers**

MR. THOMAS (Elgin)

BILL

An Act to incorporate The Ontario Junior Farmer Establishment Loan Corporation for the Purpose of Assisting Young Farmers

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

1.—(1) There is hereby constituted on behalf of Her Majesty in right of Ontario a body corporate and politic, without share capital, with the name “The Ontario Junior Farmer Establishment Loan Corporation”, herein called “the Corporation”, having as its object the making of loans to assist young qualified farmers in the establishment, development and operation of their farms. Corporation constituted

(2) The Corporation shall be composed of three members who shall hold office as members during the pleasure of the Lieutenant-Governor in Council and who shall be such officers in the public service of Ontario as the Lieutenant-Governor in Council may from time to time appoint. Membership

(3) The three members for the time being of the Corporation shall form and be its board of directors and the Lieutenant-Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the board. Board of directors

(4) Subject to the regulations, the affairs of the Corporation shall be under the management and control of the board of directors and in the absence of the chairman, or if at any time that office is vacant, the vice-chairman shall have all the powers and perform the duties of the chairman. Management

(5) In the administration of the affairs of the Corporation, the board of directors shall be assisted by such persons in the public service of Ontario as the Treasurer of Ontario may assign for the purpose. Administration

2.—(1) To carry out its object the Corporation has power, with the approval of the Lieutenant-Governor in Council and Borrowing powers

subject to the regulations, to raise from time to time, by way of loan, any sum or sums of money not exceeding in the aggregate \$10,000,000 outstanding at any one time, and such loans may be made in any or all of the following ways or partly in one and partly in another or others:

debentures (a) by the issue and sale of debentures of the Corporation issued in such form and denominations and at such rate of interest and with the principal and interest thereof payable at such periods, times and places as the Lieutenant-Governor in Council deems expedient and as the regulations may provide;

bills and notes (b) by the issue and sale of treasury bills or notes of the Corporation issued in such form and denominations and at such rate of interest and with the principal and interest thereof payable at such periods, times and places as the Lieutenant-Governor in Council deems expedient and as the regulations may provide;

temporary loans (c) by temporary loans as the Lieutenant-Governor in Council deems expedient and as the regulations may provide.

Refunding of loans, etc. (2) Subject to the aggregate sum of \$10,000,000 outstanding at any one time mentioned in subsection 1 not being exceeded, the Corporation has power, with the approval of the Lieutenant-Governor in Council and subject to the regulations, to raise from time to time, by way of loan and by any of the ways set forth in subsection 1, any sum or sums of money for any one or more of the following purposes:

(a) payment, retirement, refunding or renewal of the whole or any part of any debentures, bills or notes issued by the Corporation under clause *a* or *b* of subsection 1; and

(b) payment, retirement, refunding or renewal of the whole or any part of any temporary loan made by the Corporation under clause *c* of subsection 1.

Debentures to be redeemable before maturity

3. Every debenture issued by the Corporation shall be expressed to be redeemable, at the option of the Corporation, on any date prior to maturity according to the mode, terms, periods, times and places of redemption approved by the Lieutenant-Governor in Council and as the regulations may provide.

Debentures to state source of authorization

4. Every debenture, bill or note issued by the Corporation shall contain a statement in the body thereof that it is issued

under the authority of this Act, and no debenture, bill or note purporting to be issued by the Corporation shall be valid unless such statement is so contained.

5. Every advertisement for the sale by the Corporation of any of its debentures, bills or notes shall contain a statement that the issue and sale of the debentures, bills or notes are made under the authority of this Act. Advertisement of sale to state source of authorization

6. Where a debenture, bill or note of the Corporation is defaced, lost or destroyed, the board of directors may provide for its replacement on such terms as to evidence and as to indemnity as the board may require. Lost debentures

7.—(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of any debentures, bills or notes issued by or of any temporary loan made to the Corporation under the authority of this Act. Guarantee of payment by Province

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant-Governor in Council. Form of guaranty

(3) Every guaranty given or purporting to be given under the authority of this section shall be binding upon the Province and shall not be open to question upon any ground whatsoever. Validity of guaranty

(4) Any debenture, bill or note issued by or temporary loan made to the Corporation, payment whereof is guaranteed by the Province under this section, shall be valid and binding upon the Corporation, its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed shall not be open to question on any ground whatsoever. Guaranteed debentures, etc., to be indefeasible

8. Notwithstanding anything in any other Act, debentures issued by the Corporation shall be at all times a lawful investment for municipal, school and trust funds. Trustees, etc., investments in debentures

9. The books and accounts of the Corporation shall be audited annually by the provincial Auditor or such other auditor as the Lieutenant-Governor in Council may designate and such auditor shall make an annual report of the audit to the Treasurer of Ontario, and the Treasurer shall table the report in the Assembly if it is in session, or if it is not, then at the next ensuing session. Audit

10. The Corporation shall make an annual report in writing to the Treasurer of Ontario showing in detail the number and amount of loans made by it during the last preceding fiscal year, and containing such other particulars Annual report

as the Treasurer requires, and the Treasurer shall table the report in the Assembly if it is in session, or if it is not, then at the next ensuing session.

Committees **11.** The Corporation, with the approval of the Lieutenant-Governor in Council, may appoint committees, each of which shall be composed of two or more persons, one of whom is or has been a practical farmer, to consider and report to the Corporation upon applications and upon problems that may arise in connection with loans already made.

Purposes of loans **12.** Out of the moneys at its disposal from time to time, the Corporation may make loans for the following purposes and no other:

- (a) the acquisition of land for agricultural purposes;
- (b) the erection and improvement of farm houses and farm buildings;
- (c) to pay off charges existing against land at the time of acquisition by the borrower under a will or by descent;
- (d) to pay off encumbrances;
- (e) to consolidate outstanding liabilities incurred for productive agricultural purposes;
- (f) for the purpose of providing drainage;
- (g) to purchase live stock;
- (h) for such other purposes relating to the establishment, development and operation of the applicant's farm as the Corporation approves.

Qualifications of applicants for loans **13.** Every applicant for a loan under this Act may be required to appear in person before the board of directors of the Corporation or a committee and shall submit evidence to the satisfaction of the board or committee,

- (a) that he is of the full age of twenty-one years and not more than thirty-five years of age;
- (b) that he has been resident in Ontario for at least three years immediately preceding his application;
- (c) that he has had a minimum of three years experience in farming and has displayed the ability and capacity necessary to operate a farm;

(d) that he is industrious and of good character;

(e) that he is actually farming, or intends to farm, on a full-time basis on the land upon the security of which the loan is applied for.

14.—(1) Before making a loan under this Act, the Corporation shall secure a report from a competent valuator as to the value of the security offered by the applicant. Valuator's report

(2) The land and buildings shall be valued on the basis of their value for agricultural purposes. Mode of valuing

(3) The buildings upon the land shall be insured to their full insurable value. Insurance

15. Where the Corporation is satisfied that the conditions of this Act and the regulations have been complied with, the Corporation may make a loan to the applicant to the extent of 80 per cent of the value of the security as shown by the valuator's report. Extent of loan

16. No loan shall exceed \$15,000, and every loan shall be secured by a first mortgage upon the lands farmed or to be farmed by the borrower. Limitation as to loan, and security therefor

17. At the time of or subsequent to the making of a loan, the Corporation may accept as collateral security therefor a life insurance policy or an assignment thereof, a chattel mortgage, or any other security which the Corporation deems proper. Collateral security

18.—(1) Except as hereinafter provided, every loan made under this Act shall be repayable in annual instalments of principal and interest sufficient to discharge the debt at the end of such period as may be agreed upon, but no loan shall be made for more than twenty-five years. Loan, how repayable

(2) The first three annual instalments of principal and interest may be graduated so that the first instalment is less than the second, the second less than the third and the third less than the subsequent instalments, which shall be equal. Graduated annual instalments

(3) Payments on account of the loan, in addition to those provided for in the mortgage or agreement, may be made at any time. Payments may be accelerated

(4) The Corporation may accept a release of the equity of redemption existing by virtue of a mortgage to it and may sell any mortgaged property that it has thus acquired or Equity of redemption, etc.

which it is empowered to sell by virtue of the power of sale contained in a mortgage, at such price and upon such terms as it deems proper.

Delay in
payments

(5) When a sale has been made by the Corporation under the powers of sale contained in a mortgage and the purchase money or part thereof is secured by an agreement for sale and any instalment, whether for principal or interest payable under the agreement for sale, is not punctually paid, or if the purchaser makes default in the performance of any of the terms of such agreement, the Corporation, without any formal re-entry or taking of possession and without resorting to proceedings in equity or at law, may, upon ten days notice in writing to the purchaser directed by mail to him at his last known address, rescind such agreement and resell or otherwise deal with the property as provided for in the mortgage, to the same extent as if the agreement for sale had not been entered into.

Mortgages,
how made
Rev. Stat.,
c. 362

19. Every mortgage made under this Act shall be made in accordance with *The Short Forms of Mortgages Act*, and may contain such further covenants, provisoes and conditions as the Corporation deems proper, and the Corporation has and may exercise all the rights, powers and remedies with respect to any mortgage made under this Act as a mortgagee has under the laws of Ontario.

Sale of
mortgaged
land

20. It shall be a term of every mortgage taken as security for a loan under this Act that upon the sale of the land mortgaged, the loan shall, at the option of the Corporation, immediately become due and payable.

Prepara-
tion of
notices,
mortgages,
etc.

21. All notices, mortgages, discharges or other documents under this Act shall be prepared by the Corporation or by a person designated by the Corporation.

Where
money
misapplied

22. If at any time in the opinion of the board of directors of the Corporation any money advanced under this Act has not been or is not being applied for the purpose for which it was advanced, or is not being carefully and economically expended, or if the security depreciates in value, the Corporation may refuse to make any further advance and call in the whole amount then advanced and all interest thereon and declare the same to be immediately due and payable, whereupon the borrower shall at once repay the same with interest at the rate set forth in the mortgage, and in default of payment the Corporation shall have the like remedies for recovery of the same as if the time for repayment thereof had fully arrived.

Corporation
to secure
reports
as to con-
ditions
of secur-
ities

23. The Corporation from time to time shall secure reports as to the condition of any securities taken by it for

loans under this Act and as to the progress and prospects of the borrowers, and for this purpose any governmental agency may co-operate with the Corporation by rendering assistance of an educational or other nature that appears calculated to facilitate the success of the borrower.

24. The Lieutenant-Governor in Council may make ^{Regulations} regulations governing,

- (a) the management, control and administration of the affairs of the Corporation;
- (b) the issue and sale of debentures, bills or notes and the making of temporary loans by the Corporation;
- (c) the payment, retirement, refunding or renewal of debentures, bills or notes issued and loans made by the Corporation;
- (d) the redemption before maturity of any debentures issued by the Corporation;
- (e) the registration of debentures issued by the Corporation and the keeping of debenture registers in connection therewith;
- (f) the guarantee of payment by the Province of any debentures, bills or notes issued and loans made by the Corporation, and the form and manner of execution of any guaranty of payment;
- (g) the manner in which applications for loans are to be made and the form thereof;
- (h) the fees and expenses payable by applicants and borrowers under this Act;
- (i) the terms and conditions of loans;
- (j) any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

25. This Act shall be administered by the member of the Executive Council to whom it is assigned by the Lieutenant-Governor in Council. ^{Administration of Act}

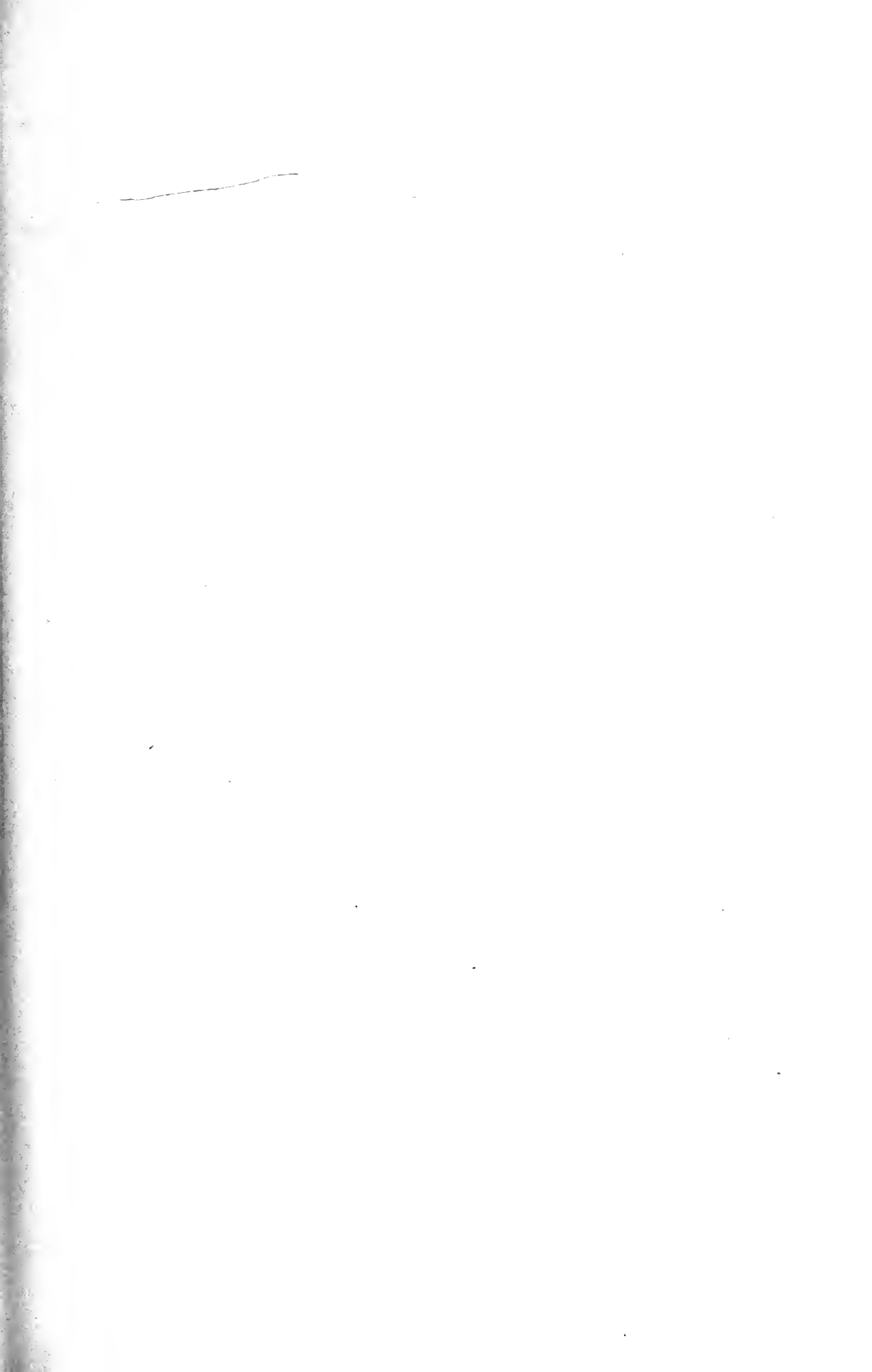
26. The cost of administration of this Act shall be paid out of the Consolidated Revenue Fund. ^{Cost of administration}

Commence-
ment

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

Short
title

28. This Act may be cited as *The Junior Farmer Establishment Act, 1952*.



BILL

An Act to incorporate The Ontario Junior Farmer Establishment Loan Corporation for the Purpose of Assisting Young Farmers

1st Reading

March 19th, 1952

2nd Reading

3rd Reading

MR. THOMAS (Elgin)

No. 97

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

**An Act to incorporate The Ontario Junior Farmer Establish-
ment Loan Corporation for the Purpose of
Assisting Young Farmers**

MR. THOMAS (Elgin)



BILL

An Act to incorporate The Ontario Junior Farmer Establishment Loan Corporation for the Purpose of Assisting Young Farmers

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

1.—(1) There is hereby constituted on behalf of Her Majesty in right of Ontario a body corporate and politic, without share capital, with the name "The Ontario Junior Farmer Establishment Loan Corporation", herein called "the Corporation", having as its object the making of loans to assist young qualified farmers in the establishment, development and operation of their farms.

Corporation constituted

(2) The Corporation shall be composed of three members who shall hold office as members during the pleasure of the Lieutenant-Governor in Council and who shall be such officers in the public service of Ontario as the Lieutenant-Governor in Council may from time to time appoint.

Membership

(3) The three members for the time being of the Corporation shall form and be its board of directors and the Lieutenant-Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the board.

Board of directors

(4) Subject to the regulations, the affairs of the Corporation shall be under the management and control of the board of directors and in the absence of the chairman, or if at any time that office is vacant, the vice-chairman shall have all the powers and perform the duties of the chairman.

Management

(5) In the administration of the affairs of the Corporation, the board of directors shall be assisted by such persons in the public service of Ontario as the Treasurer of Ontario may assign for the purpose.

Administration

2.—(1) To carry out its object the Corporation has power, with the approval of the Lieutenant-Governor in Council and

Borrowing powers.

subject to the regulations, to raise from time to time, by way of loan, any sum or sums of money not exceeding in the aggregate \$10,000,000 outstanding at any one time, and such loans may be made in any or all of the following ways or partly in one and partly in another or others:

debentures (a) by the issue and sale of debentures of the Corporation issued in such form and denominations and at such rate of interest and with the principal and interest thereof payable at such periods, times and places as the Lieutenant-Governor in Council deems expedient and as the regulations may provide;

bills and notes (b) by the issue and sale of treasury bills or notes of the Corporation issued in such form and denominations and at such rate of interest and with the principal and interest thereof payable at such periods, times and places as the Lieutenant-Governor in Council deems expedient and as the regulations may provide;

temporary loans (c) by temporary loans as the Lieutenant-Governor in Council deems expedient and as the regulations may provide.

Refunding of loans, etc. (2) Subject to the aggregate sum of \$10,000,000 outstanding at any one time mentioned in subsection 1 not being exceeded, the Corporation has power, with the approval of the Lieutenant-Governor in Council and subject to the regulations, to raise from time to time, by way of loan and by any of the ways set forth in subsection 1, any sum or sums of money for any one or more of the following purposes:

(a) payment, retirement, refunding or renewal of the whole or any part of any debentures, bills or notes issued by the Corporation under clause *a* or *b* of subsection 1; and

(b) payment, retirement, refunding or renewal of the whole or any part of any temporary loan made by the Corporation under clause *c* of subsection 1.

Debentures to be redeemable before maturity

3. Every debenture issued by the Corporation shall be expressed to be redeemable, at the option of the Corporation, on any date prior to maturity according to the mode, terms, periods, times and places of redemption approved by the Lieutenant-Governor in Council and as the regulations may provide.

Debentures to state source of authorization

4. Every debenture, bill or note issued by the Corporation shall contain a statement in the body thereof that it is issued

under the authority of this Act, and no debenture, bill or note purporting to be issued by the Corporation shall be valid unless such statement is so contained.

5. Every advertisement for the sale by the Corporation of any of its debentures, bills or notes shall contain a statement that the issue and sale of the debentures, bills or notes are made under the authority of this Act. Advertisement of sale to state source of authorization

6. Where a debenture, bill or note of the Corporation is defaced, lost or destroyed, the board of directors may provide for its replacement on such terms as to evidence and as to indemnity as the board may require. Lost debentures

7.—(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of any debentures, bills or notes issued by or of any temporary loan made to the Corporation under the authority of this Act. Guarantee of payment by Province

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant-Governor in Council. Form of guaranty

(3) Every guaranty given or purporting to be given under the authority of this section shall be binding upon the Province and shall not be open to question upon any ground whatsoever. Validity of guaranty

(4) Any debenture, bill or note issued by or temporary loan made to the Corporation, payment whereof is guaranteed by the Province under this section, shall be valid and binding upon the Corporation, its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed shall not be open to question on any ground whatsoever. Guaranteed debentures, etc., to be indefeasible

8. Notwithstanding anything in any other Act, debentures issued by the Corporation shall be at all times a lawful investment for municipal, school and trust funds. Trustees, etc., investments in debentures

9. The books and accounts of the Corporation shall be audited annually by the provincial Auditor or such other auditor as the Lieutenant-Governor in Council may designate and such auditor shall make an annual report of the audit to the Treasurer of Ontario, and the Treasurer shall table the report in the Assembly if it is in session, or if it is not, then at the next ensuing session. Audit

10. The Corporation shall make an annual report in writing to the Treasurer of Ontario showing in detail the number and amount of loans made by it during the last preceding fiscal year, and containing such other particulars Annual report

as the Treasurer requires, and the Treasurer shall table the report in the Assembly if it is in session, or if it is not, then at the next ensuing session.

Committees

11. The Corporation, with the approval of the Lieutenant-Governor in Council, may appoint committees, each of which shall be composed of two or more persons, one of whom is or has been a practical farmer, to consider and report to the Corporation upon applications and upon problems that may arise in connection with loans already made.

**Purposes
of loans**

12. Out of the moneys at its disposal from time to time, the Corporation may make loans for the following purposes and no other:

- (a) the acquisition of land for agricultural purposes;
- (b) the erection and improvement of farm houses and farm buildings;
- (c) to pay off charges existing against land at the time of acquisition by the borrower under a will or by descent;
- (d) to pay off encumbrances;
- (e) to consolidate outstanding liabilities incurred for productive agricultural purposes;
- (f) for the purpose of providing drainage;
- (g) to purchase live stock;
- (h) for such other purposes relating to the establishment, development and operation of the applicant's farm as the Corporation approves.

**Qualifica-
tions of
applicants
for loans**

13. Every applicant for a loan under this Act may be required to appear in person before the board of directors of the Corporation or a committee and shall submit evidence to the satisfaction of the board or committee,

- (a) that he is of the full age of twenty-one years and not more than thirty-five years of age;
- (b) that he has been resident in Ontario for at least three years immediately preceding his application;
- (c) that he has had a minimum of three years experience in farming and has displayed the ability and capacity necessary to operate a farm;

(d) that he is industrious and of good character;

(e) that he is actually farming, or intends to farm, on a full-time basis on the land upon the security of which the loan is applied for.

14.—(1) Before making a loan under this Act, the Corporation shall secure a report from a competent valuator as to the value of the security offered by the applicant. Valuator's report

(2) The land and buildings shall be valued on the basis of their value for agricultural purposes. Mode of valuing

(3) The buildings upon the land shall be insured to their full insurable value. Insurance

15. Where the Corporation is satisfied that the conditions of this Act and the regulations have been complied with, the Corporation may make a loan to the applicant to the extent of 80 per cent of the value of the security as shown by the valuator's report. Extent of loan

16. No loan shall exceed \$15,000, and every loan shall be secured by a first mortgage upon the lands farmed or to be farmed by the borrower. Limitation as to loan, and security therefor

17. At the time of or subsequent to the making of a loan, the Corporation may accept as collateral security therefor a life insurance policy or an assignment thereof, a chattel mortgage, or any other security which the Corporation deems proper. Collateral security

18.—(1) Except as hereinafter provided, every loan made under this Act shall be repayable in annual instalments of principal and interest sufficient to discharge the debt at the end of such period as may be agreed upon, but no loan shall be made for more than twenty-five years. Loan, how repayable

(2) The first three annual instalments of principal and interest may be graduated so that the first instalment is less than the second, the second less than the third and the third less than the subsequent instalments, which shall be equal. Graduated annual instalments

(3) Payments on account of the loan, in addition to those provided for in the mortgage or agreement, may be made at any time. Payments may be accelerated

(4) The Corporation may accept a release of the equity of redemption existing by virtue of a mortgage to it and may sell any mortgaged property that it has thus acquired or Equity of redemption, etc.

which it is empowered to sell by virtue of the power of sale contained in a mortgage, at such price and upon such terms as it deems proper.

Delay in
payments

(5) When a sale has been made by the Corporation under the powers of sale contained in a mortgage and the purchase money or part thereof is secured by an agreement for sale and any instalment, whether for principal or interest payable under the agreement for sale, is not punctually paid, or if the purchaser makes default in the performance of any of the terms of such agreement, the Corporation, without any formal re-entry or taking of possession and without resorting to proceedings in equity or at law, may, upon ten days notice in writing to the purchaser directed by mail to him at his last known address, rescind such agreement and resell or otherwise deal with the property as provided for in the mortgage, to the same extent as if the agreement for sale had not been entered into.

Mortgages,
how made
Rev. Stat.,
c. 362

19. Every mortgage made under this Act shall be made in accordance with *The Short Forms of Mortgages Act*, and may contain such further covenants, provisoes and conditions as the Corporation deems proper, and the Corporation has and may exercise all the rights, powers and remedies with respect to any mortgage made under this Act as a mortgagee has under the laws of Ontario.

Sale of
mortgaged
land

20. It shall be a term of every mortgage taken as security for a loan under this Act that upon the sale of the land mortgaged, the loan shall, at the option of the Corporation, immediately become due and payable.

Prepara-
tion of
notices,
mortgages,
etc.

21. All notices, mortgages, discharges or other documents under this Act shall be prepared by the Corporation or by a person designated by the Corporation.

Where
money
misapplied

22. If at any time in the opinion of the board of directors of the Corporation any money advanced under this Act has not been or is not being applied for the purpose for which it was advanced, or is not being carefully and economically expended, or if the security depreciates in value, the Corporation may refuse to make any further advance and call in the whole amount then advanced and all interest thereon and declare the same to be immediately due and payable, whereupon the borrower shall at once repay the same with interest at the rate set forth in the mortgage, and in default of payment the Corporation shall have the like remedies for recovery of the same as if the time for repayment thereof had fully arrived.

Corporation
to secure
reports
as to con-
ditions
of secur-
ities

23. The Corporation from time to time shall secure reports as to the condition of any securities taken by it for

loans under this Act and as to the progress and prospects of the borrowers, and for this purpose any governmental agency may co-operate with the Corporation by rendering assistance of an educational or other nature that appears calculated to facilitate the success of the borrower.

24. The Lieutenant-Governor in Council may make ^{Regulations} regulations governing,

- (a) the management, control and administration of the affairs of the Corporation;
- (b) the issue and sale of debentures, bills or notes and the making of temporary loans by the Corporation;
- (c) the payment, retirement, refunding or renewal of debentures, bills or notes issued and loans made by the Corporation;
- (d) the redemption before maturity of any debentures issued by the Corporation;
- (e) the registration of debentures issued by the Corporation and the keeping of debenture registers in connection therewith;
- (f) the guarantee of payment by the Province of any debentures, bills or notes issued and loans made by the Corporation, and the form and manner of execution of any guaranty of payment;
- (g) the manner in which applications for loans are to be made and the form thereof;
- (h) the fees and expenses payable by applicants and borrowers under this Act;
- (i) the terms and conditions of loans;
- (j) any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

25. This Act shall be administered by the member of the ^{Administration of Act} Executive Council to whom it is assigned by the Lieutenant-Governor in Council.

26. The cost of administration of this Act shall be paid ^{Cost of administration} out of the Consolidated Revenue Fund.

Commence-
ment

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

Short
title

28. This Act may be cited as *The Junior Farmer Establishment Act, 1952*.

BILL

An Act to incorporate The Ontario Junior Farmer Establishment Loan Corporation for the Purpose of Assisting Young Farmers

1st Reading

March 19th, 1952

2nd Reading

April 8th, 1952

3rd Reading

April 10th, 1952

MR. THOMAS (Elgin)

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Legislative Assembly Act

MR. WELSH

EXPLANATORY NOTES

GENERAL: Sections 1, 2 and 3 of this Bill implement the recommendations of the Select Committee of the Assembly appointed on April 6th, 1950, "to study and inquire into the payment of indemnities and allowances to Members of the Legislative Assembly and Members of the Executive Council and all matters pertaining thereto". The Committee's report was made to the House and adopted by it on April 5th, 1951.

SECTION 1—Subsection 1. The indemnity of members of the Assembly is increased from \$2,000 to \$2,600 per annum.

Subsection 2. The allowance for expenses of members of the Assembly is increased from \$1,000 to \$1,300 per annum.

SECTION 2. The Speaker's indemnity is increased from \$2,500 to \$3,000 per annum and he is granted an allowance for expenses at the rate of \$2,000 per annum.

SECTION 3. At the present time a member of the Assembly is granted a mileage allowance of 10 cents a mile from his residence to Toronto and return in respect of each session of the Legislature. He will now receive this mileage allowance in respect of four trips to Toronto per annum.

BILL

An Act to amend The Legislative Assembly Act

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

1.—(1) Clause *a* of subsection 1 of section 60 of *The Legislative Assembly Act* is amended by striking out the symbol and figures “\$2,000” and inserting in lieu thereof the symbol and figures “\$2,600”, so that the clause shall read as follows:

Rev. Stat.,
c. 202, s. 60,
subs. 1, cl. *a*,
amended

(a) an indemnity at the rate of \$2,600 per annum; and

.

(2) Clause *b* of subsection 1 of the said section 60 is amended by striking out the symbol and figures “\$1,000” in the first line and inserting in lieu thereof the symbol and figures “\$1,300”, so that the clause shall read as follows:

Rev. Stat.,
c. 202, s. 60,
subs. 1, cl. *b*,
amended

(b) an allowance for expenses at the rate of \$1,300 per annum.

2. Clause *a* of subsection 1 of section 61 of *The Legislative Assembly Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 202, s. 61,
subs. 1, cl. *a*,
re-enacted

(a) to the Speaker,

(i) an indemnity at the rate of \$3,000 per annum, and

(ii) an allowance for expenses at the rate of \$2,000 per annum; and

.

3. Clause *a* of section 64 of *The Legislative Assembly Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 202, s. 64,
cl. *a*, re-
enacted

(a) in respect of four trips per annum from his place of residence to the seat of government at Toronto; and

.

Special
exception
to Rev. Stat.,
c. 202, s. 8

4. Notwithstanding anything in *The Legislative Assembly Act*, the appointment of a member of the Ontario Provincial-Municipal Relations Committee, if he is a member of the Assembly, shall not be avoided by reason of the payment to him or the acceptance by him of any allowance for expenses or otherwise in connection with his services as a member of such Committee, nor shall he thereby vacate or forfeit his seat in the Assembly or incur any of the penalties imposed by that Act for sitting and voting as a member of the Assembly.

Commence-
ment

5. This Act comes into force on the 1st day of April, 1952.

Short title

6. This Act may be cited as *The Legislative Assembly Amendment Act, 1952*.

SECTION 4. This provision will enable a member of the Assembly to be a member of the Ontario Provincial-Municipal Relations Committee.



BILL

An Act to amend The Legislative
Assembly Act

1st Reading

March 19th, 1952

2nd Reading

3rd Reading

MR. WELSH

No. 98

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Legislative Assembly Act

MR. WELSH

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



BILL

An Act to amend The Legislative Assembly Act

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

1.—(1) Clause *a* of subsection 1 of section 60 of *The Legislative Assembly Act* is amended by striking out the symbol and figures “\$2,000” and inserting in lieu thereof the symbol and figures “\$2,600”, so that the clause shall read as follows: Rev. Stat., c. 202, s. 60, subs. 1, cl. *a*, amended

(a) an indemnity at the rate of \$2,600 per annum; and

.

(2) Clause *b* of subsection 1 of the said section 60 is amended by striking out the symbol and figures “\$1,000” in the first line and inserting in lieu thereof the symbol and figures “\$1,300”, so that the clause shall read as follows: Rev. Stat., c. 202, s. 60, subs. 1, cl. *b*, amended

(b) an allowance for expenses at the rate of \$1,300 per annum.

2. Clause *a* of subsection 1 of section 61 of *The Legislative Assembly Act* is repealed and the following substituted therefor: Rev. Stat., c. 202, s. 61, subs. 1, cl. *a*, re-enacted

(a) to the Speaker,

(i) an indemnity at the rate of \$3,000 per annum, and

(ii) an allowance for expenses at the rate of \$2,000 per annum; and

.

3. Clause *a* of section 64 of *The Legislative Assembly Act* is repealed and the following substituted therefor: Rev. Stat., c. 202, s. 64, cl. *a*, re-enacted

(a) in respect of four trips per annum from his place of residence to the seat of government at Toronto; and

.

Special exception to Rev. Stat., c. 202, s. 8

4. Notwithstanding anything in *The Legislative Assembly Act*, the appointment of a member of the Ontario Provincial-Municipal Relations Committee, if he is a member of the Assembly, shall not be avoided by reason of the payment to him or the acceptance by him of any allowance for expenses or otherwise in connection with his services as a member of such Committee, nor shall he thereby vacate or forfeit his seat in the Assembly or incur any of the penalties imposed by that Act for sitting and voting as a member of the Assembly.

Commencement

5. This Act comes into force on the 1st day of April, 1952.

Short title

6. This Act may be cited as *The Legislative Assembly Amendment Act, 1952*.







BILL

An Act to amend The Legislative
Assembly Act

1st Reading

March 19th, 1952

2nd Reading

April 3rd, 1952

3rd Reading

April 9th, 1952

MR. WELSH

No. 99

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act respecting the Health of Live Stock

MR. KENNEDY

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

BILL

An Act respecting the Health of Live Stock

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

1. In this Act,

Interpre-
tation

- (a) "Commissioner" means Live Stock Commissioner;
- (b) "community sale yard" means the land, building and structures where live stock, accepted on consignment or purchased for re-sale, is offered for sale by public auction;
- (c) "inspector" means an inspector appointed for the purposes of this Act;
- (d) "live stock" includes cattle, goats, horses, sheep, swine, cats and dogs, and domestic birds;
- (e) "live-stock product" includes meat, bone and bone meal, raw hides and wool, but does not include cooked or canned meats;
- (f) "Minister" means Minister of Agriculture;
- (g) "regulations" means regulations made under this Act.

2.—(1) Subject to the regulations, no person shall ship, transport, drive or carry in Ontario any live stock or live-stock product from any area designated in the regulations as an area of source of disease to live stock without a permit therefor. Shipping of live stock and live-stock products from areas of disease

(2) No person shall receive or have in his possession within Ontario any live stock or live-stock product from any area of source of disease except where such live stock or live-stock Possession of live stock, etc.

product has been shipped, transported, driven or carried in Ontario under authority of a permit.

Community
sale yard

3. Subject to the regulations, no person shall maintain or operate a community sale yard without a licence therefor from the Commissioner.

Powers of
Commissioner
and in-
spectors

4.—(1) The Commissioner or an inspector, for the purpose of enforcing this Act, may,

- (a) enter any place, premises or vehicle containing or used for the stabling, storage or carriage of any live stock or live-stock product, or any community sale yard;
- (b) stop on a highway any vehicle which he believes to be carrying, in violation of this Act or the regulations, any live stock or live-stock product, and inspect the vehicle and any live stock or live-stock product found therein;
- (c) require the production of any books, records or other documents relating to live stock or live-stock products or the furnishing of copies of or extracts from such books, records or other documents;
- (d) take samples of any live-stock product in the manner prescribed by the regulations;
- (e) delay the shipment of any live stock or live-stock product for the time necessary to complete his inspection thereof; and
- (f) seize and detain any live stock or live-stock product which in his opinion is stabled, shipped, transported, driven, carried or stored, in violation of this Act or the regulations.

Obstruction

(2) No person shall obstruct the Commissioner or an inspector in the performance of his duties or refuse to permit the inspection of any live stock or live-stock product or furnish him with false information.

Production
of records

(3) Every person shall, when required by the Commissioner or an inspector, produce any books, records or other documents relating to any live stock or live-stock product or copies of or extracts from such books, records or other documents.

Disposal of
seized live
stock, etc.

4.—(1) Subject to the regulations, any live stock or live-stock product seized or detained by the Commissioner or an inspector shall be disposed of as the Minister may direct.

(2) Any live stock or live-stock product seized, detained or disposed of under this Act shall be at the risk and expense of the owner thereof, and the Commissioner or the inspector shall immediately notify the owner that such live stock or live-stock product has been seized, detained or disposed of, as the case may be.

Seizure and detention of live stock, etc., at expense of owner
Regulations

5. The Lieutenant-Governor in Council may make regulations,

- (a) designating diseases and the areas of source of these diseases;
- (b) exempting any live stock or type or class thereof or any live-stock product from any of the provisions of this Act or the regulations;
- (c) providing for the inspection of live stock and live-stock products, and the reports thereof to be sent to the Commissioner;
- (d) prescribing forms for use under this Act;
- (e) prescribing the manner of taking samples of live-stock products;
- (f) providing for detention of live stock and live-stock products;
- (g) providing for the disposal of any live stock which shows evidence of disease;
- (h) prescribing the facilities for stabling, feeding, watering and caring for live stock at a community sale yard;
- (i) prescribing the sanitary conditions of and the use of disinfectants at a community sale yard;
- (j) providing for the issuance of permits for shipping, transporting, driving or carrying in Ontario live stock or live-stock products from any area of source of disease designated in the regulations;
- (k) providing for records to be made and maintained at a community sale yard showing the names and addresses of the consignees and sellers and the buyers of live stock and the dates of arrival and departure of all live stock and the identification thereof;
- (l) providing for the issuing of licences for the operation of a community sale yard and for the renewal, suspension and revocation of such licences, and prescribing the fees payable therefor;

- (m) prescribing the terms and conditions upon which licences may be issued, renewed, suspended and revoked;
- (n) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Penalties

6. Every person who contravenes any of the provisions of this Act or the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$25 and not more than \$250 for the first offence and to a penalty of not less than \$50 and not more than \$1,000 for any subsequent offence.

Commence-
ment

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

Short title

8. This Act may be cited as *The Health of Live Stock Act, 1952*.



BILL

An Act respecting the Health of
Live Stock

1st Reading

March 19th, 1952

2nd Reading

3rd Reading

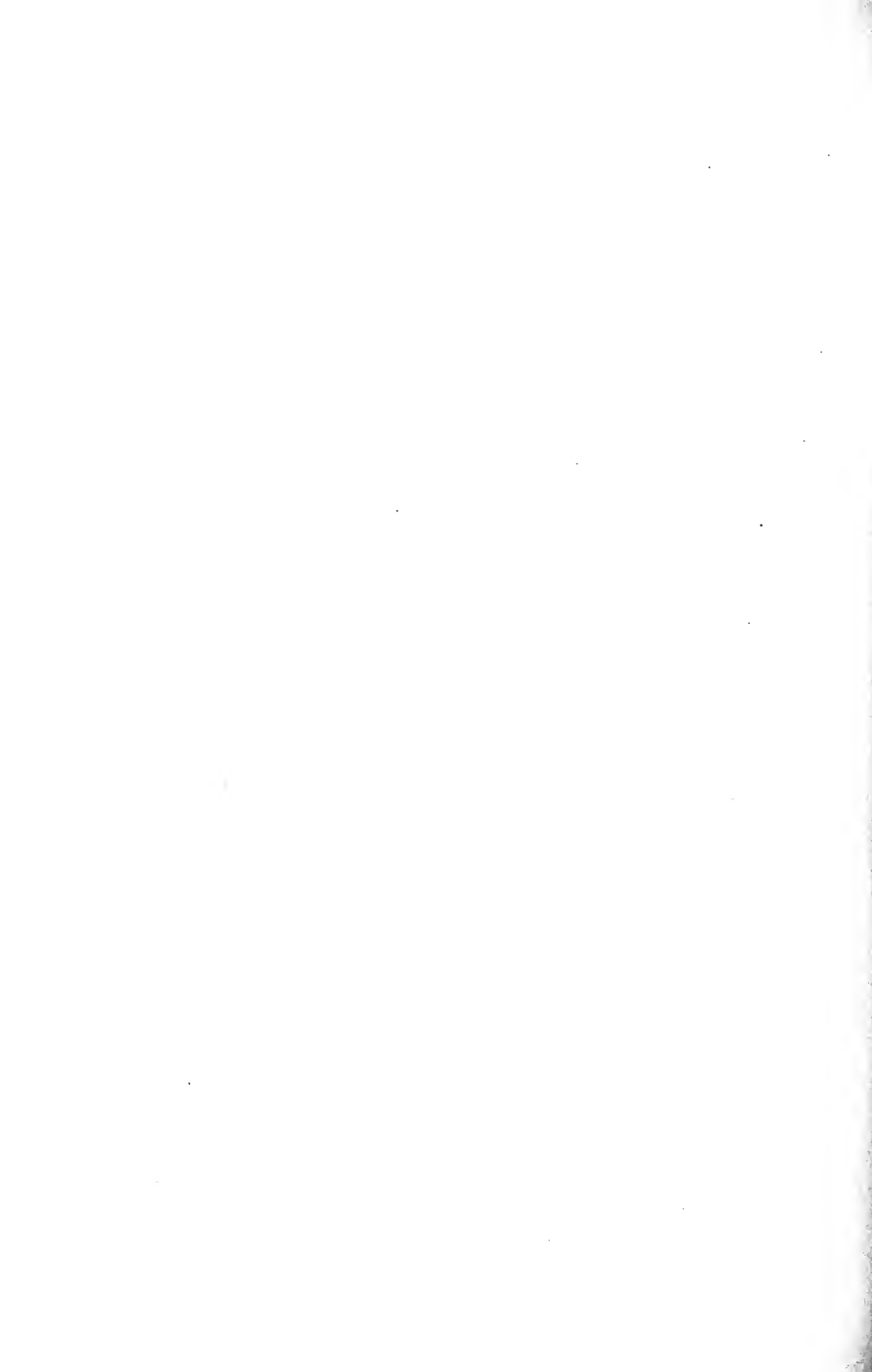
MR. KENNEDY

No. 99

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act respecting the Health of Live Stock

MR. KENNEDY



BILL

An Act respecting the Health of Live Stock

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

1. In this Act,

Interpre-
tation

- (a) "Commissioner" means Live Stock Commissioner;
- (b) "community sale yard" means the land, building and structures where live stock, accepted on consignment or purchased for re-sale, is offered for sale by public auction;
- (c) "inspector" means an inspector appointed for the purposes of this Act;
- (d) "live stock" includes cattle, goats, horses, sheep, swine, cats and dogs, and domestic birds;
- (e) "live stock product" includes meat, bone and bone meal, raw hides and wool, but does not include cooked or canned meats;
- (f) "Minister" means Minister of Agriculture;
- (g) "regulations" means regulations made under this Act.

2.—(1) Subject to the regulations, no person shall ship, transport, drive or carry in Ontario any live stock or live stock product from any area designated in the regulations as an area of source of disease to live stock without a permit therefor.

Shipping of
live stock
and live
stock
products
from areas
of disease

(2) No person shall receive or have in his possession within Ontario any live stock or live stock product from any area of source of disease except where such live stock or live stock

Possession of
live stock,
etc.

product has been shipped, transported, driven or carried in Ontario under authority of a permit.

Community
sale yard

3. Subject to the regulations, no person shall maintain or operate a community sale yard without a licence therefor from the Commissioner.

Powers of
Commissioner
and in-
spectors

4.—(1) The Commissioner or an inspector, for the purpose of enforcing this Act, may,

- (a) enter any place, premises or vehicle containing or used for the stabling, storage or carriage of any live stock or live stock product, or any community sale yard;
- (b) stop on a highway any vehicle which he believes to be carrying, in violation of this Act or the regulations, any live stock or live stock product, and inspect the vehicle and any live stock or live stock product found therein;
- (c) require the production of any books, records or other documents relating to live stock or live stock products or the furnishing of copies of or extracts from such books, records or other documents;
- (d) take samples of any live stock product in the manner prescribed by the regulations;
- (e) delay the shipment of any live stock or live stock product for the time necessary to complete his inspection thereof; and
- (f) seize and detain any live stock or live stock product which in his opinion is stabled, shipped, transported, driven, carried or stored, in violation of this Act or the regulations.

Obstruction

(2) No person shall obstruct the Commissioner or an inspector in the performance of his duties or refuse to permit the inspection of any live stock or live stock product or furnish him with false information.

Production
of records

(3) Every person shall, when required by the Commissioner or an inspector, produce any books, records or other documents relating to any live stock or live stock product or copies of or extracts from such books, records or other documents.

Disposal of
seized live
stock, etc.

5.—(1) Subject to the regulations, any live stock or live stock product seized or detained by the Commissioner or an inspector shall be disposed of as the Minister may direct.

(2) Any live stock or live stock product seized, detained or disposed of under this Act shall be at the risk and expense of the owner thereof, and the Commissioner or the inspector shall immediately notify the owner that such live stock or live stock product has been seized, detained or disposed of, as the case may be.

Seizure and
detention of
live stock,
etc., at
expense of
owner

6. The Lieutenant-Governor in Council may make regulations,

Regulations

- (a) designating diseases and the areas of source of these diseases;
- (b) exempting any live stock or type or class thereof or any live stock product from any of the provisions of this Act or the regulations;
- (c) providing for the inspection of live stock and live stock products, and the reports thereof to be sent to the Commissioner;
- (d) prescribing forms for use under this Act;
- (e) prescribing the manner of taking samples of live stock products;
- (f) providing for detention of live stock and live stock products;
- (g) providing for the disposal of any live stock which shows evidence of disease;
- (h) prescribing the facilities for stabling, feeding, watering and caring for live stock at a community sale yard;
- (i) prescribing the sanitary conditions of and the use of disinfectants at a community sale yard;
- (j) providing for the issuance of permits for shipping, transporting, driving or carrying in Ontario live stock or live stock products from any area of source of disease designated in the regulations;
- (k) providing for records to be made and maintained at a community sale yard showing the names and addresses of the consignees and sellers and the buyers of live stock and the dates of arrival and departure of all live stock and the identification thereof;
- (l) providing for the issuing of licences for the operation of a community sale yard and for the renewal, suspension and revocation of such licences, and prescribing the fees payable therefor;

- (m) prescribing the terms and conditions upon which licences may be issued, renewed, suspended and revoked;
- (n) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Penalties

7. Every person who contravenes any of the provisions of this Act or the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$25 and not more than \$250 for the first offence and to a penalty of not less than \$50 and not more than \$1,000 for any subsequent offence.

Commence-
ment

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

Short title

9. This Act may be cited as *The Health of Live Stock Act, 1952*.



BILL

An Act respecting the Health of
Live Stock

1st Reading

March 19th, 1952

2nd Reading

March 21st, 1952

3rd Reading

April 1st, 1952

MR. KENNEDY

No. 100

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Milk Control Act

MR. KENNEDY

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

EXPLANATORY NOTES

SECTION 1. This amendment is complementary to the amendment in section 5 of the bill adding clause *bb* to section 15 of the Act. The amendment provides that the Board may make regulations grouping markets for the purposes of collective bargaining.

SECTION 2. Self-explanatory.

SECTION 3. The amendment provides for the commencement date of agreements filed with the Board, and prohibits the filing of conditional agreements.

BILL

An Act to amend The Milk Control Act

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

1. Subsection 1 of section 7 of *The Milk Control Act* is amended by inserting after the word "market" in the second line the words "or any group of markets", so that the subsection shall read as follows:

- (1) The producers, any class of processors or the distributors of milk in any market or any group of markets may require,
- (a) in the case of producers, the processors or distributors to whom they sell milk; or
- (b) in the case of processors or distributors, the producers from whom they purchase milk,

to bargain collectively in order to determine the prices that shall be paid to the producers supplying milk to the distributors or processors and to prescribe the terms and conditions relating to the sale and purchase of the milk and to fix quotas or establish quota committees.

2. Section 8 of *The Milk Control Act*, as re-enacted by section 4 of *The Milk Control Amendment Act, 1951*, is amended by adding thereto the following subsection:

- (3) *The Arbitration Act* shall not apply to an arbitration under this section.

3. Subsection 1 of section 9 of *The Milk Control Act* is repealed and the following substituted therefor:

- (1) Subject to subsection 1a, every agreement shall be filed with the Board and shall come into force on the

day named in the agreement or if no day is named in the agreement it shall come into force on a day determined by the Board.

Conditional agreements (1a) If the operation of an agreement is conditional, it shall not be filed.

Awards (1b) Every award shall come into force on the day named in the award.

Rev. Stat., c. 233, s. 10, amended 4. Section 10 of *The Milk Control Act* is amended by adding thereto the following subsection:

Sale of milk not processed in market (3) Where an agreement or award is in effect in a market, no distributor shall sell or deliver to any person for re-sale in that market milk processed outside that market except where the milk sold or delivered was supplied by producers at a price not less than the highest price named in the agreement or award.

Rev. Stat., c. 233, s. 15, subs. 1, amended 5. Subsection 1 of section 15 of *The Milk Control Act* is amended by adding thereto the following clauses:

(bb) designating markets to be included in a group of markets for bargaining by producers and distributors;

.

(rr) prescribing and defining the classes of milk and the minimum and maximum percentages of butter fat, and the minimum percentage of total solids including butter fat, in any class;

(rrr) respecting substances that may be added to or removed from milk;

.

(ss) respecting the advertising in respect of and the labelling of containers for any class of milk.

1951, c. 50, s. 7; c. 83, s. 6, repealed 6. Section 7 of *The Milk Control Amendment Act, 1951*, as amended by section 6 of *The Statute Law Amendment Act, 1951*, is repealed.

Commencement 7. This Act comes into force on the day it receives Royal Assent.

Short title 8. This Act may be cited as *The Milk Control Amendment Act, 1952*.

SECTION 4. The amendment provides that the price paid to producers for milk processed in one market and sold for re-sale in another market must not be less than the highest price paid to producers for milk in the market in which the milk is re-sold.

SECTION 5. The amendment gives the Milk Control Board power to make regulations dealing with the matters set out in the section.

SECTION 6. Section 7 of *The Milk Control Amendment Act, 1951* froze the price of milk as of March 15th, 1951. The section is no longer necessary and is repealed.





BILL

An Act to amend The Milk Control Act

1st Reading

March 19th, 1952

2nd Reading

3rd Reading

MR. KENNEDY

No. 100

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Milk Control Act

MR. KENNEDY



BILL

An Act to amend The Milk Control Act

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

1. Subsection 1 of section 7 of *The Milk Control Act* is amended by inserting after the word "market" in the second line the words "or any group of markets", so that the subsection shall read as follows:

Rev. Stat.,
c. 233, s. 7,
subs. 1,
amended

(1) The producers, any class of processors or the distributors of milk in any market or any group of markets may require,

Collective
bargaining,
producers,
processors,
distributors

(a) in the case of producers, the processors or distributors to whom they sell milk; or

(b) in the case of processors or distributors, the producers from whom they purchase milk,

to bargain collectively in order to determine the prices that shall be paid to the producers supplying milk to the distributors or processors and to prescribe the terms and conditions relating to the sale and purchase of the milk and to fix quotas or establish quota committees.

2. Section 8 of *The Milk Control Act*, as re-enacted by section 4 of *The Milk Control Amendment Act, 1951*, is amended by adding thereto the following subsection:

Rev. Stat.,
c. 233, s. 8
(1951,
c. 50, s. 4),
amended

(3) *The Arbitration Act* shall not apply to an arbitration under this section.

Application
of Rev. Stat.,
c. 20

3. Subsection 1 of section 9 of *The Milk Control Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 233, s. 9,
subs. 1,
re-enacted

(1) Subject to subsection 1a, every agreement shall be filed with the Board and shall come into force on the

Filing of
agreements

day named in the agreement or if no day is named in the agreement it shall come into force on a day determined by the Board.

Conditional agreements (1a) If the operation of an agreement is conditional, it shall not be filed.

Awards (1b) Every award shall come into force on the day named in the award.

Rev. Stat., c. 233, s. 10, amended 4. Section 10 of *The Milk Control Act* is amended by adding thereto the following subsection:

Sale of milk not processed in market (3) Where an agreement or award is in effect in a market, no distributor shall sell or deliver to any person for re-sale in that market milk processed outside that market except where the milk sold or delivered was supplied by producers at a price not less than the highest price named in the agreement or award.

Rev. Stat., c. 50, s. 7; c. 83, s. 6, amended 5. Subsection 1 of section 15 of *The Milk Control Act* is amended by adding thereto the following clauses:

(bb) designating markets to be included in a group of markets for bargaining by producers and distributors;

.

(rr) prescribing and defining the classes of milk and the minimum and maximum percentages of butter fat, and the minimum percentage of total solids including butter fat, in any class;

(rrr) respecting substances that may be added to or removed from milk;

.

(ss) respecting the advertising in respect of and the labelling of containers for any class of milk.

1951, c. 50, s. 7; c. 83, s. 6, repealed 6. Section 7 of *The Milk Control Amendment Act, 1951*, as amended by section 6 of *The Statute Law Amendment Act, 1951*, is repealed.

Commencement 7. This Act comes into force on the day it receives Royal Assent.

Short title 8. This Act may be cited as *The Milk Control Amendment Act, 1952*.





BILL

An Act to amend The Milk Control Act

1st Reading

March 19th, 1952

2nd Reading

March 28th, 1952

3rd Reading

April 7th, 1952

MR. KENNEDY

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
**An Act to amend The Sanatoria for
Consumptives Act**

MR. PHILLIPS

EXPLANATORY NOTES

SECTION 1. The amendment authorizes the payment of burial expenses of deceased indigent patients in amounts not exceeding those specified in the amendment.

SECTION 2. Homes for the aged were formerly known as houses of refuge. The term "house of refuge" is now improper.

BILL

An Act to amend The Sanatoria for Consumptives Act

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

1. Section 38 of *The Sanatoria for Consumptives Act* is repealed and the following substituted therefor: Rev. Stat., c. 346, s. 38, re-enacted

38.—(1) In the event of the death in a sanatorium of any patient who is an indigent person, the local municipality in which such indigent person was a resident at the time of admission shall pay to the sanatorium any expenses of burial which it may incur, not exceeding,

(a) \$75 for the burial;

(b) the actual cost of opening and closing the grave; and

(c) a fee of \$10 for a religious service performed in connection with the burial.

(2) Where the deceased person referred to in subsection 1 by Minister was not a resident of a local municipality, the Minister may pay the burial expenses in accordance with subsection 1.

2. Clause *d* of section 42 of *The Sanatoria for Consumptives Act* is amended by striking out the words "house of refuge" in the second line and inserting in lieu thereof the words "home for the aged". Rev. Stat., c. 346, s. 42, cl. d, amended

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

4. This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1952*. Short title

BILL

An Act to amend The Sanatoria for
Consumptives Act

1st Reading

March 19th, 1952

2nd Reading

3rd Reading

Mr. PHILLIPS

No. 101

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
**An Act to amend The Sanatoria for
Consumptives Act**

MR. PHILLIPS

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



No. 101

1952

BILL

An Act to amend The Sanatoria for Consumptives Act

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

1. Section 38 of *The Sanatoria for Consumptives Act* is repealed and the following substituted therefor: Rev. Stat., c. 346, s. 38, re-enacted

38.—(1) In the event of the death in a sanatorium of any patient who is an indigent person, the local municipality in which such indigent person was a resident at the time of admission shall pay to the sanatorium any expenses of burial which it may incur, not exceeding, Burial expenses, by local municipality

(a) \$75 for the burial;

(b) the actual cost of opening and closing the grave; and

(c) a fee of \$10 for a religious service performed in connection with the burial.

(2) Where the deceased person referred to in subsection 1 was not a resident of a local municipality, the Minister may pay the burial expenses in accordance with subsection 1. by Minister

2. Clause *d* of section 42 of *The Sanatoria for Consumptives Act* is amended by striking out the words "house of refuge" in the second line and inserting in lieu thereof the words "home for the aged". Rev. Stat., c. 346, s. 42, cl. d, amended

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

4. This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1952*. Short title

BILL

An Act to amend The Sanatoria for
Consumptives Act

1st Reading

March 19th, 1952

2nd Reading

March 31st, 1952

3rd Reading

April 7th, 1952

MR. PHILLIPS

No. 102

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Public Health Act

MR. PHILLIPS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTES

SECTION 1. At present the Department may declare regulations to be in force in any locality. This will now be done in the regulation.

SECTION 2. In cities over 100,000 a local board of health is composed of the mayor, medical officer of health and five resident ratepayers. The amendment will allow the local board to have either five or seven resident ratepayers.

SECTION 3. The amendment provides that upon the death of a medical officer of health, the council of a city is authorized to appoint an acting medical officer of health to act until a permanent medical officer of health is appointed.

BILL

An Act to amend The Public Health Act

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

1. Section 6 of *The Public Health Act* is repealed and the following substituted therefor: Rev. Stat., c. 306, s. 6, re-enacted

6.—(1) Any regulation made under section 5 may be limited as to time or place or to both. Regulations may be limited

(2) Regulations heretofore made shall be deemed to be general in their application unless such application is inconsistent with the intent and purpose of such regulations. Regulations heretofore made

2. Subsection 3 of section 12 of *The Public Health Act* is repealed and the following substituted therefor: Rev. Stat., c. 306, s. 12, subs. 3, re-enacted

(3) In a city having a population of 100,000 or over according to the enumeration of the assessors for the last preceding year, the council may by by-law provide that the local board shall consist of the mayor, the medical officer of health and,

(a) five resident ratepayers, at least two of whom shall not be members of the council; or

(b) seven resident ratepayers, at least three of whom shall not be members of the council.

(3a) The resident ratepayers referred to in clauses a and b of subsection 3 shall be appointed annually by the council at its first meeting in every year. appointment of resident ratepayers

3. Section 33 of *The Public Health Act* is amended by adding thereto the following subsections: Rev. Stat., c. 306, s. 33, amended

(3a) Upon the death of a medical officer of health appointed by the council of a city, the council of that Acting medical officer of health, appointment

city may appoint, with the approval of the Minister, an acting medical officer of health who shall have all the powers of and perform the same duties as a medical officer of health.

Tenure of office

- (3b) An acting medical officer of health appointed under subsection 3a shall cease to hold office three months after the death of the medical officer of health or upon the appointment of a medical officer of health, whichever first occurs.

Rev. Stat.,
c. 306, s. 34,
subs. 5,
amended

4.—(1) Subsection 5 of section 34 of *The Public Health Act* is amended by inserting after the word “health” in the first line the words “or an acting medical officer of health” and by inserting after the word “health” where it occurs the first time in the seventh line the words “or the acting medical officer of health”, so that the subsection shall read as follows:

powers
and
duties

- (5) Where a medical officer of health or an acting medical officer of health is appointed for a health unit, the provisions of this Act with respect to the appointment of municipal officers of health for the territory included in the health unit shall not apply and the powers and duties of a medical officer of health in any such municipality shall thenceforth be exercised and performed by the medical officer of health or the acting medical officer of health for the health unit.

Rev. Stat.,
c. 306, s. 34,
subs. 6, cl. d,
amended

(2) Clause *d* of subsection 6 of the said section 34 is amended by inserting after the word “health” in the second line the words “acting medical officer of health”, so that the clause shall read as follows:

- (*d*) respecting the appointment and the tenure of office of the medical officer of health, acting medical officer of health, school medical officers, dental officers, nurses, sanitary inspectors and other technical health workers in a health unit.

Rev. Stat.,
c. 306, s. 110,
repealed

5. Section 110 of *The Public Health Act* is repealed.

Commence-
ment

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

Short title

7. This Act may be cited as *The Public Health Amendment Act, 1952*.

SECTION 4. The amendments authorize the appointment of an acting medical officer of health for a health unit.

SECTION 5. The repealed section authorizes the council of a city of not less than 100,000 to issue debentures for the purpose of raising money to procure investigations and reports as to methods of sewage treatment and disposal. This authority, extended to cover all local municipalities, and to cover investigations and reports as to water works, is incorporated in Bill No. 92 (*The Municipal Amendment Act, 1952*).





BILL

An Act to amend The Public Health Act

1st Reading

March 19th, 1952

2nd Reading

3rd Reading

MR. PHILLIPS

No. 102

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Public Health Act

MR. PHILLIPS

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

BILL

An Act to amend The Public Health Act

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

- 1.** Section 6 of *The Public Health Act* is repealed and the following substituted therefor: Rev. Stat., c. 306, s. 6, re-enacted
- 6.—(1) Any regulation made under section 5 may be limited as to time or place or to both. Regulations may be limited
- (2) Regulations heretofore made shall be deemed to be general in their application unless such application is inconsistent with the intent and purpose of such regulations. Regulations heretofore made
- 2.** Subsection 3 of section 12 of *The Public Health Act* is repealed and the following substituted therefor: Rev. Stat., c. 306, s. 12, subs. 3, re-enacted
- (3) In a city having a population of 100,000 or over according to the enumeration of the assessors for the last preceding year, the council may by by-law provide that the local board shall consist of the mayor, the medical officer of health and,
- (a) five resident ratepayers, at least two of whom shall not be members of the council; or
- (b) seven resident ratepayers, at least three of whom shall not be members of the council.
- (3a) The resident ratepayers referred to in clauses *a* and *b* of subsection 3 shall be appointed annually by the council at its first meeting in every year. appointment of resident ratepayers
- 3.** Section 33 of *The Public Health Act* is amended by adding thereto the following subsections: Rev. Stat., c. 306, s. 33, amended
- (3a) Upon the death of a medical officer of health appointed by the council of a city, the council of that Acting medical officer of health, appointment

city may appoint, with the approval of the Minister, an acting medical officer of health who shall have all the powers of and perform the same duties as a medical officer of health.

Tenure of office

- (3b) An acting medical officer of health appointed under subsection 3a shall cease to hold office three months after the death of the medical officer of health or upon the appointment of a medical officer of health, whichever first occurs.

Rev. Stat.,
c. 306, s. 34,
subs. 5,
amended

4.—(1) Subsection 5 of section 34 of *The Public Health Act* is amended by inserting after the word “health” in the first line the words “or an acting medical officer of health” and by inserting after the word “health” where it occurs the first time in the seventh line the words “or the acting medical officer of health”, so that the subsection shall read as follows:

powers and duties

- (5) Where a medical officer of health or an acting medical officer of health is appointed for a health unit, the provisions of this Act with respect to the appointment of municipal officers of health for the territory included in the health unit shall not apply and the powers and duties of a medical officer of health in any such municipality shall thenceforth be exercised and performed by the medical officer of health or the acting medical officer of health for the health unit.

Rev. Stat.,
c. 306, s. 34,
subs. 6, cl. d,
amended

(2) Clause *d* of subsection 6 of the said section 34 is amended by inserting after the word “health” in the second line the words “acting medical officer of health”, so that the clause shall read as follows:

- (d) respecting the appointment and the tenure of office of the medical officer of health, acting medical officer of health, school medical officers, dental officers, nurses, sanitary inspectors and other technical health workers in a health unit.

Rev. Stat.,
c. 306, s. 110,
repealed

5. Section 110 of *The Public Health Act* is repealed.

Commencement

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

Short title

7. This Act may be cited as *The Public Health Amendment Act, 1952*.







BILL

An Act to amend The Public Health Act

1st Reading

March 19th, 1952

2nd Reading

March 31st, 1952

3rd Reading

April 7th, 1952

MR. PHILLIPS

No. 103

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Assessment Act

MR. DUNBAR

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

EXPLANATORY NOTES

SECTION 1—Subsection 1. Complementary to section 10 of this bill.

Subsection 2. Under the present paragraph buildings of a corporation occupied for the purposes of a cold storage plant are exempt if the corporation has received government aid by loan or grant. The exemption is amended to apply only if the corporation is a co-operative corporation and the plant is used solely by its members.

SECTION 2. Self-explanatory.

BILL

An Act to amend The Assessment Act

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

1.—(1) Paragraph 9 of section 4 of *The Assessment Act* is amended by striking out the words "Except as provided in sections 39 and 40" at the commencement thereof, so that the paragraph shall read as follows:

Rev. Stat.,
c. 24, s. 4,
par. 9,
amended

9. The property belonging to or leased by any county or municipality or vested in or controlled by any public commission wherever situate and whether occupied for the purposes thereof or unoccupied; but not when occupied by a tenant or lessee, nor when used for parking vehicles where a fee is charged for such parking.

Municipal
property

(2) Paragraph 19 of the said section 4 is repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 4,
par. 19,
re-enacted

19. The buildings and other structures erected or placed upon the lands of a co-operative corporation and owned, occupied and used solely for the purposes of carrying on a co-operative cold storage plant for the sole use of the members of the corporation, if the corporation is or has been aided by way of loan or grant by the Governments of Canada and Ontario, or either of them; provided that such exemption shall not apply to the land upon which such buildings or structures are erected or placed except to the extent the land may be exempted under paragraph 62 of subsection 1 of section 388 of *The Municipal Act*.

Buildings
of a co-
operative
cold storage
plant

Rev. Stat.,
c. 243

2. *The Assessment Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 24,
amended

4a. The council of any local municipality may pass by-laws exempting from taxes, other than school taxes and local improvement rates, the land of any

Exemption
of religious
institutions

religious institution named in the by-law, provided that the land is owned by the institution and occupied and used solely for recreational purposes, on such conditions as may be set out in the by-law.

Rev. Stat.,
c. 24, s. 6,
subs. 1, cl. *k*,
amended

3.—(1) Clause *k* of subsection 1 of section 6 of *The Assessment Act* is amended by striking out the words “other than a transportation system owned or operated by or for a municipal corporation” in the third and fourth lines, so that the clause shall read as follows:

- (*k*) Every person carrying on the business of a telegraph or telephone company, or of a transportation system, or of the transmission of oil or water, or of steam, heat, gas or electricity for the purposes of light, heat or power, for a sum equal to twenty-five per cent of the assessed value of the land (not being a highway, lane or other public communication or public place or water or private right-of-way), occupied or used by such person, exclusive of the value of any machinery, plant or appliances erected or placed upon, in, over, under or affixed to such land.

Rev. Stat.,
c. 24, s. 6,
amended

(2) The said section 6 is amended by adding thereto the following subsection:

Co-operative
cold storage
plants

- (9*a*) No corporation entitled to an exemption under paragraph 19 of section 4 and occupying or using land solely for the purpose of a co-operative cold storage plant shall be liable to business assessment in respect of such land.

Rev. Stat.,
c. 24, s. 8,
subs. 1,
amended

4. Subsection 1 of section 8 of *The Assessment Act* is amended by striking out the words “Provincial Secretary” in the third line and inserting in lieu thereof the word “Minister”, so that the first four lines of the subsection shall read as follows:

Returns by
telegraph
and tele-
phone
companies

- (1) Every telegraph and telephone company doing business in Ontario shall on or before the 1st day of March in each year transmit to the Minister a statement in writing showing,

Rev. Stat.,
c. 24, s. 9,
subs. 4,
amended

5.—(1) Subsection 4 of section 9 of *The Assessment Act* is amended by striking out the words “Provincial Secretary” in the third line and inserting in lieu thereof the word “Minister”, so that the subsection shall read as follows:

SECTION 3—Subsection 1. Complementary to section 10 of this Bill.

Subsection 2. This amendment exempts co-operative cold storage plants entitled to an exemption on buildings under paragraph 19 of section 4 (see subsection 2 of section 1 of this bill) from business assessment in respect of the land.

SECTIONS 4 and 5. Sections 8 and 9 of the Act are amended so that telegraph and telephone company returns shall be forwarded to the Minister of Municipal Affairs instead of the Provincial Secretary.

SECTION 6. Section 22 provides for the making in the assessment roll of entries showing all persons entitled to vote at provincial elections. In *The Voters' Lists Act, 1951* municipalities were relieved of the necessity of making up Part III of the voters' lists showing the names of persons entitled to vote at provincial elections. The section is therefore repealed.

SECTION 7. This amendment will permit an appeal in respect of school support at any time up to October 14th or the last day for appealing from the assessment, whichever occurs later.

SECTION 8. Self-explanatory.

- (4) Upon the passing, amending or repealing of a by-law under subsection 1, the clerk shall forthwith transmit a copy thereof to the Minister and to every telephone and telegraph company carrying on business in the areas defined in the by-law. Duty of clerk

(2) Subsection 5 of the said section 9 is amended by striking out the words "Provincial Secretary" in the fourth line and inserting in lieu thereof the word "Minister", so that the subsection shall read as follows: Rev. Stat., c. 24, s. 9, subs. 5, amended

- (5) Every telephone and telegraph company doing business in a township in which a by-law under this section is in force shall on or before the 1st day of March in each year transmit to the Minister and to the clerk of the township a statement in writing signed by or on behalf of the company and verified in the manner prescribed in subsection 2 of section 8 showing the amount of the gross receipts of the company in the areas defined in the by-law for the year ending on the 31st day of December then last past. Return by companies

6. Section 22 of *The Assessment Act* is repealed. Rev. Stat., c. 24, s. 22, repealed

7. Section 25 of *The Assessment Act* is amended by inserting after the word "roll" in the third line the words "as public school supporters or" and by adding at the end thereof the words "except that the notice of complaint may be given at any time on or before the 14th day of October or the last day for appealing to the court of revision, whichever is the later", so that the section shall read as follows: Rev. Stat., c. 24, s. 25, amended

25. The court of revision shall hear and determine all complaints with regard to persons alleged to be wrongfully placed upon or omitted from the roll as public school supporters or as Roman Catholic separate school supporters, and any person so complaining or any ratepayer may give notice in writing to the clerk of the municipality of such complaint, and the provisions of this Act as to giving notice of complaints against the assessment roll and proceedings for the trial thereof shall apply to complaints under this section except that the notice of complaint may be given at any time on or before the 14th day of October or the last day for appealing to the court of revision, whichever is the later. School support

8. Section 33 of *The Assessment Act* is amended by adding thereto the following subsections: Rev. Stat., c. 24, s. 33, amended

- (4a) Where land, the mining rights in which are liable for acreage tax under *The Mining Tax Act*, Effect of tax sale or tax certificate registration

- (a) is sold for taxes under this Act; or
- (b) is vested in a municipality or school board upon registration of a tax arrears certificate under *The Department of Municipal Affairs Act*,

such sale or vesting shall create a severance of the surface rights from the mining rights, and only the surface rights in the land shall pass to the tax sale purchaser or vest in the municipality or school board, as the case may be, and the sale or registration shall not in any way affect the mining rights.

Before
April 1,
1951

- (4b) Notwithstanding subsection 4a or anything else in this or any other Act but subject to any forfeiture to the Crown legally effected under *The Mining Tax Act* or its predecessor, where land the mining rights in which were liable for acreage tax under *The Mining Tax Act* or its predecessor,

- (a) was sold for taxes under this Act or its predecessor; or
- (b) was vested in a municipality or school board upon registration of a tax arrears certificate under *The Department of Municipal Affairs Act* or its predecessor,

before the 1st day of April, 1951, and there had been, before the sale or registration, no severance of the surface rights from the mining rights, and the sale or certificate purported to vest all rights in the land in the tax sale purchaser or in the municipality or school board, as the case may be, such sale or certificate shall be deemed to have vested in the tax sale purchaser or in the municipality or school board, as the case may be, without severance, both the surface and mining rights.

Rev. Stat.,
c. 24,
amended

9. *The Assessment Act* is amended by adding thereto the following section:

Regulations,
payments to
mining
municipalities

33a.—(1) The Minister may make regulations,

- (a) providing for the making of payments to mining municipalities, and providing a formula or method of computing such payments;
- (b) prescribing the terms and conditions of such payments;

SECTION 9. A new section added to authorize the Minister of Municipal Affairs to make regulations providing for payments to municipalities designated in the regulations as mining municipalities. Where a municipality receives a payment under the regulations in any year it will not assess or tax mines profits in the municipality in that year.

SECTION 10. Sections 39 to 41 of *The Assessment Act* which relate to taxation of municipal public utilities are repealed. Under these provisions, together with paragraph 9 of section 4, only the land of a public utility is subject to taxation for municipal and school purposes, except where a transportation system operates restaurants, merry-go-rounds or switch-back railways, in which case the buildings in connection therewith are assessable, and except where the retail sale of electrical goods, supplies or appliances are sold, in which case the municipal council may declare both lands and buildings subject to taxation.

New provisions are substituted whereby the property of the commission will be liable for local improvements and the utility will henceforth pay to each municipality the equivalent of all municipal, school and business taxes on its land and buildings, and business taxes on any land and buildings used for retail sale of electrical goods, supplies and appliances. All moneys paid to a municipality under the new provisions are to be credited to the general fund of the municipality. These provisions will apply whether the utility is operated by the municipality itself or by a commission or other body on behalf of the municipality.

- (c) prescribing definitions of any work or expression, except the expression "mining municipality", whether or not used in this Act, for the purposes of the regulations;
- (d) designating municipalities as mining municipalities for the purposes of the regulations;
- (e) providing, in respect of any matter dealt with in or under the regulations, that the approval of the Minister shall be required.

- (2) Where a municipality receives a payment in any year under the regulations made under subsection 1, it shall not assess or tax the profits of any mine or mineral work under subsection 5 or 8 of section 33 in that year and the payment shall be distributed in the manner provided in subsection 9 of section 33.
- (3) Payments made under subsection 1 shall be paid out of such moneys as may be appropriated therefor by the Legislature.

10. Sections 39, 40 and 41 of *The Assessment Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 39,
re-enacted;
ss. 40, 41,
repealed

39.—(1) In this section,

Interpreta-
tion

(a) "commission" means the council of a municipal corporation, or a commission or trustees or other body, operating a public utility for or on behalf of the corporation;

(b) "public utility" means a public utility as defined in *The Department of Municipal Affairs Act*.

Rev. Stat.,
c. 96

- (2) For the purposes of this section, land and buildings owned by and vested in a municipal corporation and used for the purposes of a public utility shall be deemed to be vested in the commission operating the public utility.
- (3) Every commission shall pay in each year, to any municipality in which are situated lands or buildings owned by and vested in the commission and used for the purposes of the public utility it operates, the total amount that all rates, except, subject to subsections 4 and 5, rates on business assessment, levied in that municipality for taxation purposes

Property
deemed
vested in
commission

Annual pay-
ments to
municipalities

based on the assessed value of the land at the actual value thereof according to the average value of land in the locality and the assessed value of such buildings, would produce.

Idem

- (4) The commission shall also pay the amount that the current rates on business assessment on the lands or buildings referred to in subsection 3, not including any lands or buildings referred to in subsection 5, would produce based on the applicable percentage of the assessed value provided for in subsection 3.

Idem

- (5) The commission shall also pay the amount that the current rates on business assessment would produce on lands and buildings owned or occupied by the commission for carrying on the business of selling by retail electrical goods, supplies or appliances.

Local
improve-
ments
Rev. Stat.,
c. 215

- (6) Notwithstanding section 59 of *The Local Improvement Act*, the commission shall pay local improvement assessments.

Credit to
municipal
general fund

- (7) The payments received under subsections 3, 4 and 5 shall be credited by the municipality to the general fund of the municipality.

Mode of
assessment,
appeals

- (8) Subject to subsections 3, 4 and 9, the property on which payment is to be made under subsections 3, 4 and 5 shall be assessed according to this Act, and the provisions of this Act respecting appeals shall apply.

Exemptions

- (9) In making the assessment referred to in subsection 8, there shall be no assessment of machinery whether fixed or not nor the foundation on which it rests, works, structures other than buildings referred to in subsection 3 or 5, substructures, superstructures, rails, ties, poles, towers, lines nor any of the things excepted from exemption from taxation by paragraph 17 of section 4, nor other property, works or improvements not referred to in subsection 3 or 5, nor to an easement or the right or use of occupation or other interest in land not owned by the commission.

Application
of section

- (10) The provisions of this section shall apply notwithstanding anything in this or any other general or special Act or any agreement heretofore made.

Rev. Stat.,
c. 24, s. 44,
subs. 3,
amended

11. Subsection 3 of section 44 of *The Assessment Act* is amended by inserting after the word "warehouses" in the fifth line the words "oil storage tanks", so that the subsection shall read as follows:

SECTION 11. The section dealing with assessment of railways is amended so as to make oil storage tanks liable to assessment.

SECTION 12. Section 22 of *The Assessment Act* is repealed by section 6 of this Bill. The reference to that section in section 46 is therefore removed.

SECTIONS 13 and 14. Sections 51 and 51*a*, which provide for additions to the collector's roll and assessment roll respectively, are amended to make it clear that in respect of alterations or enlargements of buildings it is only the increase in value which is added. The original value is already on the roll.

- (3) Notwithstanding anything in this Act, the structures, substructures, superstructures, rails, ties, poles, wires and other property on railway lands and used exclusively for railway purposes or incidental thereto (except stations, freight sheds, offices, warehouses, oil storage tanks, elevators, hotels, roundhouses and machine, repair and other shops) shall not be assessed. Rails, ties, poles, substructures, etc., not assessable

12. Subsection 1 of section 46 of *The Assessment Act* is amended by striking out the word and figures "or 22" in the fifth line, so that the subsection shall read as follows: Rev. Stat., c. 24, s. 46, subs. 1, amended

- (1) The assessor or his assistant shall prior to the completion of the assessment roll for the municipality or ward, as the case may be, deliver in the manner hereinafter provided to every person named therein, except persons entered on the roll under section 21 a notice (Form 3) of the sum or sums for which such person has been assessed and such other particulars as are mentioned in the Form, and shall enter in the roll opposite the name of the person the date of delivery of the notice and the entry shall be *prima facie* evidence of the delivery. Notice of assessment

13. Clause *a* of subsection 1 of section 51 of *The Assessment Act*, as re-enacted by section 3 of *The Assessment Amendment Act, 1951*, is amended by inserting after the word "value" in the first line the words "or increase in value as the case requires", so that the clause shall read as follows: Rev. Stat., c. 24, s. 51, subs. 1, cl. a (1951), c. 4, s. 3, amended

- (a) the value or increase in value as the case requires, as certified by the assessor, of any building as determined by section 33 which after the 1st day of January is erected, altered or enlarged and as erected, altered or enlarged is occupied or reasonably fit for occupancy.

14. Clause *a* of subsection 1 of section 51*a* of *The Assessment Act*, as enacted by section 3 of *The Assessment Amendment Act, 1951*, is amended by inserting after the word "value" in the first line the words "or increase in value as the case requires", so that the clause shall read as follows: Rev. Stat., c. 24, s. 51*a*, subs. 1, cl. a (1951), c. 4, s. 3, amended

- (a) the value or increase in value as the case requires, as certified by the assessor, of any building as determined by section 33 which after the return of the roll is erected, altered or enlarged and as erected, altered or enlarged is occupied or reasonably fit for occupancy.

Rev. Stat.,
c. 24, s. 53,
amended

15. Section 53 of *The Assessment Act* is amended by adding thereto the following subsection:

Extension
of time
for closing
court of
revision

- (8a) Where in any year it appears to the council of a municipality that the court of revision will not dispose of the appeals within the required time, the council may by by-law extend the time for closing the court of revision for such period, not exceeding sixty days, as appears necessary.

Rev. Stat.,
c. 24, s. 62,
subs. 1,
re-enacted

16. Subsection 1 of section 62 of *The Assessment Act* is repealed and the following substituted therefor:

County
court of
revision

- (1) Where a county assessor is appointed under section 86, the council of the county may establish a county court of revision to act in lieu of the court of revision referred to in section 61 on assessment appeals, but the county court of revision shall not deal with applications under section 124, 135 or 137 of this Act or appeals under any other Act.

Rev. Stat.,
c. 24, s. 72,
subs. 11,
amended

17. Subsection 11 of section 72 of *The Assessment Act* is amended by inserting after the figure "6" in the second line the word, figure and letter "or 8a", so that the subsection shall read as follows:

Extension
of time
for deter-
mination
of appeals

- (11) Where in any year the time for closing the court of revision in a municipality is extended under subsection 6 or 8a of section 53, the time for the judge to determine appeals is correspondingly extended.

Rev. Stat.,
c. 24, s. 113,
subs. 3,
re-enacted

18. Subsection 3 of section 113 of *The Assessment Act* is repealed and the following substituted therefor:

Penalty
for non-
payment
of taxes

- (3) The council may by by-law impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding one per cent on the first day of default and on the first day of each calendar month thereafter in which default continues, but not after the end of the year in which the taxes are levied.

Idem

- (3a) In any municipality in which a by-law has not been passed under subsection 3, the council may by by-law impose a penalty not exceeding two per cent on all taxes of the current year remaining unpaid on the first day of default after the 15th day of December of the year in which the taxes are levied.

SECTION 15. At present the time for the closing of the court of revision is fixed by the Act as November 30th unless a by-law has been passed extending the time for the return of the assessment roll. A new subsection 8a is added to authorize the municipal council by by-law to extend the time for the closing of the court of revision in any case.

SECTION 16. The purpose of a county court of revision is to ensure uniformity of dealing with assessment appeals so as to arrive at closer relationship among the assessments in the local municipalities. It is not necessary that it deal with other matters and the section is amended accordingly.

SECTION 17. Complementary to section 15 of this bill.

SECTION 18. The penalties authorized for non-payment of taxes are increased from one half of one per cent on the first day of default and on the first day of each period of thirty days during which the default continues to one per cent on the first day of default and an additional one per cent on the first day of each calendar month thereafter during the year.

An alternative method is also provided authorizing instead the imposition of a straight two per cent penalty to be added on the first day of default after the 15th day of December in the year.

SECTION 19—Subsection 1. The section which authorizes a municipality to adopt the system of taking business assessment in the year in which taxes are to be levied on that assessment is amended to make it clear that in the first year in which the by-law is effective the business assessment made in the previous year will not be used.

Subsection 2. Provision is made whereby a municipality which has passed a by-law under section 123 may repeal the by-law and revert to the system of assessing business at the same time as real property, for taxation in the following year.

SECTION 20. Section 124 which deals with applications for abatement or refund of taxes is amended to provide that the application must be made not later than January 31st in the year following the year in respect of which the application is made, and time limits are provided within which the court of revision must dispose of applications and the judge must dispose of appeals.

19.—(1) Subsection 4 of section 123 of *The Assessment Act* Rev. Stat., c. 24, s. 123, subs. 4, amended is amended by striking out the words “any year” in the second line and inserting in lieu thereof the words “the year in which the by-law becomes effective and in each subsequent year”, so that the subsection shall read as follows:

- (4) The assessment of business so made and completed Inclusion of business assessment with revised assessment roll in the year in which the by-law becomes effective and in each subsequent year, whether or not it is completed by the time provided by the by-law, shall upon its final revision, be the assessment of business on which the rates of taxation upon business for such year shall be levied by the council and the assessment roll thereof with the assessment roll of real property and other assessments made for the same year shall when both thereof are finally revised together form the last revised assessment roll of the whole rateable property within the municipality with- in the meaning and for the purposes of this Act, *The Municipal Act* Rev. Stat., c. 243 and any other general or special Act.

(2) The said section 123 is amended by adding thereto the following subsection: Rev. Stat., c. 24, s. 123, amended

- (7) A by-law repealing a by-law passed under sub- section 1 shall be passed not later than the 31st day of March in the year in which it is to become effective, and where a repealing by-law is passed the assessment of business made in the preceding year shall be the assessment on which the rates of taxation upon business for the current year shall be levied, and in the current and each subsequent year the assessment of business shall be made together with the assessment of real property for taxation in the following year. Repealing by-law

20.—(1) Subsection 2 of section 124 of *The Assessment Act* Rev. Stat., c. 24, s. 124, subs. 2, amended is amended by striking out the word “March” in the second line and inserting in lieu thereof the word “January”, so that the subsection shall read as follows:

- (2) The application may be made at any time during the year and until the 31st day of January in the following year and notice in writing of the applica- tion shall be given to the clerk of the municipality or the assessment commissioner, if any. Time for making applica- tion

(2) The said section 124 is amended by adding thereto the following subsections: Rev. Stat., c. 24, s. 124, amended

Time for disposal of application

(2a) The court of revision shall hear and dispose of every application within two months of the receipt of the application but in no case later than the 28th day of February of the year following the year in respect of which the application is made.

.

Appeals to county judge

(3a) The county judge shall hear and determine all appeals not later than the 30th day of April of the year following the year in respect of which the application is made.

Rev. Stat., c. 24, s. 173, amended

21. Section 173 of *The Assessment Act* is amended by adding thereto the following subsections:

Further notice

(2) Notwithstanding subsection 1, the treasurer may, at any time after the expiration of ten years from the date of the sale, cause to be sent by registered mail, to each person to whom notice was sent under subsection 2 of section 174, a further notice that if he does not apply for a conveyance of the land under subsection 1 and tender the payment required under subsection 1 within six months of the date the notice is sent, his right to do so will expire.

Cessation of rights under subs. 1

(3) If a person notified under subsection 2 does not apply for a conveyance and tender the payment required under subsection 1 within the said six months, his right to do so shall cease to exist.

Commencement

22.—(1) This Act, except sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 18 and 20, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 1 of section 1, section 2, subsection 1 of section 3, and sections 6, 9, 10, 11, 12, 13, 14 and 18, shall be deemed to have come into force on the 1st day of January, 1952.

Idem

(3) Subsection 2 of section 1, subsection 2 of section 3, and sections 4, 5 and 20, come into force on the 1st day of January, 1953.

Idem

(4) Section 8 shall be deemed to have come into force on the 1st day of April, 1951.

Short title

23. This Act may be cited as *The Assessment Amendment Act, 1952*.

SECTION 21. At present under section 173 of the Act any person interested in land purchased by the municipality at a tax sale can apply at any time for a conveyance of the land if it has not meanwhile been sold or declared by by-law to be required for municipal purposes. New subsections are added to provide a means whereby this right can be extinguished after ten years.

BILL

An Act to amend The Assessment Act

1st Reading

March 21st, 1952

2nd Reading

3rd Reading

MR. DUNBAR

No. 103

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Assessment Act

MR. DUNBAR

(Reprinted as amended by the Committee on Municipal Law)

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

EXPLANATORY NOTES

SECTION 1—Subsection 1. Complementary to section 10 of this bill.

Subsection 2. Under the present paragraph buildings of a corporation occupied for the purposes of a cold storage plant are exempt if the corporation has received government aid by loan or grant. The exemption is amended to apply only if the corporation is a co-operative corporation and the plant is used solely by its members.

SECTION 2. Self-explanatory.

BILL

An Act to amend The Assessment Act

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

1.—(1) Paragraph 9 of section 4 of *The Assessment Act* is amended by striking out the words “Except as provided in sections 39 and 40” at the commencement thereof, so that the paragraph shall read as follows: Rev. Stat., c. 24, s. 4, par. 9, amended

9. The property belonging to or leased by any county or municipality or vested in or controlled by any public commission wherever situate and whether occupied for the purposes thereof or unoccupied; but not when occupied by a tenant or lessee, nor when used for parking vehicles where a fee is charged for such parking. Municipal property

(2) Paragraph 19 of the said section 4 is repealed and the following substituted therefor: Rev. Stat., c. 24, s. 4, par. 19, re-enacted

19. The buildings and other structures erected or placed upon the lands of a co-operative corporation and owned, occupied and used solely for the purposes of carrying on a co-operative cold storage plant for the sole use of the members of the corporation, if the corporation is or has been aided by way of loan or grant by the Governments of Canada and Ontario, or either of them; provided that such exemption shall not apply to the land upon which such buildings or structures are erected or placed except to the extent the land may be exempted under paragraph 62 of subsection 1 of section 388 of *The Municipal Act*. Buildings of a co-operative cold storage plant

2. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat., c. 24, amended

4a. The council of any local municipality may pass by-laws exempting from taxes, other than school taxes and local improvement rates, the land of any Exemption of religious institutions

religious institution named in the by-law, provided that the land is owned by the institution and occupied and used solely for recreational purposes, on such conditions as may be set out in the by-law.

Rev. Stat.,
c. 24, s. 6,
subs. 1, cl. k,
amended

3.—(1) Clause *k* of subsection 1 of section 6 of *The Assessment Act* is amended by striking out the words “other than a transportation system owned or operated by or for a municipal corporation” in the third and fourth lines, so that the clause shall read as follows:

(*k*) Every person carrying on the business of a telegraph or telephone company, or of a transportation system, or of the transmission of oil or water, or of steam, heat, gas or electricity for the purposes of light, heat or power, for a sum equal to twenty-five per cent of the assessed value of the land (not being a highway, lane or other public communication or public place or water or private right-of-way), occupied or used by such person, exclusive of the value of any machinery, plant or appliances erected or placed upon, in, over, under or affixed to such land.

Rev. Stat.,
c. 24, s. 6,
amended

(2) The said section 6 is amended by adding thereto the following subsection:

Co-operative
cold storage
plants

(9*a*) No corporation entitled to an exemption under paragraph 19 of section 4 and occupying or using land solely for the purpose of a co-operative cold storage plant shall be liable to business assessment in respect of such land.

Rev. Stat.,
c. 24, s. 8,
subs. 1,
amended

4. Subsection 1 of section 8 of *The Assessment Act* is amended by striking out the words “Provincial Secretary” in the third line and inserting in lieu thereof the word “Minister”, so that the first four lines of the subsection shall read as follows:

Returns by
telegraph
and tele-
phone
companies

(1) Every telegraph and telephone company doing business in Ontario shall on or before the 1st day of March in each year transmit to the Minister a statement in writing showing,

.

Rev. Stat.,
c. 24, s. 9,
subs. 4,
amended

5.—(1) Subsection 4 of section 9 of *The Assessment Act* is amended by striking out the words “Provincial Secretary” in the third line and inserting in lieu thereof the word “Minister”, so that the subsection shall read as follows:

SECTION 3—Subsection 1. Complementary to section 10 of this Bill.

Subsection 2. This amendment exempts co-operative cold storage plants entitled to an exemption on buildings under paragraph 19 of section 4 (see subsection 2 of section 1 of this bill) from business assessment in respect of the land.

SECTIONS 4 and 5. Sections 8 and 9 of the Act are amended so that telegraph and telephone company returns shall be forwarded to the Minister of Municipal Affairs instead of the Provincial Secretary.

SECTION 6. Section 22 provides for the making in the assessment roll of entries showing all persons entitled to vote at provincial elections. In *The Voters' Lists Act, 1951* municipalities were relieved of the necessity of making up Part III of the voters' lists showing the names of persons entitled to vote at provincial elections. The section is therefore repealed.

SECTION 7. This amendment will permit an appeal in respect of school support at any time up to October 14th or the last day for appealing from the assessment, whichever occurs later.

(4) Upon the passing, amending or repealing of a by-law under subsection 1, the clerk shall forthwith transmit a copy thereof to the Minister and to every telephone and telegraph company carrying on business in the areas defined in the by-law. Duty of clerk

(2) Subsection 5 of the said section 9 is amended by striking out the words "Provincial Secretary" in the fourth line and inserting in lieu thereof the word "Minister", so that the subsection shall read as follows: Rev. Stat., c. 24, s. 9, subs. 5, amended

(5) Every telephone and telegraph company doing business in a township in which a by-law under this section is in force shall on or before the 1st day of March in each year transmit to the Minister and to the clerk of the township a statement in writing signed by or on behalf of the company and verified in the manner prescribed in subsection 2 of section 8 showing the amount of the gross receipts of the company in the areas defined in the by-law for the year ending on the 31st day of December then last past. Return by companies

6. Section 22 of *The Assessment Act* is repealed. Rev. Stat., c. 24, s. 22, repealed

7.—(1) Section 25 of *The Assessment Act* is amended by inserting after the word "roll" in the third line the words "as public school supporters or" and by adding at the end thereof the words "except that the notice of complaint may be given at any time on or before the 14th day of October or the last day for appealing to the court of revision, whichever is the later", so that the section shall read as follows: Rev. Stat., c. 24, s. 25, amended

25. The court of revision shall hear and determine all complaints with regard to persons alleged to be wrongfully placed upon or omitted from the roll as public school supporters or as Roman Catholic separate school supporters, and any person so complaining or any ratepayer may give notice in writing to the clerk of the municipality of such complaint, and the provisions of this Act as to giving notice of complaints against the assessment roll and proceedings for the trial thereof shall apply to complaints under this section except that the notice of complaint may be given at any time on or before the 14th day of October or the last day for appealing to the court of revision, whichever is the later. School support

(2) The said section 25 is further amended by adding thereto the following subsection: Rev. Stat., c. 24, s. 25, amended

(2) Liability in respect of public or separate school support shall be determined in accordance with the circumstances existing at the time the notice of complaint was given. Determination of school support, time for

Rev. Stat.,
c. 24, s. 33,
amended

Effect of
tax sale
or tax
certificate
registra-
tion

8. Section 33 of *The Assessment Act* is amended by adding thereto the following subsections:

(4a) Where land, the mining rights in which are liable for acreage tax under *The Mining Tax Act*,

(a) is sold for taxes under this Act; or

(b) is vested in a municipality or school board upon registration of a tax arrears certificate under *The Department of Municipal Affairs Act*,

on or after the 1st day of April, 1951, such sale or vesting shall create a severance of the surface rights from the mining rights, and only the surface rights in the land shall pass to the tax sale purchaser or vest in the municipality or school board, as the case may be, and the sale or registration shall not in any way affect the mining rights.

Before
April 1,
1951

(4b) Notwithstanding subsection 4a or anything else in this or any other Act but subject to any forfeiture to the Crown legally effected under *The Mining Tax Act* or its predecessor, where land the mining rights in which were liable for acreage tax under *The Mining Tax Act* or its predecessor,

(a) was sold for taxes under this Act or its predecessor; or

(b) was vested in a municipality or school board upon registration of a tax arrears certificate under *The Department of Municipal Affairs Act* or its predecessor,

before the 1st day of April, 1951, and there had been, before the sale or registration, no severance of the surface rights from the mining rights, and the sale or certificate purported to vest all rights in the land in the tax sale purchaser or in the municipality or school board, as the case may be, such sale or certificate shall be deemed to have vested in the tax sale purchaser or in the municipality or school board, as the case may be, without severance, both the surface and mining rights.

Rev. Stat.,
c. 24,
amended

9. *The Assessment Act* is amended by adding thereto the following section:

Regulations,
payments to
mining
municipalities

33a.—(1) The Minister may make regulations,

(a) providing for the making of payments to mining municipalities, and providing a formula or method of computing such payments;

(b) prescribing the terms and conditions of such payments;

SECTION 8. Self-explanatory.

SECTION 9. A new section added to authorize the Minister of Municipal Affairs to make regulations providing for payments to municipalities designated in the regulations as mining municipalities. Where a municipality receives a payment under the regulations in any year it will not assess or tax mines profits in the municipality in that year.

SECTION 10. Sections 39 to 41 of *The Assessment Act* which relate to taxation of municipal public utilities are repealed. Under these provisions, together with paragraph 9 of section 4, only the land of a public utility is subject to taxation for municipal and school purposes, except where a transportation system operates restaurants, merry-go-rounds or switch-back railways, in which case the buildings in connection therewith are assessable, and except where the retail sale of electrical goods, supplies or appliances is carried on, in which case the municipal council may declare both lands and buildings subject to taxation.

New provisions are substituted whereby the property of the commission will be liable for local improvements and the utility will henceforth pay to each municipality the equivalent of all municipal, school and business taxes on its land and buildings, and business taxes on any land and buildings used for retail sale of electrical goods, supplies and appliances. All moneys paid to a municipality under the new provisions are to be credited to the general fund of the municipality. These provisions will apply whether the utility is operated by the municipality itself or by a commission or other body on behalf of the municipality.

- (c) prescribing definitions of any word or expression, except the expression "mining municipality", whether or not used in this Act, for the purposes of the regulations;
 - (d) designating municipalities as mining municipalities for the purposes of the regulations;
 - (e) providing, in respect of any matter dealt with in or under the regulations, that the approval of the Minister shall be required.
- (2) Where a municipality receives a payment in any *Idem* year under the regulations made under subsection 1, it shall not assess or tax the profits of any mine or mineral work under subsection 5 or 8 of section 33 in that year and the payment shall be distributed in the manner provided in subsection 9 of section 33.
 - (3) Payments made under subsection 1 shall be paid out *Idem* of such moneys as may be appropriated therefor by the Legislature.

10. Sections 39, 40 and 41 of *The Assessment Act* are repealed and the following substituted therefor:

Rev. Stat., c. 24, s. 39, re-enacted; ss. 40, 41, repealed

39.—(1) In this section,

Interpretation

(a) "commission" means the council of a municipal corporation, or a commission or trustees or other body, operating a public utility for or on behalf of the corporation;

(b) "public utility" means a public utility as defined in *The Department of Municipal Affairs Act*.

Rev. Stat., c. 96

- (2) For the purposes of this section, land and buildings owned by and vested in a municipal corporation and used for the purposes of a public utility shall be deemed to be vested in the commission operating the public utility.
- (3) Every commission shall pay in each year, to any municipality in which are situated lands or buildings owned by and vested in the commission and used for the purposes of the public utility it operates, the total amount that all rates, except, subject to subsections 4 and 5, rates on business assessment, levied in that municipality for taxation purposes

Property deemed vested in commission

Annual payments to municipalities

based on the assessed value of the land at the actual value thereof according to the average value of land in the locality and the assessed value of such buildings, would produce.

Idem

- (4) The commission shall also pay the amount that the current rates on business assessment on the lands or buildings referred to in subsection 3, not including any lands or buildings referred to in subsection 5, would produce based on the applicable percentage of the assessed value provided for in subsection 3.

Idem

- (5) The commission shall also pay the amount that the current rates on business assessment would produce on lands and buildings owned or occupied by the commission for carrying on the business of selling by retail electrical goods, supplies or appliances.

Local
improve-
ments
Rev. Stat.,
c. 215

- (6) Notwithstanding section 59 of *The Local Improvement Act*, the commission shall pay local improvement assessments.

Credit to
municipal
general fund

- (7) The payments received under subsections 3, 4 and 5 shall be credited by the municipality to the general fund of the municipality.

Mode of
assessment,
appeals

- (8) Subject to subsections 3, 4 and 9, the property on which payment is to be made under subsections 3, 4 and 5 shall be assessed according to this Act, and the provisions of this Act respecting appeals shall apply.

Exemptions

- (9) In making the assessment referred to in subsection 8, there shall be no assessment of machinery whether fixed or not nor the foundation on which it rests, works, structures other than buildings referred to in subsection 3 or 5, substructures, superstructures, rails, ties, poles, towers, lines nor any of the things excepted from exemption from taxation by paragraph 17 of section 4, nor other property, works or improvements not referred to in subsection 3 or 5, nor to an easement or the right or use of occupation or other interest in land not owned by the commission.

Application
of section

- (10) The provisions of this section shall apply notwithstanding anything in this or any other general or special Act or any agreement heretofore made and any agreement heretofore made under which a commission pays taxes, or money in lieu of taxes or for municipal services, shall be void.

SECTION 11. Section 22 of *The Assessment Act* is repealed by section 6 of this Bill. The reference to that section in section 46 is therefore removed.

SECTIONS 12 and 13. Sections 51 and 51*a*, which provide for additions to the collector's roll and assessment roll respectively, are amended to make it clear that in respect of alterations or enlargements of buildings it is only the increase in value which is added. The original value is already on the roll.

SECTION 14. At present the time for the closing of the court of revision is fixed by the Act as November 30th unless a by-law has been passed extending the time for the return of the assessment roll. A new subsection 8*a* is added to authorize the municipal council by by-law to extend the time for the closing of the court of revision in any case.

11. Subsection 1 of section 46 of *The Assessment Act* is amended by striking out the word and figures "or 22" in the fifth line, so that the subsection shall read as follows: Rev. Stat.,
c. 24, s. 46,
subs. 1,
amended

- (1) The assessor or his assistant shall prior to the completion of the assessment roll for the municipality or ward, as the case may be, deliver in the manner hereinafter provided to every person named therein, except persons entered on the roll under section 21 a notice (Form 3) of the sum or sums for which such person has been assessed and such other particulars as are mentioned in the Form, and shall enter in the roll opposite the name of the person the date of delivery of the notice and the entry shall be *prima facie* evidence of the delivery. Notice of
assessment

12. Clause *a* of subsection 1 of section 51 of *The Assessment Act*, as re-enacted by section 3 of *The Assessment Amendment Act, 1951*, is amended by inserting after the word "value" in the first line the words "or increase in value as the case requires", so that the clause shall read as follows: Rev. Stat.,
c. 24, s. 51,
subs. 1,
cl. a
(1951,
c. 4, s. 3),
amended

- (a) the value or increase in value as the case requires, as certified by the assessor, of any building as determined by section 33 which after the 1st day of January is erected, altered or enlarged and as erected, altered or enlarged is occupied or reasonably fit for occupancy.

13. Clause *a* of subsection 1 of section 51a of *The Assessment Act*, as enacted by section 3 of *The Assessment Amendment Act, 1951*, is amended by inserting after the word "value" in the first line the words "or increase in value as the case requires", so that the clause shall read as follows: Rev. Stat.,
c. 24, s. 51a,
subs. 1, cl. a
(1951,
c. 4, s. 3),
amended

- (a) the value or increase in value as the case requires, as certified by the assessor, of any building as determined by section 33 which after the return of the roll is erected, altered or enlarged and as erected, altered or enlarged is occupied or reasonably fit for occupancy.

14. Section 53 of *The Assessment Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 24, s. 53,
amended

- (8a) Where in any year it appears to the council of a municipality that the court of revision will not dispose of the appeals within the required time, the council may by by-law extend the time for closing the court of revision for such period, not exceeding sixty days, as appears necessary. Extension
of time
for closing
court of
revision

Rev. Stat.,
c. 24, s. 62,
subs. 1,
re-enacted

15. Subsection 1 of section 62 of *The Assessment Act* is repealed and the following substituted therefor:

County
court of
revision

- (1) Where a county assessor is appointed under section 86, the council of the county may establish a county court of revision to act in lieu of the court of revision referred to in section 61 on assessment appeals, but the county court of revision shall not deal with applications under section 124, 135 or 137 of this Act or appeals under any other Act.

Rev. Stat.,
c. 24, s. 72,
subs. 11,
amended

16. Subsection 11 of section 72 of *The Assessment Act* is amended by inserting after the figure "6" in the second line the word, figure and letter "or 8a", so that the subsection shall read as follows:

Extension
of time
for deter-
mination
of appeals

- (11) Where in any year the time for closing the court of revision in a municipality is extended under subsection 6 or 8a of section 53, the time for the judge to determine appeals is correspondingly extended.

Rev. Stat.,
c. 24, s. 113,
subs. 3,
re-enacted

17. Subsection 3 of section 113 of *The Assessment Act* is repealed and the following substituted therefor:

Penalty
for non-
payment
of taxes

- (3) The council may by by-law impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding one per cent on the first day of default and on the first day of each calendar month thereafter in which default continues, but not after the end of the year in which the taxes are levied.

Idem

- (3a) In any municipality in which a by-law has not been passed under subsection 3, the council may by by-law impose a penalty not exceeding two per cent on all taxes of the current year remaining unpaid on the first day of default after the 15th day of December of the year in which the taxes are levied.

Rev. Stat.,
c. 24, s. 123,
subs. 4,
amended

18.—(1) Subsection 4 of section 123 of *The Assessment Act* is amended by striking out the words "any year" in the second line and inserting in lieu thereof the words "the year in which the by-law becomes effective and in each subsequent year", so that the subsection shall read as follows:

Inclusion
of business
assessment
with revised
assessment
roll

- (4) The assessment of business so made and completed in the year in which the by-law becomes effective and in each subsequent year, whether or not it is completed by the time provided by the by-law,

SECTION 15. The purpose of a county court of revision is to ensure uniformity of dealing with assessment appeals so as to arrive at closer relationship among the assessments in the local municipalities. It is not necessary that it deal with other matters and the section is amended accordingly.

SECTION 16. Complementary to section 14 of this bill.

SECTION 17. The penalties authorized for non-payment of taxes are increased from one half of one per cent on the first day of default and on the first day of each period of thirty days during which the default continues to one per cent on the first day of default and an additional one per cent on the first day of each calendar month thereafter during the year.

An alternative method is also provided authorizing instead the imposition of a straight two per cent penalty to be added on the first day of default after the 15th day of December in the year.

SECTION 18—Subsection 1. The section which authorizes a municipality to adopt the system of taking business assessment in the year in which taxes are to be levied on that assessment is amended to make it clear that in the first year in which the by-law is effective the business assessment made in the previous year will not be used.

Subsection 2. Provision is made whereby a municipality which has passed a by-law under section 123 may repeal the by-law and revert to the system of assessing business at the same time as real property, for taxation in the following year.

SECTION 19. Section 124 which deals with applications for abatement or refund of taxes is amended to provide that the application must be made not later than January 31st in the year following the year in respect of which the application is made, and time limits are provided within which the court of revision must dispose of applications and the judge must dispose of appeals.

shall upon its final revision, be the assessment of business on which the rates of taxation upon business for such year shall be levied by the council and the assessment roll thereof with the assessment roll of real property and other assessments made for the same year shall when both thereof are finally revised together form the last revised assessment roll of the whole rateable property within the municipality within the meaning and for the purposes of this Act, *The Municipal Act* and any other general or special Act.

(2) The said section 123 is amended by adding thereto the following subsection: Rev. Stat.,
c. 243

(7) A by-law repealing a by-law passed under subsection 1 shall be passed not later than the 31st day of March in the year in which it is to become effective, and where a repealing by-law is passed the assessment of business made in the preceding year shall be the assessment on which the rates of taxation upon business for the current year shall be levied, and in the current and each subsequent year the assessment of business shall be made together with the assessment of real property for taxation in the following year. Rev. Stat.,
c. 24, s. 123,
amended

Repealing
by-law

19.—(1) Subsection 2 of section 124 of *The Assessment Act* is amended by striking out the word “March” in the second line and inserting in lieu thereof the word “January”, so that the subsection shall read as follows: Rev. Stat.,
c. 24, s. 124,
subs. 2,
amended

(2) The application may be made at any time during the year and until the 31st day of January in the following year and notice in writing of the application shall be given to the clerk of the municipality or the assessment commissioner, if any. Time for
making
applica-
tion

(2) The said section 124 is amended by adding thereto the following subsections: Rev. Stat.,
c. 24, s. 124,
amended

(2a) The court of revision shall hear and dispose of every application within two months of the receipt of the application but in no case later than the 28th day of February of the year following the year in respect of which the application is made. Time for
disposal of
application

.

(3a) The county judge shall hear and determine all appeals not later than the 30th day of April of the year following the year in respect of which the application is made. Appeals to
county
judge

Rev. Stat.,
c. 24, s. 173,
amended

20. Section 173 of *The Assessment Act* is amended by adding thereto the following subsections:

Further
notice

(2) Notwithstanding subsection 1, the treasurer may, at any time after the expiration of ten years from the date of the sale, cause to be sent by registered mail, to each person to whom notice was sent under subsection 2 of section 174, a further notice that if he does not apply for a conveyance of the land under subsection 1 and tender the payment required under subsection 1 within six months of the date the notice is sent, his right to do so will expire.

Cessation
of rights
under
subs. 1

(3) If a person notified under subsection 2 does not apply for a conveyance and tender the payment required under subsection 1 within the said six months, his right to do so shall cease to exist.

Commence-
ment

21.—(1) This Act, except sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 17 and 19, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 1 of section 1, section 2, subsection 1 of section 3, and sections 6, 9, 10, 11, 12, 13 and 17, shall be deemed to have come into force on the 1st day of January, 1952.

Idem

(3) Subsection 2 of section 1, subsection 2 of section 3, and sections 4, 5 and 19, come into force on the 1st day of January, 1953.

Idem

(4) Section 8 comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

22. This Act may be cited as *The Assessment Amendment Act, 1952*.

SECTION 20. At present under section 173 of the Act any person interested in land purchased by the municipality at a tax sale can apply at any time for a conveyance of the land if it has not meanwhile been sold or declared by by-law to be required for municipal purposes. New subsections are added to provide a means whereby this right can be extinguished after ten years.

BILL

An Act to amend The Assessment Act

1st Reading

March 21st, 1952

2nd Reading

March 28th, 1952

3rd Reading

MR. DUNBAR

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

No. 103

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Assessment Act

MR. DUNBAR

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



BILL

An Act to amend The Assessment Act

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

1.—(1) Paragraph 9 of section 4 of *The Assessment Act* is amended by striking out the words “Except as provided in sections 39 and 40” at the commencement thereof, so that the paragraph shall read as follows: Rev. Stat. c. 24, s. 4, par. 9, amended

9. The property belonging to or leased by any county or municipality or vested in or controlled by any public commission wherever situate and whether occupied for the purposes thereof or unoccupied; but not when occupied by a tenant or lessee, nor when used for parking vehicles where a fee is charged for such parking. Municipal property

(2) Paragraph 19 of the said section 4 is repealed and the following substituted therefor: Rev. Stat., c. 24, s. 4, par. 19, re-enacted

19. The buildings and other structures erected or placed upon the lands of a co-operative corporation and owned, occupied and used solely for the purposes of carrying on a co-operative cold storage plant for the sole use of the members of the corporation, if the corporation is or has been aided by way of loan or grant by the Governments of Canada and Ontario, or either of them; provided that such exemption shall not apply to the land upon which such buildings or structures are erected or placed except to the extent the land may be exempted under paragraph 62 of subsection 1 of section 388 of *The Municipal Act*. Buildings of a co-operative cold storage plant
Rev. Stat., c. 243

2. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat., c. 24, amended

4a. The council of any local municipality may pass by-laws exempting from taxes, other than school taxes and local improvement rates, the land of any Exemption of religious institutions

religious institution named in the by-law, provided that the land is owned by the institution and occupied and used solely for recreational purposes, on such conditions as may be set out in the by-law.

Rev. Stat.,
c. 24, s. 6,
subs. 1, cl. k,
amended

3.—(1) Clause *k* of subsection 1 of section 6 of *The Assessment Act* is amended by striking out the words “other than a transportation system owned or operated by or for a municipal corporation” in the third and fourth lines, so that the clause shall read as follows:

(*k*) Every person carrying on the business of a telegraph or telephone company, or of a transportation system, or of the transmission of oil or water, or of steam, heat, gas or electricity for the purposes of light, heat or power, for a sum equal to twenty-five per cent of the assessed value of the land (not being a highway, lane or other public communication or public place or water or private right-of-way), occupied or used by such person, exclusive of the value of any machinery, plant or appliances erected or placed upon, in, over, under or affixed to such land.

Rev. Stat.,
c. 24, s. 6,
amended

(2) The said section 6 is amended by adding thereto the following subsection:

Co-operative
cold storage
plants

(9*a*) No corporation entitled to an exemption under paragraph 19 of section 4 and occupying or using land solely for the purpose of a co-operative cold storage plant shall be liable to business assessment in respect of such land.

Rev. Stat.,
c. 24, s. 8,
subs. 1,
amended

4. Subsection 1 of section 8 of *The Assessment Act* is amended by striking out the words “Provincial Secretary” in the third line and inserting in lieu thereof the word “Minister”, so that the first four lines of the subsection shall read as follows:

Returns by
telegraph
and tele-
phone
companies

(1) Every telegraph and telephone company doing business in Ontario shall on or before the 1st day of March in each year transmit to the Minister a statement in writing showing,

.

Rev. Stat.,
c. 24, s. 9,
subs. 4,
amended

5.—(1) Subsection 4 of section 9 of *The Assessment Act* is amended by striking out the words “Provincial Secretary” in the third line and inserting in lieu thereof the word “Minister”, so that the subsection shall read as follows:

- (4) Upon the passing, amending or repealing of a by-law under subsection 1, the clerk shall forthwith transmit a copy thereof to the Minister and to every telephone and telegraph company carrying on business in the areas defined in the by-law. Duty of clerk
- (2) Subsection 5 of the said section 9 is amended by striking out the words "Provincial Secretary" in the fourth line and inserting in lieu thereof the word "Minister", so that the subsection shall read as follows: Rev. Stat.,
c. 24, s. 9,
subs. 5,
amended
- (5) Every telephone and telegraph company doing business in a township in which a by-law under this section is in force shall on or before the 1st day of March in each year transmit to the Minister and to the clerk of the township a statement in writing signed by or on behalf of the company and verified in the manner prescribed in subsection 2 of section 8 showing the amount of the gross receipts of the company in the areas defined in the by-law for the year ending on the 31st day of December then last past. Return by companies
- 6.** Section 22 of *The Assessment Act* is repealed. Rev. Stat.,
c. 24, s. 22,
repealed
- 7.**—(1) Section 25 of *The Assessment Act* is amended by inserting after the word "roll" in the third line the words "as public school supporters or" and by adding at the end thereof the words "except that the notice of complaint may be given at any time on or before the 14th day of October or the last day for appealing to the court of revision, whichever is the later", so that the section shall read as follows: Rev. Stat.,
c. 24, s. 25,
amended
25. The court of revision shall hear and determine all complaints with regard to persons alleged to be wrongfully placed upon or omitted from the roll as public school supporters or as Roman Catholic separate school supporters, and any person so complaining or any ratepayer may give notice in writing to the clerk of the municipality of such complaint, and the provisions of this Act as to giving notice of complaints against the assessment roll and proceedings for the trial thereof shall apply to complaints under this section except that the notice of complaint may be given at any time on or before the 14th day of October or the last day for appealing to the court of revision, whichever is the later. School support
- (2) The said section 25 is further amended by adding thereto the following subsection: Rev. Stat.,
c. 24, s. 25,
amended
- (2) Liability in respect of public or separate school support shall be determined in accordance with the circumstances existing at the time the notice of complaint was given. Determination of school support,
time for

Rev. Stat.,
c. 24, s. 33,
amended

Effect of
tax sale
or tax
certificate
registra-
tion

8. Section 33 of *The Assessment Act* is amended by adding thereto the following subsections:

(4a) Where land, the mining rights in which are liable for acreage tax under *The Mining Tax Act*,

(a) is sold for taxes under this Act; or

(b) is vested in a municipality or school board upon registration of a tax arrears certificate under *The Department of Municipal Affairs Act*,

on or after the 1st day of April, 1951, such sale or vesting shall create a severance of the surface rights from the mining rights, and only the surface rights in the land shall pass to the tax sale purchaser or vest in the municipality or school board, as the case may be, and the sale or registration shall not in any way affect the mining rights.

Before
April 1,
1951

(4b) Notwithstanding subsection 4a or anything else in this or any other Act but subject to any forfeiture to the Crown legally effected under *The Mining Tax Act* or its predecessor, where land the mining rights in which were liable for acreage tax under *The Mining Tax Act* or its predecessor,

(a) was sold for taxes under this Act or its predecessor; or

(b) was vested in a municipality or school board upon registration of a tax arrears certificate under *The Department of Municipal Affairs Act* or its predecessor,

before the 1st day of April, 1951, and there had been, before the sale or registration, no severance of the surface rights from the mining rights, and the sale or certificate purported to vest all rights in the land in the tax sale purchaser or in the municipality or school board, as the case may be, such sale or certificate shall be deemed to have vested in the tax sale purchaser or in the municipality or school board, as the case may be, without severance, both the surface and mining rights.

Rev. Stat.,
c. 24,
amended

9. *The Assessment Act* is amended by adding thereto the following section:

Regulations,
payments to
mining
municipi-
palities

33a.—(1) The Minister may make regulations,

(a) providing for the making of payments to mining municipalities, and providing a formula or method of computing such payments;

(b) prescribing the terms and conditions of such payments;

- (c) prescribing definitions of any word or expression, except the expression "mining municipality", whether or not used in this Act, for the purposes of the regulations;
 - (d) designating municipalities as mining municipalities for the purposes of the regulations;
 - (e) providing, in respect of any matter dealt with in or under the regulations, that the approval of the Minister shall be required.
- (2) Where a municipality receives a payment in any year under the regulations made under subsection 1, it shall not assess or tax the profits of any mine or mineral work under subsection 5 or 8 of section 33 in that year and the payment shall be distributed in the manner provided in subsection 9 of section 33.
- (3) Payments made under subsection 1 shall be paid out of such moneys as may be appropriated therefor by the Legislature.

10. Sections 39, 40 and 41 of *The Assessment Act* are repealed and the following substituted therefor:

39.—(1) In this section,

(a) "commission" means the council of a municipal corporation, or a commission or trustees or other body, operating a public utility for or on behalf of the corporation;

(b) "public utility" means a public utility as defined in *The Department of Municipal Affairs Act*.

- (2) For the purposes of this section, land and buildings owned by and vested in a municipal corporation and used for the purposes of a public utility shall be deemed to be vested in the commission operating the public utility.
- (3) Every commission shall pay in each year, to any municipality in which are situated lands or buildings owned by and vested in the commission and used for the purposes of the public utility it operates, the total amount that all rates, except, subject to subsections 4 and 5, rates on business assessment, levied in that municipality for taxation purposes

Rev. Stat.,
c. 24, s. 39,
re-enacted;
ss. 40, 41,
repealed

Interpreta-
tion

Rev. Stat.,
c. 96

Property
deemed
vested in
commission

Annual pay-
ments to
municipal-
ities

based on the assessed value of the land at the actual value thereof according to the average value of land in the locality and the assessed value of such buildings, would produce.

Idem

- (4) The commission shall also pay the amount that the current rates on business assessment on the lands or buildings referred to in subsection 3, not including any lands or buildings referred to in subsection 5, would produce based on the applicable percentage of the assessed value provided for in subsection 3.

Idem

- (5) The commission shall also pay the amount that the current rates on business assessment would produce on lands and buildings owned or occupied by the commission for carrying on the business of selling by retail electrical goods, supplies or appliances.

**Local improvements
Rev. Stat.,
c. 215**

- (6) Notwithstanding section 59 of *The Local Improvement Act*, the commission shall pay local improvement assessments.

**Credit to municipal
general fund**

- (7) The payments received under subsections 3, 4 and 5 shall be credited by the municipality to the general fund of the municipality.

**Mode of
assessment,
appeals**

- (8) Subject to subsections 3, 4 and 9, the property on which payment is to be made under subsections 3, 4 and 5 shall be assessed according to this Act, and the provisions of this Act respecting appeals shall apply.

Exemptions

- (9) In making the assessment referred to in subsection 8, there shall be no assessment of machinery whether fixed or not nor the foundation on which it rests, works, structures other than buildings referred to in subsection 3 or 5, substructures, superstructures, rails, ties, poles, towers, lines nor any of the things excepted from exemption from taxation by paragraph 17 of section 4, nor other property, works or improvements not referred to in subsection 3 or 5, nor to an easement or the right or use of occupation or other interest in land not owned by the commission.

**Application
of section**

- (10) The provisions of this section shall apply notwithstanding anything in this or any other general or special Act or any agreement heretofore made and any agreement heretofore made under which a commission pays taxes, or money in lieu of taxes or for municipal services, shall be void.

11. Subsection 1 of section 46 of *The Assessment Act* is amended by striking out the word and figures "or 22" in the fifth line, so that the subsection shall read as follows: Rev. Stat., c. 24, s. 46, subs. 1, amended

- (1) The assessor or his assistant shall prior to the completion of the assessment roll for the municipality or ward, as the case may be, deliver in the manner hereinafter provided to every person named therein, except persons entered on the roll under section 21 a notice (Form 3) of the sum or sums for which such person has been assessed and such other particulars as are mentioned in the Form, and shall enter in the roll opposite the name of the person the date of delivery of the notice and the entry shall be *prima facie* evidence of the delivery. Notice of assessment

12. Clause *a* of subsection 1 of section 51 of *The Assessment Act*, as re-enacted by section 3 of *The Assessment Amendment Act, 1951*, is amended by inserting after the word "value" in the first line the words "or increase in value as the case requires", so that the clause shall read as follows: Rev. Stat., c. 24, s. 51, subs. 1, cl. a (1951), c. 4, s. 3, amended

- (a) the value or increase in value as the case requires, as certified by the assessor, of any building as determined by section 33 which after the 1st day of January is erected, altered or enlarged and as erected, altered or enlarged is occupied or reasonably fit for occupancy.

13. Clause *a* of subsection 1 of section 51*a* of *The Assessment Act*, as enacted by section 3 of *The Assessment Amendment Act, 1951*, is amended by inserting after the word "value" in the first line the words "or increase in value as the case requires", so that the clause shall read as follows: Rev. Stat., c. 24, s. 51*a*, subs. 1, cl. a (1951), c. 4, s. 3, amended

- (a) the value or increase in value as the case requires, as certified by the assessor, of any building as determined by section 33 which after the return of the roll is erected, altered or enlarged and as erected, altered or enlarged is occupied or reasonably fit for occupancy.

14. Section 53 of *The Assessment Act* is amended by adding thereto the following subsection: Rev. Stat., c. 24, s. 53, amended

- (8*a*) Where in any year it appears to the council of a municipality that the court of revision will not dispose of the appeals within the required time, the council may by by-law extend the time for closing the court of revision for such period, not exceeding sixty days, as appears necessary. Extension of time for closing court of revision

Rev. Stat.,
c. 24, s. 62,
subs. 1,
re-enacted

15. Subsection 1 of section 62 of *The Assessment Act* is repealed and the following substituted therefor:

County
court of
revision

- (1) Where a county assessor is appointed under section 86, the council of the county may establish a county court of revision to act in lieu of the court of revision referred to in section 61 on assessment appeals, but the county court of revision shall not deal with applications under section 124, 135 or 137 of this Act or appeals under any other Act.

Rev. Stat.,
c. 24, s. 72,
subs. 11,
amended

16. Subsection 11 of section 72 of *The Assessment Act* is amended by inserting after the figure "6" in the second line the word, figure and letter "or 8a", so that the subsection shall read as follows:

Extension
of time
for deter-
mination
of appeals

- (11) Where in any year the time for closing the court of revision in a municipality is extended under subsection 6 or 8a of section 53, the time for the judge to determine appeals is correspondingly extended.

Rev. Stat.,
c. 24, s. 113,
subs. 3,
re-enacted

17. Subsection 3 of section 113 of *The Assessment Act* is repealed and the following substituted therefor:

Penalty
for non-
payment
of taxes

- (3) The council may by by-law impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding one per cent on the first day of default and on the first day of each calendar month thereafter in which default continues, but not after the end of the year in which the taxes are levied.

Idem

- (3a) In any municipality in which a by-law has not been passed under subsection 3, the council may by by-law impose a penalty not exceeding two per cent on all taxes of the current year remaining unpaid on the first day of default after the 15th day of December of the year in which the taxes are levied.

Rev. Stat.,
c. 24, s. 123,
subs. 4,
amended

18.—(1) Subsection 4 of section 123 of *The Assessment Act* is amended by striking out the words "any year" in the second line and inserting in lieu thereof the words "the year in which the by-law becomes effective and in each subsequent year", so that the subsection shall read as follows:

Inclusion
of business
assessment
with revised
assessment
roll

- (4) The assessment of business so made and completed in the year in which the by-law becomes effective and in each subsequent year, whether or not it is completed by the time provided by the by-law,

shall upon its final revision, be the assessment of business on which the rates of taxation upon business for such year shall be levied by the council and the assessment roll thereof with the assessment roll of real property and other assessments made for the same year shall when both thereof are finally revised together form the last revised assessment roll of the whole rateable property within the municipality with- in the meaning and for the purposes of this Act, *The Municipal Act* and any other general or special Act.

(2) The said section 123 is amended by adding thereto the following subsection: Rev. Stat.,
c. 243

(7) A by-law repealing a by-law passed under sub- section 1 shall be passed not later than the 31st day of March in the year in which it is to become effective, and where a repealing by-law is passed the assessment of business made in the preceding year shall be the assessment on which the rates of taxation upon business for the current year shall be levied, and in the current and each subsequent year the assessment of business shall be made together with the assessment of real property for taxation in the following year. Rev. Stat.,
c. 24, s. 123,
amended

Repealing
by-law

19.—(1) Subsection 2 of section 124 of *The Assessment Act* is amended by striking out the word "March" in the second line and inserting in lieu thereof the word "January", so that the subsection shall read as follows: Rev. Stat.,
c. 24, s. 124,
subs. 2,
amended

(2) The application may be made at any time during the year and until the 31st day of January in the following year and notice in writing of the application shall be given to the clerk of the municipality or the assessment commissioner, if any. Time for
making
applica-
tion

(2) The said section 124 is amended by adding thereto the following subsections: Rev. Stat.,
c. 24, s. 124,
amended

(2a) The court of revision shall hear and dispose of every application within two months of the receipt of the application but in no case later than the 28th day of February of the year following the year in respect of which the application is made. Time for
disposal of
application

.

(3a) The county judge shall hear and determine all appeals not later than the 30th day of April of the year following the year in respect of which the application is made. Appeals to
county
judge

Rev. Stat.,
c. 24, s. 173,
amended

20. Section 173 of *The Assessment Act* is amended by adding thereto the following subsections:

Further
notice

(2) Notwithstanding subsection 1, the treasurer may, at any time after the expiration of ten years from the date of the sale, cause to be sent by registered mail, to each person to whom notice was sent under subsection 2 of section 174, a further notice that if he does not apply for a conveyance of the land under subsection 1 and tender the payment required under subsection 1 within six months of the date the notice is sent, his right to do so will expire.

Cessation
of rights
under
subs. 1

(3) If a person notified under subsection 2 does not apply for a conveyance and tender the payment required under subsection 1 within the said six months, his right to do so shall cease to exist.

Commence-
ment

21.—(1) This Act, except sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 17 and 19, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 1 of section 1, section 2, subsection 1 of section 3, and sections 6, 9, 10, 11, 12, 13 and 17, shall be deemed to have come into force on the 1st day of January, 1952.

Idem

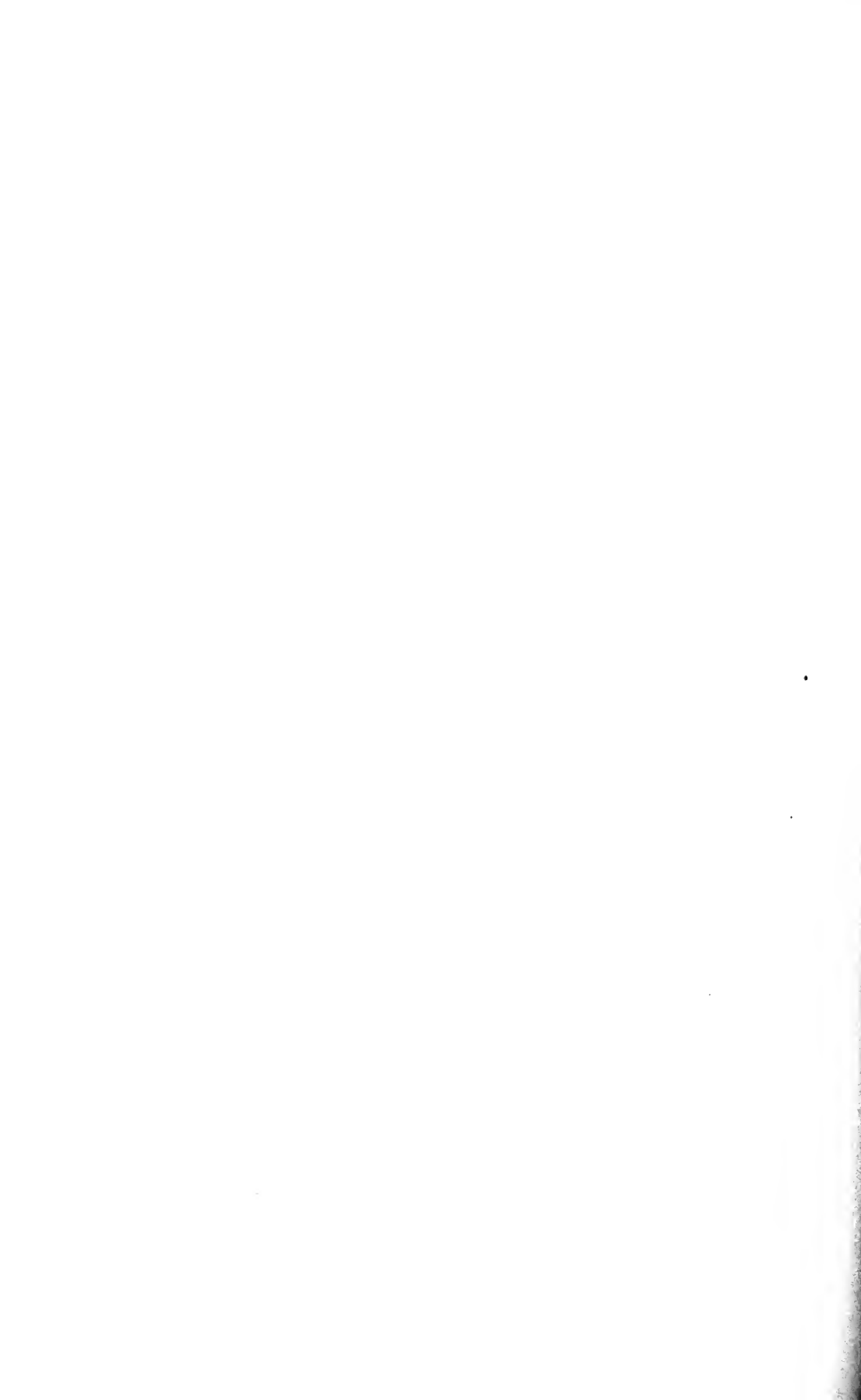
(3) Subsection 2 of section 1, subsection 2 of section 3, and sections 4, 5 and 19, come into force on the 1st day of January, 1953.

Idem

(4) Section 8 comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

22. This Act may be cited as *The Assessment Amendment Act, 1952*.



BILL

An Act to amend The Assessment Act

1st Reading

March 21st, 1952

2nd Reading

March 28th, 1952

3rd Reading

April 9th, 1952

MR. DUNBAR

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

**An Act to assist Municipalities by Providing for Payments by
Ontario to Municipalities in Lieu of Taxes**

MR. DUNBAR

EXPLANATORY NOTE

This new Act will authorize the payment to any municipality of the equivalent of the general municipal rates, business assessment levies and local improvement charges in respect of properties owned by the Crown in right of Ontario or a Crown agency, with the exception of properties that would normally be exempt if occupied by someone other than the Crown in right of Ontario or a Crown agency.

BILL

An Act to assist Municipalities by Providing for Payments by Ontario to Municipalities in Lieu of Taxes

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

1. In this Act,

Interpre-
tation

- (a) "Board" means Ontario Municipal Board;
- (b) "Crown agency" means an agency of the Crown in right of Ontario, but does not include The Hydro-Electric Power Commission of Ontario;
- (c) "Department" means Department of Municipal Affairs;
- (d) "highways" means highways, docks, ferries, wharfs, parking lots in connection therewith, land held to provide clear view at road junctions and railroad crossings, and land acquired and held for future highways;
- (e) "municipality" means a city, town, village, township or improvement district;
- (f) "provincial property" means real property owned by the Crown in right of Ontario or by any Crown agency, but does not include property owned or held in trust by The Hydro-Electric Power Commission of Ontario;
- (g) "rates levied for general municipal purposes" includes all levies upon real property made by a municipality except levies for school purposes and levies on business assessment;
- (h) "real property" includes buildings and structures erected thereon.

- Limitation **2.**—(1) Nothing in this Act confers a right to a payment.
- Idem (2) Nothing in this Act authorizes a municipality to levy taxes on provincial property or against the Crown in right of Ontario or any Crown agency.
- Valuation **3.**—(1) All provincial property in a municipality shall be valued in each year for the purposes of this Act by the Department.
- Basis (2) The valuation shall be made on the same basis as real property liable for municipal taxation in the municipality is valued.
- Railroads (3) Real property of railroads owned by the Crown in right of Ontario or any Crown agency in a municipality shall be valued in the same way, on the same basis, and to the same extent as railroads in the municipality are valued under *The Assessment Act*.
- Rev. Stat.,
c. 24 (4) The Department shall, on completion of the valuation of the provincial property in a municipality, deliver or mail to the clerk of the municipality a notice setting out the valuation on each parcel of provincial property in the municipality.
- Valuation
notice (4) The Department shall, on completion of the valuation of the provincial property in a municipality, deliver or mail to the clerk of the municipality a notice setting out the valuation on each parcel of provincial property in the municipality.
- Idem (5) The Department shall also deliver or mail a copy of such notice to any agency of the Crown in right of Ontario in respect of land owned by such agency.
- Exception (6) This Act does not apply to unpatented lands, provincial property used for park purposes including the buildings in the parks, hospitals, penal and reform institutions, educational institutions, museums and libraries, highways, jails, cemeteries, minerals, farms operated by institutions, experimental and demonstration farms, cooling stations, weigh-scales and inspection stations, fish hatcheries, provincial forests and real property subject to municipal taxation under section 32 of *The Assessment Act*, or acquired or held for the purpose of a housing project, or any provincial property for which, in the opinion of the Minister of Municipal Affairs, municipal services are not available.
- Minister's
decision (7) The decision of the Minister of Municipal Affairs as to whether this Act applies to any provincial property shall be final.
- Appeals **4.**—(1) The municipality, the Department on behalf of the Crown in right of Ontario or on behalf of any Crown agency, and any Crown agency in respect of provincial property owned or occupied by it, may appeal to the Board against the valuation.

(2) A notice of appeal to the Board under this section shall be sent by the party appealing, by registered mail, to the secretary of the Board within twenty-one days after the notice of the valuation has been delivered or mailed under subsection 4 of section 3. ^{Notice}

(3) Upon receipt of a notice of appeal under this section, the secretary of the Board shall arrange a time and place for hearing the appeal and shall send notice thereof to all parties concerned in the appeal at least fourteen days before the hearing. ^{Hearing}

(4) The Board upon appeal shall determine the amount at which the property in question shall be valued. ^{Jurisdiction on appeal}

(5) The decision of the Board shall be final and binding and there shall be no appeal therefrom. ^{Decision final}

5.—(1) The Department, in respect of provincial property owned by the Crown in right of Ontario and not occupied by a Crown agency, may pay in each year to the municipality in which the property is situate the amount which the rate levied for general municipal purposes in that municipality, based on the value determined for such property in the preceding year under this Act, would produce. ^{Payments}

(2) Every Crown agency, in respect of provincial property owned or occupied by it, may pay in each year to the municipality in which the property is situate the amount which the rate levied for general municipal purposes in that municipality, based on the value determined for such property in the preceding year under this Act, would produce. ^{Idem}

(3) Where the Crown in right of Ontario or any Crown agency occupies or uses land for the purpose of, or in connection with any business, the Department or the Crown agency, as the case may be, may pay to the municipality in which the land is situate the amount that the current rates for general municipal purposes on business assessment would produce in respect of the carrying on of such business on the land. ^{Business}

(4) For the purposes of subsection 3, the legislative, executive and administrative activities of the Government of Ontario shall not be deemed to be the carrying on of a business. ^{Idem}

(5) Notwithstanding subsection 6 of section 3 and notwithstanding sections 58 and 59 of *The Local Improvement Act*, the Department or the Crown agency may pay local improvement assessments in respect of any provincial property. ^{Local improvements} ^{Rev. Stat., c. 215}

- Funds for payments** **6.**—(1) In respect of provincial property owned and occupied by the Crown in right of Ontario, the moneys required for the purposes of this Act shall be payable out of such moneys as may be appropriated therefor by the Legislature.
- Idem** (2) In respect of provincial property owned or occupied by a Crown agency, the moneys required for the purposes of this Act shall be payable out of the funds of the agency.
- 1952 payments** **7.** Notwithstanding section 5, the payments made in the year 1952 shall be based on the valuation of provincial property made in that year under this Act, and if for any reason the completion of the valuation is delayed beyond the 31st day of December, 1952, the valuation when completed shall be deemed to have been made in 1952.
- Application of Act** **8.** The provisions of this Act shall apply notwithstanding anything in any other general or special Act or any agreement heretofore made.
- Rev. Stat., c. 376, s. 11, amended** **9.**—(1) Section 11 of *The Stock Yards Act* is amended by striking out all the words after the word "Legislature" in the fourth line.
- Rev. Stat., c. 261, s. 11, amended** (2) Section 11 of *The Ontario Food Terminal Act* is amended by striking out all the words after the word "Legislature" in the fourth line.
- Commencement** **10.** This Act shall be deemed to have come into force on the 1st day of January, 1952.
- Short title** **11.** This Act may be cited as *The Municipal Tax Assistance Act, 1952*.

BILL

An Act to assist Municipalities by Providing for Payments by Ontario to Municipalities in Lieu of Taxes

1st Reading

March 21st, 1952

2nd Reading

3rd Reading

Mr. DUNBAR

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

**An Act to assist Municipalities by Providing for Payments by
Ontario to Municipalities in Lieu of Taxes**

MR. DUNBAR



BILL

An Act to assist Municipalities by Providing for Payments by Ontario to Municipalities in Lieu of Taxes

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

1. In this Act,

Interpre-
tation

- (a) "Board" means Ontario Municipal Board;
- (b) "Crown agency" means an agency of the Crown in right of Ontario, but does not include The Hydro-Electric Power Commission of Ontario;
- (c) "Department" means Department of Municipal Affairs;
- (d) "highways" means highways, docks, ferries, wharfs, parking lots in connection therewith, land held to provide clear view at road junctions and railroad crossings, and land acquired and held for future highways;
- (e) "municipality" means a city, town, village, township or improvement district;
- (f) "provincial property" means real property owned by the Crown in right of Ontario or by any Crown agency, but does not include property owned or held in trust by The Hydro-Electric Power Commission of Ontario;
- (g) "rates levied for general municipal purposes" includes all levies upon real property made by a municipality except levies for school purposes and levies on business assessment;
- (h) "real property" includes buildings and structures erected thereon.

- Limitation** **2.**—(1) Nothing in this Act confers a right to a payment.
- Idem** (2) Nothing in this Act authorizes a municipality to levy taxes on provincial property or against the Crown in right of Ontario or any Crown agency.
- Valuation** **3.**—(1) All provincial property in a municipality shall be valued in each year for the purposes of this Act by the Department.
- Basis** (2) The valuation shall be made on the same basis as real property liable for municipal taxation in the municipality is valued.
- Railroads** (3) Real property of railroads owned by the Crown in right of Ontario or any Crown agency in a municipality shall be valued in the same way, on the same basis, and to the same extent as railroads in the municipality are valued under *The Assessment Act*.
- Rev. Stat.,
c. 24** *Assessment Act*.
- Valuation
notice** (4) The Department shall, on completion of the valuation of the provincial property in a municipality, deliver or mail to the clerk of the municipality a notice setting out the valuation on each parcel of provincial property in the municipality.
- Idem** (5) The Department shall also deliver or mail a copy of such notice to any agency of the Crown in right of Ontario in respect of land owned by such agency.
- Exception** (6) This Act does not apply to unpatented lands, provincial property used for park purposes including the buildings in the parks, hospitals, penal and reform institutions, educational institutions, museums and libraries, highways, jails, cemeteries, minerals, farms operated by institutions, experimental and demonstration farms, cooling stations, weigh-scales and inspection stations, fish hatcheries, provincial forests and real property subject to municipal taxation under section 32 of *The Assessment Act*, or acquired or held for the purpose of a housing project, or any provincial property for which, in the opinion of the Minister of Municipal Affairs, municipal services are not available.
- Minister's
decision** (7) The decision of the Minister of Municipal Affairs as to whether this Act applies to any provincial property shall be final.
- Appeals** **4.**—(1) The municipality, the Department on behalf of the Crown in right of Ontario or on behalf of any Crown agency, and any Crown agency in respect of provincial property owned or occupied by it, may appeal to the Board against the valuation.

(2) A notice of appeal to the Board under this section ^{Notice} shall be sent by the party appealing, by registered mail, to the secretary of the Board within twenty-one days after the notice of the valuation has been delivered or mailed under subsection 4 of section 3.

(3) Upon receipt of a notice of appeal under this section, ^{Hearing} the secretary of the Board shall arrange a time and place for hearing the appeal and shall send notice thereof to all parties concerned in the appeal at least fourteen days before the hearing.

(4) The Board upon appeal shall determine the amount ^{Jurisdiction on appeal} at which the property in question shall be valued.

(5) The decision of the Board shall be final and binding ^{Decision final} and there shall be no appeal therefrom.

5.—(1) The Department, in respect of provincial property ^{Payments} owned by the Crown in right of Ontario and not occupied by a Crown agency, may pay in each year to the municipality in which the property is situate the amount which the rate levied for general municipal purposes in that municipality, based on the value determined for such property in the preceding year under this Act, would produce.

(2) Every Crown agency, in respect of provincial property ^{Idem} owned or occupied by it, may pay in each year to the municipality in which the property is situate the amount which the rate levied for general municipal purposes in that municipality, based on the value determined for such property in the preceding year under this Act, would produce.

(3) Where the Crown in right of Ontario or any Crown ^{Business} agency occupies or uses land for the purpose of, or in connection with any business, the Department or the Crown agency, as the case may be, may pay to the municipality in which the land is situate the amount that the current rates for general municipal purposes on business assessment would produce in respect of the carrying on of such business on the land.

(4) For the purposes of subsection 3, the legislative, ^{Idem} executive and administrative activities of the Government of Ontario shall not be deemed to be the carrying on of a business.

(5) Notwithstanding subsection 6 of section 3 and not- ^{Local improvements}withstanding sections 58 and 59 of *The Local Improvement Act*, the Department or the Crown agency may pay local improvement assessments in respect of any provincial property. ^{Rev. Stat., c. 215}

Funds for
payments

6.—(1) In respect of provincial property owned and occupied by the Crown in right of Ontario, the moneys required for the purposes of this Act shall be payable out of such moneys as may be appropriated therefor by the Legislature.

Idem

(2) In respect of provincial property owned or occupied by a Crown agency, the moneys required for the purposes of this Act shall be payable out of the funds of the agency.

1952
payments

7. Notwithstanding section 5, the payments made in the year 1952 shall be based on the valuation of provincial property made in that year under this Act, and if for any reason the completion of the valuation is delayed beyond the 31st day of December, 1952, the valuation when completed shall be deemed to have been made in 1952.

Application
of Act

8. The provisions of this Act shall apply notwithstanding anything in any other general or special Act or any agreement heretofore made.

Rev. Stat.,
c. 376, s. 11,
amended

9.—(1) Section 11 of *The Stock Yards Act* is amended by striking out all the words after the word "Legislature" in the fourth line.

Rev. Stat.,
c. 261, s. 11,
amended

(2) Section 11 of *The Ontario Food Terminal Act* is amended by striking out all the words after the word "Legislature" in the fourth line.

Commence-
ment

10. This Act shall be deemed to have come into force on the 1st day of January, 1952.

Short title

11. This Act may be cited as *The Municipal Tax Assistance Act, 1952*.



BILL

An Act to assist Municipalities by Providing for Payments by Ontario to Municipalities in Lieu of Taxes

1st Reading

March 21st, 1952

2nd Reading

April 3rd, 1952

3rd Reading

April 9th, 1952

MR. DUNBAR

No. 105

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

**An Act to amend The Rural Telephone
Systems Act, 1951**

MR. CHALLIES

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

EXPLANATORY NOTE

The Bill is self-explanatory.

No. 105

1952

BILL

An Act to amend The Rural Telephone Systems Act, 1951

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

1. Clause *d* of subsection 1 of section 2 of *The Rural Telephone Systems Act, 1951* is repealed and the following substituted therefor: 1951, c. 80, s. 2, subs. 1, cl. d, re-enacted

- (*d*) when in its opinion it is desirable, make agreements with the companies for the joint use of poles upon such terms and conditions as may be mutually agreed upon;
- (*e*) do whatever else is necessary in its opinion to promote the objects of this Act.

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

3. This Act may be cited as *The Rural Telephone Systems Amendment Act, 1952*. Short title

BILL

An Act to amend The Rural Telephone
Systems Act, 1951

1st Reading

March 24th, 1951

2nd Reading

3rd Reading

MR. CHALLIES

No. 105

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
**An Act to amend The Rural Telephone
Systems Act, 1951**

MR. CHALLIES

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



BILL

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1. Clause *d* of subsection 1 of section 2 of *The Rural Telephone Systems Act, 1951* is repealed and the following substituted therefor: 1951, c. 80, s. 2, subs. 1, cl. *d*, re-enacted

- (*d*) when in its opinion it is desirable, make agreements with the companies for the joint use of poles upon such terms and conditions as may be mutually agreed upon;
- (*e*) do whatever else is necessary in its opinion to promote the objects of this Act.

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

3. This Act may be cited as *The Rural Telephone Systems Amendment Act, 1952*. Short title

BILL

An Act to amend The Rural Telephone
Systems Act, 1951

1st Reading

March 24th, 1951

2nd Reading

April 1st, 1952

3rd Reading

April 9th, 1952

MR. CHALLES

No. 106

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Power Commission Act

MR. CHALLIES

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

EXPLANATORY NOTES

This Bill repeals the present provisions of *The Power Commission Act* relating to taxation. Under the present provisions of the Act only the land of the Commission is subject to taxation for municipal, school and business purposes, except where retail sale of electrical goods, supplies and appliances is carried on in which case both land and buildings are subject to taxation.

New provisions are added whereby the property of the Commission is exempt from taxation except for local improvements, and the Commission will henceforth pay to each municipality the equivalent of all municipal, school and business taxes on its land, and on buildings used for executive or administrative purposes, and business taxes on any land and buildings used for retail sale of electrical goods, supplies and appliances. All moneys paid to a municipality under the new provisions are to be credited to the general fund of the municipality.

BILL

An Act to amend The Power Commission Act

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

1. Subsections 1, 2 and 3 of section 45 of *The Power Commission Act* are repealed. Rev. Stat., c. 281, s. 45, subss. 1-3, repealed
2. *The Power Commission Act* is amended by adding thereto the following section: Rev. Stat., c. 281, amended
 - 45a.—(1) Notwithstanding anything in *The Assessment Act* or in any other general or special Act, the Commission and its property shall not be subject to taxation for municipal or school purposes, except for local improvements. Tax exemption Rev. Stat., c. 24
 - (2) The Commission shall pay in each year to any municipality in which are situated lands owned by and vested in the Commission or buildings used exclusively for executive and administrative purposes and owned by and vested in the Commission or buildings owned by and vested in the Commission and rented by the Commission to other persons, the total amount that all rates, except, subject to subsections 3 and 4, rates on business assessment, levied in that municipality for taxation purposes based on the assessed value of the land at the actual value thereof according to the average value of land in the locality and the assessed value of such buildings, would produce. Annual payments to municipalities
 - (3) The Commission shall also pay the amount that the current rates on business assessment on the lands or buildings referred to in subsection 2, not including any lands referred to in subsection 4, would produce based on the applicable percentage of the assessed value provided for in subsection 2. Idem
 - (4) The Commission shall also pay the amount that the current rates on business assessment would produce Idem

on land and buildings owned or occupied by the Commission for carrying on the business of selling by retail electrical goods, supplies or appliances.

Credit to
municipal
general
fund

- (5) The payments received under subsections 2, 3 and 4 shall be credited by the municipality to the general fund of the municipality.

Mode of
assessment,
appeals

- (6) Subject to subsections 2, 3 and 7, the property on which payment is to be made under subsections 2, 3 and 4 shall be assessed according to *The Assessment Act*, and the same rights of appeal shall apply as under *The Assessment Act*.

Exemptions

- (7) In making the assessment referred to in subsection 6, there shall be no assessment of machinery whether fixed or not nor the foundation on which it rests, works, structures other than buildings referred to in subsection 2 or 4, substructures, superstructures, rails, ties, poles, towers, lines nor any of the things excepted from exemption from taxation by paragraph 17 of section 4 of *The Assessment Act*, nor other property, works or improvements not referred to in subsection 2 or 4, nor to an easement or the right or use of occupation or other interest in land not owned by the Commission.

Rev. Stat.,
c. 24

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of January, 1952.

Short title

4. This Act may be cited as *The Power Commission Amendment Act, 1952 (No. 2)*.



1
2
3
4



BILL

An Act to amend The Power
Commission Act

1st Reading

March 24th, 1952

2nd Reading

3rd Reading

MR. CHALLIES

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Power Commission Act

MR. CHALLIES

*(Reprinted for consideration by the Committee of the
Whole House)*

EXPLANATORY NOTES

This Bill repeals the present provisions of *The Power Commission Act* relating to taxation. Under the present provisions of the Act only the land of the Commission is subject to taxation for municipal, school and business purposes, except where retail sale of electrical goods, supplies and appliances is carried on in which case both land and buildings are subject to taxation.

New provisions are added whereby the property of the Commission is exempt from taxation except for local improvements, and the Commission will henceforth pay to each municipality the equivalent of all municipal, school and business taxes on its land, and on buildings used for executive or administrative purposes, and business taxes on any land and buildings used for retail sale of electrical goods, supplies and appliances. All moneys paid to a municipality under the new provisions are to be credited to the general fund of the municipality.

BILL

An Act to amend The Power Commission Act

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

1. Subsections 1, 2 and 3 of section 45 of *The Power Commission Act* are repealed. Rev. Stat., c. 281, s. 45, subss. 1-3, repealed

2. *The Power Commission Act* is amended by adding thereto the following section: Rev. Stat., c. 281, amended

45a.—(1) Notwithstanding anything in *The Assessment Act* or in any other general or special Act, the Commission and its property shall not be subject to taxation for municipal or school purposes, except for local improvements. Tax exemption Rev. Stat., c. 24

(2) The Commission shall pay in each year to any municipality in which are situated lands owned by and vested in the Commission or buildings used exclusively for executive and administrative purposes and owned by and vested in the Commission or buildings owned by and vested in the Commission and rented by the Commission to other persons, the total amount that all rates, except, subject to subsections 3 and 4, rates on business assessment, levied in that municipality for taxation purposes based on the assessed value of the land at the actual value thereof according to the average value of land in the locality and the assessed value of such buildings, would produce. Annual payments to municipalities

(3) The Commission shall also pay the amount that the current rates on business assessment on the lands or buildings referred to in subsection 2, not including any lands referred to in subsection 4, would produce based on the applicable percentage of the assessed value provided for in subsection 2. Idem

(4) The Commission shall also pay the amount that the current rates on business assessment would produce Idem

on land and buildings owned or occupied by the Commission for carrying on the business of selling by retail electrical goods, supplies or appliances.

Credit to
municipal
general
fund

- (5) The payments received under subsections 2, 3 and 4 shall be credited by the municipality to the general fund of the municipality.

Valuation

- (6) The assessments and assessed values referred to in this section shall be valuations made in each year for the purposes of this section by the Department of Municipal Affairs, and subject to subsections 2, 3 and 12 the valuations shall be made on the same basis as real property liable for municipal taxation in the municipality.

Minister's
decision

- (7) The decision of the Minister of Municipal Affairs as to whether this section applies to any property of the Commission shall be final.

Valuation
notice

- (8) The Department of Municipal Affairs shall, on completion of the valuation of the Commission's property in a municipality, deliver or mail to the clerk of the municipality and to the Commission a notice setting out the valuations referred to in subsection 6.

Appeals

- (9) The municipality or the Commission may appeal to the Ontario Municipal Board against the valuation and a notice of appeal to the Board under this subsection shall be sent by the party appealing, by registered mail, to the secretary of the Board within twenty-one days after the notice of the valuation has been delivered or mailed under subsection 8.

Hearing

- (10) Upon receipt of a notice of appeal under this section, the secretary of the Ontario Municipal Board shall arrange a time and place for hearing the appeal and shall send notice thereof to all parties concerned in the appeal at least fourteen days before the hearing.

Jurisdiction
on appeal

- (11) The Ontario Municipal Board upon appeal shall determine the amount at which the property in question shall be valued and its decision shall be final and binding and there shall be no appeal therefrom.

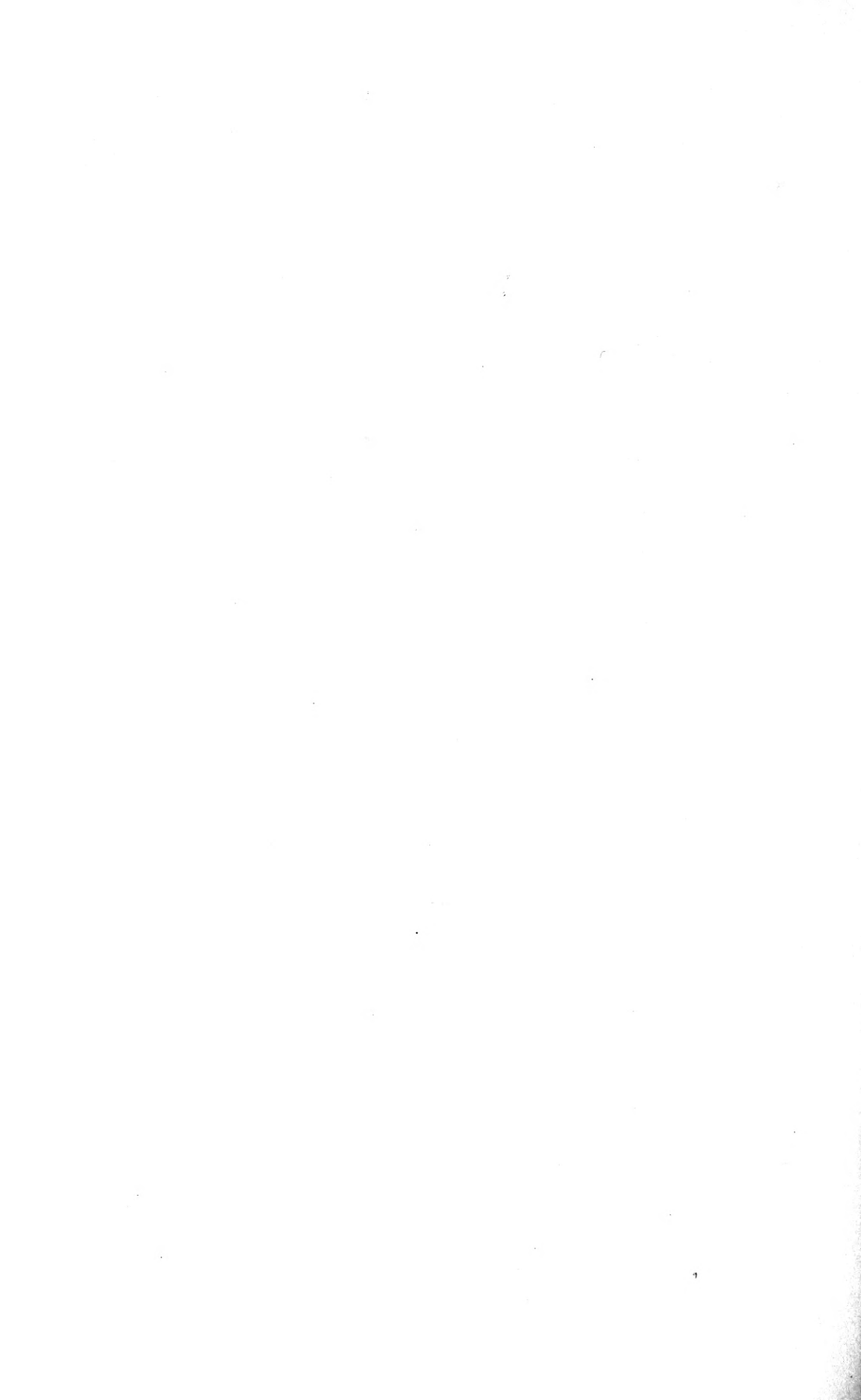
Exemptions

- (12) In making the valuations referred to in subsection 6, there shall be no value included for machinery whether fixed or not nor the foundation on which it rests, works, structures other than buildings referred to in subsection 2 or 4, substructures, superstructures,

rails, ties, poles, towers, lines nor any of the things excepted from exemption from taxation by paragraph 17 of section 4 of *The Assessment Act*, nor other property, works or improvements not referred to in subsection 2 or 4, nor to an easement or the right or use of occupation or other interest in land not owned by the Commission. Rev. Stat.,
c. 24

3. This Act shall be deemed to have come into force on the 1st day of January, 1952. Commence-
ment

4. This Act may be cited as *The Power Commission Amendment Act, 1952 (No. 2)*. Short title





BILL

An Act to amend The Power
Commission Act

1st Reading

March 24th, 1952

2nd Reading

April 3rd, 1952

3rd Reading

MR. CHALLIES

*(Reprinted for consideration by the
Committee of the Whole House)*

No. 106

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Power Commission Act

MR. CHALLIES

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

BILL

An Act to amend The Power Commission Act

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1. Subsections 1, 2 and 3 of section 45 of *The Power Commission Act* are repealed. Rev. Stat., c. 281, s. 45, subss. 1-3, repealed

2. *The Power Commission Act* is amended by adding thereto the following section: Rev. Stat., c. 281, amended

45a.—(1) Notwithstanding anything in *The Assessment Act* or in any other general or special Act, the Commission and its property shall not be subject to taxation for municipal or school purposes, except for local improvements. Tax exemption Rev. Stat., c. 24

(2) The Commission shall pay in each year to any municipality in which are situated lands owned by and vested in the Commission or buildings used exclusively for executive and administrative purposes and owned by and vested in the Commission or buildings owned by and vested in the Commission and rented by the Commission to other persons, the total amount that all rates, except, subject to subsections 3 and 4, rates on business assessment, levied in that municipality for taxation purposes based on the assessed value of the land at the actual value thereof according to the average value of land in the locality and the assessed value of such buildings, would produce. Annual payments to municipalities

(3) The Commission shall also pay the amount that the Idem current rates on business assessment on the lands or buildings referred to in subsection 2, not including any lands referred to in subsection 4, would produce based on the applicable percentage of the assessed value provided for in subsection 2.

(4) The Commission shall also pay the amount that the Idem current rates on business assessment would produce

on land and buildings owned or occupied by the Commission for carrying on the business of selling by retail electrical goods, supplies or appliances.

Credit to
municipal
general
fund

- (5) The payments received under subsections 2, 3 and 4 shall be credited by the municipality to the general fund of the municipality.

Valuation

- (6) The assessments and assessed values referred to in this section shall be valuations made in each year for the purposes of this section by the Department of Municipal Affairs, and subject to subsections 2, 3 and 12 the valuations shall be made on the same basis as real property liable for municipal taxation in the municipality.

Minister's
decision

- (7) The decision of the Minister of Municipal Affairs as to whether this section applies to any property of the Commission shall be final.

Valuation
notice

- (8) The Department of Municipal Affairs shall, on completion of the valuation of the Commission's property in a municipality, deliver or mail to the clerk of the municipality and to the Commission a notice setting out the valuations referred to in subsection 6.

Appeals

- (9) The municipality or the Commission may appeal to the Ontario Municipal Board against the valuation and a notice of appeal to the Board under this subsection shall be sent by the party appealing, by registered mail, to the secretary of the Board within twenty-one days after the notice of the valuation has been delivered or mailed under subsection 8.

Hearing

- (10) Upon receipt of a notice of appeal under this section, the secretary of the Ontario Municipal Board shall arrange a time and place for hearing the appeal and shall send notice thereof to all parties concerned in the appeal at least fourteen days before the hearing.

Jurisdiction
on appeal

- (11) The Ontario Municipal Board upon appeal shall determine the amount at which the property in question shall be valued and its decision shall be final and binding and there shall be no appeal therefrom.

Exemptions

- (12) In making the valuations referred to in subsection 6, there shall be no value included for machinery whether fixed or not nor the foundation on which it rests, works, structures other than buildings referred to in subsection 2 or 4, substructures, superstructures,

rails, ties, poles, towers, lines nor any of the things excepted from exemption from taxation by paragraph 17 of section 4 of *The Assessment Act*, nor other property, works or improvements not referred to in subsection 2 or 4, nor to an easement or the right or use of occupation or other interest in land not owned by the Commission. Rev. Stat., c. 24

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4. This Act may be cited as *The Power Commission Amendment Act, 1952 (No. 2)*. Short title

BILL

An Act to amend The Power
Commission Act

1st Reading

March 24th, 1952

2nd Reading

April 3rd, 1952

3rd Reading

April 9th, 1952

MR. CHALLIES

No. 107

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Medical Act

MR. PHILLIPS

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

EXPLANATORY NOTE

This amendment authorizes legal recognition to the activities of graduate internes in teaching hospitals.

BILL

An Act to amend The Medical Act

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

1. *The Medical Act* is amended by adding thereto the following section: Rev. Stat., c. 228, amended

19a.—(1) The College may by by-law establish and maintain a register to be known as the “Educational Register”. Educational Register

(2) The registrar of the College may register in the Educational Register any person who, Registration

(a) is a graduate of a university or college referred to in clause *b* of subsection 1 of section 3, or possesses equivalent qualifications; and

(b) is employed as an interne or is engaged in post graduate work in a public hospital which in the regulations under *The Public Hospitals Act* is classed as a Group A hospital; and Rev. Stat., c. 307

(c) pays the registration fee prescribed by the by-laws.

(3) The registrar may remove the name of any person registered under subsection 2 from the Educational Register upon the termination of the employment of such person in the hospital in which such employment entitled him to registration. Removal of names

(4) Any person registered on the Educational Register may practise medicine, surgery or midwifery only in the hospital in which the person so registered is employed. Practice

2. This Act may be cited as *The Medical Amendment Act*, Short title 1952.

BILL

An Act to amend The Medical Act

1st Reading

March 24th, 1952

2nd Reading

3rd Reading

MR. PHILLIPS

No. 107

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Medical Act

MR. PHILLIPS

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

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(a) is a graduate of a university or college referred to in clause *b* of subsection 1 of section 3, or possesses equivalent qualifications; and

(b) is employed as an interne or is engaged in post graduate work in a public hospital which in the regulations under *The Public Hospitals Act* is classed as a Group A hospital; and Rev. Stat.,
c. 307

(c) pays the registration fee prescribed by the by-laws.

(3) The registrar may remove the name of any person registered under subsection 2 from the Educational Register upon the termination of the employment of such person in the hospital in which such employment entitled him to registration. Removal
of names

(4) Any person registered on the Educational Register may practise medicine, surgery or midwifery only in the hospital in which the person so registered is employed. Practice

2. This Act may be cited as *The Medical Amendment Act*, short title 1952.

BILL

An Act to amend The Medical Act

1st Reading

March 24th, 1952

2nd Reading

March 31st, 1952

3rd Reading

April 7th, 1952

MR. PHILLIPS

No. 108

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Succession Duty Act

MR. FROST (Victoria)

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

EXPLANATORY NOTE

SECTION 1. At present religious organizations carrying on their work across Canada are exempt from duty. The amendment extends the exemption from duty to educational organizations carrying on their work across Canada.

SECTION 2. At present insurance companies may pay up to \$1,500 on policies without consent of the Treasurer. This privilege is now extended to include payments under pension plans.

BILL

An Act to amend The Succession Duty Act

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

1. Subsection 3 of section 4 of *The Succession Duty Act* Rev. Stat., c. 378, s. 4, subs. 3, amended is amended by inserting after the word "religious" in the second line the words "and educational", so that the subsection shall read as follows:

(3) Notwithstanding anything in this section, clauses *a*, *b*, *c* and *d* of subsection 1 in so far as they apply to religious and educational organizations shall apply to such organizations as if the word "Canada" were substituted for the word "Ontario" wherever it appears in such clauses. where "Canada" substituted for "Ontario"

2. Section 9 of *The Succession Duty Act* is amended by adding thereto the following subsection: Rev. Stat., c. 378, s. 9, amended

(2a) Notwithstanding anything in this Act, any person may make payment not exceeding \$1,500 under any pension fund, plan or scheme of general application to employees of whom the deceased was one, without the consent of the Treasurer, where payment is made to or for the benefit of any member or members of the family of the deceased, and notice of the making of payment shall be transmitted forthwith to the Treasurer. Payment under pension funds, etc.

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

4. This Act may be cited as *The Succession Duty Amendment Act, 1952*. Short title

BILL

An Act to amend The Succession Duty Act

1st Reading

March 24th, 1952

2nd Reading

3rd Reading

Mr. Frost (Victoria)

No. 108

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Succession Duty Act

MR. FROST (Victoria)

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

No. 108

1952

BILL

An Act to amend The Succession Duty Act

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1. Subsection 3 of section 4 of *The Succession Duty Act* Rev. Stat., c. 378, s. 4, subs. 3, amended is amended by inserting after the word "religious" in the second line the words "and educational", so that the subsection shall read as follows:

(3) Notwithstanding anything in this section, clauses *a*, Where *b*, *c* and *d* of subsection 1 in so far as they apply to "Canada" religious and educational organizations shall apply to substituted for such organizations as if the word "Canada" were "Ontario" substituted for the word "Ontario" wherever it appears in such clauses.

2. Section 9 of *The Succession Duty Act* is amended by Rev. Stat., c. 378, s. 9, amended adding thereto the following subsection:

(2a) Notwithstanding anything in this Act, any person Payment under pension funds, etc. may make payment not exceeding \$1,500 under any pension fund, plan or scheme of general application to employees of whom the deceased was one, without the consent of the Treasurer, where payment is made to or for the benefit of any member or members of the family of the deceased, and notice of the making of payment shall be transmitted forthwith to the Treasurer.

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

4. This Act may be cited as *The Succession Duty Amend-* Short title *ment Act, 1952.*

BILL

An Act to amend The Succession Duty Act

1st Reading

March 24th, 1952

2nd Reading

April 7th, 1952

3rd Reading

April 9th, 1952

Mr. FROST (Victoria)

1ST SESSION, 24TH LEGISLATURE, ONTARIO
— 1 ELIZABETH II, 1952

BILL

An Act to amend The Devolution of Estates Act

MR. FROST (Victoria)

EXPLANATORY NOTE

Subsection 7 of section 12 of *The Devolution of Estates Act* was enacted in 1918 to protect succession duties. In cases where probate or administration was not applied for, real property was precluded from vesting at the expiration of three years from the death of the deceased person except with the consent of the Treasurer or with a certificate that succession duty returns had been filed. When consent provisions were enacted in *The Registry Act* and *The Land Titles Act*, subsection 7 of section 12 of *The Devolution of Estates Act* was modified to require only the certificate that succession duty returns had been filed. The provisions of subsection 7 are no longer necessary but operate technically to create a cloud on the title.

Section 2 of the bill is necessary to remove any clouds on titles already created by subsection 7.

No. 109

1952

BILL

An Act to amend The Devolution of Estates Act

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

1. Subsection 7 of section 12 of *The Devolution of Estates Act* is repealed. Rev. Stat.,
c. 103, s. 12,
subs. 7, re-
pealed
2. Any real property which, but for the provisions of subsection 7 of section 13 of *The Devolution of Estates Act*, being chapter 119 of The Revised Statutes of Ontario, 1914, as enacted by section 22 of *The Statute Law Amendment Act*, 1918, c. 20, and any re-enactment thereof or any amendment thereto, would have vested in the persons beneficially entitled thereto, shall be deemed to have vested in such persons notwithstanding such provisions. Effect on
real
property
1918, c. 20,
s. 22
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Devolution of Estates Amendment Act, 1952*. Short title

BILL

An Act to amend The Devolution of
Estates Act

1st Reading

March 24th, 1952

2nd Reading

3rd Reading

Mr. Frost (Victoria)

No. 109

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Devolution of Estates Act

MR. FROST (Victoria)

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

No. 109

1952

BILL

An Act to amend The Devolution of Estates Act

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

1. Subsection 7 of section 12 of *The Devolution of Estates Act* is repealed. Rev. Stat., c. 103, s. 12, subs. 7, repealed

2. Any real property which, but for the provisions of subsection 7 of section 13 of *The Devolution of Estates Act*, being chapter 119 of The Revised Statutes of Ontario, 1914, as enacted by section 22 of *The Statute Law Amendment Act*, 1918, and any re-enactment thereof or any amendment thereto, would have vested in the persons beneficially entitled thereto, shall be deemed to have vested in such persons notwithstanding such provisions. Effect on real property 1918, c. 20, s. 22

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

4. This Act may be cited as *The Devolution of Estates Amendment Act, 1952*. Short title

BILL

An Act to amend The Devolution of
Estates Act

1st Reading

March 24th, 1952

2nd Reading

April 7th, 1952

3rd Reading

April 9th, 1952

MR. FROST (Victoria)

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Security Transfer Tax Act

MR. FROST (Victoria)

EXPLANATORY NOTE

Under the present Act a tax is payable on transactions falling within the following categories:

1. Upon every change of ownership of a security made or carried into effect in Ontario.
2. Upon every order given to any person in Ontario for the sale, transfer or assignment of a security when such order is to be executed outside Ontario.
3. Upon every transfer or delivery of a security exchanged for another security in Ontario.
4. Upon every delivery in Ontario of a security for the account of a non-resident of Canada.

This bill adds a fifth category in order to ensure that the whole field intended to be covered is covered.

The section now provides that only one of the categories can apply to the same transaction and section 14 of the Act prevents duplication of taxation on a transaction that is taxable outside of Ontario.

BILL

An Act to amend The Security Transfer Tax Act

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

1. Section 2 of *The Security Transfer Tax Act* is amended ^{Rev. Stat., c. 352, s. 2,} by striking out the word "and" at the end of clause *c*, by ^{amended} adding the word "and" at the end of clause *d* and by adding thereto the following clause:

(*e*) upon every payment made in Ontario, consequent upon the sale, transfer or assignment of a security which has been executed outside Ontario.

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

3. This Act may be cited as *The Security Transfer Tax* ^{Short title} *Amendment Act, 1952.*

BILL

An Act to amend The Security Transfer
Tax Act

1st Reading

March 24th, 1952

2nd Reading

3rd Reading

Mr. FROST (Victoria)

No. 110

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Security Transfer Tax Act

MR. FROST (Victoria)

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



No. 110

1952

BILL

An Act to amend The Security Transfer Tax Act

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

1. Section 2 of *The Security Transfer Tax Act* is amended <sup>Rev. Stat.,
c. 352, s. 2,
amended</sup> by striking out the word "and" at the end of clause *c*, by adding the word "and" at the end of clause *d* and by adding thereto the following clause:

(*e*) upon every payment made in Ontario, consequent upon the sale, transfer or assignment of a security which has been executed outside Ontario.

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

3. This Act may be cited as *The Security Transfer Tax* ^{Short title} *Amendment Act, 1952.*

BILL

An Act to amend The Security Transfer
Tax Act

1st Reading

March 24th, 1952

2nd Reading

April 7th, 1952

3rd Reading

April 9th, 1952

Mr. FROST (Victoria)

No. 111

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Law Stamps Act

MR. FROST (Victoria)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTE

The Crown has never been required to pay fees on filing documents. The new subsection 2 gives statutory recognition to this practice.

The new subsection 3, which provides an alternative method of paying large fees, is added as a convenience to persons required to pay large fees.

No. 111

1952

BILL

An Act to amend The Law Stamps Act

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

1. Section 5 of *The Law Stamps Act* is amended by adding thereto the following subsections:
 - (2) This section does not apply in respect of any paper or proceeding referred to in subsection 1 that is filed, issued or delivered by Her Majesty in right of Ontario, whether filed, issued or delivered in the name of Her Majesty, a minister of the Crown, an official of the Crown, or any other person.

Rev. Stat.,
c. 201, s. 5,
amended
 - (3) Where the amount of a fee payable on a paper or proceeding referred to in subsection 1 is more than \$500, the Treasurer, upon the recommendation of the Inspector of Legal Offices, may allow the fee to be paid direct to the Treasurer, in which case the official receipt of the Treasurer for such payment shall represent the stamps that would otherwise be required and it shall be affixed to the paper or proceeding requiring the payment of the fee in lieu of the stamps.

Exception
as to Crown
documents

Where fee
over \$500
2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
3. This Act may be cited as *The Law Stamps Amendment Act, 1952*.

Short title

BILL

An Act to amend The Law Stamps Act

1st Reading

March 24th, 1952

2nd Reading

3rd Reading

MR. FROST (Victoria)

No. 111

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Law Stamps Act

MR. FROST (Victoria)

BILL

An Act to amend The Law Stamps Act

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

1. Section 5 of *The Law Stamps Act* is amended by adding thereto the following subsections: Rev. Stat., c. 201, s. 5, amended
 - (2) This section does not apply in respect of any paper or proceeding referred to in subsection 1 that is filed, issued or delivered by Her Majesty in right of Ontario, whether filed, issued or delivered in the name of Her Majesty, a minister of the Crown, an official of the Crown, or any other person. Exception as to Crown documents
 - (3) Where the amount of a fee payable on a paper or proceeding referred to in subsection 1 is more than \$500, the Treasurer, upon the recommendation of the Inspector of Legal Offices, may allow the fee to be paid direct to the Treasurer, in which case the official receipt of the Treasurer for such payment shall represent the stamps that would otherwise be required and it shall be affixed to the paper or proceeding requiring the payment of the fee in lieu of the stamps. Where fee over \$500
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Law Stamps Amendment Act, 1952*. Short title

BILL

An Act to amend The Law Stamps Act

1st Reading

March 24th, 1952

2nd Reading

April 7th, 1952

3rd Reading

April 9th, 1952

Mr. FROST (Victoria)

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Corporations Tax Act

MR. FROST (Victoria)

EXPLANATORY NOTE

This bill effects two purposes:

1. It incorporates into *The Corporations Tax Act* such provisions as are necessary to bring the practice of the Treasurer of Ontario as regards allowances for depreciation and recapture of depreciation where depreciated property is sold at a profit, into line with the corresponding provisions of *The Income Tax Act* (Canada).
2. It provides for the deduction under certain circumstances from taxes calculated on net income otherwise payable under *The Corporations Tax Act* by companies carrying on business in Ontario and elsewhere of amounts that would be payable to a province, state or country outside Ontario if that province, state or country were to impose taxes calculated on net income of such companies but does not do so by reason of agreement with the Government of Canada.

BILL

An Act to amend The Corporations Tax Act

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

1. Section 1 of *The Corporation Tax Act* is amended by adding thereto the following clauses: Rev. Stat.,
c. 72, s. 1,
amended

(bb) "depreciable property of the company" as of any time in a fiscal year means property in respect of which the company has been allowed, or is entitled to, a deduction for depreciation under clause *a* of subsection 4 of section 14 in computing income for that or a previous fiscal year;

(bbb) "disposition of property" includes any transaction or event entitling a company to proceeds of disposition of property;

.

(ii) "proceeds of disposition" of property includes,

- (i) the sale price of property that has been sold,
 - (ii) the compensation for property damaged, destroyed, taken or injuriously affected, either lawfully or unlawfully, or under statutory authority or otherwise,
 - (iii) an amount payable under a policy of insurance in respect of loss or destruction of property, and
 - (iv) an amount payable under a policy of insurance in respect of damage to property except to the extent that the amount has, within a reasonable time after the damage, been expended on repairing the damage;
-

(ll) "total depreciation allowed to a company" before any time for property of a prescribed class means the aggregate of all amounts allowed as depreciation to the company in respect of property of that class under clause *a* of subsection 4 of section 14 in computing income for fiscal years before that time;

.

(o) "undepreciated capital cost to the company of depreciable property" of a prescribed class as of any time means the capital cost to the company of depreciable property of that class acquired before that time minus the aggregate of,

(i) the total depreciation allowed to the company for property of that class before that time,

(ii) for each disposition before that time of property of the company of that class, the least of,

(A) the proceeds of disposition thereof,

(B) the capital cost to the company thereof, or

(C) the undepreciated capital cost to the company of property of that class immediately before the disposition, and

(iii) each amount by which the undepreciated capital cost to the company of depreciable property of that class as of the end of a previous fiscal year was reduced by virtue of subsection 12*b* of section 14.

Rev. Stat.,
c. 72, s. 14,
subs. 4, cl. *f*,
amended

2.—(1) Clause *f* of subsection 4 of section 14 of *The Corporations Tax Act* is amended by striking out the words and letters "clauses *f*, *g* and *j*" in the ninth and tenth lines and inserting in lieu thereof the words and letters "clauses *f*, *g*, *i* and *n*".

Rev. Stat.,
c. 72, s. 14,
amended

(2) The said section 14 is amended by adding thereto the following subsections:

Excess of
proceeds
over unde-
preciated
capital cost

(12*a*) Where depreciable property of a company of a prescribed class has, in a fiscal year, been disposed of and the proceeds of disposition exceed the undepreciated capital cost to the company of depreci-

able property of that class immediately before the disposition, the lesser of,

- (a) the amount of the excess; or
- (b) the amount that the excess would be if the property had been disposed of for the capital cost thereof to the company,

shall be included in computing the income of the company for the fiscal year.

- (12b) Where one or more amounts are by subsection 12a ^{Determina-} required to be included in computing the income of ^{tion of} the company for a fiscal year in respect of ^{net amount} the disposition of depreciable property of a prescribed class and the company has, during the fiscal year but following the dispositions, acquired further depreciable property of that class, notwithstanding subsection 12a and clause o of section 1, the following rules are applicable:

- (a) If the aggregate of the amounts that would, according to the terms of subsection 12a, be included thereunder in computing the income of the company is equal to or exceeds the amount that would, according to the terms of clause o of section 1, be the undepreciated capital cost to the company of depreciable property of that class at the end of the fiscal year before any deduction is made under clause a of subsection 4 for that fiscal year,
 - (i) the amount to be included in computing the income of the company under subsection 12a in respect of dispositions of depreciable property of that class is that aggregate minus the amount that would be that undepreciated capital cost, and
 - (ii) the undepreciated capital cost to the company of depreciable property of that class at the end of the fiscal year is nothing.
- (b) If the aggregate of the amounts that would, according to the terms of subsection 12a, be included thereunder in computing the income of the company is less than the amount that would, according to the terms of clause o

of section 1, be the undepreciated capital cost to the company of depreciable property of that class at the end of the fiscal year before any deduction for depreciation is made under clause *a* of subsection 4 for that fiscal year,

- (i) no amounts shall be included in computing the income of the company for the fiscal year in respect of depreciable property of that class under subsection 12*a*, and
- (ii) the undepreciated capital cost to the company of depreciable property of that class at the end of the year before any deduction is made under clause *a* of subsection 4 for the fiscal year is the amount that it would be according to the terms of clause *o* of section 1 minus that aggregate.

Depreciable
property
being
transferred

(12*c*) Where depreciable property did, at any time after the commencement of the fiscal year ending in 1949, belong to one person, hereinafter referred to as the original owner, and has, by one or more transactions between persons not dealing at arms-length, become vested in the company, the following rules are, notwithstanding subsections 7, 8, 9 and 10, applicable for the purposes of subsections 12*a*, 12*b*, 12*c*, 12*d*, 12*e*, 12*f* and clause *a* of subsection 4:

- (*a*) The capital cost of the property to the company shall be deemed to be the amount that was the capital cost of the property to the original owner.
- (*b*) Where the capital cost of the property to the original owner exceeds the actual capital cost of the property to the company, the excess shall be deemed to have been allowed to the company in respect of the property under clause *a* of subsection 4 in computing income for fiscal years before the acquisition thereof by the company.

Farming
or fishing

(12*d*) Subsection 12*a* does not apply in determining the income of a company for a fiscal year from farming or fishing unless the company has elected to take a deduction for depreciation for that or a previous fiscal year under clause *a* of subsection 4 on the

basis provided for all other companies and not that provided solely for an allowance for depreciation in computing income from farming or fishing.

- (12e) Notwithstanding subsection 12*d*, where a deduction has been taken under *The Canadian Vessel Construction Assistance Act* (Canada) for any fiscal year, subsection 12*a* is applicable in respect of the prescribed class created by that Act. Application under 1949 (2nd Sess.), c. 11 (Can.)
- (12f) For the purpose of subsections 12*a*, 12*b*, 12*c*, 12*d*, 12*e* and clause *a* of subsection 4, the following rules apply: Rules
- (a) Where a company, having acquired property for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income from a business, has commenced at a later time to use it for some other purpose, the company shall be deemed to have disposed of it at that later time at its fair market value at that time.
 - (b) Where a company, having acquired property for some other purpose, has commenced at a later time to use it for the purpose of gaining or producing income therefrom, or for the purpose of gaining or producing income from a business, the company shall be deemed to have acquired it at that later time at its fair market value at that time.
 - (c) Where a company has acquired property by gift, bequest or devise, the capital cost to the company shall be deemed to have been the fair market value thereof at the time the company so acquired it.
 - (d) Where a company has given property away, the company shall be deemed to have disposed of it at the time of the gift at its fair market value at that time.
 - (e) Where property has, since it was acquired by a company, been regularly used in part for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income from a business and in part for some other purpose, the company shall be deemed to have acquired, for the purpose of gaining or producing income, the

proportion of the property that the use regularly made of the property for gaining or producing income is of the whole use regularly made of the property at a capital cost to the company equal to the same proportion of the capital cost to the company of the whole property; and, if the property has, in such a case, been disposed of, the proceeds of disposition of the proportion of the property deemed to have been acquired for gaining or producing income shall be deemed to be the same proportion of the proceeds of disposition of the whole property.

- (f) Where, at any time after a company has acquired property, there has been a change in the relation between the use made by the company of the property for gaining or producing income and the use made of the property for other purposes, the property shall, for the purpose of clause e, be deemed to have been disposed of at that time by the company at its fair market value at that time and to have been re-acquired at the same time at a capital cost equal to the same amount.
- (g) Where an amount can reasonably be regarded as being in part the consideration for disposition of depreciable property of a company of a prescribed class and as being in part consideration for something else, the part of the amount that can be reasonably so regarded shall be deemed to be the proceeds of disposition of the depreciable property of that class irrespective of the form or legal effect of the contract or agreement.
- (h) Where a company has received or is entitled to receive a grant, subsidy or other assistance from a government, municipality or other public authority in respect of or for the acquisition of property, the capital cost of the property shall be deemed to be the capital cost thereof to the company minus the amount of the grant, subsidy or other assistance.

Idem

- (15) Where under subsection 14 a company is unable to furnish evidence of having paid tax in respect of

net income to the government of a province, state or country outside Ontario because such province, state or country imposes no tax calculated on net income, the Treasurer may deem such a tax to have been so paid under subsection 13 of an amount not exceeding the amount that would be payable to such province, state or country if a tax at the rate provided from time to time in establishing a tax credit with respect to net income of the company attributable to Ontario by *The Income Tax Act* ^{1947-8.} _{c. 52 (Can.)} (Canada) were applicable to the portion of the net income of the company attributable to such province, state or country, calculated in the same manner as the portion of such net income attributable to Ontario is calculated for purposes of the establishment of the amount of the tax credit under *The Income Tax Act* (Canada).

(16) Subsection 15 applies only where the company ^{Application of subs. 15} furnishes evidence satisfactory to the Treasurer that during the fiscal year it maintained a permanent establishment in the province, state or country mentioned in that subsection.

(17) In subsection 16, "permanent establishment" means ^{Interpretation} a fixed place of business of a company and an office of an employee or agent of the company who has general authority to contract for his employer or principal or who has a stock of merchandise from which he regularly fills orders that he receives.

3. *The Corporations Tax Act* is amended by adding thereto ^{Rev. Stat., c. 72, amended} the following section:

14a.—(1) Where a company has acquired depreciable ^{Transitional provisions respecting depreciation} property before the commencement of its fiscal year ending in the year 1949, the following rules are applicable for the purpose of subsections 12a, 12b, 12c, 12d, 12e and 12f of section 14 and of allowances for depreciation made under clause a of subsection 4 of that section:

(a) All such property shall be deemed to have been acquired at the commencement of that fiscal year at a capital cost equal to,

(i) the actual capital cost, or the capital cost as it is deemed to be by subsection 2 or 3, of such of the said property as the company had at the commencement of that year,

minus the aggregate of,

(ii) the total amount of the depreciation for such of the said property as the company had at the commencement of that year that, since the commencement of the fiscal year ending in the year 1931, has been or should have been taken into account in accordance with the practice of the Treasurer under clause *a* of subsection 4 of section 14 in ascertaining the income of the company for fiscal years of the company ending in years prior to the year 1949, or in ascertaining the loss of the company for any of such fiscal years for which there was no income, minus the aggregate of,

(A) all deductions allowed to the company in computing income of the company for the purpose of section 14 as "special depreciation", "extra depreciation" or allowances in lieu of depreciation for property the company had at the commencement of the fiscal year ending in the year 1949, except deductions allowed for depreciation at not more than double the rates normally allowed in respect of plant or equipment of such class or classes as may have been determined by the Treasurer to have been built or acquired in a certain period fixed by the Treasurer, if the company had, in the opinion of the Treasurer, made a new investment by building or acquiring the plant or equipment, and

(B) one-half of all amounts allowed to the company with respect to depreciation at not more than double the rates normally allowed in respect of plant or equipment of such class or classes as may have been determined by the Treasurer to have been built or acquired in a

certain period fixed by the Treasurer, if the company had, in the opinion of the Treasurer, made a new investment by building or acquiring the plant or equipment, and

- (iii) any accumulated depreciation reserves that the company had at the commencement of the fiscal year ending in the year 1931 and that were recognized by the Treasurer for the purpose of section 14 for property that the company had at the commencement of the fiscal year ending in the year 1949;

(b) the aggregate of,

- (i) all deductions allowed to the company in computing the income of the company for the purpose of section 14 as "special depreciation", "extra depreciation" or allowances in lieu of depreciation for property the company had at the commencement of the fiscal year ending in the year 1949, except deductions allowed for depreciation at not more than double the rates normally allowed in respect of plant or equipment of such class or classes as may have been determined by the Treasurer to have been built or acquired in a certain period fixed by the Treasurer, if the company had, in the opinion of the Treasurer, made a new investment by building or acquiring the plant or equipment, and
- (ii) one-half of all amounts allowed to the company with respect to depreciation at not more than double the rates normally allowed in respect of plant or equipment of such class or classes as may have been determined by the Treasurer to have been built or acquired in a certain period fixed by the Treasurer, if the company had, in the opinion of the Treasurer, made a new investment by building or acquiring the plant or equipment,

shall be deemed to have been allowed to the company under clause *a* of subsection 4 of section 14 in computing income for fiscal years ending in years prior to the year 1949.

Idem

- (2) Where property did belong to one person, hereinafter referred to as the original owner, and has by one or more transactions prior to fiscal years of companies ending in the year 1949 between persons not dealing at arms-length become vested in a company which had it at the commencement of, or acquired it during, the fiscal year ending in the year 1949, the capital cost of the property to the company shall, for the purpose of clause *a* of subsection 4 of section 14, be deemed to be the lesser of the actual capital cost of the property to the company or the amount by which the capital cost of the property to the original owner exceeds the aggregate of,

(a) the total amount of depreciation for the property that, since the commencement of the fiscal year ending in the year 1931, has or should have been taken into account under clause *a* of subsection 4 of section 14, in accordance with the practice of the Treasurer, in ascertaining the income of the original owner and all intervening owners under section 14, or in ascertaining a loss when there was no income under that section;

(b) any accumulated depreciation reserves that the original owner or an intervening owner had for the property at the commencement of the fiscal year ending in the year 1931 and that were recognized by the Treasurer for the purpose of section 14.

Idem

- (3) Where a company has received or is entitled to receive a grant, subsidy or other assistance from a government, municipality or other public authority in respect of or for the acquisition of property, the capital cost of the property shall, for the purpose of clause *a* of subsection 1, be deemed to be the capital cost thereof to the company minus the amount of the grant, subsidy or other assistance.

Idem

- (4) Reference in this section to depreciation shall be deemed to include a reference to allowances in respect of depreciable property under clause *a* of subsection 4 of section 14 or any predecessor of that clause.

4.—(1) Sections 1 and 3 of this Act shall be effective with respect to fiscal years of companies ending in the year 1949 and subsequent fiscal years. ^{Effective dates of amendments}

(2) Subsections 12a, 12b, 12c, 12d, 12e and 12f of section 14 of *The Corporations Tax Act*, as enacted by subsection 2 of section 2 of this Act, shall be effective with respect to fiscal years of companies ending in the year 1949 and subsequent fiscal years. ^{Idem Rev. Stat., c. 72}

(3) Subsections 15, 16 and 17 of section 14 of *The Corporations Tax Act*, as enacted by subsection 2 of section 2 of this Act, shall be effective with respect to fiscal years of companies ending in the year 1952 and subsequent fiscal years. ^{Idem}

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

6. This Act may be cited as *The Corporations Tax Amendment Act, 1952*. ^{Short title}



BILL

An Act to amend The Corporations
Tax Act

1st Reading

March 24th, 1952

2nd Reading

3rd Reading

MR. FROST (Victoria)

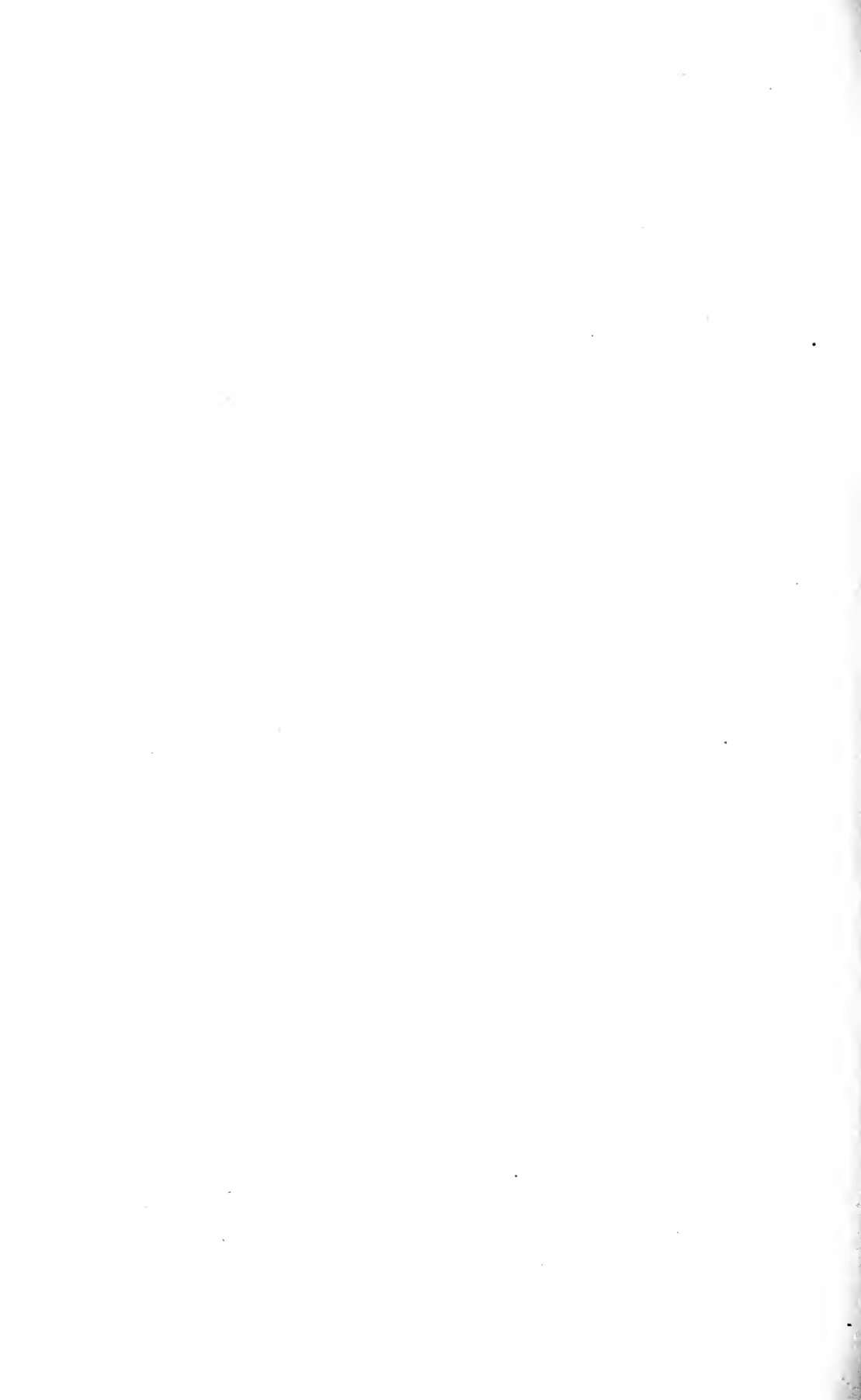
No. 112

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Corporations Tax Act

MR. FROST (Victoria)

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



BILL

An Act to amend The Corporations Tax Act

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

1. Section 1 of *The Corporation Tax Act* is amended by adding thereto the following clauses: Rev. Stat.,
c. 72, s. 1,
amended

(bb) "depreciable property of the company" as of any time in a fiscal year means property in respect of which the company has been allowed, or is entitled to, a deduction for depreciation under clause *a* of subsection 4 of section 14 in computing income for that or a previous fiscal year;

(bbb) "disposition of property" includes any transaction or event entitling a company to proceeds of disposition of property;

.

(ii) "proceeds of disposition" of property includes,

(i) the sale price of property that has been sold,

(ii) the compensation for property damaged, destroyed, taken or injuriously affected, either lawfully or unlawfully, or under statutory authority or otherwise,

(iii) an amount payable under a policy of insurance in respect of loss or destruction of property, and

(iv) an amount payable under a policy of insurance in respect of damage to property except to the extent that the amount has, within a reasonable time after the damage, been expended on repairing the damage;

.

(ll) "total depreciation allowed to a company" before any time for property of a prescribed class means the aggregate of all amounts allowed as depreciation to the company in respect of property of that class under clause *a* of subsection 4 of section 14 in computing income for fiscal years before that time;

(o) "undepreciated capital cost to the company of depreciable property" of a prescribed class as of any time means the capital cost to the company of depreciable property of that class acquired before that time minus the aggregate of,

(i) the total depreciation allowed to the company for property of that class before that time,

(ii) for each disposition before that time of property of the company of that class, the least of,

(A) the proceeds of disposition thereof,

(B) the capital cost to the company thereof, or

(C) the undepreciated capital cost to the company of property of that class immediately before the disposition, and

(iii) each amount by which the undepreciated capital cost to the company of depreciable property of that class as of the end of a previous fiscal year was reduced by virtue of subsection 12*b* of section 14.

Rev. Stat.,
c. 72, s. 14,
subs. 4, cl. *f*,
amended

2.—(1) Clause *f* of subsection 4 of section 14 of *The Corporations Tax Act* is amended by striking out the words and letters "clauses *f*, *g* and *j*" in the ninth and tenth lines and inserting in lieu thereof the words and letters "clauses *f*, *g*, *i* and *n*".

Rev. Stat.,
c. 72, s. 14,
amended

(2) The said section 14 is amended by adding thereto the following subsections:

Excess of
proceeds
over unde-
preciated
capital cost

(12*a*) Where depreciable property of a company of a prescribed class has, in a fiscal year, been disposed of and the proceeds of disposition exceed the undepreciated capital cost to the company of depreci-

able property of that class immediately before the disposition, the lesser of,

- (a) the amount of the excess; or
- (b) the amount that the excess would be if the property had been disposed of for the capital cost thereof to the company,

shall be included in computing the income of the company for the fiscal year.

(12b) Where one or more amounts are by subsection 12a ^{Determina-} required to be included in computing the income of ^{tion of} the company for a fiscal year in respect of ^{net amount} the disposition of depreciable property of a prescribed class and the company has, during the fiscal year but following the dispositions, acquired further depreciable property of that class, notwithstanding subsection 12a and clause o of section 1, the following rules are applicable:

- (a) If the aggregate of the amounts that would, according to the terms of subsection 12a, be included thereunder in computing the income of the company is equal to or exceeds the amount that would, according to the terms of clause o of section 1, be the undepreciated capital cost to the company of depreciable property of that class at the end of the fiscal year before any deduction is made under clause a of subsection 4 for that fiscal year,
 - (i) the amount to be included in computing the income of the company under subsection 12a in respect of dispositions of depreciable property of that class is that aggregate minus the amount that would be that undepreciated capital cost, and
 - (ii) the undepreciated capital cost to the company of depreciable property of that class at the end of the fiscal year is nothing.
- (b) If the aggregate of the amounts that would, according to the terms of subsection 12a, be included thereunder in computing the income of the company is less than the amount that would, according to the terms of clause o

of section 1, be the undepreciated capital cost to the company of depreciable property of that class at the end of the fiscal year before any deduction for depreciation is made under clause *a* of subsection 4 for that fiscal year,

- (i) no amounts shall be included in computing the income of the company for the fiscal year in respect of depreciable property of that class under subsection 12*a*, and
- (ii) the undepreciated capital cost to the company of depreciable property of that class at the end of the year before any deduction is made under clause *a* of subsection 4 for the fiscal year is the amount that it would be according to the terms of clause *o* of section 1 minus that aggregate.

Depreciable
property
being
transferred

(12*c*) Where depreciable property did, at any time after the commencement of the fiscal year ending in 1949, belong to one person, hereinafter referred to as the original owner, and has, by one or more transactions between persons not dealing at arms-length, become vested in the company, the following rules are, notwithstanding subsections 7, 8, 9 and 10, applicable for the purposes of subsections 12*a*, 12*b*, 12*c*, 12*d*, 12*e*, 12*f* and clause *a* of subsection 4:

- (*a*) The capital cost of the property to the company shall be deemed to be the amount that was the capital cost of the property to the original owner.
- (*b*) Where the capital cost of the property to the original owner exceeds the actual capital cost of the property to the company, the excess shall be deemed to have been allowed to the company in respect of the property under clause *a* of subsection 4 in computing income for fiscal years before the acquisition thereof by the company.

Farming
or fishing

(12*d*) Subsection 12*a* does not apply in determining the income of a company for a fiscal year from farming or fishing unless the company has elected to take a deduction for depreciation for that or a previous fiscal year under clause *a* of subsection 4 on the

basis provided for all other companies and not that provided solely for an allowance for depreciation in computing income from farming or fishing.

- (12e) Notwithstanding subsection 12d, where a deduction has been taken under *The Canadian Vessel Construction Assistance Act* (Canada) for any fiscal year, subsection 12a is applicable in respect of the prescribed class created by that Act. Application under 1949 (2nd Sess.), c. 11 (Can.)
- (12f) For the purpose of subsections 12a, 12b, 12c, 12d, 12e and clause a of subsection 4, the following rules apply: Rules
- (a) Where a company, having acquired property for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income from a business, has commenced at a later time to use it for some other purpose, the company shall be deemed to have disposed of it at that later time at its fair market value at that time.
 - (b) Where a company, having acquired property for some other purpose, has commenced at a later time to use it for the purpose of gaining or producing income therefrom, or for the purpose of gaining or producing income from a business, the company shall be deemed to have acquired it at that later time at its fair market value at that time.
 - (c) Where a company has acquired property by gift, bequest or devise, the capital cost to the company shall be deemed to have been the fair market value thereof at the time the company so acquired it.
 - (d) Where a company has given property away, the company shall be deemed to have disposed of it at the time of the gift at its fair market value at that time.
 - (e) Where property has, since it was acquired by a company, been regularly used in part for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income from a business and in part for some other purpose, the company shall be deemed to have acquired, for the purpose of gaining or producing income, the

proportion of the property that the use regularly made of the property for gaining or producing income is of the whole use regularly made of the property at a capital cost to the company equal to the same proportion of the capital cost to the company of the whole property; and, if the property has, in such a case, been disposed of, the proceeds of disposition of the proportion of the property deemed to have been acquired for gaining or producing income shall be deemed to be the same proportion of the proceeds of disposition of the whole property.

- (f) Where, at any time after a company has acquired property, there has been a change in the relation between the use made by the company of the property for gaining or producing income and the use made of the property for other purposes, the property shall, for the purpose of clause e, be deemed to have been disposed of at that time by the company at its fair market value at that time and to have been re-acquired at the same time at a capital cost equal to the same amount.
- (g) Where an amount can reasonably be regarded as being in part the consideration for disposition of depreciable property of a company of a prescribed class and as being in part consideration for something else, the part of the amount that can be reasonably so regarded shall be deemed to be the proceeds of disposition of the depreciable property of that class irrespective of the form or legal effect of the contract or agreement.
- (h) Where a company has received or is entitled to receive a grant, subsidy or other assistance from a government, municipality or other public authority in respect of or for the acquisition of property, the capital cost of the property shall be deemed to be the capital cost thereof to the company minus the amount of the grant, subsidy or other assistance.

Idem

- (15) Where under subsection 14 a company is unable to furnish evidence of having paid tax in respect of

net income to the government of a province, state or country outside Ontario because such province, state or country imposes no tax calculated on net income, the Treasurer may deem such a tax to have been so paid under subsection 13 of an amount not exceeding the amount that would be payable to such province, state or country if a tax at the rate provided from time to time in establishing a tax credit with respect to net income of the company attributable to Ontario by *The Income Tax Act* ^{1947-8,} _{c. 52 (Can.)} (Canada) were applicable to the portion of the net income of the company attributable to such province, state or country, calculated in the same manner as the portion of such net income attributable to Ontario is calculated for purposes of the establishment of the amount of the tax credit under *The Income Tax Act* (Canada).

(16) Subsection 15 applies only where the company furnishes evidence satisfactory to the Treasurer that during the fiscal year it maintained a permanent establishment in the province, state or country mentioned in that subsection. ^{Application of subs. 15}

(17) In subsection 16, "permanent establishment" means a fixed place of business of a company and an office of an employee or agent of the company who has general authority to contract for his employer or principal or who has a stock of merchandise from which he regularly fills orders that he receives. ^{Interpretation}

3. *The Corporations Tax Act* is amended by adding thereto the following section: ^{Rev. Stat., c. 72, amended}

14a.—(1) Where a company has acquired depreciable property before the commencement of its fiscal year ending in the year 1949, the following rules are applicable for the purpose of subsections 12a, 12b, 12c, 12d, 12e and 12f of section 14 and of allowances for depreciation made under clause a of subsection 4 of that section: ^{Transitional provisions respecting depreciation}

(a) All such property shall be deemed to have been acquired at the commencement of that fiscal year at a capital cost equal to,

(i) the actual capital cost, or the capital cost as it is deemed to be by subsection 2 or 3, of such of the said property as the company had at the commencement of that year,

minus the aggregate of,

(ii) the total amount of the depreciation for such of the said property as the company had at the commencement of that year that, since the commencement of the fiscal year ending in the year 1931, has been or should have been taken into account in accordance with the practice of the Treasurer under clause *a* of subsection 4 of section 14 in ascertaining the income of the company for fiscal years of the company ending in years prior to the year 1949, or in ascertaining the loss of the company for any of such fiscal years for which there was no income, minus the aggregate of,

(A) all deductions allowed to the company in computing income of the company for the purpose of section 14 as "special depreciation", "extra depreciation" or allowances in lieu of depreciation for property the company had at the commencement of the fiscal year ending in the year 1949, except deductions allowed for depreciation at not more than double the rates normally allowed in respect of plant or equipment of such class or classes as may have been determined by the Treasurer to have been built or acquired in a certain period fixed by the Treasurer, if the company had, in the opinion of the Treasurer, made a new investment by building or acquiring the plant or equipment, and

(B) one-half of all amounts allowed to the company with respect to depreciation at not more than double the rates normally allowed in respect of plant or equipment of such class or classes as may have been determined by the Treasurer to have been built or acquired in a

certain period fixed by the Treasurer, if the company had, in the opinion of the Treasurer, made a new investment by building or acquiring the plant or equipment, and

- (iii) any accumulated depreciation reserves that the company had at the commencement of the fiscal year ending in the year 1931 and that were recognized by the Treasurer for the purpose of section 14 for property that the company had at the commencement of the fiscal year ending in the year 1949;

(b) the aggregate of,

- (i) all deductions allowed to the company in computing the income of the company for the purpose of section 14 as "special depreciation", "extra depreciation" or allowances in lieu of depreciation for property the company had at the commencement of the fiscal year ending in the year 1949, except deductions allowed for depreciation at not more than double the rates normally allowed in respect of plant or equipment of such class or classes as may have been determined by the Treasurer to have been built or acquired in a certain period fixed by the Treasurer, if the company had, in the opinion of the Treasurer, made a new investment by building or acquiring the plant or equipment, and
- (ii) one-half of all amounts allowed to the company with respect to depreciation at not more than double the rates normally allowed in respect of plant or equipment of such class or classes as may have been determined by the Treasurer to have been built or acquired in a certain period fixed by the Treasurer, if the company had, in the opinion of the Treasurer, made a new investment by building or acquiring the plant or equipment,

shall be deemed to have been allowed to the company under clause *a* of subsection 4 of section 14 in computing income for fiscal years ending in years prior to the year 1949.

Idem

- (2) Where property did belong to one person, hereinafter referred to as the original owner, and has by one or more transactions prior to fiscal years of companies ending in the year 1949 between persons not dealing at arms-length become vested in a company which had it at the commencement of, or acquired it during, the fiscal year ending in the year 1949, the capital cost of the property to the company shall, for the purpose of clause *a* of subsection 4 of section 14, be deemed to be the lesser of the actual capital cost of the property to the company or the amount by which the capital cost of the property to the original owner exceeds the aggregate of,
- (a) the total amount of depreciation for the property that, since the commencement of the fiscal year ending in the year 1931, has or should have been taken into account under clause *a* of subsection 4 of section 14, in accordance with the practice of the Treasurer, in ascertaining the income of the original owner and all intervening owners under section 14, or in ascertaining a loss when there was no income under that section;
 - (b) any accumulated depreciation reserves that the original owner or an intervening owner had for the property at the commencement of the fiscal year ending in the year 1931 and that were recognized by the Treasurer for the purpose of section 14.

Idem

- (3) Where a company has received or is entitled to receive a grant, subsidy or other assistance from a government, municipality or other public authority in respect of or for the acquisition of property, the capital cost of the property shall, for the purpose of clause *a* of subsection 1, be deemed to be the capital cost thereof to the company minus the amount of the grant, subsidy or other assistance.

Idem

- (4) Reference in this section to depreciation shall be deemed to include a reference to allowances in respect of depreciable property under clause *a* of subsection 4 of section 14 or any predecessor of that clause.

4.—(1) Sections 1 and 3 of this Act shall be effective with ^{Effective} respect to fiscal years of companies ending in the year 1949 ^{dates of} and subsequent fiscal years. ^{amendments}

(2) Subsections 12a, 12b, 12c, 12d, 12e and 12f of section ^{Idem} 14 of *The Corporations Tax Act*, as enacted by subsection 2 of section 2 of this Act, shall be effective with respect to ^{Rev. Stat.,} fiscal years of companies ending in the year 1949 and sub- ^{c. 72}sequent fiscal years.

(3) Subsections 15, 16 and 17 of section 14 of *The Cor- Idem* *porations Tax Act*, as enacted by subsection 2 of section 2 of this Act, shall be effective with respect to fiscal years of companies ending in the year 1952 and subsequent fiscal years.

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

6. This Act may be cited as *The Corporations Tax Amend- Short title* *ment Act, 1952.*



BILL

An Act to amend The Corporations
Tax Act

1st Reading

March 24th, 1952

2nd Reading

April 7th, 1952

3rd Reading

April 9th, 1952

MR. FROST (Victoria)

No. 113

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

**An Act to amend The Blind Persons'
Allowances Act, 1951**

MR. GOODFELLOW

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

EXPLANATORY NOTE

The provision added will remove any doubt that may exist as to the authority of Ontario to pay "allowance" as defined in the Act.

No. 113

1952

BILL

An Act to amend The Blind Persons' Allowances Act, 1951

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

1. Section 2 of *The Blind Persons' Allowances Act, 1951* ¹⁹⁵¹ (2nd Sess.), c. 1, s. 2, amended is amended by adding thereto the following subsection:
 - (2) Allowances may be paid in accordance with the ^{Payment} agreement made under subsection 1. _{authorized}
2. This Act shall be deemed to have come into force on the ^{Commence-} 1st day of January, 1952. _{ment}
3. This Act may be cited as *The Blind Persons' Allowances* ^{Short title} *Amendment Act, 1952.*

BILL

An Act to amend The Blind Persons'
Allowances Act, 1951

1st Reading

March 26th, 1952

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 113

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Blind Persons'
Allowances Act, 1951

MR. GOODFELLOW

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



No. 113

1952

BILL

An Act to amend The Blind Persons' Allowances Act, 1951

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

1. Section 2 of *The Blind Persons' Allowances Act, 1951* ^{1951 (2nd Sess.), c. 1, s. 2, amended} is amended by adding thereto the following subsection:
 - (2) Allowances may be paid in accordance with the ^{Payment} agreement made under subsection 1. _{authorized}
2. This Act shall be deemed to have come into force on the ^{Commence-} 1st day of January, 1952. _{ment}
3. This Act may be cited as *The Blind Persons' Allowances* ^{Short title} *Amendment Act, 1952.*

BILL

An Act to amend 'The Blind Persons'
Allowances Act, 1951

1st Reading

March 26th, 1952

2nd Reading

April 2nd, 1952

3rd Reading

April 9th, 1952

MR. GOODFELLOW

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act respecting Allowances for
Disabled Persons

MR. GOODFELLOW

EXPLANATORY NOTE

This Act is new. It is designed to provide financial assistance for persons who are permanently and totally disabled.

BILL

An Act respecting Allowances for Disabled Persons

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

1. In this Act,

Interpre-
tation

- (a) "allowance" means allowance under this Act;
- (b) "Director" means Director of the Disabled Persons' Branch of the Department of Public Welfare;
- (c) "disabled person" means a person who is permanently and totally disabled by reason of physical or mental disability, but does not include a person who is receiving compensation under *The Workmen's Compensation Act*, or who is receiving a benefit under *The Mothers' Allowances Act*, or who is receiving an allowance under *The Blind Persons' Allowances Act, 1951*, or who is receiving a pension, allowance or other benefit from the Government of Canada in respect of war service, or who is a patient in a hospital, sanatorium or nursing home, or who resides in an institution under *The Charitable Institutions Act* or *The Homes for the Aged Act*, or in any other charitable or public institution;
- (d) "investigator" means an investigator within the meaning of *The Old Age Assistance Act, 1951*;
- (e) "local authority" means local authority within the meaning of *The Old Age Assistance Act, 1951*;
- (f) "Minister" means Minister of Public Welfare;
- (g) "recipient" means a person to whom an allowance is granted;
- (h) "regulations" means regulations made under this Act.

Rev. Stat.,
cc. 430, 242,
1951 (2nd
Sess.), c. 1

Rev. Stat.,
cc. 49, 168

1951
(2nd Sess.),
c. 2

To whom
allowances
may be paid

2. An allowance at a rate of not more than \$40 a month may be paid to a disabled person,

- (a) who is more than eighteen years of age and less than sixty-five years of age;
- (b) who has resided in Ontario for at least ten years immediately prior to the time he applies for an allowance;
- (c) who resides in Ontario at the time he applies for an allowance;
- (d) who continues to reside in Ontario while in receipt of an allowance; and
- (e) who is eligible under and complies with the regulations.

Acting
director

3.—(1) Where the Director is absent or there is a vacancy in the office, the powers and duties of the Director shall be exercised and performed by such civil servant as the Minister may designate.

Director,
duties

(2) It shall be the duty of the Director,

- (a) to receive applications for allowances;
- (b) to determine the eligibility of each applicant for an allowance, and where the applicant is eligible, to determine the amount thereof and to direct payment accordingly.

decisions

(3) Subject to the right of the Director to rescind or amend any determination or direction made by him under this Act and the regulations, every such determination and direction is final and is not subject to review by any court of law or otherwise.

Allowances
exempt from
taxation

4.—(1) An allowance is exempt from provincial and municipal taxes.

Allowances
not assign-
able

(2) An allowance is not subject to alienation or transfer by the recipient.

Allowances
not subject
to seizure

(3) An allowance is not subject to attachment or seizure in satisfaction of any claim against the recipient.

Voting
rights

5. The receipt of an allowance does not by itself constitute a disqualification of the recipient from voting at any provincial or municipal election.

6. In the case of a recipient,

When allowance may be paid to trustee

- (a) who, in the opinion of the Director, is using or is likely to use the allowance otherwise than for his own benefit, or is incapable of handling his affairs; or
- (b) who consents to the payment of the allowance to a person who is undertaking or liable for his maintenance and care,

the director may direct that the allowance be paid to a trustee for the benefit of the recipient.

7. Allowances and the expenses of the administration of this Act and the regulations are payable out of the moneys appropriated therefor by the Legislature.

Funds for purposes of Act

8. The Lieutenant-Governor in Council may make regulations,

Regulations

- (a) adding further qualifications to those specified in this Act for applicants for allowances;
- (b) adding to the classes excluded under clause *c* of section 1;
- (c) governing the manner of making application for an allowance;
- (d) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before an allowance is paid;
- (e) fixing the intervals at which and the manner in which allowances are to be paid;
- (f) providing for the suspension and cancellation of allowances;
- (g) providing for the whole or part of the cost of providing medical and dental services to recipients or any class or group thereof;
- (h) prescribing the powers and duties of investigators;
- (i) providing for the payment of the expenses of local authorities and for the payment of their remuneration and prescribing their powers and duties;
- (j) providing for the furnishing of notices and information by local authorities to the Director and by the Director to local authorities;

- (k) providing for the making of investigations respecting persons to whom allowances may be paid or by whom or on whose behalf application has been made for an allowance or who are in receipt of an allowance;
- (l) establishing an advisory board of one or more persons to assist the Director;
- (m) prescribing forms for use under this Act;
- (n) respecting any other matter necessary or advisable to carry out effectively the purposes of this Act.

Commence-
ment

9. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

10. This Act may be cited as *The Disabled Persons' Allowances Act, 1952*.

BILL

An Act respecting Allowances for
Disabled Persons

1st Reading

March 26th, 1952

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 114

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

**An Act respecting Allowances for
Disabled Persons**

MR. GOODFELLOW

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

BILL

An Act respecting Allowances for Disabled Persons

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

1. In this Act,

Interpre-
tation

- (a) "allowance" means allowance under this Act;
- (b) "Director" means Director of the Disabled Persons' Branch of the Department of Public Welfare;
- (c) "disabled person" means a person who is permanently and totally disabled by reason of physical or mental disability, but does not include a person who is receiving compensation under *The Workmen's Compensation Act*, or who is receiving a benefit under *The Mothers' Allowances Act*, or who is receiving an allowance under *The Blind Persons' Allowances Act, 1951*, or who is receiving a pension, allowance or other benefit from the Government of Canada in respect of war service, or who is a patient in a hospital, sanatorium or nursing home, or who resides in an institution under *The Charitable Institutions Act* or *The Homes for the Aged Act*, or in any other charitable or public institution;
- (d) "investigator" means an investigator within the meaning of *The Old Age Assistance Act, 1951*;
- (e) "local authority" means local authority within the meaning of *The Old Age Assistance Act, 1951*;
- (f) "Minister" means Minister of Public Welfare;
- (g) "recipient" means a person to whom an allowance is granted;
- (h) "regulations" means regulations made under this Act.

Rev. Stat.,
cc. 430, 242,
1951 (2nd
Sess.), c. 1

Rev. Stat.,
cc. 49, 168

1951
(2nd Sess.),
c. 2

To whom
allowances
may be paid

2. An allowance at a rate of not more than \$40 a month may be paid to a disabled person,

- (a) who is more than eighteen years of age and less than sixty-five years of age;
- (b) who has resided in Ontario for at least ten years immediately prior to the time he applies for an allowance;
- (c) who resides in Ontario at the time he applies for an allowance;
- (d) who continues to reside in Ontario while in receipt of an allowance; and
- (e) who is eligible under and complies with the regulations.

Acting
director

3.—(1) Where the Director is absent or there is a vacancy in the office, the powers and duties of the Director shall be exercised and performed by such civil servant as the Minister may designate.

Director,
duties

(2) It shall be the duty of the Director,

- (a) to receive applications for allowances;
- (b) to determine the eligibility of each applicant for an allowance, and where the applicant is eligible, to determine the amount thereof and to direct payment accordingly.

decisions

(3) Subject to the right of the Director to rescind or amend any determination or direction made by him under this Act and the regulations, every such determination and direction is final and is not subject to review by any court of law or otherwise.

Allowances
exempt from
taxation

4.—(1) An allowance is exempt from provincial and municipal taxes.

Allowances
not assign-
able

(2) An allowance is not subject to alienation or transfer by the recipient.

Allowances
not subject
to seizure

(3) An allowance is not subject to attachment or seizure in satisfaction of any claim against the recipient.

Voting
rights

5. The receipt of an allowance does not by itself constitute a disqualification of the recipient from voting at any provincial or municipal election.

6. In the case of a recipient,

When allowance may be paid to trustee

- (a) who, in the opinion of the Director, is using or is likely to use the allowance otherwise than for his own benefit, or is incapable of handling his affairs; or
- (b) who consents to the payment of the allowance to a person who is undertaking or liable for his maintenance and care,

the director may direct that the allowance be paid to a trustee for the benefit of the recipient.

7. Allowances and the expenses of the administration of this Act and the regulations are payable out of the moneys appropriated therefor by the Legislature. ^{Funds for purposes of Act}

8. The Lieutenant-Governor in Council may make regulations, ^{Regulations}

- (a) adding further qualifications to those specified in this Act for applicants for allowances;
- (b) adding to the classes excluded under clause *c* of section 1;
- (c) governing the manner of making application for an allowance;
- (d) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before an allowance is paid;
- (e) fixing the intervals at which and the manner in which allowances are to be paid;
- (f) providing for the suspension and cancellation of allowances;
- (g) providing for the whole or part of the cost of providing medical and dental services to recipients or any class or group thereof;
- (h) prescribing the powers and duties of investigators;
- (i) providing for the payment of the expenses of local authorities and for the payment of their remuneration and prescribing their powers and duties;
- (j) providing for the furnishing of notices and information by local authorities to the Director and by the Director to local authorities;

- (k) providing for the making of investigations respecting persons to whom allowances may be paid or by whom or on whose behalf application has been made for an allowance or who are in receipt of an allowance;
- (l) establishing an advisory board of one or more persons to assist the Director;
- (m) prescribing forms for use under this Act;
- (n) respecting any other matter necessary or advisable to carry out effectively the purposes of this Act.

Commence-
ment

9. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

10. This Act may be cited as *The Disabled Persons' Allowances Act, 1952*.



BILL

An Act respecting Allowances for
Disabled Persons

1st Reading

March 26th, 1952

2nd Reading

April 7th, 1952

3rd Reading

April 10th, 1952

MR. GOODFELLOW

No. 115

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Mental Hospitals Act

MR. PHILLIPS

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

EXPLANATORY NOTES

SECTION 1. The new part provides for the approving of detention units in public hospitals for detaining mentally ill persons pending their transfer to Ontario hospitals.

BILL

An Act to amend The Mental Hospitals Act

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

1. *The Mental Hospitals Act* is amended by adding thereto the following Part: Rev. Stat.,
c. 229,
amended

PART VIIA

DETENTION UNITS

- 56a.—(1) In this Part, “public hospital” means a hospital approved under *The Public Hospitals Act*. Interpre-
tation
Rev. Stat.,
c. 307
- (2) The Minister may issue certificates approving any part of a public hospital as a detention unit. Detention
units
- 56b.—(1) Any person who, Persons
admitted
- (a) has been found or certified under this Act as mentally ill or mentally defective and is eligible for admission to an institution under this Act as a,
 - (i) certificated patient, or
 - (ii) Deputy Minister’s warrant patient, or
 - (iii) Lieutenant-Governor’s warrant patient;
or
 - (b) is a patient remanded by a judge or magistrate in accordance with the provisions of this Act and the regulations; or
 - (c) has been directed by a magistrate to be confined in some safe and comfortable place in accordance with subsection 5 of section 25.

may be admitted to and detained in a detention unit pending his transfer to an institution under this Act.

No admission without application

56c.—(1) Notwithstanding section 11 of *The Public Hospitals Act*, no person shall be taken to a detention unit for admission or admitted thereto until an application has been made and admission has been awarded in accordance with subsections 2 and 3.

Application for admission

(2) Application for the admission of any person as a patient to a detention unit may be made verbally or in writing to the superintendent thereof or other person designated by the governing body of the public hospital.

Admission

(3) The superintendent of the public hospital or other person so designated shall refer the application for admission to a medical practitioner designated by the governing body of the public hospital and if the medical practitioner certifies in the prescribed form that the prospective patient is suitable for admission to and detention in the detention unit the superintendent may award admission to the prospective patient.

Deputy Minister to be notified

(4) Within twenty-four hours after the admission of any person to a detention unit, the superintendent shall give notice thereof to the Deputy Minister.

Powers of superintendent of public hospital

56d.—(1) Where a patient has been admitted to a detention unit, the superintendent or other person in charge of the public hospital shall, in addition to any of the powers conferred upon him by the general or special Act under which the hospital operates, have the power of a superintendent of an institution under this Act with respect to the custody and control of the patient.

Limit in detention unit

(2) No patient shall remain in a detention unit for a period in excess of twenty-one days.

Grants

56e.—(1) The Minister may, out of such money as may be appropriated by the Legislature for the purpose, pay grants to public hospitals by way of provincial aid for the care and maintenance of patients in detention units in public hospitals in accordance with regulations made under *The Public Hospitals Act*.

Rev. Stat., c. 307

Regulations

(2) The regulations mentioned in subsection 1 may prescribe that the liability imposed under section 16 of *The Public Hospitals Act* shall not apply to any patient in a detention unit who is an indigent person or dependant of an indigent person upon such terms and conditions as may be prescribed by the regulations.

SECTION 2. The operation of the present section is limited to Manitoba and Saskatchewan. The principle is now extended so that the section may be invoked to expedite the handling of a person's estate in Ontario no matter in what other province the person is hospitalized.

2. Section 86 of *The Mental Hospitals Act* is repealed and the following substituted therefor: Rev. Stat., c. 229, s. 86, re-enacted

- 86.—(1) Where a mentally ill, mentally defective or epileptic person is detained as a patient in a provincial institution in another province and has estate situate in Ontario, the Lieutenant-Governor in Council may appoint the official of the other province who is charged with the duty of managing the estate of such person in the other province to be committee of the estate in Ontario. Official of other province committee in Ontario
- (2) The order making the appointment shall be conclusive proof that all the conditions precedent to the appointment have been fulfilled. Order conclusive proof as to appointment
- (3) The appointee under such an order shall possess the same rights, powers, privileges and immunities as are conferred by this Act upon the Public Trustee and he shall be subject to the same obligations and shall perform the same duties. Powers and duties of appointee

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

4. This Act may be cited as *The Mental Hospitals Amendment Act, 1952*. Short title

BILL

An Act to amend The Mental
Hospitals Act

1st Reading

March 26th, 1952

2nd Reading

3rd Reading

MR. PHILLIPS

No. 115

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Mental Hospitals Act

MR. PHILLIPS

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

BILL

An Act to amend The Mental Hospitals Act

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

1. *The Mental Hospitals Act* is amended by adding thereto the following Part: Rev. Stat.,
c. 229,
amended

PART VIIA

DETENTION UNITS

56a.—(1) In this Part, “public hospital” means a hospital approved under *The Public Hospitals Act*. Interpre-
tation
Rev. Stat.,
c. 307

(2) The Minister may issue certificates approving any part of a public hospital as a detention unit. Detention
units

56b.—(1) Any person who, Persons
admitted

(a) has been found or certified under this Act as mentally ill or mentally defective and is eligible for admission to an institution under this Act as a,

(i) certificated patient, or

(ii) Deputy Minister’s warrant patient, or

(iii) Lieutenant-Governor’s warrant patient;
or

(b) is a patient remanded by a judge or magistrate in accordance with the provisions of this Act and the regulations; or

(c) has been directed by a magistrate to be confined in some safe and comfortable place in accordance with subsection 5 of section 25,

may be admitted to and detained in a detention unit pending his transfer to an institution under this Act.

No admission without application

56c.—(1) Notwithstanding section 11 of *The Public Hospitals Act*, no person shall be taken to a detention unit for admission or admitted thereto until an application has been made and admission has been awarded in accordance with subsections 2 and 3.

Application for admission

(2) Application for the admission of any person as a patient to a detention unit may be made verbally or in writing to the superintendent thereof or other person designated by the governing body of the public hospital.

Admission

(3) The superintendent of the public hospital or other person so designated shall refer the application for admission to a medical practitioner designated by the governing body of the public hospital and if the medical practitioner certifies in the prescribed form that the prospective patient is suitable for admission to and detention in the detention unit the superintendent may award admission to the prospective patient.

Deputy Minister to be notified

(4) Within twenty-four hours after the admission of any person to a detention unit, the superintendent shall give notice thereof to the Deputy Minister.

Powers of superintendent of public hospital

56d.—(1) Where a patient has been admitted to a detention unit, the superintendent or other person in charge of the public hospital shall, in addition to any of the powers conferred upon him by the general or special Act under which the hospital operates, have the power of a superintendent of an institution under this Act with respect to the custody and control of the patient.

Limit in detention unit

(2) No patient shall remain in a detention unit for a period in excess of twenty-one days.

Grants

56e.—(1) The Minister may, out of such money as may be appropriated by the Legislature for the purpose, pay grants to public hospitals by way of provincial aid for the care and maintenance of patients in detention units in public hospitals in accordance with regulations made under *The Public Hospitals Act*.

Rev. Stat., c. 307

Regulations

(2) The regulations mentioned in subsection 1 may prescribe that the liability imposed under section 16 of *The Public Hospitals Act* shall not apply to any patient in a detention unit who is an indigent person or dependant of an indigent person upon such terms and conditions as may be prescribed by the regulations.

2. Section 86 of *The Mental Hospitals Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 229, s. 86,
re-enacted

- 86.—(1) Where a mentally ill, mentally defective or epileptic person is detained as a patient in a provincial institution in another province and has estate situate in Ontario, the Lieutenant-Governor in Council may appoint the official of the other province who is charged with the duty of managing the estate of such person in the other province to be committee of the estate in Ontario. Official of
other
province
committee
in Ontario
- (2) The order making the appointment shall be conclusive proof that all the conditions precedent to the appointment have been fulfilled. Order con-
clusive
proof as to
appointment
- (3) The appointee under such an order shall possess the same rights, powers, privileges and immunities as are conferred by this Act upon the Public Trustee and he shall be subject to the same obligations and shall perform the same duties. Powers and
duties of
appointee

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

4. This Act may be cited as *The Mental Hospitals Amendment Act, 1952*. Short title



BILL

An Act to amend The Mental
Hospitals Act

1st Reading

March 26th, 1952

2nd Reading

April 2nd, 1952

3rd Reading

April 7th, 1952

Mr. PHILLIPS

No. 116

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Public Hospitals Act

MR. PHILLIPS

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

EXPLANATORY NOTES

SECTIONS 1, 3, 4, 5 and 8. The amendments substitute the words "chronically ill" for "incurable".

SECTION 2. The amendment clarifies the authority to make regulations prescribing the matters upon which by-laws are to be passed by public hospitals.

BILL

An Act to amend The Public Hospitals Act

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

1.—(1) Clause *d* of section 1 of *The Public Hospitals Act* Rev. Stat., c. 307, s. 1. is amended by striking out the word “incurable” in the fifth cl. d. line and inserting in lieu thereof the words “chronically ill”, amended so that the clause shall read as follows:

(*d*) “hospital” means any institution, building or other premises or place, howsoever created, established or incorporated for the treatment of persons suffering from sickness, disease or injury, or for the treatment of chronically ill persons.

(2) Clause *e* of the said section 1 is amended by striking Rev. Stat., c. 307, s. 1. out the word “incurable” in the first line and inserting in cl. e. lieu thereof the words “chronically ill” and by striking out amended the words “incurable disease” in the second line and inserting in lieu thereof the words “chronic illness”, so that the clause shall read as follows:

(*e*) “chronically ill person” means any person afflicted with or suffering from any chronic illness, sickness, injury or other condition of a permanent nature requiring treatment.

2. Section 4 of *The Public Hospitals Act* is amended by Rev. Stat., c. 307, s. 4. adding thereto the following clause: amended

(*cc*) prescribing the matters upon which by-laws are to be passed by hospitals.

3. Section 10 of *The Public Hospitals Act* is amended by Rev. Stat., c. 307, s. 10. striking out the word “incurables” in the second and third amended lines and inserting in lieu thereof the words “the chronically ill”, so that the section shall read as follows:

10. Subject to the provisions of any existing agreement Medical students' clinics relating thereto, every hospital, other than a hos-

pital for the chronically ill, receiving provincial aid under this Act shall provide such reasonable facilities for giving instruction to medical students of any university as may be required by the regulations.

Rev. Stat.,
c. 307, s. 11,
amended

4. Section 11 of *The Public Hospitals Act* is amended by striking out the word "incurables" where it occurs in the second and fifth lines respectively and inserting in lieu thereof in each case the words "the chronically ill" and by striking out the word "incurable" in the sixth line and inserting in lieu thereof the word "chronically ill", so that the section shall read as follows:

Hospitals
to admit
sick
persons

11. Except as may be otherwise provided in this Act, no hospital other than a hospital for the chronically ill, receiving provincial aid shall refuse to admit as a patient any person who from sickness, disease or injury or otherwise is in need of treatment, and no hospital for the chronically ill receiving such aid shall refuse to admit as a patient any chronically ill person so certified in accordance with the regulations.

Rev. Stat.,
c. 307, s. 15,
amended

5. Section 15 of *The Public Hospitals Act* is amended by striking out the word "incurables" in the first line and inserting in lieu thereof the words "the chronically ill" and by striking out the words "an incurable" in the fourth line and inserting in lieu thereof the words "a chronically ill", so that the section shall read as follows:

Admission
of chronic-
ally ill
persons

15. No hospital for the chronically ill shall admit as a patient an indigent person or the dependant of an indigent person until such person or dependant is certified in accordance with the regulations to be a chronically ill person.

Rev. Stat.,
c. 307, s. 19,
re-enacted

6. Section 19 of *The Public Hospitals Act* is repealed and the following substituted therefor:

Burial
expenses, by
municipality

19.—(1) In the event of the death in a hospital of any patient who is an indigent person or a dependant of an indigent person, the municipality in which such indigent person was a resident at the time of admission shall pay to the hospital any expenses of burial which it may incur, not exceeding,

- (a) \$75 for the burial;
- (b) the actual cost of opening and closing the grave; and
- (c) a fee of \$10 for a religious service performed in connection with the burial.

SECTION 6. The amendment authorizes payment of burial expenses of deceased indigent patients in amounts not exceeding those specified in the amendment.

SECTION 7. Homes for the aged were formerly known as houses of refuge. The term "house of refuge" is now improper.

- (2) Where the deceased person referred to in subsection 1 by Minister was not a resident of a municipality, the Minister may pay the burial expenses in accordance with subsection 1.

7. Clause *d* of section 23 of *The Public Hospitals Act* is ^{Rev. Stat.,} amended by striking out the words "house of refuge" in the ^{c. 307, s. 23,} second line and inserting in lieu thereof the words "home for ^{cl. d,} ^{amended} the aged".

8. Section 26 of *The Public Hospitals Act* is amended by ^{Rev. Stat.,} striking out the word "incurables" in the second line and ^{c. 307, s. 26,} inserting in lieu thereof the words "the chronically ill" and ^{amended} by striking out the words "an incurable" in the fourth line and inserting in lieu thereof the words "a chronically ill", so that the section shall read as follows:

26. When a patient in a hospital, other than a hospital ^{Chronically} for the chronically ill, for the charges for whose ^{ill persons} treatment a municipality is liable under this Act is ^{in hospitals} certified in accordance with the regulations to be a chronically ill person, the hospital may require of the municipality liable that such patient be removed from the hospital within seven days after notice has been given by registered letter to the clerk thereof, and failing which removal the hospital shall be entitled to charge the municipality liable, 25 cents per day in addition to any other charges provided to be paid under this Act while such patient remains in the hospital.

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

10. This Act may be cited as *The Public Hospitals Amend-* ^{Short title} *ment Act, 1952.*

BILL

An Act to amend The Public
Hospitals Act

1st Reading

March 26th, 1952

2nd Reading

3rd Reading

MR. PHILLIPS

No. 116

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Public Hospitals Act

MR. PHILLIPS

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

BILL

An Act to amend The Public Hospitals Act

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

1.—(1) Clause *d* of section 1 of *The Public Hospitals Act* Rev. Stat., c. 307, s. 1, cl. *d*, amended is amended by striking out the word “incurable” in the fifth line and inserting in lieu thereof the words “chronically ill”, so that the clause shall read as follows:

(*d*) “hospital” means any institution, building or other premises or place, howsoever created, established or incorporated for the treatment of persons suffering from sickness, disease or injury, or for the treatment of chronically ill persons.

(2) Clause *e* of the said section 1 is amended by striking out the word “incurable” in the first line and inserting in lieu thereof the words “chronically ill” and by striking out the words “incurable disease” in the second line and inserting in lieu thereof the words “chronic illness”, so that the clause shall read as follows: Rev. Stat., c. 307, s. 1, cl. *e*, amended

(*e*) “chronically ill person” means any person afflicted with or suffering from any chronic illness, sickness, injury or other condition of a permanent nature requiring treatment.

2. Section 4 of *The Public Hospitals Act* is amended by adding thereto the following clause: Rev. Stat., c. 307, s. 4, amended

(*cc*) prescribing the matters upon which by-laws are to be passed by hospitals.

3. Section 10 of *The Public Hospitals Act* is amended by striking out the word “incurables” in the second and third lines and inserting in lieu thereof the words “the chronically ill”, so that the section shall read as follows: Rev. Stat., c. 307, s. 10, amended

10. Subject to the provisions of any existing agreement relating thereto, every hospital, other than a hos- Medical students' clinics

pital for the chronically ill, receiving provincial aid under this Act shall provide such reasonable facilities for giving instruction to medical students of any university as may be required by the regulations.

Rev. Stat.,
c. 307, s. 11,
amended

4. Section 11 of *The Public Hospitals Act* is amended by striking out the word “incurables” where it occurs in the second and fifth lines respectively and inserting in lieu thereof in each case the words “the chronically ill” and by striking out the word “incurable” in the sixth line and inserting in lieu thereof the word “chronically ill”, so that the section shall read as follows:

Hospitals
to admit
sick
persons

11. Except as may be otherwise provided in this Act, no hospital other than a hospital for the chronically ill, receiving provincial aid shall refuse to admit as a patient any person who from sickness, disease or injury or otherwise is in need of treatment, and no hospital for the chronically ill receiving such aid shall refuse to admit as a patient any chronically ill person so certified in accordance with the regulations.

Rev. Stat.,
c. 307, s. 15,
amended

5. Section 15 of *The Public Hospitals Act* is amended by striking out the word “incurables” in the first line and inserting in lieu thereof the words “the chronically ill” and by striking out the words “an incurable” in the fourth line and inserting in lieu thereof the words “a chronically ill”, so that the section shall read as follows:

Admission
of chronic-
ally ill
persons

15. No hospital for the chronically ill shall admit as a patient an indigent person or the dependant of an indigent person until such person or dependant is certified in accordance with the regulations to be a chronically ill person.

Rev. Stat.,
c. 307, s. 19,
re-enacted

6. Section 19 of *The Public Hospitals Act* is repealed and the following substituted therefor:

Burial
expenses, by
municipality

19.—(1) In the event of the death in a hospital of any patient who is an indigent person or a dependant of an indigent person, the municipality in which such indigent person was a resident at the time of admission shall pay to the hospital any expenses of burial which it may incur, not exceeding,

- (a) \$75 for the burial;
- (b) the actual cost of opening and closing the grave; and
- (c) a fee of \$10 for a religious service performed in connection with the burial.

- (2) Where the deceased person referred to in subsection 1 by Minister was not a resident of a municipality, the Minister may pay the burial expenses in accordance with subsection 1.

7. Clause *d* of section 23 of *The Public Hospitals Act* is amended by striking out the words "house of refuge" in the second line and inserting in lieu thereof the words "home for the aged". Rev. Stat., c. 307, s. 23, cl. d, amended

8. Section 26 of *The Public Hospitals Act* is amended by striking out the word "incurables" in the second line and inserting in lieu thereof the words "the chronically ill" and by striking out the words "an incurable" in the fourth line and inserting in lieu thereof the words "a chronically ill", so that the section shall read as follows: Rev. Stat., c. 307, s. 26, amended

26. When a patient in a hospital, other than a hospital for the chronically ill, for the charges for whose treatment a municipality is liable under this Act is certified in accordance with the regulations to be a chronically ill person, the hospital may require of the municipality liable that such patient be removed from the hospital within seven days after notice has been given by registered letter to the clerk thereof, and failing which removal the hospital shall be entitled to charge the municipality liable, 25 cents per day in addition to any other charges provided to be paid under this Act while such patient remains in the hospital. Chronically ill persons in hospitals

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

10. This Act may be cited as *The Public Hospitals Amendment Act, 1952*. Short title

BILL

An Act to amend The Public
Hospitals Act

1st Reading

March 26th, 1952

2nd Reading

April 2nd, 1952

3rd Reading

April 7th, 1952

MR. PHILLIPS

No. 117

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Boards of Education Act

MR. DUNLOP

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

EXPLANATORY NOTE

Section 3 of *The Boards of Education Act* provides for the establishment by county council of a municipal board of education where the boundaries of a high school district comprising all or part of two or more municipalities coincide with the boundaries of one or more units of public school administration. The amendment makes it clear that the section operates even though a city or separated town forms part of the district. The consent of the councils of all municipalities is already required.

No. 117

1952

BILL

An Act to amend The Boards of Education Act

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

1. Section 3 of *The Boards of Education Act* is amended by adding thereto the following subsection: Rev. Stat., c. 38, s. 3, amended

(3) In this section, "school section" includes a city or a separated town. Interpretation

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

3. This Act may be cited as *The Boards of Education Amendment Act, 1952*. Short title

BILL

An Act to amend The Boards of
Education Act

1st Reading

March 26th, 1952

2nd Reading

3rd Reading

MR. DUNLOP

No. 117

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Boards of Education Act

MR. DUNLOP

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

No. 117

1952

BILL

An Act to amend The Boards of Education Act

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

1. Section 3 of *The Boards of Education Act* is amended by adding thereto the following subsection: Rev. Stat., c. 38, s. 3, amended

(3) In this section, "school section" includes a city or a separated town. Interpretation

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

3. This Act may be cited as *The Boards of Education Amendment Act, 1952*. Short title

BILL

An Act to amend The Boards of
Education Act

1st Reading

March 26th, 1952

2nd Reading

March 28th, 1952

3rd Reading

April 7th, 1952

MR. DUNLOP

No. 118

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The High Schools Act

MR. DUNLOP

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

EXPLANATORY NOTES

SECTION 1—Subsection 1. The definition of maintenance is amended to correct an anomaly whereby county pupils and pupils from other high school districts attending a high school are, under the present law, paying, not only their own fees, but part of the cost of education of resident pupils of the high school district who attend school in other districts.

Subsection 2. New definitions of “occasional teacher”, “permanent teacher”, “probationary teacher” and “temporary teacher” are added to the Act. (Complementary to subsection 1 of section 7 of the bill.)

BILL

An Act to amend The High Schools Act

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

1.—(1) Clause *h* of subsection 1 of section 1 of *The High Schools Act* is amended by striking out the words “fees payable in respect of resident pupils in attendance at high schools and continuation schools outside the high school district” in the twelfth, thirteenth, fourteenth and fifteenth lines, so that the clause shall read as follows:

(*h*) “maintenance” includes repairs to the teacher’s residence, the school buildings, outhouses, gymnasium, fences and school furniture; altering the system of heating or ventilation; the erection of fences; the improvement of the school grounds and the grounds attached to the teacher’s residence; insurance on the school property; salaries of the teachers, officers and other employees of the board; contributions to a superannuation or pension fund for the benefit of teachers, officers and other employees of the board; any sums spent for medical and dental inspection and dental treatment; the expense of conducting examinations; interest charges on temporary loans made for the purposes of the board and other expenses for ordinary school purposes, and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the regulations; gratuities and retiring allowances granted to teachers, officers and other employees; the cost of providing transportation for pupils.

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

(*kk*) “occasional teacher” means a teacher employed to teach on a daily basis as a substitute for a permanent, probationary or temporary teacher;

(*mm*) “permanent teacher” means a teacher employed on a continuing basis, but does not include a temporary teacher or an occasional teacher;

(*mmm*) “probationary teacher” means a teacher employed for a probationary period,

(i) of not more than two years for a teacher with less than three years experience before the commencement of the contract, or

(ii) of not more than one year for a teacher with three or more years experience before the commencement of the contract,

leading to an appointment as a permanent teacher if his services are satisfactory to the board, but does not include a temporary teacher or an occasional teacher;

(*pp*) “temporary teacher” means a teacher employed to teach on a monthly basis for a period not exceeding one year.

Rev. Stat.,
c. 165, s. 4,
re-enacted

2. Section 4 of *The High Schools Act* is repealed and the following substituted therefor:

Interpre-
tation

4. In sections 5 to 11, “adjoining” means touching at any point, and,

(*a*) where more than two counties are concerned they shall be deemed to be adjoining if each county adjoins one of the other counties; and

(*b*) for the purposes of a high school district comprising more than two municipalities or parts of municipalities, the municipalities or parts shall be deemed to be adjoining if each municipality, and each part of a municipality, included in the district adjoins some other municipality, or part of a municipality, included in the district.

Rev. Stat.,
c. 165, s. 5,
subs. 1, ~~re-~~
amended

3.—(1) Subsection 1 of section 5 of *The High Schools Act* is amended by adding at the end thereof the words “and shall add the municipalities or parts of municipalities comprised in the district so discontinued to one or more other districts or include such municipalities or parts in one or more new districts”, so that the subsection shall read as follows:

SECTION 2. Under the definition of "adjoining" in the present section of the Act, it would be technically possible to have a part of a high school district completely separated from the remainder of the district. The definition is therefore rewritten to obviate this possibility.

SECTION 3—Subsection 1. This amendment is to provide that where a high school district is discontinued, the municipalities of which it is comprised shall be added to other districts or included in new districts.

Subsection 2. The amendment is to make it clear that the Lieutenant-Governor in Council may establish any area in territory without municipal organization as a high school district, without regard to the number of unorganized townships or parts therein, and that he may also establish as a district such an area and an adjoining municipality or municipalities or parts of municipalities.

Subsection 3. The amendment is to empower the Minister, where he deems it desirable, to establish and maintain a high school on Crown lands, to designate any portion of such lands as a high school district and to appoint a board which is given the authority of a board of high school trustees for the purposes of *The High Schools Act*.

SECTION 4. The provision relating to estimates of high school boards is amended to clarify the intention regarding the disposition of any surplus in the hands of a high school board and the absorption of any deficit from the previous year when preparing estimates for the current year. The intention is that a board shall not retain and build up a surplus, but that any surplus from one year shall reduce the estimates for the following year. Similarly, it is the intention that any deficit from one year shall be added to the estimates for the following year, increasing the estimates by that amount.

(1) Subject to the approval of the Minister first being obtained, the council of a county or the councils of two or more adjoining counties, may by by-law establish the whole or any part of a municipality or the whole or parts of two or more adjoining municipalities situated within the county or counties as a new high school district, and the council of a county or the councils of two or more adjoining counties may in like manner discontinue any high school district already established within the county or counties and shall add the municipalities or parts of municipalities comprised in the district so discontinued to one or more other districts or include such municipalities or parts in one or more new districts.

Establishment and discontinuance of districts

(2) Subsection 5 of the said section 5 is repealed and the following substituted therefor:

Rev. Stat., c. 165, s. 5, subs. 5, re-enacted

(5) The Lieutenant-Governor in Council may establish any area in territory without municipal organization, or any such area and an adjoining municipality or municipalities or any part or parts thereof, as a high school district.

Establishment of districts for unorganized territory

(3) The said section 5 is amended by adding thereto the following subsections:

Rev. Stat., c. 165, s. 5, amended

(6) Where, in the opinion of the Minister, it is desirable to establish and maintain a high school on lands held by the Crown in right of Canada or Ontario, the Minister may designate any portion of such lands as a high school district, and may appoint as members of the board such persons as he may deem proper.

Districts on Crown lands

(7) The board so appointed shall be a body corporate by the name indicated in the order establishing the high school district, and shall have all the authority of a board of high school trustees for the purposes of this Act.

Board

4. Subclause i of clause m of section 28 of *The High Schools Act* is amended by striking out the word "show" in the first line and inserting in lieu thereof the words "include and make due allowance for", so that the subclause shall read as follows:

Rev. Stat., c. 165, s. 28, cl. m, subcl. i, amended

(i) shall include and make due allowance for the amount of any surplus or deficit remaining at the end of the preceding year and the revenues estimated to be derived from legislative grants, any county or other municipality, fees and from all other sources, and

Rev. Stat.,
c. 165, s. 50,
amended

5. Section 50 of *The High Schools Act* is amended by adding thereto the following subsection:

Designation
of assessor

(6a) For the purpose of subsection 6, where there is more than one assessor in any municipality, the council thereof shall name one of them to be the arbitrator for the municipality.

Rev. Stat.,
c. 165, s. 55,
subss. 2, 3,
re-enacted

6. Subsections 2 and 3 of section 55 of *The High Schools Act* are repealed and the following substituted therefor:

Resident
pupils in
counties

(2) A resident pupil of a high school district in a county shall have the right to attend,

(a) a high or vocational school in the district of which he is a resident pupil; or

(b) any high, continuation or vocational school,

(i) which is more accessible to the pupil than any high school in his own district, or

(ii) to take a course of study leading to a type of secondary school graduation diploma not available in his own district, or

(iii) to take a grade XIII subject or subjects not available in his own district and required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling, or

(iv) to take the subject of French for French-speaking pupils in grade IX, X, XI, XII or XIII if this subject is not available in his own district and is required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling,

provided that the school has been declared open to such pupils and that, in the case of a high or continuation school, the school is situated in his own county outside of a city or separated town, or is situated in an adjoining county or in a city or separated town in his own or an adjoining county.

SECTION 5. Section 50 of *The High Schools Act* provides for an arbitration, in certain circumstances, in respect of the respective liabilities of the municipalities in a high school district in respect of debenture debt. The arbitrators are the assessors of the respective municipalities. A new subsection is added to provide that, where a municipality has more than one assessor, the municipal council may designate one of them to act as its representative.

SECTION 6. Subsections 2 and 3 of section 55 of *The High Schools Act* are re-enacted,

- (1) to give a resident pupil of any high school district the right to attend a high, continuation or vocational school in another district to take French for French-speaking pupils where that subject is not available in his own district and he requires the subject for a university or teacher-training course or for entry into any trade, profession or calling; and
- (2) to give a resident pupil of any high school district the right to attend a vocational school in another district for any of the reasons set out in subclauses i, ii, iii and iv of subsection 2 or in subsection 3.

SECTION 7—Subsection 1. The Act is amended to provide that the provision requiring teachers' contracts to be in writing in the form prescribed by the regulations applies only in respect of permanent and probationary teachers as defined in the Act. (See subsection 2 of section 1 of this bill.) In addition it is provided that if the contract is not reduced to writing it shall be deemed to contain the terms and conditions prescribed for a permanent teacher's contract and the salary is to be paid in 10 monthly instalments.

Subsection 2. The provision of the Act under which a teacher is entitled to pay although absent from duty on account of sickness or dental conditions is rewritten for clarification and to indicate that the "four weeks" referred to in the former provision means "twenty school days". The twenty days is now allowed in "any school year" rather than in "any one year of his employment".

- (3) A resident pupil of a high school district in a territorial district shall have the right to attend any high, continuation or vocational school in Ontario, Resident pupils in territorial districts
- (a) which is more accessible to the pupil than any high school in his own school district; or
 - (b) to take a course of study leading to a type of secondary school graduation diploma not available in his own school district; or
 - (c) to take a grade XIII subject or subjects not available in his own school district and required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling; or
 - (d) to take the subject of French for French-speaking pupils in grade IX, X, XI, XII or XIII if this subject is not available in his own district and is required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling.

7.—(1) Subsection 1 of section 59 of *The High Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 165, s. 59, subs. 1, re-enacted

- (1) A memorandum of every contract of employment between a board and a permanent teacher or a probationary teacher shall be made in writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made every contract shall be deemed to include the terms and conditions contained in the form of contract prescribed for a permanent teacher and the teacher's salary shall be payable in ten monthly payments in the manner provided therein. Memorandum of contract

(2) Subsection 3 of the said section 59 is repealed and the following substituted therefor: Rev. Stat., c. 165, s. 59, subs. 3, re-enacted

- (3) A teacher shall be entitled to his salary notwithstanding his absence from duty, on account of sickness certified to by a physician or on account of acute inflammatory condition of the teeth or gums certified to by a licentiate of dental surgery, for a total of twenty school days in any one school year; Payment for absence due to illness or dental condition

but a board may in its discretion pay the teacher his salary for more than twenty days absence from duty on account of sickness or such tooth or gum condition.

Commence-
ment

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

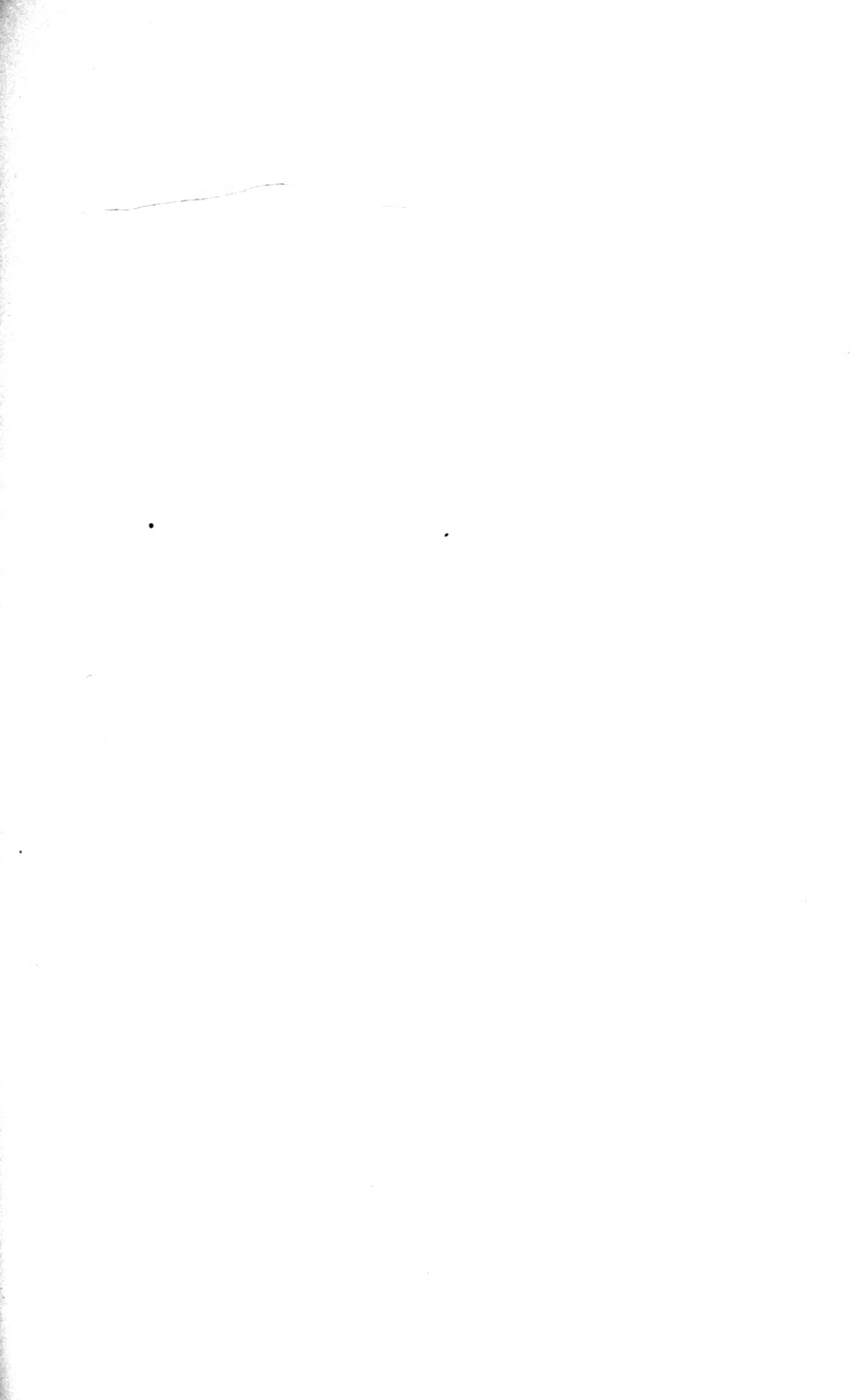
Idem

(2) Subsection 2 of section 3 shall be deemed to have come into force on the 1st day of January, 1951.

Short
title.

9. This Act may be cited as *The High Schools Amendment Act, 1952*.





BILL,

An Act to amend The High Schools Act

1st Reading

March 26th, 1952

2nd Reading

3rd Reading

MR. DUNLOP

No. 118

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The High Schools Act

MR. DUNLOP

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

BILL

An Act to amend The High Schools Act

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

1.—(1) Clause *h* of subsection 1 of section 1 of *The High Schools Act* is amended by striking out the words “fees payable in respect of resident pupils in attendance at high schools and continuation schools outside the high school district” in the twelfth, thirteenth, fourteenth and fifteenth lines, so that the clause shall read as follows:

(*h*) “maintenance” includes repairs to the teacher’s residence, the school buildings, outhouses, gymnasium, fences and school furniture; altering the system of heating or ventilation; the erection of fences; the improvement of the school grounds and the grounds attached to the teacher’s residence; insurance on the school property; salaries of the teachers, officers and other employees of the board; contributions to a superannuation or pension fund for the benefit of teachers, officers and other employees of the board; any sums spent for medical and dental inspection and dental treatment; the expense of conducting examinations; interest charges on temporary loans made for the purposes of the board and other expenses for ordinary school purposes, and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the regulations; gratuities and retiring allowances granted to teachers, officers and other employees; the cost of providing transportation for pupils.

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

(*kk*) “occasional teacher” means a teacher employed to teach on a daily basis as a substitute for a permanent, probationary or temporary teacher;

(*mm*) “permanent teacher” means a teacher employed on a continuing basis, but does not include a temporary teacher or an occasional teacher;

(*mmm*) “probationary teacher” means a teacher employed for a probationary period,

(i) of not more than two years for a teacher with less than three years experience before the commencement of the contract, or

(ii) of not more than one year for a teacher with three or more years experience before the commencement of the contract,

leading to an appointment as a permanent teacher if his services are satisfactory to the board, but does not include a temporary teacher or an occasional teacher;

.

(*pp*) “temporary teacher” means a teacher employed to teach on a monthly basis for a period not exceeding one year.

Rev. Stat.,
c. 165, s. 4,
re-enacted

2. Section 4 of *The High Schools Act* is repealed and the following substituted therefor:

Interpre-
tation

4. In sections 5 to 11, “adjoining” means touching at any point, and,

(*a*) where more than two counties are concerned they shall be deemed to be adjoining if each county adjoins one of the other counties; and

(*b*) for the purposes of a high school district comprising more than two municipalities or parts of municipalities, the municipalities or parts shall be deemed to be adjoining if each municipality, and each part of a municipality, included in the district adjoins some other municipality, or part of a municipality, included in the district.

Rev. Stat.,
c. 165, s. 5,
subs. 1,
amended

3.—(1) Subsection 1 of section 5 of *The High Schools Act* is amended by adding at the end thereof the words “and shall add the municipalities or parts of municipalities comprised in the district so discontinued to one or more other districts or include such municipalities or parts in one or more new districts”, so that the subsection shall read as follows:

- (1) Subject to the approval of the Minister first being obtained, the council of a county or the councils of two or more adjoining counties, may by by-law establish the whole or any part of a municipality or the whole or parts of two or more adjoining municipalities situated within the county or counties as a new high school district, and the council of a county or the councils of two or more adjoining counties may in like manner discontinue any high school district already established within the county or counties and shall add the municipalities or parts of municipalities comprised in the district so discontinued to one or more other districts or include such municipalities or parts in one or more new districts. Establishment and discontinuance of districts
- (2) Subsection 5 of the said section 5 is repealed and the following substituted therefor: Rev. Stat., c. 165, s. 5, subs. 5, re-enacted
- (5) The Lieutenant-Governor in Council may establish any area in territory without municipal organization, or any such area and an adjoining municipality or municipalities or any part or parts thereof, as a high school district. Establishment of districts for unorganized territory
- (3) The said section 5 is amended by adding thereto the following subsections: Rev. Stat., c. 165, s. 5, amended
- (6) Where, in the opinion of the Minister, it is desirable to establish and maintain a high school on lands held by the Crown in right of Canada or Ontario, the Minister may designate any portion of such lands as a high school district, and may appoint as members of the board such persons as he may deem proper. Districts on Crown lands
- (7) The board so appointed shall be a body corporate by the name indicated in the order establishing the high school district, and shall have all the authority of a board of high school trustees for the purposes of this Act. Board
4. Subclause i of clause m of section 28 of *The High Schools Act* is amended by striking out the word "show" in the first line and inserting in lieu thereof the words "include and make due allowance for", so that the subclause shall read as follows: Rev. Stat., c. 165, s. 28, cl. m, subcl. i, amended
- (i) shall include and make due allowance for the amount of any surplus or deficit remaining at the end of the preceding year and the revenues estimated to be derived from legislative grants, any county or other municipality, fees and from all other sources, and

Rev. Stat.,
c. 165, s. 50,
amended

5. Section 50 of *The High Schools Act* is amended by adding thereto the following subsection:

Designation
of assessor

(6a) For the purpose of subsection 6, where there is more than one assessor in any municipality, the council thereof shall name one of them to be the arbitrator for the municipality.

Rev. Stat.,
c. 165, s. 55,
subss. 2, 3,
re-enacted

6. Subsections 2 and 3 of section 55 of *The High Schools Act* are repealed and the following substituted therefor:

Resident
pupils in
counties

(2) A resident pupil of a high school district in a county shall have the right to attend,

(a) a high or vocational school in the district of which he is a resident pupil; or

(b) any high, continuation or vocational school,

(i) which is more accessible to the pupil than any high school in his own district, or

(ii) to take a course of study leading to a type of secondary school graduation diploma not available in his own district, or

(iii) to take a grade XIII subject or subjects not available in his own district and required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling, or

(iv) to take the subject of French for French-speaking pupils in grade IX, X, XI, XII or XIII if this subject is not available in his own district and is required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling,

provided that the school has been declared open to such pupils and that, in the case of a high or continuation school, the school is situated in his own county outside of a city or separated town, or is situated in an adjoining county or in a city or separated town in his own or an adjoining county.

- (3) A resident pupil of a high school district in a territorial district shall have the right to attend any high, continuation or vocational school in Ontario, Resident pupils in territorial districts
- (a) which is more accessible to the pupil than any high school in his own school district; or
 - (b) to take a course of study leading to a type of secondary school graduation diploma not available in his own school district; or
 - (c) to take a grade XIII subject or subjects not available in his own school district and required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling; or
 - (d) to take the subject of French for French-speaking pupils in grade IX, X, XI, XII or XIII if this subject is not available in his own district and is required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling.

7.—(1) Subsection 1 of section 59 of *The High Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 165, s. 59, subs. 1, re-enacted

- (1) A memorandum of every contract of employment between a board and a permanent teacher or a probationary teacher shall be made in writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made every contract shall be deemed to include the terms and conditions contained in the form of contract prescribed for a permanent teacher and the teacher's salary shall be payable in ten monthly payments in the manner provided therein. Memorandum of contract

(2) Subsection 3 of the said section 59 is repealed and the following substituted therefor: Rev. Stat., c. 165, s. 59, subs. 3, re-enacted

- (3) A teacher shall be entitled to his salary notwithstanding his absence from duty, on account of sickness certified to by a physician or on account of acute inflammatory condition of the teeth or gums certified to by a licentiate of dental surgery, for a total of twenty school days in any one school year; Payment for absence due to illness or dental condition

but a board may in its discretion pay the teacher his salary for more than twenty days absence from duty on account of sickness or such tooth or gum condition.

Commence-
ment

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

Idem

(2) Subsection 2 of section 3 shall be deemed to have come into force on the 1st day of January, 1951.

Short
title.

9. This Act may be cited as *The High Schools Amendment Act, 1952.*

BILL

An Act to amend The High Schools Act

1st Reading

March 26th, 1952

2nd Reading

March 28th, 1952

3rd Reading

April 7th, 1952

MR. DUNLOP

No. 119

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Milk and Cream Act

MR. KENNEDY

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

EXPLANATORY NOTE

This Act is complementary to section 5 of Bill No. 100, *An Act to amend The Milk Control Act*. Section 5 of *The Milk and Cream Act* provides for the fixing of standards of milk sold in a municipality by by-law of the municipality. The provisions will now be contained in regulations made under *The Milk Control Act*.

No. 119

1952

BILL

An Act to amend The Milk and Cream Act

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

1. Section 5 of *The Milk and Cream Act* is repealed. Rev. Stat.,
c. 232, s. 5,
repealed
2. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commence-
ment
3. This Act may be cited as *The Milk and Cream Amend-ment Act, 1952*. Short title

BILL

An Act to amend The Milk and
Cream Act

1st Reading

March 26th, 1952

2nd Reading

3rd Reading

MR. KENNEDY

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Milk and Cream Act

MR. KENNEDY

*(Reprinted as amended by the Committee on
Agriculture and Colonization)*

EXPLANATORY NOTE

The amendment in section 1 of this Act clarifies the meaning of "municipality" and "vendor".

The amendment in section 2 of this Act clarifies the power of a municipality to pass by-laws for licensing vendors.

Section 3 of this Act is complementary to section 5 of Bill No. 100 *An Act to amend The Milk Control Act*. Section 5 of *The Milk and Cream Act* provides for the fixing of standards of milk sold in a municipality by by-law of the municipality. The provisions will now be contained in regulations made under *The Milk Control Act*.

BILL

An Act to amend The Milk and Cream Act

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

1. Section 1 of *The Milk and Cream Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 232, s. 1,
re-enacted

1. In this Act, Interpreta-
tion

(a) "municipality" means a city, town, village, township or improvement district;

(b) "vendor" means a person who sells milk or cream for human consumption to the consumer and a person other than a producer who sells milk or cream for human consumption to any person for re-sale.

2. Subsection 1 of section 3 of *The Milk and Cream Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 232, s. 3,
subs. 1,
re-enacted

(1) The council of any municipality may pass by-laws for licensing, regulating and governing vendors, and for revoking any such licence. By-laws

3. Section 5 of *The Milk and Cream Act* is repealed. Rev. Stat.,
c. 232, s. 5,
repealed

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

5. This Act may be cited as *The Milk and Cream Amendment Act, 1952*. Short title

BILL

An Act to amend The Milk and
Cream Act

1st Reading

March 26th, 1952

2nd Reading

March 28th, 1952

3rd Reading

MR. KENNEDY

*(Reprinted as amended by the Committee on
Agriculture and Colonization)*

No. 119

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Milk and Cream Act

MR. KENNEDY

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

No. 119

1952

BILL

An Act to amend The Milk and Cream Act

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

1. Section 1 of *The Milk and Cream Act* is repealed and the following substituted therefor: Rev. Stat., c. 232, s. 1, re-enacted

1. In this Act,

Interpretation

(a) "municipality" means a city, town, village, township or improvement district;

(b) "vendor" means a person who sells milk or cream for human consumption to the consumer and a person other than a producer who sells milk or cream for human consumption to any person for re-sale.

2. Subsection 1 of section 3 of *The Milk and Cream Act* is repealed and the following substituted therefor: Rev. Stat., c. 232, s. 3, subs. 1, re-enacted

(1) The council of any municipality may pass by-laws for licensing, regulating and governing vendors, and for revoking any such licence. By-laws

3. Section 5 of *The Milk and Cream Act* is repealed.

Rev. Stat., c. 232, s. 5, repealed

4. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commencement

5. This Act may be cited as *The Milk and Cream Amendment Act, 1952*. Short title

BILL

An Act to amend The Milk and
Cream Act

1st Reading

March 26th, 1952

2nd Reading

March 28th, 1952

3rd Reading

April 7th, 1952

MR. KENNEDY

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Dairy Products Act

MR. KENNEDY

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The amendment provides for the appointment of fieldmen.

SECTION 3. The power of inspectors to inspect records and dairy products is widened.

BILL

An Act to amend The Dairy Products Act

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

1.—(1) Clause *d* of section 1 of *The Dairy Products Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 86, s. 1,
cl. *d*,
re-enacted

(*d*) “dairy product” means milk, cream, butter, cheese, condensed milk, evaporated milk, milk powder, dry milk, ice cream, malted milk, sherbet, or any other product manufactured wholly or mainly from milk.

(2) Clause *f* of the said section 1 is repealed and the following substituted therefor: Rev. Stat.,
c. 86, s. 1,
cl. *f*,
re-enacted

(*f*) “inspector” means a person appointed as an inspector or instructor or as a fieldman under this Act.

(3) The said section 1 is amended by adding thereto the following clause: Rev. Stat.,
c. 86, s. 1,
amended

(*gg*) “milk receiving station” means any building or premises where milk is brought for the purpose of being transported to a plant.

2. Section 7 of *The Dairy Products Act* is amended by striking out the words “and instructors” in the second line and inserting in lieu thereof the words “instructors and fieldmen”, so that the section shall read as follows: Rev. Stat.,
c. 86, s. 7,
amended

7. The Lieutenant-Governor in Council may appoint a Director of Dairying and such inspectors, instructors and fieldmen as he may deem necessary for the administration of this Act. Director of
Dairying,
etc.

3. Clause *c* of subsection 1 of section 8 of *The Dairy Products Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 86, s. 8,
subs. 1, cl. *c*,
re-enacted

- (c) to examine any records kept with respect to any plant or milk receiving station;
- (d) to examine any statements issued to patrons;
- (e) to inspect any dairy product.

Rev. Stat.,
c. 86, s. 11,
cls. b, c,
re-enacted

4.—(1) Clauses *b* and *c* of section 11 of *The Dairy Products Act* are repealed and the following substituted therefor:

- (b) providing for the licensing of and the issue and renewal of licences, certificates or permits to cheesemakers, buttermakers, milk and cream testers and milk and cream graders, and prescribing the fees payable therefor;
- (bb) providing for the suspension and revocation of licences, certificates and permits, and the terms and conditions therefor;
- (c) prescribing the qualifications required by the holders of licences, certificates and permits.

Rev. Stat.,
c. 86, s. 11,
cl. f,
amended

(2) Clause *f* of the said section 11 is amended by inserting after the word “plants” in the third line the words “and milk receiving stations”, so that the clause shall read as follows:

- (f) providing for the selecting, grading, rejecting, weighing, sampling, testing and pasteurizing of milk and cream brought to plants and milk receiving stations, the manner of payment and the payment of premiums and differentials.

Rev. Stat.,
c. 86, s. 11,
cl. o,
re-enacted

(3) Clause *o* of the said section 11 is repealed and the following substituted therefor:

- (o) prescribing the records to be kept at a plant or milk receiving station and the statements to be issued to patrons;
- (p) respecting the identification and labelling of containers used for transporting milk and cream;
- (q) respecting the identification and labelling of containers used for samples of milk and cream taken for the purpose of making tests;
- (r) providing for the addition of a food colouring to milk and cream rejected at a plant or milk receiving station;

SECTION 4—Subsection 1. The amendment provides for the issuing of certificates to persons qualified as cheesemakers, etc.

Subsections 2 and 3. Regulations may be made in respect of the matters set out in the amendments.

- (s) exempting any plant or milk receiving station or any dairy product from any of the provisions of this Act or the regulations;
- (t) prescribing the standards for and the composition of any dairy product and of any other product that is manufactured and sold in a container or package having a description either by word or design that states or implies that it is a dairy product or has a relation to any dairy product;
- (u) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

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

6. This Act may be cited as *The Dairy Products Amendment* ^{Short title} *Act, 1952.*

BILL

An Act to amend The Dairy Products Act

1st Reading

March 26th, 1952

2nd Reading

3rd Reading

MR. KENNEDY

No. 120

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Dairy Products Act

MR. KENNEDY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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BILL

An Act to amend The Dairy Products Act

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

1.—(1) Clause *d* of section 1 of *The Dairy Products Act* is repealed and the following substituted therefor: Rev. Stat., c. 86, s. 1, cl. *d*, re-enacted

(*d*) “dairy product” means milk, cream, butter, cheese, condensed milk, evaporated milk, milk powder, dry milk, ice cream, malted milk, sherbet, or any other product manufactured wholly or mainly from milk.

(2) Clause *f* of the said section 1 is repealed and the following substituted therefor: Rev. Stat., c. 86, s. 1, cl. *f*, re-enacted

(*f*) “inspector” means a person appointed as an inspector or instructor or as a fieldman under this Act.

(3) The said section 1 is amended by adding thereto the following clause: Rev. Stat., c. 86, s. 1, amended

(*gg*) “milk receiving station” means any building or premises where milk is brought for the purpose of being transported to a plant.

2. Section 7 of *The Dairy Products Act* is amended by Rev. Stat., c. 86, s. 7, amended striking out the words “and instructors” in the second line and inserting in lieu thereof the words “instructors and fieldmen”, so that the section shall read as follows:

7. The Lieutenant-Governor in Council may appoint a Director of Dairying, etc. Director of Dairying and such inspectors, instructors and fieldmen as he may deem necessary for the administration of this Act.

3. Clause *c* of subsection 1 of section 8 of *The Dairy Products Act* is repealed and the following substituted therefor: Rev. Stat., c. 86, s. 8, subs. 1, cl. *c*, re-enacted

- (c) to examine any records kept with respect to any plant or milk receiving station;
- (d) to examine any statements issued to patrons;
- (e) to inspect any dairy product.

Rev. Stat.,
c. 86, s. 11,
cls. b, c,
re-enacted

4.—(1) Clauses *b* and *c* of section 11 of *The Dairy Products Act* are repealed and the following substituted therefor:

- (b) providing for the licensing of and the issue and renewal of licences, certificates or permits to cheesemakers, buttermakers, milk and cream testers and milk and cream graders, and prescribing the fees payable therefor;
- (bb) providing for the suspension and revocation of licences, certificates and permits, and the terms and conditions therefor;
- (c) prescribing the qualifications required by the holders of licences, certificates and permits.

Rev. Stat.,
c. 86, s. 11,
cl. f,
amended

(2) Clause *f* of the said section 11 is amended by inserting after the word “plants” in the third line the words “and milk receiving stations”, so that the clause shall read as follows:

- (f) providing for the selecting, grading, rejecting, weighing, sampling, testing and pasteurizing of milk and cream brought to plants and milk receiving stations, the manner of payment and the payment of premiums and differentials.

Rev. Stat.,
c. 86, s. 11,
cl. o,
re-enacted

(3) Clause *o* of the said section 11 is repealed and the following substituted therefor:

- (o) prescribing the records to be kept at a plant or milk receiving station and the statements to be issued to patrons;
- (p) respecting the identification and labelling of containers used for transporting milk and cream;
- (q) respecting the identification and labelling of containers used for samples of milk and cream taken for the purpose of making tests;
- (r) providing for the addition of a food colouring to milk and cream rejected at a plant or milk receiving station;

- (s) exempting any plant or milk receiving station or any dairy product from any of the provisions of this Act or the regulations;
- (t) prescribing the standards for and the composition of any dairy product and of any other product that is manufactured and sold in a container or package having a description either by word or design that states or implies that it is a dairy product or has a relation to any dairy product;
- (u) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

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

6. This Act may be cited as *The Dairy Products Amendment* ^{Short title} Act, 1952.

BILL

An Act to amend The Dairy Products Act

1st Reading

March 26th, 1952

2nd Reading

March 28th, 1952

3rd Reading

April 7th, 1952

MR. KENNEDY

No. 121

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Provincial Land Tax Act

MR. SCOTT

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

EXPLANATORY NOTES

SECTION 1. The right of entry given by this new section is similar to that given in *The Assessment Act*.

SECTION 2. The forfeiture procedure is made to conform in principle with *The Mining Tax Act*, thus ensuring adequate notice to persons interested before forfeiture takes place.

No. 121

1952

BILL

An Act to amend The Provincial Land Tax Act

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

1. *The Provincial Land Tax Act* is amended by adding thereto the following section: Rev. Stat.,
c. 298,
amended

6a.—(1) The Collector and every other officer appointed under section 6 shall at all reasonable times and upon reasonable request be given free access to any land in order that its value may be determined for the purposes of this Act. Right of
access

(2) Every adult person present on land when the Collector or other officer visits the land in order that its value may be determined for the purposes of this Act shall upon request give to the Collector or other officer all the information in his knowledge that will assist in a proper assessment of the land and that will enable him to obtain the information required with respect to any person whose name is required to be entered in the register. Information
to be given

(3) Every person who wilfully obstructs or interferes with the Collector or other officer in the performance of his duties under this Act shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$200. Penalty

2. Section 21 of *The Provincial Land Tax Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 298, s. 21,
re-enacted

21.—(1) Where taxes imposed under this Act remain unpaid for a period of two years or more, the Collector may cause to be filed on or before the 31st day of August in any year in the proper land titles office a caution or in the proper registry office a notice of intention to give notice of forfeiture. Notice of
forfeiture

and thereupon he shall cause to be sent by registered mail a notice to the person appearing from search or inquiry at the proper land titles or registry office to be the owner of the land in respect of which the default has been made and to every person appearing from such search or inquiry to have an interest therein, stating that unless the total amount of tax, penalties, interest and costs due and payable under this Act are paid on or before the 31st day of August in the year next following the land and every interest therein will be liable to be forfeited to and to be vested in the Crown on the 1st day of September in the last-mentioned year by a certificate of the Deputy Minister under his hand and seal of office, and to the amount so due and payable there shall in every case be added and paid as costs the sum of \$10.

Publication
of notice

- (2) The Collector shall cause to be prepared a list of the lands in respect of which notices under subsection 1 have been mailed and shall cause the list to be published in one issue of *The Ontario Gazette* not later than the 31st day of October next following the mailing of the notices and giving notice that unless the total amount of tax, penalties, interest and costs shown therein are paid on or before the 31st day of August in the year next following the land and every interest therein will be liable to be forfeited to and to be vested in the Crown on the 1st day of September in the last-mentioned year by a certificate of the Deputy Minister under his hand and seal of office.

Declaration
of forfeiture

- (3) Where the total amount of tax, penalties, interest and costs remain unpaid after the 31st day of August in the year next following the publication of the list in *The Ontario Gazette* under subsection 2, the Deputy Minister by a certificate under his hand and seal of office may on and after the 1st day of September next following declare the lands and every interest therein forfeited to and vested in the Crown, and thereupon the land and every interest therein shall vest in the Crown absolutely freed and discharged from every estate, right, title, interest, claim or demand therein or thereto, whether existing, arising or accruing before or after such forfeiture is declared, and the land may be granted, sold, leased or otherwise disposed of in the same manner as public lands may be dealt with under the laws of Ontario.

(4) The proper master of titles or registrar of deeds shall upon receipt of the certificate duly register the same, and it shall be absolute and conclusive evidence of the forfeiture to the Crown of the land and every interest therein so certified to be forfeited, and shall not be open to attack in any court by reason of the omission of any act or thing leading up to the forfeiture.

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

4. This Act may be cited as *The Provincial Land Tax Amendment Act, 1952*.

BILL

An Act to amend The Provincial
Land Tax Act

1st Reading

March 26th, 1952

2nd Reading

3rd Reading

MR. SCOTT

No. 121

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Provincial Land Tax Act

MR. SCOTT

No. 121

1952

BILL

An Act to amend The Provincial Land Tax Act

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

1. *The Provincial Land Tax Act* is amended by adding thereto the following section: Rev. Stat., c. 298, amended

6a.—(1) The Collector and every other officer appointed under section 6 shall at all reasonable times and upon reasonable request be given free access to any land in order that its value may be determined for the purposes of this Act. Right of access

(2) Every adult person present on land when the Collector or other officer visits the land in order that its value may be determined for the purposes of this Act shall upon request give to the Collector or other officer all the information in his knowledge that will assist in a proper assessment of the land and that will enable him to obtain the information required with respect to any person whose name is required to be entered in the register. Information to be given

(3) Every person who wilfully obstructs or interferes with the Collector or other officer in the performance of his duties under this Act shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$200. Penalty

2. Section 21 of *The Provincial Land Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 298, s. 21, re-enacted

21.—(1) Where taxes imposed under this Act remain unpaid for a period of two years or more, the Collector may cause to be filed on or before the 31st day of August in any year in the proper land titles office a caution or in the proper registry office a notice of intention to give notice of forfeiture, Notice of forfeiture

and thereupon he shall cause to be sent by registered mail a notice to the person appearing from search or inquiry at the proper land titles or registry office to be the owner of the land in respect of which the default has been made and to every person appearing from such search or inquiry to have an interest therein, stating that unless the total amount of tax, penalties, interest and costs due and payable under this Act are paid on or before the 31st day of August in the year next following the land and every interest therein will be liable to be forfeited to and to be vested in the Crown on the 1st day of September in the last-mentioned year by a certificate of the Deputy Minister under his hand and seal of office, and to the amount so due and payable there shall in every case be added and paid as costs the sum of \$10.

Publication
of notice

- (2) The Collector shall cause to be prepared a list of the lands in respect of which notices under subsection 1 have been mailed and shall cause the list to be published in one issue of *The Ontario Gazette* not later than the 31st day of October next following the mailing of the notices and giving notice that unless the total amount of tax, penalties, interest and costs shown therein are paid on or before the 31st day of August in the year next following the land and every interest therein will be liable to be forfeited to and to be vested in the Crown on the 1st day of September in the last-mentioned year by a certificate of the Deputy Minister under his hand and seal of office.

Declaration
of forfeiture

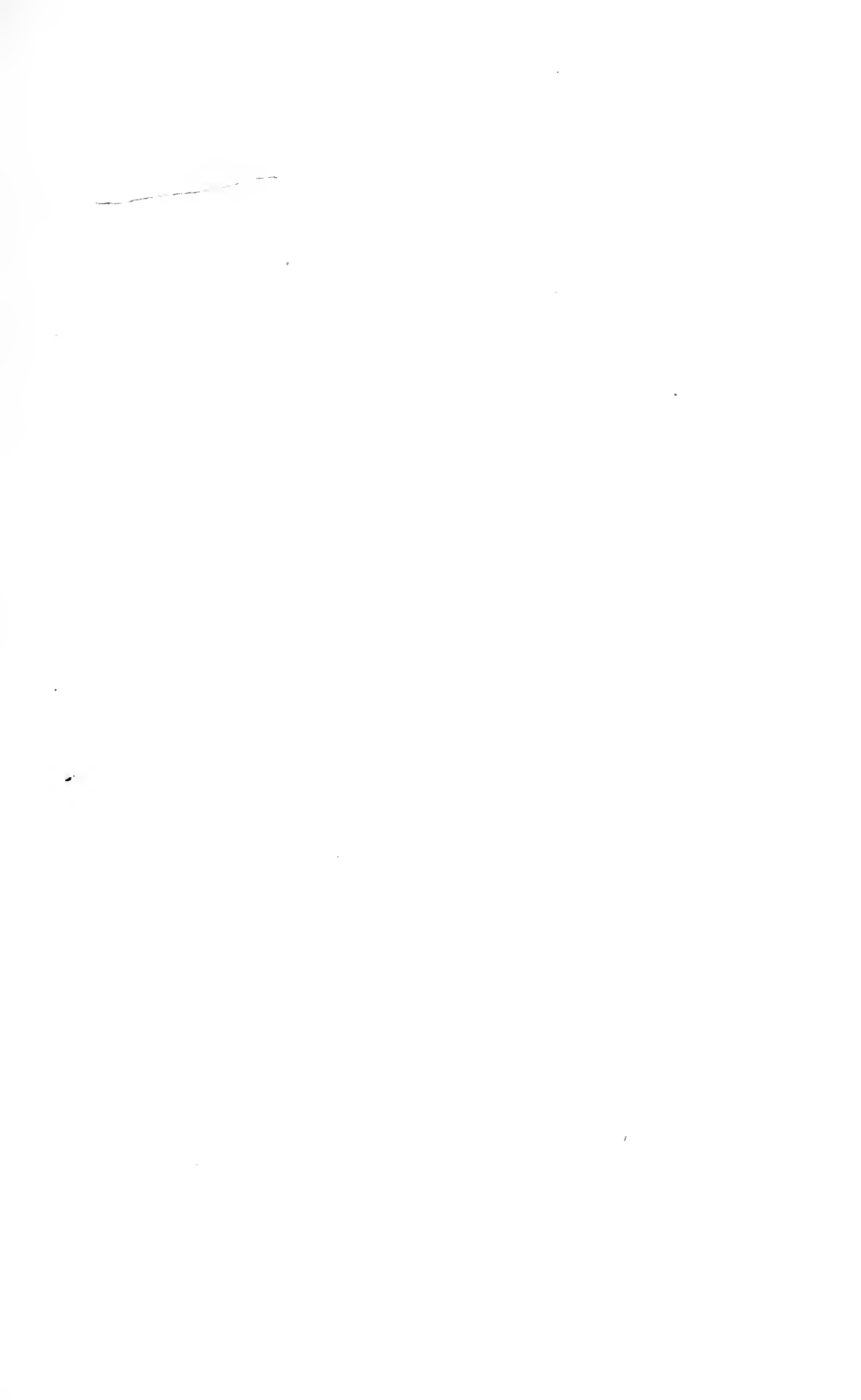
- (3) Where the total amount of tax, penalties, interest and costs remain unpaid after the 31st day of August in the year next following the publication of the list in *The Ontario Gazette* under subsection 2, the Deputy Minister by a certificate under his hand and seal of office may on and after the 1st day of September next following declare the lands and every interest therein forfeited to and vested in the Crown, and thereupon the land and every interest therein shall vest in the Crown absolutely freed and discharged from every estate, right, title, interest, claim or demand therein or thereto, whether existing, arising or accruing before or after such forfeiture is declared, and the land may be granted, sold, leased or otherwise disposed of in the same manner as public lands may be dealt with under the laws of Ontario.

(4) The proper master of titles or registrar of deeds shall upon receipt of the certificate duly register the same, and it shall be absolute and conclusive evidence of the forfeiture to the Crown of the land and every interest therein so certified to be forfeited, and shall not be open to attack in any court by reason of the omission of any act or thing leading up to the forfeiture.

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

4. This Act may be cited as *The Provincial Land Tax Amendment Act, 1952*.





BILL

An Act to amend The Provincial
Land Tax Act

1st Reading

March 26th, 1952

2nd Reading

March 28th, 1952

3rd Reading

April 7th, 1952

MR. SCOTT

No. 122

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Public Lands Act

MR. SCOTT

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

EXPLANATORY NOTE

The section added to *The Public Lands Act* by this bill is complementary to the amendments made to *The Provincial Land Tax Act* by Bill No. 121 and defines the power of the Minister in the situation covered.

No. 122

1952

BILL

An Act to amend The Public Lands Act

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

1. *The Public Lands Act* is amended by adding thereto the following section: Rev. Stat.,
c. 309,
amended

34a. Where any land forfeited to and vested in the Crown under *The Provincial Land Tax Act* has not been granted, sold, leased or otherwise disposed of, the Minister may direct the issuance of letters patent granting the land to the owner thereof at the time of such forfeiture, or to any person appearing to have had an interest therein at that time, or to the heirs, successors or assigns of such owner or person, upon such terms as the Minister deems just. Grant of
forfeited
land to
former
owner
Rev. Stat.,
c. 298

2. This Act may be cited as *The Public Lands Amendment Act, 1952*. Short title

BILL

An Act to amend The Public Lands Act

1st Reading

March 26th, 1952

2nd Reading

3rd Reading

MR. SCOTT

No. 122

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Public Lands Act

MR. SCOTT

TORONTO
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BILL

An Act to amend The Public Lands Act

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

1. *The Public Lands Act* is amended by adding thereto the following section: Rev. Stat.,
c. 309,
amended

34a. Where any land forfeited to and vested in the Crown under *The Provincial Land Tax Act* has not been granted, sold, leased or otherwise disposed of, the Minister may direct the issuance of letters patent granting the land to the owner thereof at the time of such forfeiture, or to any person appearing to have had an interest therein at that time, or to the heirs, successors or assigns of such owner or person, upon such terms as the Minister deems just. Grant of
forfeited
land to
former
owner
Rev. Stat.,
c. 298

2. This Act may be cited as *The Public Lands Amendment Act, 1952*. Short title

BILL

An Act to amend The Public Lands Act

1st Reading

March 26th, 1952

2nd Reading

March 28th, 1952

3rd Reading

April 9th, 1952

MR. SCOTT

No. 123

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Game and Fisheries Act

MR. SCOTT

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

EXPLANATORY NOTES

SECTION 1. Subsection 6 of section 6 of the Act places a duty on officers as defined to investigate and prosecute violations of the Act. The new subsection 6*a* is an exception to this rule. See also section 11 of this bill.

SECTION 2. This section of the bill is designed to clarify the intent of section 7 of the Act. There is no change in principle except that under the proposed subsection 3 farmers and their sons coming within the section will be required to keep specified records and make specified returns in order to establish effective control over the trading in pelts of fur-bearing animals.

SECTION 3. Self-explanatory.

BILL

An Act to amend The Game and Fisheries Act

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

1. Section 6 of *The Game and Fisheries Act* is amended by adding thereto the following subsection: Rev. Stat., c. 153, s. 6, amended

(6a) Subsection 6 does not apply to violations of section 62a. When subs. 6 not to apply

2.—(1) Subsection 2 of section 7 of *The Game and Fisheries Act* is repealed. Rev. Stat., c. 153, s. 7, subs. 2, repealed

(2) The said section 7 is amended by renumbering subsection 3 as subsection 2 and by adding thereto the following subsection: Rev. Stat., c. 153, s. 7, amended

(3) This section shall not apply to a farmer and his sons residing upon his lands and hunting or trapping fur-bearing animals, other than beaver, thereon during the open seasons, and any such farmer or his sons may without a licence sell pursuant to this Act the fur-bearing animals or their pelts, other than beaver, hunted or trapped on such lands during the open seasons, but he shall keep such records and make such returns relating thereto as may be prescribed by the Lieutenant-Governor in Council. Exception as to farmers

3. Section 8 of *The Game and Fisheries Act* is repealed and the following substituted therefor: Rev. Stat., c. 153, s. 8, re-enacted

8.—(1) The Minister or any officer authorized by him may, in a licence to trap fur-bearing animals, fix the number of each species of fur-bearing animal that may be taken thereunder. Licence to trap

(2) The Minister or any officer authorized by him may, in a licence to trap fur-bearing animals, define or Idem

designate the area in which fur-bearing animals may be taken thereunder by the licensee.

Idem (3) The Minister or any officer authorized by him may limit the number of licences to trap fur-bearing animals in any area.

Idem (4) The Minister or any officer authorized by him, in exercising the powers conferred by this section, may do so in such manner as he deems proper having regard to the conservation and perpetuation of the wild life resources in the area concerned.

Idem (5) A licence to trap fur-bearing animals shall be authority to the licensee to trap in accordance with its terms.

Rev. Stat., c. 153, s. 22, subs. 3, amended 4.—(1) Subsection 3 of section 22 of *The Game and Fisheries Act* is amended by striking out the words "or Kenora" in the second line, so that the subsection shall read as follows:

Guides for non-resident hunters (3) No non-resident shall hunt, take or kill deer in the district of Rainy River or moose in any part of Ontario without employing and being accompanied by a licensed guide, but where two or more non-residents hunt together the number of guides employed shall be not less than one guide for each two non-residents.

Rev. Stat., c. 153, s. 22, amended (2) The said section 22 is amended by adding thereto the following subsection:

Limitation on guides (4) The holder of a guide's licence shall not act as a guide for any person for any purpose for which that person is required to have a licence under this Act, the *Migratory Birds Convention Act* (Canada) or the Special Fishery Regulations, unless that person is the holder of a licence for the purpose.

Rev. Stat., c. 153, s. 26, cl. a, subcls. i, ii, iii, re-enacted 5.—(1) Subclauses i, ii and iii of clause a of section 26 of *The Game and Fisheries Act* are repealed and the following substituted therefor:

- (i) to hunt deer, where subclause ii does not apply.....\$ 4.25 and an issuing fee of..... .75
- (ii) for a farmer actually living upon and tilling his land, to kill in the county or territorial district in which he resides one deer during the open season for his own use and not to

SECTION 4—Subsection 1. Self-explanatory.
Subsection 2. Under the proposed subsection 4, a guide must satisfy himself that his party is properly licensed.

SECTION 5—Subsection 1. The fee for a resident deer licence is increased from \$4 to \$5. A farmer's deer licence is increased from \$1 to \$2 and this licence is made applicable throughout Ontario. The fee for a resident moose licence is increased from \$6 to \$10.

Subsection 2. The licence fee for hunting camps is increased from \$4 to \$5.

Subsection 3. The non-resident licence fee for hunting bear, fox, game birds, rabbits, raccoon, squirrel and wolf is increased from \$15.50 to \$21, and the non-resident licence to hunt deer, bear, fox, game birds, rabbits, raccoon, squirrel and wolf is increased from \$25.75 to \$36. The non-resident licence fee to hunt moose, deer, bear, fox, game birds, rabbits, raccoon, squirrel and wolf is increased from \$75 to \$101.

SECTION 6. Self-explanatory.

SECTION 7. Self-explanatory.

SECTION 8. Self-explanatory.

SECTION 9—Subsection 1. The provision repealed reads:
(7) No person shall use snares for the taking of beaver.

be sold or bartered and restricted to one licence for each household \$ 1.75
and an issuing fee of25

(iii) to hunt moose 9.00
and an issuing fee of 1.00

(2) Subclause i of clause *b* of the said section 26 is repealed and the following substituted therefor: Rev. Stat.,
c. 153, s. 26,
cl. *b*, subcl.
i, re-enacted

(i) for each four holders of resident deer licences. \$ 4.25
and an issuing fee of75

(3) Subclauses i, ii and iii of clause *c* of the said section 26 are repealed and the following substituted therefor: Rev. Stat.,
c. 153, s. 26,
cl. *c*, subcls.
i, ii, iii,
re-enacted

(i) to hunt bear, fox, game birds, rabbits, raccoon, squirrel and wolf \$ 20.00
and an issuing fee of 1.00

(ii) to hunt deer, bear, fox, game birds, rabbits, raccoon, squirrel and wolf 35.00
and an issuing fee of 1.00

(iii) to hunt moose, deer, bear, fox, game birds, rabbits, raccoon, squirrel and wolf 100.00
and an issuing fee of 1.00

6. Subclause ii of clause *d* of section 27 of *The Game and Fisheries Act* is amended by striking out the word "buyer" in the third line and inserting in lieu thereof the word "dealer", so that the subclause shall read as follows: Rev. Stat.,
c. 153, s. 27,
cl. *d*, subcl.
ii,
amended

(ii) for a resident British subject where premises are not designated, to be known as "traveling fur dealer" \$ 100.00

7. Clause *a* of subsection 2 of section 28 of *The Game and Fisheries Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 153, s. 28,
subs. 2,
cl. *a*,
re-enacted

(a) to fox and mink bred on fur-farms operating in Ontario under a licence: or

.

8. Clause *a* of subsection 4 of section 30 of *The Game and Fisheries Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 153, s. 30,
subs. 4, cl. *a*,
re-enacted

(a) at any time shoot or spear any muskrat or beaver.

9.—(1) Subsection 7 of section 32 of *The Game and Fisheries Act* is repealed. Rev. Stat.,
c. 153, s. 32,
subs. 7,
repealed

Rev. Stat.,
c. 153, s. 32,
amended (2) The said section 32 is amended by adding thereto the following subsection:

Traps to
be marked

- (11) No person shall set out any trap for the taking of fur-bearing animals until he has permanently marked the trap with the identification mark that has been allotted to him for the purpose by an officer.

Rev. Stat.,
c. 153, s. 42,
cl. a,
re-enacted

10. Clause *a* of section 42 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

- (a) any deer, moose, or bird protected by this Act, lawfully killed or procured, may be kept during the period between the end of the open season in any year and the 31st day of August in the next following year, unless otherwise provided under the regulations.

Rev. Stat.,
c. 153,
amended

11. *The Game and Fisheries Act* is amended by adding thereto the following section:

Interpre-
tation

- 62a.—(1) In this section, “owner” includes any person who is the owner of an interest in land entitling him to the possession of it, but does not include the holder of a timber licence.

Entrance
without
notice

- (2) No person shall hunt or fish or with any gun or sporting implement, fishing rod or tackle in his possession go upon any enclosed or unenclosed land or water after he has had notice not to hunt or fish thereon by the owner either by word of mouth, in writing or by posters or signboards so placed that they may be observed from any point of access to the land.

Wrongful
erection or
destruction
of notices

- (3) No person shall,
- (a) without authority give or cause to be given the notice mentioned in subsection 2 in respect of land of which he is not the owner; or
- (b) tear down, remove, damage, deface or interfere with any poster or signboard placed pursuant to subsection 2.

Common law
remedy for
trespass

- (4) Nothing in this section limits or in any way affects the remedy at common law of an owner for trespass.

Right of
apprehen-
sion

- (5) Every person found contravening subsection 2 may be apprehended without warrant by any peace officer or by the owner of the land on which the

Subsection 2. This provision gives statutory recognition to the present administrative practices of the Fish and Wild Life Division of the Department of Lands and Forests.

SECTION 10. The period during which a deer, moose, or bird may be kept is extended five months.

SECTION 11. Self-explanatory.

SECTION 12—Subsection 1. The power of the Lieutenant-Governor in Council to make regulations is extended in the manner provided for in the new clauses *ii* and *tt*.

Subsection 2. These amendments are complementary to amendments being made to *The Tourist Establishments Act* whereby the control of tourist outfitters' camps is redistributed between the Department of Lands and Forests and the Department of Travel and Publicity.

contravention takes place, or by the servant of, or any person authorized by, such owner, and be taken forthwith to the nearest justice of the peace to be dealt with according to law.

12.—(1) Section 77 of *The Game and Fisheries Act* is amended by adding thereto the following clauses: Rev. Stat.,
c. 153, s. 77,
amended

(i) for licensing persons who are conveyed by aircraft to fishing waters for the purpose of angling or to hunting grounds for the purpose of hunting, defining the classes of person to whom and the areas in which such regulations do or do not apply, governing the issue, form, renewal, transfer, refusal, inspection and cancellation of such licences and prescribing their terms and conditions and the fees payable therefor, and prescribing the methods of proving or disproving alleged breaches of such regulations;

(ii) designating any sparsely settled parts of Ontario as "hinterland areas" and prohibiting persons other than residents of the areas from entering and travelling about for the purpose of angling or hunting.

(2) Clause *j* of the said section 77 is amended by striking out the words "specifications for such camps" in the third line, the words "their inspection and classification and" in the fifth and sixth lines and the words "tourists and" in the seventh line, so that the clause shall read as follows: Rev. Stat.,
c. 153, s. 77,
cl. j,
amended

(j) governing the issue, form, refusal, suspension or cancellation of tourist outfitters' camp licences, prescribing the terms and conditions under which such camps may be erected, maintained and operated and providing for the registration of guides in such camps.

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

14. This Act may be cited as *The Game and Fisheries Amendment Act, 1952*. Short
title

BILL

An Act to amend The Game and
Fisheries Act

1st Reading

March 26, 1952

2nd Reading

3rd Reading

MR. SCOTT

No. 123

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Game and Fisheries Act

MR. SCOTT

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

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

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. Subsection 6 of section 6 of the Act places a duty on officers as defined to investigate and prosecute violations of the Act. The new subsection 6a is an exception to this rule. See also section 12 of this bill.

SECTION 3. This section of the bill is designed to clarify the intent of section 7 of the Act. There is no change in principle except that under the proposed subsection 3 farmers and their sons coming within the section will be required to keep specified records and make specified returns in order to establish effective control over the trading in pelts of fur-bearing animals.

BILL

An Act to amend The Game and Fisheries Act

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

1. Clause *r* of section 1 of *The Game and Fisheries Act* is amended by inserting after the word "warden" in the second line the words "any deputy game and fishery warden", so that the clause shall read as follows:

Rev. Stat.,
c. 153, s. 1, cl. *r*
amended

(*r*) "officer" means any member of the Ontario Provincial Police Force, any game and fishery warden, any deputy game and fishery warden and any other person authorized to enforce this Act.

2. Section 6 of *The Game and Fisheries Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 153, s. 6,
amended

(6a) Subsection 6 does not apply to violations of section 62a.

When
subs. 6
not to
apply

3.—(1) Subsection 2 of section 7 of *The Game and Fisheries Act* is repealed.

Rev. Stat.,
c. 153, s. 7,
subs. 2,
repealed

(2) The said section 7 is amended by renumbering subsection 3 as subsection 2 and by adding thereto the following subsection:

Rev. Stat.,
c. 153, s. 7,
amended

(3) This section shall not apply to a farmer and his sons residing upon his lands and hunting or trapping fur-bearing animals, other than beaver, thereon during the open seasons, and any such farmer or his sons may without a licence sell pursuant to this Act the fur-bearing animals or their pelts, other than beaver, hunted or trapped on such lands during the open seasons, but he shall keep such records and make such returns relating thereto as may be prescribed by the Lieutenant-Governor in Council.

Exception
as to
farmers

Rev. Stat.,
c. 153, s. 8,
re-enacted

4. Section 8 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Licence to
trap

8.—(1) The Minister or any officer authorized by him may, in a licence to trap fur-bearing animals, fix the number of each species of fur-bearing animal that may be taken thereunder.

Idem

(2) The Minister or any officer authorized by him may, in a licence to trap fur-bearing animals, define or designate the area in which fur-bearing animals may be taken thereunder by the licensee.

Idem

(3) The Minister or any officer authorized by him may limit the number of licences to trap fur-bearing animals in any area.

Idem

(4) The Minister or any officer authorized by him, in exercising the powers conferred by this section, may do so in such manner as he deems proper having regard to the conservation and perpetuation of the wild life resources in the area concerned.

Idem

(5) A licence to trap fur-bearing animals shall be authority to the licensee to trap in accordance with its terms.

Rev. Stat.,
c. 153, s. 22,
subs. 3,
amended

5.—(1) Subsection 3 of section 22 of *The Game and Fisheries Act* is amended by striking out the words "or Kenora" in the second line, so that the subsection shall read as follows:

Guides
for non-
resident
hunters

(3) No non-resident shall hunt, take or kill deer in the district of Rainy River or moose in any part of Ontario without employing and being accompanied by a licensed guide, but where two or more non-residents hunt together the number of guides employed shall be not less than one guide for each two non-residents.

Rev. Stat.,
c. 153, s. 22,
amended

(2) The said section 22 is amended by adding thereto the following subsection:

Limitation
on guides

(4) The holder of a guide's licence shall not act as a guide for any person for any purpose for which that person is required to have a licence under this Act, the *Migratory Birds Convention Act* (Canada) or the Special Fishery Regulations, unless that person is the holder of a licence for the purpose.

R.S.C. 1927,
c. 130

Rev. Stat.,
c. 153, s. 26,
cl. a,
subcls.
i, ii, iii,
re-enacted

6.—(1) Subclauses i, ii and iii of clause a of section 26 of *The Game and Fisheries Act* are repealed and the following substituted therefor:

SECTION 4. Self-explanatory.

SECTION 5—Subsection 1. Self-explanatory.

Subsection 2. Under the proposed subsection 4, a guide must satisfy himself that his party is properly licensed.

SECTION 6—Subsection 1. The fee for a resident deer licence is increased from \$4 to \$5. A farmer's deer licence is increased from \$1 to \$2 and this licence is made applicable throughout Ontario. The fee for a resident moose licence is increased from \$6 to \$10.

Subsection 2. The licence fee for hunting camps is increased from \$4 to \$5.

Subsection 3. The non-resident licence fee for hunting bear, fox, game birds, rabbits, raccoon, squirrel and wolf is increased from \$15.50 to \$21, and the non-resident licence to hunt deer, bear, fox, game birds, rabbits, raccoon, squirrel and wolf is increased from \$25.75 to \$36. The non-resident licence fee to hunt moose, deer, bear, fox, game birds, rabbits, raccoon, squirrel and wolf is increased from \$75 to \$101.

SECTION 7. Self-explanatory.

SECTION 8. Self-explanatory.

- (i) to hunt deer, where subclause ii does not apply. \$ 4.25
and an issuing fee of75
- (ii) for a farmer actually living upon and tilling his land, to kill in the county or territorial district in which he resides one deer during the open season for his own use and not to be sold or bartered and restricted to one licence for each household 1.75
and an issuing fee of25
- (iii) to hunt moose. 9.00
and an issuing fee of 1.00

(2) Subclause i of clause b of the said section 26 is repealed and the following substituted therefor: Rev. Stat.,
c. 153, s. 26,
cl. b, subcl.
i, re-enacted

- (i) for each four holders of resident deer licences. \$ 4.25
and an issuing fee of75

(3) Subclauses i, ii and iii of clause c of the said section 26 are repealed and the following substituted therefor: Rev. Stat.,
c. 153, s. 26,
cl. c, subcls.
i, ii, iii,
re-enacted

- (i) to hunt bear, fox, game birds, rabbits, raccoon, squirrel and wolf \$ 20.00
and an issuing fee of 1.00
- (ii) to hunt deer, bear, fox, game birds, rabbits, raccoon, squirrel and wolf 35.00
and an issuing fee of 1.00
- (iii) to hunt moose, deer, bear, fox, game birds, rabbits, raccoon, squirrel and wolf 100.00
and an issuing fee of 1.00

7. Subclause ii of clause d of section 27 of *The Game and Fisheries Act* is amended by striking out the word "buyer" in the third line and inserting in lieu thereof the word "dealer", Rev. Stat.,
c. 153, s. 27,
cl. d, subcl.
ii, amended so that the subclause shall read as follows:

- (ii) for a resident British subject where premises are not designated, to be known as "travel-ling fur dealer" \$ 100.00

8. Clause a of subsection 2 of section 28 of *The Game and Fisheries Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 153, s. 28,
subs. 2,
cl. a,
re-enacted

- (a) to fox and mink bred on fur-farms operating in Ontario under a licence; or

Rev. Stat.,
c. 153, s. 30,
subs. 4, cl. a,
re-enacted

9. Clause *a* of subsection 4 of section 30 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

(a) at any time shoot or spear any muskrat or beaver.

Rev. Stat.,
c. 153, s. 32,
subs. 7,
repealed

10.—(1) Subsection 7 of section 32 of *The Game and Fisheries Act* is repealed.

Rev. Stat.,
c. 153, s. 32,
amended

(2) The said section 32 is amended by adding thereto the following subsection:

Traps to
be marked

(11) No person shall set out any trap for the taking of fur-bearing animals until he has permanently marked the trap with the identification mark that has been allotted to him for the purpose by an officer.

Rev. Stat.,
c. 153, s. 42,
cl. a,
re-enacted

11. Clause *a* of section 42 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

(a) any deer, moose, or bird protected by this Act, lawfully killed or procured, may be kept during the period between the end of the open season in any year and the 31st day of August in the next following year, unless otherwise provided under the regulations.

Rev. Stat.,
c. 153,
amended

12. *The Game and Fisheries Act* is amended by adding thereto the following section:

Interpre-
tation

62a.—(1) In this section, “owner” includes any person who is the owner of an interest in land entitling him to the possession of it, but does not include the holder of a timber licence.

Entrance
without
notice

(2) No person shall hunt or fish or with any gun or sporting implement, fishing rod or tackle in his possession go upon any enclosed or unenclosed land or water after he has had notice not to hunt or fish thereon by the owner either by word of mouth, in writing or by posters or signboards so placed that they may be observed from any point of access to the land.

Wrongful
erection or
destruction
of notices

(3) No person shall,

(a) without authority give or cause to be given the notice mentioned in subsection 2 in respect of land of which he is not the owner; or

(b) tear down, remove, damage, deface or interfere with any poster or signboard placed pursuant to subsection 2.

SECTION 9. Self-explanatory.

SECTION 10—Subsection 1. The provision repealed reads:

(7) No person shall use snares for the taking of beaver.

Subsection 2. This provision gives statutory recognition to the present administrative practices of the Fish and Wild Life Division of the Department of Lands and Forests.

SECTION 11. The period during which a deer, moose, or bird may be kept is extended five months.

SECTION 12. Self-explanatory.

SECTION 13—Subsection 1. The power of the Lieutenant-Governor in Council to make regulations is extended in the manner provided for in the new clauses *ii* and *tt*.

Subsection 2. These amendments are complementary to amendments being made to *The Tourist Establishments Act* whereby the control of tourist outfitters' camps is redistributed between the Department of Lands and Forests and the Department of Travel and Publicity.

(4) Nothing in this section limits or in any way affects the remedy at common law of an owner for trespass. Common law remedy for trespass

(5) Every person found contravening subsection 2 may be apprehended without warrant by any peace officer or by the owner of the land on which the contravention takes place, or by the servant of, or any person authorized by, such owner, and be taken forthwith to the nearest justice of the peace to be dealt with according to law. Right of apprehension

13.—(1) Section 77 of *The Game and Fisheries Act* is amended by adding thereto the following clauses: Rev. Stat., c. 153, s. 77, amended

(ii) for licensing persons who are conveyed by aircraft to fishing waters for the purpose of angling or to hunting grounds for the purpose of hunting, defining the classes of person to whom and the areas in which such regulations do or do not apply, governing the issue, form, renewal, transfer, refusal, inspection and cancellation of such licences and prescribing their terms and conditions and the fees payable therefor, and prescribing the methods of proving or disproving alleged breaches of such regulations;

.

(tt) designating any sparsely settled parts of Ontario as "hinterland areas" and prohibiting persons other than residents of the areas from entering and travelling about for the purpose of angling or hunting.

(2) Clause *j* of the said section 77 is amended by striking out the words "specifications for such camps" in the third line, the words "their inspection and classification and" in the fifth and sixth lines and the words "tourists and" in the seventh line, so that the clause shall read as follows: Rev. Stat., c. 153, s. 77, cl. j, amended

(j) governing the issue, form, refusal, suspension or cancellation of tourist outfitters' camp licences, prescribing the terms and conditions under which such camps may be erected, maintained and operated and providing for the registration of guides in such camps.

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

15. This Act may be cited as *The Game and Fisheries Amendment Act, 1952*. Short title

BILL

An Act to amend The Game and
Fisheries Act

1st Reading

March 26th, 1952

2nd Reading

March 28th, 1952

3rd Reading

MR. SCOTT

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

No. 123

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Game and Fisheries Act

MR. SCOTT

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

BILL

An Act to amend The Game and Fisheries Act

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

1. Clause *r* of section 1 of *The Game and Fisheries Act* is amended by inserting after the word "warden" in the second line the words "any deputy game and fishery warden", so that the clause shall read as follows:

Rev. Stat.,
c. 153, s. 1, cl. *r*
amended

(*r*) "officer" means any member of the Ontario Provincial Police Force, any game and fishery warden, any deputy game and fishery warden and any other person authorized to enforce this Act.

2. Section 6 of *The Game and Fisheries Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 153, s. 6,
amended

(6*a*) Subsection 6 does not apply to violations of section 62*a*.

When
subs. 6
not to
apply

3.—(1) Subsection 2 of section 7 of *The Game and Fisheries Act* is repealed.

Rev. Stat.,
c. 153, s. 7,
subs. 2,
repealed

(2) The said section 7 is amended by renumbering subsection 3 as subsection 2 and by adding thereto the following subsection:

Rev. Stat.,
c. 153, s. 7,
amended

(3) This section shall not apply to a farmer and his sons residing upon his lands and hunting or trapping fur-bearing animals, other than beaver, thereon during the open seasons, and any such farmer or his sons may without a licence sell pursuant to this Act the fur-bearing animals or their pelts, other than beaver, hunted or trapped on such lands during the open seasons, but he shall keep such records and make such returns relating thereto as may be prescribed by the Lieutenant-Governor in Council.

Exception
as to
farmers

Rev. Stat.,
c. 153, s. 8,
re-enacted

4. Section 8 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Licence to
trap

8.—(1) The Minister or any officer authorized by him may, in a licence to trap fur-bearing animals, fix the number of each species of fur-bearing animal that may be taken thereunder.

Idem

(2) The Minister or any officer authorized by him may, in a licence to trap fur-bearing animals, define or designate the area in which fur-bearing animals may be taken thereunder by the licensee.

Idem

(3) The Minister or any officer authorized by him may limit the number of licences to trap fur-bearing animals in any area.

Idem

(4) The Minister or any officer authorized by him, in exercising the powers conferred by this section, may do so in such manner as he deems proper having regard to the conservation and perpetuation of the wild life resources in the area concerned.

Idem

(5) A licence to trap fur-bearing animals shall be authority to the licensee to trap in accordance with its terms.

Rev. Stat.,
c. 153, s. 22,
subs. 3,
amended

5.—(1) Subsection 3 of section 22 of *The Game and Fisheries Act* is amended by striking out the words "or Kenora" in the second line, so that the subsection shall read as follows:

Guides
for non-
resident
hunters

(3) No non-resident shall hunt, take or kill deer in the district of Rainy River or moose in any part of Ontario without employing and being accompanied by a licensed guide, but where two or more non-residents hunt together the number of guides employed shall be not less than one guide for each two non-residents.

Rev. Stat.,
c. 153, s. 22,
amended

(2) The said section 22 is amended by adding thereto the following subsection:

Limitation
on guides

(4) The holder of a guide's licence shall not act as a guide for any person for any purpose for which that person is required to have a licence under this Act, the *Migratory Birds Convention Act* (Canada) or the Special Fishery Regulations, unless that person is the holder of a licence for the purpose.

R.S.C. 1927,
c. 130

Rev. Stat.,
c. 153, s. 26,
cl. a,
subcls.
i, ii, iii,
re-enacted

6.—(1) Subclauses i, ii and iii of clause a of section 26 of *The Game and Fisheries Act* are repealed and the following substituted therefor:

- (i) to hunt deer, where subclause ii does not apply.....\$ 4.25
and an issuing fee of..... .75
- (ii) for a farmer actually living upon and tilling his land, to kill in the county or territorial district in which he resides one deer during the open season for his own use and not to be sold or bartered and restricted to one licence for each household..... 1.75
and an issuing fee of..... .25
- (iii) to hunt moose..... 9.00
and an issuing fee of..... 1.00

(2) Subclause i of clause b of the said section 26 is repealed and the following substituted therefor: Rev. Stat.,
c. 153, s. 26,
cl. b, subcl.
i, re-enacted

- (i) for each four holders of resident deer licences.\$ 4.25
and an issuing fee of..... .75

(3) Subclauses i, ii and iii of clause c of the said section 26 are repealed and the following substituted therefor: Rev. Stat.,
c. 153, s. 26,
cl. c, subcls.
i, ii, iii,
re-enacted

- (i) to hunt bear, fox, game birds, rabbits, raccoon, squirrel and wolf.....\$ 20.00
and an issuing fee of..... 1.00
- (ii) to hunt deer, bear, fox, game birds, rabbits, raccoon, squirrel and wolf..... 35.00
and an issuing fee of..... 1.00
- (iii) to hunt moose, deer, bear, fox, game birds, rabbits, raccoon, squirrel and wolf..... 100.00
and an issuing fee of..... 1.00

7. Subclause ii of clause d of section 27 of *The Game and Fisheries Act* is amended by striking out the word "buyer" in the third line and inserting in lieu thereof the word "dealer", so that the subclause shall read as follows: Rev. Stat.,
c. 153, s. 27,
cl. d, subcl.
ii,
amended

- (ii) for a resident British subject where premises are not designated, to be known as "traveling fur dealer".....\$ 100.00

8. Clause a of subsection 2 of section 28 of *The Game and Fisheries Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 153, s. 28,
subs. 2,
cl. a,
re-enacted

- (a) to fox and mink bred on fur-farms operating in Ontario under a licence; or

Rev. Stat.,
c. 153, s. 30,
subs. 4, cl. a.
re-enacted

9. Clause *a* of subsection 4 of section 30 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

(a) at any time shoot or spear any muskrat or beaver.

Rev. Stat.,
c. 153, s. 32,
subs. 7,
repealed

10.—(1) Subsection 7 of section 32 of *The Game and Fisheries Act* is repealed.

Rev. Stat.,
c. 153, s. 32,
amended

(2) The said section 32 is amended by adding thereto the following subsection:

Traps to
be marked

(11) No person shall set out any trap for the taking of fur-bearing animals until he has permanently marked the trap with the identification mark that has been allotted to him for the purpose by an officer.

Rev. Stat.,
c. 153, s. 42,
cl. a,
re-enacted

11. Clause *a* of section 42 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

(a) any deer, moose, or bird protected by this Act, lawfully killed or procured, may be kept during the period between the end of the open season in any year and the 31st day of August in the next following year, unless otherwise provided under the regulations.

Rev. Stat.,
c. 153,
amended

12. *The Game and Fisheries Act* is amended by adding thereto the following section:

Interpre-
tation

62a.—(1) In this section, “owner” includes any person who is the owner of an interest in land entitling him to the possession of it, but does not include the holder of a timber licence.

Entrance
without
notice

(2) No person shall hunt or fish or with any gun or sporting implement, fishing rod or tackle in his possession go upon any enclosed or unenclosed land or water after he has had notice not to hunt or fish thereon by the owner either by word of mouth, in writing or by posters or signboards so placed that they may be observed from any point of access to the land.

Wrongful
erection or
destruction
of notices

(3) No person shall,

(a) without authority give or cause to be given the notice mentioned in subsection 2 in respect of land of which he is not the owner; or

(b) tear down, remove, damage, deface or interfere with any poster or signboard placed pursuant to subsection 2.

(4) Nothing in this section limits or in any way affects the remedy at common law of an owner for trespass. Common law remedy for trespass

(5) Every person found contravening subsection 2 may be apprehended without warrant by any peace officer or by the owner of the land on which the contravention takes place, or by the servant of, or any person authorized by, such owner, and be taken forthwith to the nearest justice of the peace to be dealt with according to law. Right of apprehension

13.—(1) Section 77 of *The Game and Fisheries Act* is amended by adding thereto the following clauses: Rev. Stat., c. 153, s. 77, amended

(ii) for licensing persons who are conveyed by aircraft to fishing waters for the purpose of angling or to hunting grounds for the purpose of hunting, defining the classes of person to whom and the areas in which such regulations do or do not apply, governing the issue, form, renewal, transfer, refusal, inspection and cancellation of such licences and prescribing their terms and conditions and the fees payable therefor, and prescribing the methods of proving or disproving alleged breaches of such regulations;

.

(tt) designating any sparsely settled parts of Ontario as "hinterland areas" and prohibiting persons other than residents of the areas from entering and travelling about for the purpose of angling or hunting.

(2) Clause *j* of the said section 77 is amended by striking out the words "specifications for such camps" in the third line, the words "their inspection and classification and" in the fifth and sixth lines and the words "tourists and" in the seventh line, so that the clause shall read as follows: Rev. Stat., c. 153, s. 77, cl. j, amended

(*j*) governing the issue, form, refusal, suspension or cancellation of tourist outfitters' camp licences, prescribing the terms and conditions under which such camps may be erected, maintained and operated and providing for the registration of guides in such camps.

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

15. This Act may be cited as *The Game and Fisheries Amendment Act, 1952*. Short title

BILL

An Act to amend The Game and
Fisheries Act

1st Reading

March 26th, 1952

2nd Reading

March 28th, 1952

3rd Reading

April 9th, 1952

MR. SCOTT

No. 124

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Mining Tax Act

MR. GEMMELL

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

EXPLANATORY NOTES

SECTION 1. The definition of "municipality" is rewritten to make it clear that a school section in territory without municipal organization is not included.

SECTION 2. Subsection 4 of section 4 is rewritten to make it clear that royalties on output cannot be deducted in computing annual profits for the purposes of mines profits tax.

SECTION 3. In view of the amended definition of municipality section 13 is rewritten so that where a school board in territory without municipal organization collects mines profits tax, that amount may be deducted from the tax payable to the province.

No. 124

1952

BILL

An Act to amend The Mining Tax Act

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

1. Clause *g* of section 1 of *The Mining Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 237, s. 1, cl. g, re-enacted

(*g*) "municipality" means a city, town, village, township or improvement district.

2. Subsection 4 of section 4 of *The Mining Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 237, s. 4, subs. 4, re-enacted

(4) No allowance or deduction shall be made in respect of, Allowances and deductions not permitted

(*a*) cost of plant, machinery, equipment or buildings;

(*b*) capital invested, or interest or dividend upon capital or stock or investment;

(*c*) depreciation in the value of the mine, mining land or mining property by reason of exhaustion or partial exhaustion of the ore or mineral;

(*d*) royalties paid for or in respect of the output of a mine situated on lands not the property of the Crown.

3. Section 13 of *The Mining Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 237, s. 13, re-enacted

13. Where a person liable for payment of tax under section 4 is also during any year in which such tax is payable liable for and paying to a municipality or a school board of a school section in territory without municipal organization, a tax upon the Allowance for profits tax paid to municipality or school board

profits of a mine situated therein, he shall be entitled to deduct from the tax payable under section 4 an amount equal to the sum for which he is liable to the municipality or school board under subsection 8 of section 33 of *The Assessment Act*, if proof of the payment thereof is furnished to the mine assessor at such time and in such manner as he may require.

Rev. Stat.,
c. 24

Rev. Stat.,
c. 237, s. 15,
subs. 1,
amended

4.—(1) Subsection 1 of section 15 of *The Mining Tax Act* is amended by striking out the words “unorganized territory” in the first and second lines and inserting in lieu thereof the words “territory without municipal organization” and by striking out the figure “4” in the fourth line and inserting in lieu thereof the figures “14”, so that the subsection shall read as follows:

School
trustees in
unorganized
territory
to make list

(1) The trustees of every school section in territory without municipal organization shall prepare a list of all mining locations, mining claims, mining rights and other lands within their school section liable to acreage tax under section 14, and such list shall be signed and certified by their secretary or secretary-treasurer, who shall forward it to the Department on or before the 30th day of April in each year.

Rev. Stat.,
c. 237, s. 15,
amended

(2) The said section 15 is amended by adding thereto the following subsection:

Where
section not
applicable

(3) This section shall not apply to a school section the trustees of which receive a share of a tax levied under section 4, as provided in subsection 8 of section 33 of *The Assessment Act*.

Rev. Stat.,
c. 24

Rev. Stat.,
c. 237, s. 20,
subs. 3,
re-enacted

5.—(1) Subsection 3 of section 20 of *The Mining Tax Act* is repealed and the following substituted therefor:

Declaration
of forfeiture

(3) Where the total amount of tax, penalties and costs remain unpaid after the 31st day of December of the year of publication of the notice mentioned in subsection 2, the Minister by certificate under his hand and seal of office may on or after the 1st day of January next following declare the mining lands, mining locations, mining claims, mining rights or other lands forfeited to and vested in the Crown, and thereupon the mining lands, mining locations, mining claims, mining rights or other lands shall vest in the Crown, free and clear of every estate, right, title, interest, claim or demand therein or thereto whether existing, arising or accruing before or after such forfeiture is declared.

SECTION 4—Subsection 1. Subsection 1 of section 15 is amended to correct a typographical error and to make it clear that the section applies only to school boards in territory without municipal organization.

Subsection 2. A new subsection 3 provides that such school boards shall not be paid a portion of the acreage tax under this section if the board collects mines profits tax.

SECTIONS 5 to 7. Amendments are made to sections 20, 21 and 23 of the Act to conform to the principle already established in section 14 whereby in municipalities only mining rights are taxable and forfeited.

In addition a change in subsection 6 of section 20 provides the hour of the day at which forfeited properties become open to prospecting, etc.

- (3a) Such mining lands, mining locations, mining claims, mining rights or other lands so forfeited shall not be open for prospecting, staking out, sale or lease, except as provided in subsection 6. Not open for staking

(2) Subsection 5 of the said section 20 is amended by inserting after the word "land" in the third line the words "or mining rights", so that the subsection shall read as follows: Rev. Stat., c. 237, s. 20, subs. 5, amended

- (5) Upon registration of the certificate of forfeiture in the registry or land titles office, *The Registry Act* or *The Land Titles Act*, as the case may be, shall cease to apply to the land or mining rights forfeited, and the registrar or local master of titles shall note that fact in his register in red ink. Rev. Stat., cc. 336, 197 not to apply to forfeited lands

(3) Subsection 6 of the said section 20 is repealed and the following substituted therefor: Rev. Stat., c. 237, s. 20, subs. 6, re-enacted

- (6) The mining lands, mining locations, mining claims, mining rights and other lands forfeited to and vested in the Crown under this section that are mentioned in a notice published in one issue of *The Ontario Gazette* during May of any year shall be open for prospecting, staking out, sale or lease at and after 7 o'clock standard time in the forenoon of the 1st day of June next following. Opening forfeited lands, etc., for prospecting

6. Section 21 of *The Mining Tax Act* is amended by inserting after the word "land" in the third line the words "or mining rights", so that the section shall read as follows: Rev. Stat., c. 237, s. 21, amended

21. Any person duly authorized by the Minister in writing may, for the purpose of ascertaining the names and addresses of owners of land or mining rights liable to taxation under this Act, search and inspect registry books and indexes in registry offices and books and documents in the custody of masters of titles, and no charge shall be made by and no fee shall be payable to a registrar or master of titles for any such search or inspection. Right to search registry and land titles office free of charge

7.—(1) Subsection 1 of section 23 of *The Mining Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 237, s. 23, subs. 1, re-enacted

- (1) The Minister may regrant any lands or mining rights forfeited under this Act to the owner thereof at the time of such forfeiture, or to his heirs, successors or assigns, upon such terms as the Minister Regrant of forfeited lands

may deem just and the decision of the Minister upon any application for a regrant of such lands or mining rights under this section shall be final and conclusive.

Rev. Stat.,
c. 237, s. 23,
subs. 2,
amended

(2) Subsection 2 of the said section 23 is amended by inserting after the word "lands" in the fourth line the words "or mining rights", so that the subsection shall read as follows:

Order in
Council
revoking
forfeiture

(2) In lieu of such regrant the Lieutenant-Governor in Council may by order revoke, cancel or annul the forfeiture and such order shall be entered and registered in the proper land titles office or registry office and thereupon such lands or mining rights shall be revested in the owner of the lands at the time of forfeiture, his heirs, successors or assigns subject to any lien, mortgage or charge entered or registered prior to the forfeiture and still outstanding.

Commence-
ment

8. This Act shall be deemed to have come into force on the 1st day of January, 1952.

Short title

9. This Act may be cited as *The Mining Tax Amendment Act, 1952*.

BILL

An Act to amend The Mining Tax Act

1st Reading

March 27th, 1952

2nd Reading

3rd Reading

MR. GEMMELL

No. 124

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Mining Tax Act

MR. GEMMELL

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

BILL

An Act to amend The Mining Tax Act

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

1. Clause *g* of section 1 of *The Mining Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 237, s. 1, cl. *g*, re-enacted
- (*g*) "municipality" means a city, town, village, township or improvement district.
2. Subsection 4 of section 4 of *The Mining Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 237, s. 4, subs. 4, re-enacted
- (4) No allowance or deduction shall be made in respect of, Allowances and deductions not permitted
- (*a*) cost of plant, machinery, equipment or buildings;
- (*b*) capital invested, or interest or dividend upon capital or stock or investment;
- (*c*) depreciation in the value of the mine, mining land or mining property by reason of exhaustion or partial exhaustion of the ore or mineral;
- (*d*) royalties paid for or in respect of the output of a mine situated on lands not the property of the Crown.
3. Section 13 of *The Mining Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 237, s. 13, re-enacted
13. Where a person liable for payment of tax under section 4 is also during any year in which such tax is payable liable for and paying to a municipality or a school board of a school section in territory without municipal organization, a tax upon the Allowance for profits tax paid to municipality or school board

profits of a mine situated therein, he shall be entitled to deduct from the tax payable under section 4 an amount equal to the sum for which he is liable to the municipality or school board under subsection 8 of section 33 of *The Assessment Act*, if proof of the payment thereof is furnished to the mine assessor at such time and in such manner as he may require.

Rev. Stat.,
c. 24

Rev. Stat.,
c. 237, s. 15,
subs. 1,
amended

4.—(1) Subsection 1 of section 15 of *The Mining Tax Act* is amended by striking out the words “unorganized territory” in the first and second lines and inserting in lieu thereof the words “territory without municipal organization” and by striking out the figure “4” in the fourth line and inserting in lieu thereof the figures “14”, so that the subsection shall read as follows:

School
trustees in
unorganized
territory
to make list

(1) The trustees of every school section in territory without municipal organization shall prepare a list of all mining locations, mining claims, mining rights and other lands within their school section liable to acreage tax under section 14, and such list shall be signed and certified by their secretary or secretary-treasurer, who shall forward it to the Department on or before the 30th day of April in each year.

Rev. Stat.,
c. 237, s. 15,
amended

(2) The said section 15 is amended by adding thereto the following subsection:

Where
section not
applicable

(3) This section shall not apply to a school section the trustees of which receive a share of a tax levied under section 4, as provided in subsection 8 of section 33 of *The Assessment Act*.

Rev. Stat.,
c. 24

Rev. Stat.,
c. 237, s. 20,
subs. 3,
re-enacted

5.—(1) Subsection 3 of section 20 of *The Mining Tax Act* is repealed and the following substituted therefor:

Declaration
of forfeiture

(3) Where the total amount of tax, penalties and costs remain unpaid after the 31st day of December of the year of publication of the notice mentioned in subsection 2, the Minister by certificate under his hand and seal of office may on or after the 1st day of January next following declare the mining lands, mining locations, mining claims, mining rights or other lands forfeited to and vested in the Crown, and thereupon the mining lands, mining locations, mining claims, mining rights or other lands shall vest in the Crown, free and clear of every estate, right, title, interest, claim or demand therein or thereto whether existing, arising or accruing before or after such forfeiture is declared.

- (3a) Such mining lands, mining locations, mining claims, mining rights or other lands so forfeited shall not be open for prospecting, staking out, sale or lease, except as provided in subsection 6. Not open for staking

(2) Subsection 5 of the said section 20 is amended by inserting after the word "land" in the third line the words "or mining rights", so that the subsection shall read as follows: Rev. Stat., c. 237, s. 20, subs. 5, amended

- (5) Upon registration of the certificate of forfeiture in the registry or land titles office, *The Registry Act* or *The Land Titles Act*, as the case may be, shall cease to apply to the land or mining rights forfeited, and the registrar or local master of titles shall note that fact in his register in red ink. Rev. Stat., cc. 336, 197 not to apply to forfeited lands

(3) Subsection 6 of the said section 20 is repealed and the following substituted therefor: Rev. Stat., c. 237, s. 20, subs. 6, re-enacted

- (6) The mining lands, mining locations, mining claims, mining rights and other lands forfeited to and vested in the Crown under this section that are mentioned in a notice published in one issue of *The Ontario Gazette* during May of any year shall be open for prospecting, staking out, sale or lease at and after 7 o'clock standard time in the forenoon of the 1st day of June next following. Opening forfeited lands, etc., for prospecting

6. Section 21 of *The Mining Tax Act* is amended by inserting after the word "land" in the third line the words "or mining rights", so that the section shall read as follows: Rev. Stat., c. 237, s. 21, amended

21. Any person duly authorized by the Minister in writing may, for the purpose of ascertaining the names and addresses of owners of land or mining rights liable to taxation under this Act, search and inspect registry books and indexes in registry offices and books and documents in the custody of masters of titles, and no charge shall be made by and no fee shall be payable to a registrar or master of titles for any such search or inspection. Right to search registry and land titles office free of charge

7.—(1) Subsection 1 of section 23 of *The Mining Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 237, s. 23, subs. 1, re-enacted

- (1) The Minister may regrant any lands or mining rights forfeited under this Act to the owner thereof at the time of such forfeiture, or to his heirs, successors or assigns, upon such terms as the Minister Regrant of forfeited lands

may deem just and the decision of the Minister upon any application for a regrant of such lands or mining rights under this section shall be final and conclusive.

Rev. Stat.,
c. 237, s. 23,
subs. 2,
amended

(2) Subsection 2 of the said section 23 is amended by inserting after the word "lands" in the fourth line the words "or mining rights", so that the subsection shall read as follows:

Order in
Council
revoking
forfeiture

(2) In lieu of such regrant the Lieutenant-Governor in Council may by order revoke, cancel or annul the forfeiture and such order shall be entered and registered in the proper land titles office or registry office and thereupon such lands or mining rights shall be revested in the owner of the lands at the time of forfeiture, his heirs, successors or assigns subject to any lien, mortgage or charge entered or registered prior to the forfeiture and still outstanding.

Commence-
ment

8. This Act shall be deemed to have come into force on the 1st day of January, 1952.

Short title

9. This Act may be cited as *The Mining Tax Amendment Act, 1952*.

BILL

An Act to amend The Mining Tax Act

1st Reading

March 27th, 1952

2nd Reading

March 28th, 1952

3rd Reading

April 8th, 1952

MR. GEMMELL

No. 125

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Change of Name Act

MR. WEAVER

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

EXPLANATORY NOTE

The Act forbids persons from changing their names except under the Act, but no penalty attaches for failure to comply with the prohibition. The bill creates appropriate offences and penalties.

BILL

An Act to amend The Change of Name Act

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

1. Section 22 of *The Change of Name Act* is amended by adding thereto the following subsections: Rev. Stat., c. 47, s. 22, amended

(2) Any person who contravenes subsection 1 of section 2 shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$500 or to imprisonment for a term of not more than six months. Unauthorized change of name

(3) Any person whose application for a change of name has been refused under subsection 1 of section 16 and who thereafter uses the name he sought to adopt in such application shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$500 or to imprisonment for a term of not more than six months. Use of refused name

(4) Any person who, after having been convicted of an offence against this Act, again offends against this Act shall be liable to a penalty of not more than double the maximum penalty provided for the offence. Second and subsequent offences

2. This Act may be cited as *The Change of Name Amendment Act, 1952*. Short title

BILL

An Act to amend The Change of
Name Act

1st Reading

March 27th, 1952

2nd Reading

3rd Reading

MR. WEAVER

No. 125

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Change of Name Act

MR. WEAVER

(Reprinted as amended by the Committee on Legal Bills)

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

No. 125

1951

BILL

An Act to amend The Change of Name Act

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

1. Section 22 of *The Change of Name Act* is amended by adding thereto the following subsections: Rev. Stat.,
c. 47, s. 22,
amended

(2) Any person whose application for a change of name has been refused under subsection 1 of section 16 and who thereafter uses the name he sought to adopt in such application shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$500 or to imprisonment for a term of not more than six months. Use of
refused name

(3) Any person who, after having been convicted of an offence against this Act, again offends against this Act shall be liable to a penalty of not more than double the maximum penalty provided for the offence. Second and
subsequent
offences

2. This Act may be cited as *The Change of Name Amendment Act, 1952*. Short title

BILL

An Act to amend The Change of
Name Act

1st Reading

March 27th, 1952

2nd Reading

March 28th, 1952

3rd Reading

MR. WEAVER

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

No. 125

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Change of Name Act

MR. WEAVER

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

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

No. 125

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1. Section 22 of *The Change of Name Act* is amended by adding thereto the following subsections: Rev. Stat.,
c. 47, s. 22,
amended

(2) Any person whose application for a change of name Use of
refused name is hereafter refused under subsection 1 of section 16 and who thereafter uses the name he sought to adopt in such application shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$500 or to imprisonment for a term of not more than six months.

(3) Any person who, after having been convicted of an Second and
subsequent
offences offence against this Act, again offends against this Act shall be liable to a penalty of not more than double the maximum penalty provided for the offence.

2. This Act may be cited as *The Change of Name Amendment Act, 1952*. Short title

BILL

An Act to amend The Change of
Name Act

1st Reading

March 27th, 1952

2nd Reading

March 28th, 1952

3rd Reading

MR. WEAVER

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

No. 125

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

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Rev. Stat.,
c. 47, s. 22,
amended
 - (3) Any person who, after having been convicted of an offence against this Act, again offends against this Act shall be liable to a penalty of not more than double the maximum penalty provided for the offence.

Use of
refused name

Second and
subsequent
offences
2. This Act may be cited as *The Change of Name Amendment Act, 1952*.

Short title

BILL

An Act to amend The Change of
Name Act

1st Reading

March 27th, 1952

2nd Reading

March 28th, 1952

3rd Reading

April 9th, 1952

MR. WEAVER

No. 126

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

**An Act to provide for Adjustment of Provincial Grants or
Subsidies after Municipal Annexations**

MR. DUNBAR

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

EXPLANATORY NOTE

Under *The Police Act* and *The Fire Departments Act* provincial grants vary in accordance with the population of the municipality. Under *The Highway Improvement Act* provincial subsidies vary in accordance with the urban or rural status of the municipality.

This Act will permit adjustment over a period of ten years so that the basis of calculation of the provincial grants or subsidies payable in respect of expenditures made by the annexing municipality in the annexed areas will not be reduced merely because of the change of boundaries.

No. 126

1952

BILL

An Act to provide for Adjustment of Provincial Grants or Subsidies after Municipal Annexations

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

1.—(1) Where an area of a municipality is annexed to an urban municipality, the Minister of the Department concerned may adjust the provincial grants or subsidies payable under *The Police Act*, *The Fire Departments Act* or *The Highway Improvement Act* so that such grants or subsidies will be payable on the same basis, for a period of five years after the annexation, as they would have been if the annexation had not taken place, and may further adjust the grants or subsidies on a progressively reduced basis during the next succeeding five years.

Adjustment
of grants
or subsidies
upon
annexation
Rev. Stat.,
cc. 279,
138, 166

(2) Subsection 1 will apply only where the area annexed contains 10 per cent or more of the resident population of the municipality from which the area is detached, as certified by the clerk of such municipality.

Application
of section

2. This Act shall be deemed to have come into force on the 1st day of January, 1950.

Commence-
ment

3. This Act may be cited as *The Municipal Subsidies Adjustment Act, 1952*.

Short title

BILL

An Act to provide for Adjustment of
Provincial Grants or Subsidies after
Municipal Annexations

1st Reading

March 27th, 1952

2nd Reading

3rd Reading

MR. DUNBAR

No. 126

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to provide for Adjustment of Provincial Grants or
Subsidies after Municipal Annexations

MR. DUNBAR

BILL

An Act to provide for Adjustment of Provincial Grants or Subsidies after Municipal Annexations

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1.—(1) Where an area of a municipality is annexed to an urban municipality, the Minister of the Department concerned may adjust the provincial grants or subsidies payable under *The Police Act*, *The Fire Departments Act* or *The Highway Improvement Act* so that such grants or subsidies will be payable on the same basis, for a period of five years after the annexation, as they would have been if the annexation had not taken place, and may further adjust the grants or subsidies on a progressively reduced basis during the next succeeding five years.

Adjustment
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Rev. Stat.,
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138, 166

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of section

2. This Act shall be deemed to have come into force on the 1st day of January, 1950.

Commence-
ment

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Short title

BILL

An Act to provide for Adjustment of
Provincial Grants or Subsidies after
Municipal Annexations

1st Reading

March 27th, 1952

2nd Reading

April 3rd, 1952

3rd Reading

April 9th, 1952

MR. DUNBAR

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act respecting Proceedings Against the Crown

MR. PORTER

EXPLANATORY NOTE

At the present time no action in tort can be brought against the Crown and no other type of action can be brought except with consent and by way of a petition of right.

This bill, subject to the exceptions mentioned, removes all the immunities and privileges heretofore enjoyed by the Crown and enables any person to sue the Crown and its servants and agents in the courts as of right in the same manner as he may sue a person.

Acts similar in principle were passed in the United Kingdom in 1947 and in Manitoba and Nova Scotia in 1951.

The bill is based on a bill prepared and recommended by the Conference of Commissioners on Uniformity of Legislation in Canada.

BILL

An Act respecting Proceedings Against the Crown

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

1. In this Act,

Interpre-
tation

- (a) "agent", when used in relation to the Crown, includes an independent contractor employed by the Crown;
- (b) "Crown" means Her Majesty the Queen in right of Ontario;
- (c) "order" includes a judgment, decree, rule, award and declaration;
- (d) "proceedings against the Crown" includes a claim by way of set-off or counterclaim raised in proceedings by the Crown and includes interpleader proceedings to which the Crown is a party;
- (e) "servant", when used in relation to the Crown, includes a minister of the Crown.

2.—(1) This Act does not affect and is subject to *The Corporations Tax Act*, *The Highway Improvement Act*, Part XIV of *The Highway Traffic Act*, *The Income Tax Act* (Ontario), *The Land Titles Act* as to claims against the Assurance Fund, *The Logging Tax Act*, *The Succession Duty Act* and *The Workmen's Compensation Act*.

Acts not
affected
Rev. Stat.,
cc. 72, 166,
167; R.S.O.
1937, c. 25;
Rev. Stat.,
cc. 197, 216,
378, 430

(2) Nothing in this Act,

Limits
of scope
of Act

- (a) subjects the Crown to greater liability in respect of the acts or omissions of a servant or agent of the Crown than that to which the Crown would be subject in respect of such acts or omissions if it were a person of full age and capacity; or

- (b) subjects the Crown to proceedings under this Act in respect of a cause of action that is enforceable against a corporation or other agency of the Crown; or
- (c) subjects the Crown to proceedings under this Act in respect of any act or omission of a servant of the Crown unless that servant has been appointed by or is employed by the Crown; or
- (d) subjects the Crown to proceedings under this Act in respect of anything done in the due enforcement of the criminal law or of the penal provisions of any Act of the Legislature; or
- (e) authorizes proceedings against the Crown under *The Division Courts Act* or *The Master and Servant Act*.

Rev. Stat.,
cc. 106, 224

Right to
sue
without
fiat

3. Except as provided in section 26, a claim against the Crown, that, if this Act had not been passed, might be enforced by petition of right, subject to the grant of a fiat by the Lieutenant-Governor, may be enforced as of right by proceedings against the Crown in accordance with this Act, without the grant of a fiat by the Lieutenant-Governor.

Right to
sue without
consent

4. A claim against a servant of the Crown or a corporation of the Crown that, if this Act had not been passed, might be enforced subject to the consent of a servant of the Crown, may be enforced as of right without such consent.

Liability
in tort

Rev. Stat.,
c. 184

5.—(1) Except as otherwise provided in this Act and notwithstanding section 11 of *The Interpretation Act*, the Crown is subject to all liabilities in tort to which, if it were a person of full age and capacity, it would be subject,

- (a) in respect of a tort committed by any of its servants or agents;
- (b) in respect of a breach of the duties that a person owes to his servants or agents by reason of being their employer;
- (c) in respect of any breach of the duties attaching to the ownership, occupation, possession or control of property; and
- (d) under any statute, or under any regulation or by-law made or passed under the authority of any statute.

(2) No proceedings shall be brought against the Crown under clause *a* of subsection 1 in respect of an act or omission of a servant or agent of the Crown unless proceedings in tort in respect of such act or omission may be brought against that servant or agent or his personal representative.

Where proceedings in tort lie

(3) Where a function is conferred or imposed upon a servant of the Crown as such, either by a rule of the common law or by or under a statute, and that servant commits a tort in the course of performing or purporting to perform that function, the liability of the Crown in respect of the tort shall be such as it would have been if that function had been conferred or imposed by instructions lawfully given by the Crown.

Liability for acts of servants performing duties legally required

(4) In proceedings against the Crown under this section, an enactment that negatives or limits the liability of a servant of the Crown in respect of a tort committed by that servant applies in relation to the Crown as it would have applied in relation to that servant if the proceedings against the Crown had been proceedings against that servant.

Application of enactments limiting liability of servants of the Crown

(5) Where property vests in the Crown independently of the acts or the intentions of the Crown, the Crown is not, by virtue of this Act, subject to liability in tort by reason only of the property being so vested; but this subsection does not affect the liability of the Crown under this Act in respect of any period after the Crown, or any servant of the Crown, has in fact taken possession or control of the property.

Property vesting in the Crown

(6) No proceedings lie against the Crown under this section in respect of anything done or omitted to be done by a person while discharging or purporting to discharge responsibilities of a judicial nature vested in him or responsibilities that he has in connection with the execution of judicial process.

Limitation of liability in respect of judicial acts

6. The law relating to indemnity and contribution is enforceable by and against the Crown in respect of any liability to which it is subject, as if the Crown were a person of full age and capacity.

Application of law as to indemnity and contribution

7. Except as otherwise provided in this Act, proceedings against the Crown in the Supreme Court shall be instituted and proceeded with in accordance with *The Judicature Act* and the rules of court.

Proceedings in Supreme Court

Rev. Stat., c. 190

8. Except as otherwise provided in this Act and to any enactment limiting the jurisdiction of county and district courts, proceedings against the Crown may be instituted in a county or district court and proceeded with in accordance with *The County Courts Act* and the rules of court.

Proceedings in county and district courts

Rev. Stat., c. 75

Appeals,
stay of
execution,
etc.

9. Except as otherwise provided in this Act, all enactments and rules of court relating to appeals and stay of execution or proceedings, with necessary modifications, apply to proceedings against the Crown.

Discovery

10. In proceedings against the Crown the rules of the court in which the proceedings are pending as to discovery and inspection of documents and examination for discovery apply in the same manner as if the Crown were a corporation, except that the Crown may refuse to produce a document or to answer a question on the ground that the production or answer would be injurious to the public interest.

Designation
of Crown in
proceedings

11. In proceedings under this Act the Crown shall be designated "Her Majesty the Queen in right of Ontario".

Service on
the Crown

12. In proceedings under this Act a document to be served on the Crown shall be served by leaving a copy with the Attorney-General or the Deputy Attorney-General or any barrister or solicitor in the office of the Attorney-General.

Trial with-
out jury

13. In proceedings against the Crown trial shall be without a jury.

Interpleader

14. The Crown may obtain relief by way of interpleader proceedings and may be made a party to such proceedings in the same manner as a person may obtain relief by way of such proceedings, or be made a party thereto, notwithstanding that the application for relief is made by a sheriff or bailiff or other like officer, and the provisions relating to interpleader proceedings in the rules of court, subject to this Act, shall have effect accordingly.

Rights of
parties and
authority
of court

15. Except as otherwise provided in this Act, in proceedings against the Crown the rights of the parties are as nearly as possible the same as in a suit between persons, and the court may make any order that it may make in proceedings between persons, and may otherwise give such appropriate relief as the case may require.

No injunc-
tion or
specific per-
formance
against
Crown

16.—(1) Where in proceedings against the Crown any relief is sought that might, in proceedings between persons, be granted by way of injunction or specific performance, the court shall not, as against the Crown, grant an injunction or make an order for specific performance, but in lieu thereof may make an order declaratory of the rights of the parties.

Limitation
on injunctions
and orders
against
Crown
servants

(2) The court shall not in any proceedings grant an injunction or make an order against a servant of the Crown if the effect of granting the injunction or making the order would be to give any relief against the Crown that could not have

been obtained in proceedings against the Crown, but in lieu thereof may make an order declaratory of the rights of the parties.

17. In proceedings against the Crown in which the recovery of real or personal property is claimed the court shall not make an order for its recovery or delivery, but in lieu thereof may make an order declaring that the claimant is entitled, as against the Crown, to the property claimed or to the possession thereof.

Order for recovery of property not to be made against Crown

18.—(1) No person may avail himself of any set-off or counterclaim in proceedings by the Crown for the recovery of taxes, duties, or penalties, or avail himself, in proceedings of any other nature by the Crown, of any set-off or counterclaim arising out of a right or claim to repayment in respect of any taxes, duties, or penalties.

Restriction on set-off and counterclaim

(2) Subject to subsection 1, a person may avail himself of any set-off or counterclaim in proceedings by the Crown if the subject matter of the set-off or the counterclaim relates to a matter under the administration of the particular government department with respect to which the proceedings are brought by the Crown.

Idem

19. Before taking any step in proceedings against the Crown, the Crown may require the claimant to provide the Crown with such information as the Crown may reasonably require as to the circumstances in which it is alleged that the liability of the Crown has arisen and as to the departments and servants of the Crown concerned.

Crown may require information

20. In proceedings against the Crown any defence that, if the proceedings were between persons, could be relied upon by the defendant as a defence to the proceedings or otherwise may be relied upon by the Crown.

Crown defences

21. In proceedings against the Crown judgment shall not be entered against the Crown in default of appearance or pleading without the leave of the court to be obtained on an application of which notice has been given to the Crown.

No judgment by default against Crown without leave

22. Nothing in this Act authorizes proceedings *in rem* in respect of any claim against the Crown, or the seizure, attachment, arrest, detention or sale of any property of the Crown.

Proceedings *in rem*

23. A judgment debt due to or from the Crown bears interest in the same way as a judgment debt due from one person to another.

Interest on judgment debt

Prohibition
of execu-
tion, etc.,
against
Crown

24. No execution or attachment or process in the nature thereof shall be issued out of any court against the Crown.

Payment
by Crown

25. Where an order of a court provides for the payment of money by the Crown by way of damages or costs or otherwise, the Treasurer of Ontario may pay out of the Consolidated Revenue Fund to the person entitled, or to his order, the amount due together with the interest, if any, lawfully due thereon.

Pending
proceedings

26.—(1) This Act does not affect proceedings against the Crown by petition of right that have been instituted before this Act comes into force, and for the purposes of this section proceedings against the Crown by petition of right shall be deemed to have been instituted if a petition of right with respect to the matter in question has been left with the Provincial Secretary before this Act comes into force.

Petitions
of right
abolished

(2) Subject to subsection 1, proceedings against the Crown by petition of right are abolished, and, except for the purposes of subsection 1, the rules of court respecting petitions of right are rescinded.

Conflict

27. Where this Act conflicts with any other Act, this Act governs.

Application

28. No proceedings shall be brought against the Crown under this Act in respect of any act or omission, transaction, matter or thing occurring or existing before the 1st day of July, 1952.

Commence-
ment

29. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

30. This Act may be cited as *The Proceedings Against the Crown Act, 1952*.

BILL

An Act respecting Proceedings Against
the Crown

1st Reading

March 28th, 1952

2nd Reading

3rd Reading

MR. PORTER

No. 127

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act respecting Proceedings Against the Crown

MR. PORTER

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

BILL

An Act respecting Proceedings Against the Crown

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

1. In this Act,

Interpre-
tation

- (a) "agent", when used in relation to the Crown, includes an independent contractor employed by the Crown;
- (b) "Crown" means Her Majesty the Queen in right of Ontario;
- (c) "order" includes a judgment, decree, rule, award and declaration;
- (d) "proceedings against the Crown" includes a claim by way of set-off or counterclaim raised in proceedings by the Crown and includes interpleader proceedings to which the Crown is a party;
- (e) "servant", when used in relation to the Crown, includes a minister of the Crown.

2.—(1) This Act does not affect and is subject to *The Corporations Tax Act, The Highway Improvement Act, Part XIV of The Highway Traffic Act, The Income Tax Act (Ontario), The Land Titles Act* as to claims against the Assurance Fund, *The Logging Tax Act, The Succession Duty Act and The Workmen's Compensation Act.*

Acts not
affected
Rev. Stat.,
cc. 72, 166,
167; R.S.O.
1937, c. 25;
Rev. Stat.,
cc. 197, 216,
378, 430

(2) Nothing in this Act,

Limits
of scope
of Act

- (a) subjects the Crown to greater liability in respect of the acts or omissions of a servant or agent of the Crown than that to which the Crown would be subject in respect of such acts or omissions if it were a person of full age and capacity; or

- (b) subjects the Crown to proceedings under this Act in respect of a cause of action that is enforceable against a corporation or other agency of the Crown; or
- (c) subjects the Crown to proceedings under this Act in respect of any act or omission of a servant of the Crown unless that servant has been appointed by or is employed by the Crown; or
- (d) subjects the Crown to proceedings under this Act in respect of anything done in the due enforcement of the criminal law or of the penal provisions of any Act of the Legislature; or
- (e) authorizes proceedings against the Crown under *The Division Courts Act* or *The Master and Servant Act*.

Rev. Stat.,
cc. 106, 224

Right to
sue
without
fiat

3. Except as provided in section 26, a claim against the Crown, that, if this Act had not been passed, might be enforced by petition of right, subject to the grant of a fiat by the Lieutenant-Governor, may be enforced as of right by proceedings against the Crown in accordance with this Act, without the grant of a fiat by the Lieutenant-Governor.

Right to
sue without
consent

4. A claim against a corporation of the Crown that, if this Act had not been passed, might be enforced subject to the consent of a servant of the Crown, may be enforced as of right without such consent.

Liability
in tort

Rev. Stat.,
c. 184

5.—(1) Except as otherwise provided in this Act and notwithstanding section 11 of *The Interpretation Act*, the Crown is subject to all liabilities in tort to which, if it were a person of full age and capacity, it would be subject,

- (a) in respect of a tort committed by any of its servants or agents;
- (b) in respect of a breach of the duties that a person owes to his servants or agents by reason of being their employer;
- (c) in respect of any breach of the duties attaching to the ownership, occupation, possession or control of property; and
- (d) under any statute, or under any regulation or by-law made or passed under the authority of any statute.

(2) No proceedings shall be brought against the Crown under clause *a* of subsection 1 in respect of an act or omission of a servant or agent of the Crown unless proceedings in tort in respect of such act or omission may be brought against that servant or agent or his personal representative. Where proceedings in tort lie

(3) Where a function is conferred or imposed upon a servant of the Crown as such, either by a rule of the common law or by or under a statute, and that servant commits a tort in the course of performing or purporting to perform that function, the liability of the Crown in respect of the tort shall be such as it would have been if that function had been conferred or imposed by instructions lawfully given by the Crown. Liability for acts of servants performing duties legally required

(4) In proceedings against the Crown under this section, an enactment that negatives or limits the liability of a servant of the Crown in respect of a tort committed by that servant applies in relation to the Crown as it would have applied in relation to that servant if the proceedings against the Crown had been proceedings against that servant. Application of enactments limiting liability of servants of the Crown

(5) Where property vests in the Crown independently of the acts or the intentions of the Crown, the Crown is not, by virtue of this Act, subject to liability in tort by reason only of the property being so vested; but this subsection does not affect the liability of the Crown under this Act in respect of any period after the Crown, or any servant of the Crown, has in fact taken possession or control of the property. Property vesting in the Crown

(6) No proceedings lie against the Crown under this section in respect of anything done or omitted to be done by a person while discharging or purporting to discharge responsibilities of a judicial nature vested in him or responsibilities that he has in connection with the execution of judicial process. Limitation of liability in respect of judicial acts

6. The law relating to indemnity and contribution is enforceable by and against the Crown in respect of any liability to which it is subject, as if the Crown were a person of full age and capacity. Application of law as to indemnity and contribution

7. Except as otherwise provided in this Act, proceedings against the Crown in the Supreme Court shall be instituted and proceeded with in accordance with *The Judicature Act* and the rules of court. Proceedings in Supreme Court
Rev. Stat., c. 190

8. Except as otherwise provided in this Act and to any enactment limiting the jurisdiction of county and district courts, proceedings against the Crown may be instituted in a county or district court and proceeded with in accordance with *The County Courts Act* and the rules of court. Proceedings in county and district courts
Rev. Stat., c. 75

Appeals,
stay of
execution,
etc.

9. Except as otherwise provided in this Act, all enactments and rules of court relating to appeals and stay of execution or proceedings, with necessary modifications, apply to proceedings against the Crown.

Discovery

10. In proceedings against the Crown the rules of the court in which the proceedings are pending as to discovery and inspection of documents and examination for discovery apply in the same manner as if the Crown were a corporation, except that the Crown may refuse to produce a document or to answer a question on the ground that the production or answer would be injurious to the public interest.

Designation
of Crown in
proceedings

11. In proceedings under this Act the Crown shall be designated "Her Majesty the Queen in right of Ontario".

Service on
the Crown

12. In proceedings under this Act a document to be served on the Crown shall be served by leaving a copy with the Attorney-General or the Deputy Attorney-General or any barrister or solicitor in the office of the Attorney-General.

Trial with-
out jury

13. In proceedings against the Crown trial shall be without a jury.

Interpleader

14. The Crown may obtain relief by way of interpleader proceedings and may be made a party to such proceedings in the same manner as a person may obtain relief by way of such proceedings, or be made a party thereto, notwithstanding that the application for relief is made by a sheriff or bailiff or other like officer, and the provisions relating to interpleader proceedings in the rules of court, subject to this Act, shall have effect accordingly.

Rights of
parties and
authority
of court

15. Except as otherwise provided in this Act, in proceedings against the Crown the rights of the parties are as nearly as possible the same as in a suit between persons, and the court may make any order that it may make in proceedings between persons, and may otherwise give such appropriate relief as the case may require.

No injunction
or
specific per-
formance
against
Crown

16.—(1) Where in proceedings against the Crown any relief is sought that might, in proceedings between persons, be granted by way of injunction or specific performance, the court shall not, as against the Crown, grant an injunction or make an order for specific performance, but in lieu thereof may make an order declaratory of the rights of the parties.

Limitation
on injunctions
and orders
against
Crown
servants

(2) The court shall not in any proceedings grant an injunction or make an order against a servant of the Crown if the effect of granting the injunction or making the order would be to give any relief against the Crown that could not have

been obtained in proceedings against the Crown, but in lieu thereof may make an order declaratory of the rights of the parties.

17. In proceedings against the Crown in which the recovery of real or personal property is claimed the court shall not make an order for its recovery or delivery, but in lieu thereof may make an order declaring that the claimant is entitled, as against the Crown, to the property claimed or to the possession thereof.

Order for recovery of property not to be made against Crown

18.—(1) No person may avail himself of any set-off or counterclaim in proceedings by the Crown for the recovery of taxes, duties, or penalties, or avail himself, in proceedings of any other nature by the Crown, of any set-off or counterclaim arising out of a right or claim to repayment in respect of any taxes, duties, or penalties.

Restriction on set-off and counter-claim

(2) Subject to subsection 1, a person may avail himself of any set-off or counterclaim in proceedings by the Crown if the subject matter of the set-off or the counterclaim relates to a matter under the administration of the particular government department with respect to which the proceedings are brought by the Crown.

Idem

19. Before taking any step in proceedings against the Crown, the Crown may require the claimant to provide the Crown with such information as the Crown may reasonably require as to the circumstances in which it is alleged that the liability of the Crown has arisen and as to the departments and servants of the Crown concerned.

Crown may require information

20. In proceedings against the Crown any defence that, if the proceedings were between persons, could be relied upon by the defendant as a defence to the proceedings or otherwise may be relied upon by the Crown.

Crown defences

21. In proceedings against the Crown judgment shall not be entered against the Crown in default of appearance or pleading without the leave of the court to be obtained on an application of which notice has been given to the Crown.

No judgment by default against Crown without leave

22. Nothing in this Act authorizes proceedings *in rem* in respect of any claim against the Crown, or the seizure, attachment, arrest, detention or sale of any property of the Crown.

Proceedings *in rem*

23. A judgment debt due to or from the Crown bears interest in the same way as a judgment debt due from one person to another.

Interest on judgment debt

Prohibition
of execu-
tion, etc.,
against
Crown

24. No execution or attachment or process in the nature thereof shall be issued out of any court against the Crown.

Payment
by Crown

25. Where an order of a court provides for the payment of money by the Crown by way of damages or costs or otherwise, the Treasurer of Ontario may pay out of the Consolidated Revenue Fund to the person entitled, or to his order, the amount due together with the interest, if any, lawfully due thereon.

Pending
proceedings

26.—(1) This Act does not affect proceedings against the Crown by petition of right that have been instituted before this Act comes into force, and for the purposes of this section proceedings against the Crown by petition of right shall be deemed to have been instituted if a petition of right with respect to the matter in question has been left with the Provincial Secretary before this Act comes into force.

Petitions
of right
abolished

(2) Subject to subsection 1, proceedings against the Crown by petition of right are abolished, and, except for the purposes of subsection 1, the rules of court respecting petitions of right are rescinded.

Conflict

27. Where this Act conflicts with any other Act, this Act governs.

Application

28. No proceedings shall be brought against the Crown under this Act in respect of any act or omission, transaction, matter or thing occurring or existing before the 1st day of July, 1952.

Commence-
ment

29. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

30. This Act may be cited as *The Proceedings Against the Crown Act, 1952*.

BILL

An Act respecting Proceedings Against
the Crown

1st Reading

March 28th, 1952

2nd Reading

April 7th, 1952

3rd Reading

April 9th, 1952

MR. PORTER

No. 128

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Public Trustee Act

MR. PORTER

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

EXPLANATORY NOTE

This authority is necessary in view of the projected move of the offices of the Public Trustee from Osgoode Hall to its own office building.

BILL

An Act to amend The Public Trustee Act

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

1. *The Public Trustee Act* is amended by adding thereto the following section: Rev. Stat.,
c. 319,
amended

15.—(1) Subject to the approval of the Lieutenant-Governor in Council, a company may be constituted by letters patent under *The Companies Act* for the purpose of purchasing land and erecting an office building thereon for use by the Public Trustee and others, or purchasing an office building or leasing or renting office premises for such purposes. Building
company
authorized
Rev. Stat.,
c. 59

(2) The person holding the office of Public Trustee shall be a director of the company and the other directors shall be members of the staff of the Public Trustee. Directors

(3) The Public Trustee, out of surplus funds, may purchase shares of the company or advance moneys to the company, as may be required from time to time, to provide working capital for the company. Temporary
advances

(4) The Public Trustee may loan to the company an amount not exceeding 20 per cent of the Public Trustee Investment Fund secured upon the assets of the company. Long-term
loans

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

3. This Act may be cited as *The Public Trustee Amendment Act, 1952*. Short title

BILL

An Act to amend The Public Trustee Act

1st Reading

March 31st, 1952

2nd Reading

3rd Reading

Mr. PORTER

No. 128

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Public Trustee Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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BILL

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1. *The Public Trustee Act* is amended by adding thereto the following section: Rev. Stat., c. 319, amended
- 15.—(1) Subject to the approval of the Lieutenant-Governor in Council, a company may be constituted by letters patent under *The Companies Act* for the purpose of purchasing land and erecting an office building thereon for use by the Public Trustee and others, or purchasing an office building or leasing or renting office premises for such purposes. Building company authorized Rev. Stat., c. 59
- (2) The person holding the office of Public Trustee shall be a director of the company and the other directors shall be members of the staff of the Public Trustee. Directors
- (3) The Public Trustee, out of surplus funds, may purchase shares of the company or advance moneys to the company, as may be required from time to time, to provide working capital for the company. Temporary advances
- (4) The Public Trustee may loan to the company an amount not exceeding 20 per cent of the Public Trustee Investment Fund secured upon the assets of the company. Long-term loans
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Public Trustee Amendment Act, 1952*. Short title

BILL

An Act to amend The Public Trustee Act

1st Reading

March 31st, 1952

2nd Reading

April 2nd, 1952

3rd Reading

April 7th, 1952

MR. PORTER

No. 129

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Public Commercial Vehicles Act

MR. DUNBAR

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

EXPLANATORY NOTE

The opening words of section 15 of *The Public Commercial Vehicles Act* are:

15. The Lieutenant-Governor in Council may make regulations,

.

The added clause is self-explanatory.

No. 129

1952

BILL

An Act to amend The Public Commercial Vehicles Act

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

1. Section 15 of *The Public Commercial Vehicles Act* is amended by adding thereto the following clause: Rev. Stat.,
c. 304, s. 15,
amended

(oo) providing for the temporary exemption from the provisions of this Act or any of them of such public commercial vehicles carrying goods in bond through Ontario as he may designate upon such terms, including any limitation as to the number of vehicles affected, and subject to such conditions as he may prescribe.

2. This Act may be cited as *The Public Commercial Vehicles Amendment Act, 1952*. Short title

BILL

An Act to amend The Public Commercial
Vehicles Act

1st Reading

March 31st, 1952

2nd Reading

3rd Reading

MR. DUNBAR

No. 129

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Public Commercial Vehicles Act

MR. DUNBAR

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

No. 129

1952

BILL

An Act to amend The Public Commercial Vehicles Act

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

1. Section 15 of *The Public Commercial Vehicles Act* is amended by adding thereto the following clause: Rev. Stat.,
c. 304, s. 15,
amended

(oo) providing for the temporary exemption from the provisions of this Act or any of them of such public commercial vehicles carrying goods in bond through Ontario as he may designate upon such terms, including any limitation as to the number of vehicles affected, and subject to such conditions as he may prescribe.

2. This Act may be cited as *The Public Commercial Vehicles Amendment Act, 1952*. Short title

BILL

An Act to amend The Public Commercial
Vehicles Act

1st Reading

March 31st, 1952

2nd Reading

April 3rd, 1952

3rd Reading

April 9th, 1952

MR. DUNBAR

No. 130

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Mortgages Act

MR. PORTER

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

EXPLANATORY NOTE

At the present time applications under this section must be brought in the Supreme Court. Concurrent jurisdiction is given to the county or district court of the county or district in which the land is situate as a means of expediting civil justice and provision is made for an appeal to the Court of Appeal.

No. 130

1952

BILL

An Act to amend The Mortgages Act

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

1.—(1) Subsection 1 of section 10 of *The Mortgages Act* is repealed and the following substituted therefor: Rev. Stat., c. 239, s. 10, subs. 1, re-enacted

(1) In this section, “court” means the Supreme Court or the county or district court of the county or district in which the land or any part thereof is situate. Interpretation

(2) The said section 10 is amended by adding thereto the following subsection: Rev. Stat., c. 239, s. 10, amended

(10) An appeal shall lie to the Court of Appeal from any Appeal order made under this section.

2. This Act may be cited as *The Mortgages Amendment Act, 1952*. Short title

BILL

An Act to amend The Mortgages Act

1st Reading

April 1st, 1952

2nd Reading

3rd Reading

MR. PORTER

No. 130

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Mortgages Act

MR. PORTER

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

No. 130

1952

BILL

An Act to amend The Mortgages Act

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

1.—(1) Subsection 1 of section 10 of *The Mortgages Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 239, s. 10,
subs. 1,
re-enacted

(1) In this section, “court” means the Supreme Court or the county or district court of the county or district in which the land or any part thereof is situate.

Interpre-
tation

(2) The said section 10 is amended by adding thereto the following subsection:

Rev. Stat.,
c. 239, s. 10,
amended

(10) An appeal shall lie to the Court of Appeal from any Appeal order made under this section.

2. This Act may be cited as *The Mortgages Amendment Act, 1952*.

Short title

BILL

An Act to amend The Mortgages Act

1st Reading

April 1st, 1952

2nd Reading

April 2nd, 1952

3rd Reading

April 7th, 1952

MR. PORTER

No. 131

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Partition Act

MR. PORTER

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

EXPLANATORY NOTE

At the present time proceedings under this Act must be brought in the Supreme Court. Subject to the qualifications specified (i.e., right of removal into the Supreme Court and of appeal to the Court of Appeal) concurrent jurisdiction is given to the county or district court of the county or district in which the land is situate as a means of expediting civil justice.

BILL

An Act to amend The Partition Act

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

1. Clause *a* of section 1 of *The Partition Act* is amended by adding at the end thereof the words "or the county or district court of the county or district in which the land or any part thereof is situate", so that the clause shall read as follows:

(a) "court" means the Supreme Court or the county or district court of the county or district in which the land or any part thereof is situate.

2. *The Partition Act* is amended by adding thereto the following sections:

8.—(1) Where proceedings under this Act are brought in a county or district court, a respondent may, by notice served on the applicant and on the other respondents, if any, and filed with proof of service thereof with the clerk of the county or district court not later than two days preceding the day of return of the application, require the proceedings to be removed into the Supreme Court.

(2) Upon the filing of the notice and proof of service thereof, the clerk of the county or district court shall forthwith transmit the papers and proceedings to the proper office of the Supreme Court in the county or district in which the proceedings are brought.

(3) When the papers and proceedings are received at the proper office of the Supreme Court, the proceedings shall *ipso facto* be removed into the Supreme Court.

9. An appeal shall lie to the Court of Appeal from any order made under this Act.

3. This Act may be cited as *The Partition Amendment Act, 1952*.

BILL

An Act to amend The Partition Act

1st Reading

April 1st, 1952

2nd Reading

3rd Reading

MR. PORTER

No. 131

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Partition Act

MR. PORTER

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

BILL

An Act to amend The Partition Act

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

1. Clause *a* of section 1 of *The Partition Act* is amended by adding at the end thereof the words "or the county or district court of the county or district in which the land or any part thereof is situate", so that the clause shall read as follows:

Rev. Stat.,
c. 269, s. 1,
cl. *a*,
amended

(*a*) "court" means the Supreme Court or the county or district court of the county or district in which the land or any part thereof is situate.

2. *The Partition Act* is amended by adding thereto the following sections:

Rev. Stat.,
c. 269,
amended

- 8.—(1) Where proceedings under this Act are brought in a county or district court, a respondent may, by notice served on the applicant and on the other respondents, if any, and filed with proof of service thereof with the clerk of the county or district court not later than two days preceding the day of return of the application, require the proceedings to be removed into the Supreme Court.
- (2) Upon the filing of the notice and proof of service thereof, the clerk of the county or district court shall forthwith transmit the papers and proceedings to the proper office of the Supreme Court in the county or district in which the proceedings are brought.
- (3) When the papers and proceedings are received at the proper office of the Supreme Court, the proceedings shall *ipso facto* be removed into the Supreme Court.
9. An appeal shall lie to the Court of Appeal from any order made under this Act.

Removal of
proceedings
into
Supreme
Court

Transmission
of proceed-
ings

Removal of
proceedings

Appeal

3. This Act may be cited as *The Partition Amendment Act, 1952*.

Short title

BILL

An Act to amend The Partition Act

1st Reading

April 1st, 1952

2nd Reading

April 2nd, 1952

3rd Reading

April 9th, 1952

MR. PORTER

No. 132

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Conveyancing and Law of Property Act

MR. PORTER

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

EXPLANATORY NOTES

SECTION 1. At the present time applications under this section must be brought in the Supreme Court. Subject to the qualifications specified (i.e., right of removal into the Supreme Court and of appeal to the Court of Appeal) concurrent jurisdiction is given to the county or district court of the county or district in which the land is situate, as a means of expediting civil justice.

SECTION 2. Same change in principle as in section 1 of the bill.

BILL

An Act to amend The Conveyancing and Law of Property Act

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

1. Section 37 of *The Conveyancing and Law of Property Act* is amended by adding thereto the following subsections: Rev. Stat., c. 68, s. 37, amended

- (2) In subsection 1, "court" means Supreme Court or the county or district court of the county or district in which the land or any part thereof is situate. Interpretation
- (3) Where an application under subsection 1 is made to a county or district court, a respondent may, by notice served on the applicant and on the other respondents, if any, and filed with proof of service thereof with the clerk of the county or district court not later than two days preceding the day of return of the application, require the proceedings to be removed into the Supreme Court. Removal of proceedings into Supreme Court
- (4) Upon the filing of the notice and proof of service thereof, the clerk of the county or district court shall forthwith transmit the papers and proceedings to the proper office of the Supreme Court in the county or district in which the application is made. Transmission of proceedings
- (5) When the papers and proceedings are received at the proper office of the Supreme Court, the proceedings shall *ipso facto* be removed into the Supreme Court. Removal of proceedings
- (6) An appeal shall lie to the Court of Appeal from any order made under this section. Appeal

2.—(1) Subsection 1 of section 61 of *The Conveyancing and Law of Property Act* is amended by adding at the end thereof the words "or of the judge of the county or district court of the county or district in which the land or any part thereof is situate", so that the subsection shall read as follows: Rev. Stat., c. 68, s. 61, subs. 1, amended

Restrictive
covenants,
modification
or discharge

- (1) Where there is annexed to any land any condition or covenant that such land or any specified portion thereof is not to be built on or is to be or not to be used in a particular manner, or any other condition or covenant running with or capable of being legally annexed to land, any such condition or covenant may be modified or discharged by order of a judge of the Supreme Court or of the judge of the county or district court of the county or district in which the land or any part thereof is situate.

Rev. Stat.,
c. 68, s. 61,
amended

- (2) The said section 61 is amended by adding thereto the following subsections:

Removal of
proceedings
into
Supreme
Court

- (1a) Where an application under subsection 1 is made to the judge of a county or district court, a respondent may, by notice served on the applicant and on the other respondents, if any, and filed with proof of service thereof with the clerk of the county or district court not later than two days preceding the day of return of the application, require the proceedings to be removed into the Supreme Court.

Transmission
of proceed-
ings

- (1b) Upon the filing of the notice and proof of service thereof, the clerk of the county or district court shall forthwith transmit the papers and proceedings to the proper office of the Supreme Court in the county or district in which the application is made.

Removal of
proceedings

- (1c) When the papers and proceedings are received at the proper office of the Supreme Court, the proceedings shall *ipso facto* be removed into the Supreme Court.

Short title

- 3.** This Act may be cited as *The Conveyancing and Law of Property Amendment Act, 1952*.

BILL.

An Act to amend The Conveyancing
and Law of Property Act

1st Reading

April 1st, 1952

2nd Reading

3rd Reading

Mr. PORTER

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Conveyancing and Law of Property Act

MR. PORTER

BILL

An Act to amend The Conveyancing and Law of Property Act

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- (2) In subsection 1, "court" means Supreme Court or the county or district court of the county or district in which the land or any part thereof is situate. Interpretation
- (3) Where an application under subsection 1 is made to a county or district court, a respondent may, by notice served on the applicant and on the other respondents, if any, and filed with proof of service thereof with the clerk of the county or district court not later than two days preceding the day of return of the application, require the proceedings to be removed into the Supreme Court. Removal of proceedings into Supreme Court
- (4) Upon the filing of the notice and proof of service thereof, the clerk of the county or district court shall forthwith transmit the papers and proceedings to the proper office of the Supreme Court in the county or district in which the application is made. Transmission of proceedings
- (5) When the papers and proceedings are received at the proper office of the Supreme Court, the proceedings shall *ipso facto* be removed into the Supreme Court. Removal of proceedings
- (6) An appeal shall lie to the Court of Appeal from any order made under this section. Appeal

2.—(1) Subsection 1 of section 61 of *The Conveyancing and Law of Property Act* is amended by adding at the end thereof the words "or of the judge of the county or district court of the county or district in which the land or any part thereof is situate", so that the subsection shall read as follows: Rev. Stat., c. 68, s. 61, subs. 1, amended

Restrictive
covenants,
modification
or discharge

- (1) Where there is annexed to any land any condition or covenant that such land or any specified portion thereof is not to be built on or is to be or not to be used in a particular manner, or any other condition or covenant running with or capable of being legally annexed to land, any such condition or covenant may be modified or discharged by order of a judge of the Supreme Court or of the judge of the county or district court of the county or district in which the land or any part thereof is situate.

Rev. Stat.,
c. 68, s. 61,
amended

- (2) The said section 61 is amended by adding thereto the following subsections:

Removal of
proceedings
into
Supreme
Court

- (1a) Where an application under subsection 1 is made to the judge of a county or district court, a respondent may, by notice served on the applicant and on the other respondents, if any, and filed with proof of service thereof with the clerk of the county or district court not later than two days preceding the day of return of the application, require the proceedings to be removed into the Supreme Court.

Transmission
of proceed-
ings

- (1b) Upon the filing of the notice and proof of service thereof, the clerk of the county or district court shall forthwith transmit the papers and proceedings to the proper office of the Supreme Court in the county or district in which the application is made.

Removal of
proceedings

- (1c) When the papers and proceedings are received at the proper office of the Supreme Court, the proceedings shall *ipso facto* be removed into the Supreme Court.

Short title

- 3.** This Act may be cited as *The Conveyancing and Law of Property Amendment Act, 1952*.

BILL

An Act to amend The Conveyancing
and Law of Property Act

1st Reading

April 1st, 1952

2nd Reading

April 2nd, 1952

3rd Reading

April 9th, 1952

MR. PORTER

No. 133

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Vendors and Purchasers Act

MR. PORTER

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

EXPLANATORY NOTE

At the present time applications under this Act must be brought in the Supreme Court. Subject to the qualifications specified (i.e., right of removal into the Supreme Court and of appeal to the Court of Appeal) concurrent jurisdiction is given to the county or district court of the county or district in which the land is situate as a means of expediting civil justice.

BILL

An Act to amend The Vendors and Purchasers Act

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

1. Section 3 of *The Vendors and Purchasers Act* is repealed and the following substituted therefor: Rev. Stat., c. 407, s. 3, re-enacted
- 3.—(1) A vendor or purchaser of real or leasehold estate or his representative may at any time and from time to time apply in a summary way to the Supreme Court or a judge thereof or to the county or district court of the county or district in which the land or any part thereof is situate in respect of any requisition or objection or any claim for compensation or any other question arising out of or connected with the contract, except a question affecting the existence or validity of the contract, and the court or the judge may make such order upon the application as may be deemed just. Applications to court as to requisitions, objections, compensation, etc.
- (2) Where an application under subsection 1 is made to a county or district court, a respondent may, by notice served on the applicant and on the other respondents, if any, and filed with proof of service thereof with the clerk of the county or district court not later than two days preceding the day of return of the application, require proceedings to be removed into the Supreme Court. Removal of proceedings into Supreme Court
- (3) Upon the filing of the notice and proof of service thereof, the clerk of the county or district court shall forthwith transmit the papers and proceedings to the proper office of the Supreme Court in the county or district in which the application is made. Transmission of proceedings
- (4) When the papers and proceedings are received at the proper office of the Supreme Court, the proceeding shall *ipso facto* be removed into the Supreme Court. Removal of proceedings

Reference
to master

(5) Where an application under subsection 1 is made to or is removed into the Supreme Court, the court or judge may refer any question to a master or other officer for inquiry and report.

Appeal

(6) An appeal shall lie to the Court of Appeal from any order made under this section.

Short title

2. This Act may be cited as *The Vendors and Purchasers Amendment Act, 1952*.

BILL

An Act to amend The Vendors and
Purchasers Act

1st Reading

April 1st, 1952

2nd Reading

3rd Reading

MR. PORTER

No. 133

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Vendors and Purchasers Act

MR. PORTER

TORONTO
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BILL

An Act to amend The Vendors and Purchasers Act

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

1. Section 3 of *The Vendors and Purchasers Act* is repealed and the following substituted therefor: Rev. Stat., c. 407, s. 3, re-enacted

- 3.—(1) A vendor or purchaser of real or leasehold estate or his representative may at any time and from time to time apply in a summary way to the Supreme Court or a judge thereof or to the county or district court of the county or district in which the land or any part thereof is situate in respect of any requisition or objection or any claim for compensation or any other question arising out of or connected with the contract, except a question affecting the existence or validity of the contract, and the court or the judge may make such order upon the application as may be deemed just. Applications to court as to requisitions, objections, compensation, etc.
- (2) Where an application under subsection 1 is made to a county or district court, a respondent may, by notice served on the applicant and on the other respondents, if any, and filed with proof of service thereof with the clerk of the county or district court not later than two days preceding the day of return of the application, require proceedings to be removed into the Supreme Court. Removal of proceedings into Supreme Court
- (3) Upon the filing of the notice and proof of service thereof, the clerk of the county or district court shall forthwith transmit the papers and proceedings to the proper office of the Supreme Court in the county or district in which the application is made. Transmission of proceedings
- (4) When the papers and proceedings are received at the proper office of the Supreme Court, the proceeding shall *ipso facto* be removed into the Supreme Court. Removal of proceedings

Reference
to master

(5) Where an application under subsection 1 is made to or is removed into the Supreme Court, the court or judge may refer any question to a master or other officer for inquiry and report.

Appeal

(6) An appeal shall lie to the Court of Appeal from any order made under this section.

Short title

2. This Act may be cited as *The Vendors and Purchasers Amendment Act, 1952*.

BILL

An Act to amend The Vendors and
Purchasers Act

1st Reading

April 1st, 1952

2nd Reading

April 2nd, 1952

3rd Reading

April 9th, 1952

MR. PORTER

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

**An Act to authorize the Raising of Money on the Credit
of the Consolidated Revenue Fund**

MR. FROST (Victoria)

BILL

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

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

1. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any such indebtedness or obligation and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and the amount of any temporary loans raised under this Act, including any securities issued for the retirement of such securities or temporary loans, at any time outstanding, shall not exceed in the whole \$100,000,000. Loans up to \$100,000,000 authorized
2. Any such sum or sums of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon. Term and rate to be fixed by Lieutenant-Governor in Council
3. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to any issue of securities authorized under this Act. Sinking fund
4. This Act comes into force on the day it receives Royal Assent. Commencement
5. This Act may be cited as *The Ontario Loan Act, 1952*. Short title

BILL

An Act to authorize the Raising of Money
on the Credit of the Consolidated
Revenue Fund

1st Reading

April 3rd, 1952

2nd Reading

3rd Reading

MR. FROST (Victoria)

No. 134

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to authorize the Raising of Money on the Credit
of the Consolidated Revenue Fund

MR. FROST (Victoria)

BILL

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

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

1. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any such indebtedness or obligation and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and the amount of any temporary loans raised under this Act, including any securities issued for the retirement of such securities or temporary loans, at any time outstanding, shall not exceed in the whole \$100,000,000.

Loans up to \$100,000,000 authorized

2. Any such sum or sums of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon.

Term and rate to be fixed by Lieutenant-Governor in Council

3. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to any issue of securities authorized under this Act.

Sinking fund

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

Commencement

5. This Act may be cited as *The Ontario Loan Act, 1952*.

Short title

BILL

An Act to authorize the Raising of Money
on the Credit of the Consolidated
Revenue Fund

1st Reading

April 3rd, 1952

2nd Reading

April 7th, 1952

3rd Reading

April 9th, 1952

MR. FROST (Victoria)

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Companies Act

MR. WELSH

EXPLANATORY NOTES

SECTION 1. The present section 29 refers only to corporations incorporated by letters patent. Corporations incorporated otherwise than by letters patent are not covered by this section. The section is amended to include corporations incorporated otherwise than by letters patent.

BILL

An Act to amend The Companies Act

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

1. Section 29 of *The Companies Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 59, s. 29,
re-enacted

29.—(1) Where sufficient cause is shown, the Lieutenant-Governor in Council may, upon such conditions and subject to such provisions as he may deem proper by order, Termination
of existence
of corpora-
tion, for
cause

(a) declare the letters patent of a corporation incorporated by letters patent to be forfeited and fix the date on which the corporation shall be dissolved;

(b) declare the corporate existence of a corporation incorporated otherwise than by letters patent to be terminated and fix the date on which the corporation shall be dissolved; or

(c) declare any supplementary letters patent issued to a corporation to be revoked and forfeited.

(2) Where it appears that a corporation is in default for a period of one year in filing the annual returns and that notice of such default has been sent by registered mail to each director of record in the Department of the Provincial Secretary to the last address set out thereon and has been published in *The Ontario Gazette*, the Lieutenant-Governor in Council may by order, for default
in filing
annual
return

(a) cancel the letters patent of a corporation incorporated by letters patent and fix the date on which the corporation shall be dissolved; or

- (b) terminate the corporate existence of a corporation incorporated otherwise than by letters patent and fix the date on which the corporation shall be dissolved.

Rev. Stat.,
c. 59, s. 149,
subs. 1,
amended

2. Subsection 1 of section 149 of *The Companies Act* is amended by inserting after the word "rendered" in the eighth line the words "by the member or shareholder or" and by inserting after the word "shareholder" in the ninth line the words "or to the corporation", so that the subsection shall read as follows:

Distribu-
tion of any
surplus

- (1) Subject to section 148, the surplus arising from the business of the corporation in each fiscal year shall be allocated, credited or paid to the members or shareholders in proportion to the business done by each member or shareholder with or through the corporation, computed at a rate in relation to the quantity, quality or value of the goods or products acquired, marketed, handled, dealt in or sold, or services rendered by the member or shareholder or by the corporation from or on behalf of or to the member or shareholder or to the corporation, 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.

Rev. Stat.,
c. 59,
ss. 298, 299,
re-enacted

3. Section 298 and 299 of *The Companies Act* are repealed and the following substituted therefor:

Powers of
Ontario
insurers:

298.—(1) Subject to subsections 2 to 15, an insurer incorporated under the law of Ontario may invest its funds, or any portion thereof, in the purchase of,

government
securities

- (a) the bonds, debentures, stocks or other evidences of indebtedness of or guaranteed by the government of,

(i) Canada, Australia, Ceylon, India, New Zealand, Pakistan, the Union of South Africa, and the United Kingdom, or any province or state thereof, and Southern Rhodesia and the Republic of Ireland,

(ii) a colony of the United Kingdom,

(iii) the United States of America or a state thereof, or

SECTION 2. The present section is not clear in the case where the shareholders or members render services to a co-operative corporation on a co-operative basis. The amendment makes it clear that they are covered.

SECTION 3. The present provisions of *The Companies Act* (Ontario) respecting permissible investments for Ontario-incorporated insurers are substantially the same as the investment provisions of the federal legislation on the subject as it stood in 1928. Between 1928 and 1950 a few amendments were made in both jurisdictions. In 1950 the federal provisions were revised and in some respects enlarged to keep pace with changing conditions. See Statutes of Canada, 1950, c. 28, s. 9.

Section 60 of the federal Act as so revised constitutes a satisfactory pattern for investment by Ontario insurers. This bill brings the corresponding Ontario provisions into line with the present federal Act.

298(1)(a, b)—These provisions replace present section 298(1)(a), and make the eligibility of the securities of a foreign country, other than the U.S.A., or of a province or state of a foreign country, dependent on the insurer's doing business in the foreign country. Extensions have been made to cover colonies, dependencies and possessions of a foreign country but here again eligibility is dependent on the insurer's transacting business in the colony, dependency or possession. Clause *b* reproduces the latter part of the present provision. The only material change is to make eligible guaranteed as well as direct obligations of municipalities outside Canada in countries where the insurer carries on business.

298(1)(c, d)—These provisions, concerning bonds secured by Dominion payment and by provincial subsidy, are derived from provisions added to the corresponding federal legislation in 1933. They have the effect of widening the investment powers of an insurer in respect of the types of security mentioned.

298(1)(e)—This new provision is derived from a provision added to the federal legislation in 1934.

- (iv) a country in which the insurer is carrying on business, or a province or state thereof, or a colony, dependency, territory or possession thereof in which the insurer is carrying on business;
- (b) the bonds, debentures or other evidences of indebtedness of or guaranteed by a municipal corporation in Canada or elsewhere where the insurer is carrying on business or of a school corporation in Canada or elsewhere where the insurer is carrying on business, or secured by rates or taxes levied under the authority of the government of a province of Canada on property situate in such province and collectable by the municipalities in which such property is situate; ^{municipal, etc., securities}
- (c) the bonds or debentures of a corporation that are secured by the assignment to a trust corporation in Canada of an annual payment that the Government of Canada has agreed to make, where such annual payment is sufficient to meet the interest falling due on the bonds or debentures outstanding and the principal amount of the bonds or debentures maturing for payment in the year in which the annual payment is made; ^{bonds secured by Dominion payment}
- (d) the bonds or debentures issued by a charitable, educational or philanthropic corporation where annual subsidies, sufficient to meet the interest as it falls due on the bonds or debentures and to meet the principal amount of the bonds or debentures on maturity, are by virtue of a general or private Act of a province of Canada heretofore passed, payable by or under the authority of the province to a trust corporation as trustee for the holders of the bonds or debentures; ^{bonds secured by provincial subsidy}
- (e) the bonds, debentures or other evidences of indebtedness of a corporation that are fully secured by statutory charge upon real estate or upon the plant or equipment of the corporation used in the transaction of its business, if interest in full has been paid regularly for a period of at least ten years immediately preceding the date of investment in such bonds, debentures or other evidences of indebtedness upon the securities of that class of the corporation then outstanding; ^{debentures secured by statutory charge upon real estate, plant or equipment}

revenue
bonds

(f) the bonds, debentures or other evidences of indebtedness issued by an authority or other body without share capital established and empowered pursuant to the law of a country in which the insurer is carrying on business, or of a province or state thereof, or of a colony, dependency, territory or possession thereof in which the insurer is carrying on business, to administer, regulate the administration of, provide or operate port, harbour, airport, bridge, highway, tunnel, transportation, communication, sanitation, water, electricity or gas services or facilities and, for any of these purposes, to levy, impose or make taxes, rates, fees or other charges that,

(i) may be used only in carrying out the objects of the authority or other body and are sufficient to meet its operating, maintenance and debt service charges, or

(ii) in the case of an authority constituted by an Act of a national government, are fixed or authorized by law or subject to the approval of the government or a minister or ministry thereof or of a body responsible to the government or the minister or ministry;

bonds, etc.,
secured by
mortgage

(g) the bonds, debentures or other evidences of indebtedness of a corporation that are fully secured by a mortgage, charge or hypothec to a trustee upon any, or upon any combination, of the following assets:

(i) real estate,

(ii) the plant or equipment of a corporation that is used in the transaction of its business, or

(iii) bonds, debentures or other evidences of indebtedness or shares of a class or classes authorized by this subsection as investments,

and the inclusion, as additional security under the mortgage, charge or hypothec, of any other assets not of a class authorized by

298(1)(f)—This provision empowers investment in bonds and other obligations issued by an authority constituted by statute to carry out certain public undertakings. The authority is given the power by statute to levy rates, fees, etc., which are adequate for expenses and to meet the obligations issued, or, in the alternative, the authority is by other means provided by the government with adequate resources for these purposes. The proposed provision is derived from a federal provision as enacted in 1950.

298(1)(g)—This provision is a recast of the present section 298(1)(b)(i), and is derived from the comparable federal provision as amended in 1950. The words "debentures or other evidences of indebtedness" are added for uniformity with other provisions in the section; the word "charge" is added since this term, rather than "mortgage" or "hypothec", is used in some jurisdictions. It is made clear that the nature of the assets pledged to secure the bond issue is the important issue in determining the worth of the security, rather than ownership of the assets, and that any combination of the assets as prescribed may be pledged.

298(1)(h)—This new provision, derived from comparable federal legislation enacted in 1938 and amended in 1950, concerns investments in equipment trust certificates of United States and Canadian railways. This type of investment has a very satisfactory record, and such certificates are considered to occupy a senior position to mortgage bonds in railroad capital structure. The certificates, which are shares of beneficial interest in rolling stock of a railway company, of which a trustee is the legal owner, are secured by this equipment, by the lease of the equipment by the trustee to the railway company, and in practically all cases, by the guarantee of the railway company.

298(1)(i)—This substitutes for the present eligibility test for debentures, of uncertain meaning, one of two alternative tests: either that the corporation must have had a dividend record on its preferred or common shares which would have been sufficient to make eligible the preferred shares of the corporation, or, that the corporation's earnings in the five-year period preceding the date of investment is equal in sum total to at least ten times and in each of any four of the five years at least equal to one and one-half times the annual interest requirements at the date of investment. This is parallel to a similar amendment made to the comparable federal legislation in 1950.

this Act as investments shall not render such bonds, debentures or other evidences of indebtedness ineligible as an investment;

- (h) obligations or certificates issued by a trustee to finance the purchase of transportation equipment for a railway corporation incorporated in Canada or in the United States of America; if the obligations or certificates are fully secured by,
- (i) an assignment of the transportation equipment to, or the ownership thereof by, the trustee, and
 - (ii) a lease or conditional sale thereof by the trustee to the railway corporation;
- (i) the bonds, debentures or other evidences of indebtedness,
- (i) of a corporation that has paid a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares or a dividend in each year of a period of five years ended less than one year before the date of investment upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid, or
 - (ii) of or guaranteed by a corporation where the earnings of the corporation in a period of five years ended less than one year before the date of investment have been equal in sum total to at least ten times and in each of any four of the five years have been equal to at least one and one-half times the annual interest requirements at the date of investment on all indebtedness of or guaranteed by it other than indebtedness classified as a current liability in the balance sheet of the corporation; and if the corporation at the date of investment owns directly

or indirectly more than 50 per cent of the common shares of another corporation, the earnings of the corporations during the said period of five years may be consolidated with due allowance for minority interests, if any, and in that event the interest requirements of the corporations shall be consolidated and such consolidated earnings and consolidated interest requirements shall be taken as the earnings and interest requirements of the corporation; and for the purpose of this subclause earnings shall mean earnings available to meet interest charges on indebtedness other than indebtedness classified as a current liability;

preferred
shares

(j) the preferred shares of a corporation that has paid,

(i) a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or

(ii) a dividend in each year of a period of five years ended less than one year before the date of investment upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid;

common
shares

(k) the fully paid common shares of a corporation that, in each year of a period of seven years ended less than one year before the date of investment, has paid a dividend upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid;

real estate
mortgages

(l) ground rents, mortgages or hypothecs on real estate in Canada or elsewhere where the insurer is carrying on business, but the amount paid for the mortgage or hypothec together

298(1)(j)—The meaning of the term “regular dividend” in the present provision dealing with preferred shares has given rise to conflicting opinions as to what the word “regular” may mean in circumstances where there are many classes of preferred shares issued at different times and with varying priorities as to dividends. Further, no rate of dividend payment on common shares is set as a basis for rendering the preferred shares eligible on the basis of the common stock dividend record. The proposed amendment, corresponding to a similar amendment made in 1950 to the federal legislation, requires that all of the preferred dividend requirements for the preceding five years shall be met, or, failing that, a dividend in each of the five years on the common shares of the corporation at least equal to four per cent of the average value at which those shares were carried in the capital stock account of the corporation in each of the five years, that being the rate of dividend proposed to make eligible common shares. For common shares, however, the period is seven years, in place of five, prior to the investment. The present provision as to guaranteed stocks is deleted as referring to an almost obsolete form of security.

298(1)(k)—This provision makes several changes in the present common share provision. The proviso to the present clause is eliminated as unnecessary by reason of the other changes proposed. In the new provision, fully paid common shares would alone be eligible, no such requirement being in the present provision; the expression “regular dividends”, being of uncertain meaning and relevance in reference to common shares, has been dropped; and no par value shares are placed on an equal footing with par value shares in that the dividend requirement proposed for each is at least four per cent of the value at which the shares are carried in the capital stock account of the corporation. The present requirement of a dividend of \$4 per share on shares of no par value is arbitrary and of no validity in segregating the unsound shares from the sound. The present exemption from the dividend test for corporations that pay dividends amounting to \$500,000 is dropped because it does not represent a sound basis for eligibility. The amendments proposed are similar to those made in 1950 to the corresponding federal provisions except that the restrictions on investment in the shares of any one company are not included as similar restrictions exist in present subsection 6 and would be continued in substance.

It is to be noted that the present section 298 (2) is dropped. It reads as follows:

- (2) For the purpose of determining the eligibility as investments under subsection 1 of the preferred or common stocks of any company, which has been voluntarily reorganized without the impairment of the status or value of its securities, dividends paid on the preferred and common stocks of the company before such reorganization may be counted as dividends paid on such stocks respectively of the reorganized company.

This provision becomes unnecessary by reason of the proposed bases of determining the eligibility of preferred and common shares, as already described.

298(1)(l)—This amendment, derived from the corresponding 1950 federal amendment, clarifies the uncertainty in the present paragraph by specifically requiring that the limitation of the mortgage or hypothec to sixty per cent of the value of the real estate should be inclusive of any mortgage or hypothec ranking superior thereto.

298(1)(m)—This new provision, respecting guaranteed or insured real estate mortgages, corresponds to a provision added to the federal legislation in 1948.

298(1)(n)—This new provision relates to investments in a particular class of real property yielding revenue. Such a provision was added to the federal legislation in 1950. It will permit a joint stock insurance company or a cash-mutual insurance corporation to invest in real estate if the real estate or leasehold is leased to, or the lease is guaranteed by, a corporation that meets the dividend conditions required to make eligible as investments its bonds, debentures, etc. This is to ensure that the lease is with a tenant of substance. The revenue from the lease is required to be sufficient to give a reasonable yield and to repay at least eighty-five per cent of the investment price within the term of the lease but not exceeding thirty years. The investment of an insurer in any one such parcel is limited to one-half of one per cent of the book value of the total assets of the insurer, and subsection 7 of the new section 298 limits the total investment in real property for the production of income to five per cent of the total assets of the insurer.

with the amount of indebtedness under any mortgage or hypothec on the real estate ranking superior to the mortgage or hypothec in which the investment is made shall not exceed 60 per cent of the value of the real estate covered thereby;

(m) mortgages or hypothecs on real estate or leaseholds in Canada or elsewhere where the insurer is carrying on business or bonds or notes secured by such mortgages or hypothecs, notwithstanding that the mortgage or hypothec exceeds the amount which the insurer is otherwise authorized to invest, if the excess is guaranteed or insured by the government or through an agency of the government of the country in which the real estate or leasehold is situated or of a province or state of that country; or

(n) real estate or leaseholds for the production of income in Canada or elsewhere where the insurer is carrying on business, either alone or jointly with any other insurer, if

(i) a lease of the real estate or leasehold is made to, or guaranteed by, a corporation that has met the dividend requirements specified in subclause i of clause j,

(ii) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested by the insurer in the real estate or leasehold within the period of the lease but not exceeding thirty years from the date of investment, and

(iii) the total investment of an insurer in any one parcel of real estate or in any one leasehold does not exceed one-half of 1 per cent of the book value of the total assets of the insurer,

and the insurer may hold, maintain, improve' lease, sell or otherwise deal with or dispose of the real estate or leasehold,

and may lend its funds or any portion thereof on the security of, Lending funds:

authorized
securities

- (o) any of the bonds, debentures or other evidences of indebtedness, shares or other securities in which the insurer may invest its funds under this subsection, but the amount of the loan together with the amount invested therein, if any, shall not exceed in the aggregate the amount that might be invested therein under this section;

real estate
mortgages

- (p) real estate or leaseholds for a term of years or other estate or interest in real estate in Canada or elsewhere where the insurer is carrying on business, but the amount of the loan together with the amount of indebtedness under any mortgage or hypothec on the real estate or interest therein ranking superior to the loan shall not exceed 60 per cent of the value of the real estate or interest therein, subject to the exception that an insurer may accept as part payment for real estate sold by it a mortgage or hypothec for more than 60 per cent of the sale price of the real estate; or

guaranteed
or insured
real estate
mortgages

- (q) real estate or leaseholds in Canada or elsewhere where the insurer is carrying on business, notwithstanding that the loan exceeds the amount that the insurer is otherwise authorized to lend, if, to the extent of the excess, the mortgage or hypothec thereon securing the loan is guaranteed or insured by the government or through an agency of the government of the country in which the real estate or leasehold is situated or of a province or state of that country.

Securities
received on
reorganiza-
tion or
amalgama-
tion

- (2) Where an insurer owns securities of a corporation and where as a result of a *bona fide* arrangement for the reorganization of the corporation or for the amalgamation of the corporation with another corporation such securities are to be exchanged for bonds, debentures or other evidences of indebtedness or shares not eligible as investments under subsection 1, the insurer may accept such bonds, debentures or other evidences of indebtedness or shares but they shall be allowed as an asset of the insurer, in the annual report prepared by the Superintendent for the Minister, only for a period of five years after their acceptance, or such further period as the Lieutenant-Governor in Council may determine, unless it is shown to the satisfaction of the Lieutenant-

298(1)(n)—This corresponds to the present provision respecting loans on securities, subject to the inclusion of “other evidences of indebtedness” and “shares”, which have been introduced for uniformity of wording and completeness of description; subject also to the addition of the clause limiting the amount of each loan, which limitation is necessary in view of the proposed new limitation on investments in common shares

298(1)(p)—This corresponds to the present provision (see first ten lines of present section 298(1)(g)), subject to the introduction of words to make it clear that when a mortgage exists ranking superior to the loan being made, the sixty per cent limitation is applied to the sum of the amount outstanding under the existing loan and the amount to be lent.

298(1)(q)—This new provision is derived from a provision introduced into the federal legislation in 1948.

298(2)—This provision, which replaces the last part of present subsection 1, parallels a change made in 1950 to the corresponding federal provision respecting investment authorized by government authority in otherwise ineligible securities. The new provision eliminates as authorized securities, securities received in payment for securities sold, as there seems to be no good reason why the company should accept ineligible securities in such cases. However, the company has scarcely any option to the acceptance of new securities in the case of reorganizations and amalgamations, and so the proposed provision does not require authorization for the acceptance of ineligible securities in these circumstances, but such securities must be disposed of in five years or such longer period as the Lieutenant-Governor in Council may determine, or, as an alternative, they must be written off as assets unless the Lieutenant-Governor in Council is satisfied that the securities received are not inferior to those formerly held. A necessary exemption to the present procedure is added, i.e., where the ineligible securities become eligible under the general terms of the new section 298.

298(3)—No change from present section 298(3) except in the adoption of the federal provisions extending the geographical limits of investment to all Canada and elsewhere where the insurer carries on business.

298(4)—This provision, which replaces present clause *d* of subsection 1, parallels a 1950 amendment to the federal legislation which made it clear that investments in or loans on life insurance policies are limited to the life insurance funds of an insurer. The present provisions may seem to imply that an insurer licensed to transact the business of life insurance in combination with other classes of insurance business might invest or lend its funds derived from these other classes of business in or on life policies.

It will be noted that the present clause *e* of section 298(1), dealing with reversionary interests involving life contingencies, is dropped from the proposed provisions. Its express inclusion is no longer important in view of the presence of section 298(3) permitting limited investment in, or loans on, assets not otherwise authorized as investments.

298(5)—This provision incorporates, without change in substance, the provisions referring to the *National Housing Acts* of 1938 and 1944 presently contained in the last portion of section 298(1)(*g*) and in section 298(8) and section 299.

Governor in Council that such bonds, debentures or other evidences of indebtedness or shares are not inferior in status or value to the securities for which they have been substituted or unless they become eligible as investments under subsection 1.

- (3) a joint stock insurance company or a cash-mutual insurance corporation may make investments or loans not authorized by subsection 1, including investments in real estate or leaseholds, subject to the following:
- (a) Investments in real estate or leaseholds pursuant to this subsection shall be made only for the production of income, and may be made by the insurer in Canada or elsewhere where the insurer is carrying on business, either alone or jointly with any other insurer, and the insurer may hold, maintain, improve, develop, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds, but the total investment of an insurer pursuant to this subsection in any one parcel of real estate or in any one leasehold shall not exceed one-half of 1 per cent of the book value of the total assets of the insurer.
- (b) This subsection shall be deemed not to enlarge the authority conferred by subsection 1 to invest in mortgages or hypothecs and to lend on the security of real estate or leaseholds.
- (c) The total book value of the investments and loans made under this subsection and held by the insurer, excluding those that are or at any time since acquisition have been eligible apart from this subsection, shall not exceed 3 per cent of the book value of the total assets of the insurer.
- (4) An insurer licensed to transact the business of life insurance may invest or lend its life insurance funds or any portion thereof in the purchase of or on the security of policies of life insurance issued by the insurer or by any other insurer licensed to transact the business of life insurance in Ontario.
- (5) Notwithstanding anything in this Act or in any other Act, an insurer incorporated under the law of Ontario,

Other assets:

real estate for the production of income

exceptions

limitation

Life insurance policies

National Housing Acts

1938, c. 49
(Can.);
1944-5, c. 46
(Can.)

Rev. Stat.,
c. 174

(a) may lend its funds, or any portion thereof, on the security of real estate pursuant to *The National Housing Act, 1938* (Canada) or *The National Housing Act, 1944* (Canada) or any amendments thereto, or may make loans on the security of real estate or leaseholds or other estate or interest therein in excess of 60 per cent of the value of the real estate or interest therein which forms the security for such loan or in excess of the amount which may be loaned in accordance with *The National Housing Act, 1944* (Canada) or any amendments thereto, where the amount of the excess is guaranteed by the Lieutenant-Governor in Council or by a municipality under *The Housing Development Act*;

(b) may, if it is incorporated for the purpose of undertaking life insurance, cause to be formed, or may join with one or more life insurance corporations in forming one or more institutional holding companies and one or more institutional housing corporations as defined in *The National Housing Act, 1944* (Canada), and may invest its funds in shares or debentures of such holding companies and in shares of such housing corporations to an aggregate amount which, when added to the aggregate amount invested by such insurer under clause c, does not exceed 5 per cent of its total assets in Canada allowed by the Superintendent; and

(c) may, if it is incorporated for the purpose of undertaking life insurance, invest its funds to an aggregate amount not exceeding 5 per cent of its total assets in Canada allowed by the Superintendent in any other classes or types of investment pursuant to *The National Housing Act, 1944* (Canada) or any amendments thereto, including the purchase of land, the improvement thereof, construction of buildings thereon, and the management and disposal of such land and buildings.

Limitation
of invest-
ment in
common
shares

(6) The total book value of the investments of an insurer in common shares shall not exceed 15 per cent of the book value of the total assets of the insurer.

Limitation
in invest-
ment in
real estate
for the
production
of income

(7) The total book value of the investments of a joint stock insurance company or a cash-mutual insurance

298(6)—This provision limits the investments of an insurer in common shares to fifteen per cent of the book value of the insurer's total assets.

298(7)—This new provision places a limit of five per cent of the book value of the total assets of an insurer on the amount the company may invest in real estate for the production of income, whether under section 298(1)(a) or section 298(3).

298(8)—This new provision corresponds to a provision appearing in federal legislation enacted in 1934.

298(9) to 298(14)—These provisions re-enact present subsections 4, 6 and 7, and 9 to 11 of section 298. All but present subsection 7 are re-enacted without change except in numbering except that in clauses *b* and *c* of subsection 10, the percentages are increased in each case from five per cent to ten per cent. Present subsection 7 is not re-enacted in precisely the same terms since it is believed that, as presently worded, this provision is too restrictive.

corporation in real estate or leaseholds for the production of income pursuant to this section shall not exceed 5 per cent of the book value of the total assets of the insurer.

- (8) An insurer shall not invest any of its funds in bonds, debentures or other evidences of indebtedness on which payment of principal or interest is in default. No investment in securities in default
- (9) All investments and deposits of the funds of any insurer shall be made in its corporate name, and no director or other officer thereof and no member of a committee having any authority in the investment or disposition of its funds shall accept or be the beneficiary of, either directly or indirectly, any fee, brokerage, commission, gift or other consideration for or on account of any loan, deposit, purchase, sale, payment or exchange made by or in behalf of such insurer, or be pecuniarily interested in any such purchase, sale or loan, either as borrower, principal, co-principal, agent or beneficiary, except that if he is a policyholder he shall be entitled to all the benefits accruing under the terms of his contract. Investments in corporate name only
- (10) No insurer shall, Prohibitions and restrictions
- (a) invest in or loan its funds upon the security of its own shares or the shares of any company transacting the business of insurance; or
 - (b) except as to securities of or guaranteed by the Government of Canada, or the government of any province of Canada, or a municipal corporation in Canada, invest money in any one security or make a total investment in any one corporation including the purchase of its shares or other securities, the lending to it on the security of its debentures, mortgages or other assets or any part thereof, of more than 10 per cent of its funds; or
 - (c) except as to securities of or guaranteed by the Government of Canada, or the government of any province of Canada, or a municipal corporation in Canada, make any investment the effect of which will be that such insurer will hold more than 10 per cent of the total issue of shares of any one company; or
 - (d) lend any of its funds to any director or officer thereof or to the wife or any child of

such director or officer except, in the case of an insurer undertaking contracts of life insurance, on the security of its own policies; nor shall an insurer lend any of its funds to a company if more than one-half of the shares of the capital stock of the company are owned by a director or officer of the insurer or the wife or a child of a director or officer, or by any combination of such persons; or

- (e) subscribe to or participate in or employ the funds of the insurer in any underwriting for the purchase or sale of securities or property of any kind, nor shall any director or officer, except for the *bona fide* purpose of protecting investments already made by the insurer, enter into any transaction for such purchase or sale on account of such insurer, jointly with any other person, firm or corporation, but this clause shall not be deemed to prohibit the subscription for bonds or securities permitted by this section as a *bona fide* permanent investment on behalf of any such insurer.

Interest
in forming
other
companies

- (11) Except for the *bona fide* purpose of protecting investments previously made by it, and subject to the approval of the Lieutenant-Governor in Council, no insurer shall, nor shall its directors or officers or any of them on its behalf, under colour of an investment of the insurer's funds, directly or indirectly be employed, concerned or interested in the formation or promotion of any other corporation, but nothing in this subsection shall be deemed to prohibit insurers investing their funds in securities of a new corporation as provided in subsection 1.

Additional
security to
secure re-
payment of
liabilities

- (12) Any insurer may take any additional securities of any nature to further secure repayment of any liability thereto, or to further secure the sufficiency of any of the securities in or upon which such insurer is by this section authorized to invest or lend any of its funds.

By-laws to
prevail

- (13) Where the constitution, by-laws or rules of an insurer prescribe the securities in which its funds may be invested, nothing in this section shall enlarge the power of investment.

Disposal of
unauthorized
investments

- (14) The Superintendent may request any insurer to dispose of and realize any of its investments acquired

298(15)—This provision reproduces present subsection 12 without change except in numbering and in the addition of a special definition of “insurer” for the purpose of section 298(1)(a), by means of which investment in the special type of income producing real estate described in that clause is confined to joint stock insurance companies and cash-mutual insurance corporations.

Section 299 of the present Act is not required as the substance of it is contained in subsection 5(c) of the new section 298.

The new section 299 is transferred from section 298(12) of the present Act.

after the 1st day of May, 1928, and not authorized by this section, and such insurer shall within sixty days after receiving such request absolutely dispose of and realize such investments, and if the amount realized therefrom falls below the amount paid by such insurer for such investments the directors of the insurer shall be jointly and severally liable for the payment to such insurer of the amount of the deficiency, but 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 on the minutes of the board of directors his protest against such investment, and, within eight days thereafter, gives notice of his protest by registered letter to the Superintendent, such director shall thereby and not otherwise exonerate himself from such liability.

- (15) In subsection 1, except in clause *o* thereof, "insurer" ^{Interpretation} shall be deemed to mean only joint stock insurance companies, fraternal societies, mutual insurance corporations with guarantee capital stock, and cash-mutual insurance corporations, and in clause *o* of subsection 1 "insurer" shall be deemed to mean only joint stock insurance companies and cash-mutual insurance corporations.

299. Insurers, other than those mentioned in subsection ^{Other} 15 of section 298, may invest their funds in any ^{insurers} securities in which, under *The Trustee Act*, trustees ^{Rev. Stat.,} may invest trust funds. ^{c. 400}

4. This Act may be cited as *The Companies Amendment* ^{Short title} *Act, 1952.*

BILL

An Act to amend The Companies Act

1st Reading

April 3rd, 1952

2nd Reading

3rd Reading

MR. WELSH

No. 135

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Companies Act

MR. WELSH

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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BILL

An Act to amend The Companies Act

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

1. Section 29 of *The Companies Act* is repealed and the following substituted therefor: Rev. Stat., c. 59, s. 29, re-enacted

29.—(1) Where sufficient cause is shown, the Lieutenant-Governor in Council may, upon such conditions and subject to such provisions as he may deem proper by order, Termination of existence of corporation, for cause

(a) declare the letters patent of a corporation incorporated by letters patent to be forfeited and fix the date on which the corporation shall be dissolved;

(b) declare the corporate existence of a corporation incorporated otherwise than by letters patent to be terminated and fix the date on which the corporation shall be dissolved; or

(c) declare any supplementary letters patent issued to a corporation to be revoked and forfeited.

(2) Where it appears that a corporation is in default for a period of one year in filing the annual returns and that notice of such default has been sent by registered mail to each director of record in the Department of the Provincial Secretary to the last address set out thereon and has been published in *The Ontario Gazette*, the Lieutenant-Governor in Council may by order, for default in filing annual return

(a) cancel the letters patent of a corporation incorporated by letters patent and fix the date on which the corporation shall be dissolved; or

- (b) terminate the corporate existence of a corporation incorporated otherwise than by letters patent and fix the date on which the corporation shall be dissolved.

Rev. Stat.,
c. 59, s. 149,
subs. 1,
amended

2. Subsection 1 of section 149 of *The Companies Act* is amended by inserting after the word "rendered" in the eighth line the words "by the member or shareholder or" and by inserting after the word "shareholder" in the ninth line the words "or to the corporation", so that the subsection shall read as follows:

Distrib-
tion of any
surplus

- (1) Subject to section 148, the surplus arising from the business of the corporation in each fiscal year shall be allocated, credited or paid to the members or shareholders in proportion to the business done by each member or shareholder with or through the corporation, computed at a rate in relation to the quantity, quality or value of the goods or products acquired, marketed, handled, dealt in or sold, or services rendered by the member or shareholder or by the corporation from or on behalf of or to the member or shareholder or to the corporation, 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.

Rev. Stat.,
c. 59,
ss. 298, 299,
re-enacted

3. Section 298 and 299 of *The Companies Act* are repealed and the following substituted therefor:

Powers of
Ontario
insurers:

298.—(1) Subject to subsections 2 to 15, an insurer incorporated under the law of Ontario may invest its funds, or any portion thereof, in the purchase of,

government
securities

- (a) the bonds, debentures, stocks or other evidences of indebtedness of or guaranteed by the government of,
- (i) Canada, Australia, Ceylon, India, New Zealand, Pakistan, the Union of South Africa, and the United Kingdom, or any province or state thereof, and Southern Rhodesia and the Republic of Ireland,
 - (ii) a colony of the United Kingdom,
 - (iii) the United States of America or a state thereof, or

- (iv) a country in which the insurer is carrying on business, or a province or state thereof, or a colony, dependency, territory or possession thereof in which the insurer is carrying on business;
- (b) the bonds, debentures or other evidences of indebtedness of or guaranteed by a municipal corporation in Canada or elsewhere where the insurer is carrying on business or of a school corporation in Canada or elsewhere where the insurer is carrying on business, or secured by rates or taxes levied under the authority of the government of a province of Canada on property situate in such province and collectable by the municipalities in which such property is situate; ^{municipal, etc., securities}
- (c) the bonds or debentures of a corporation that are secured by the assignment to a trust corporation in Canada of an annual payment that the Government of Canada has agreed to make, where such annual payment is sufficient to meet the interest falling due on the bonds or debentures outstanding and the principal amount of the bonds or debentures maturing for payment in the year in which the annual payment is made; ^{bonds secured by Dominion payment}
- (d) the bonds or debentures issued by a charitable, educational or philanthropic corporation where annual subsidies, sufficient to meet the interest as it falls due on the bonds or debentures and to meet the principal amount of the bonds or debentures on maturity, are by virtue of a general or private Act of a province of Canada heretofore passed, payable by or under the authority of the province to a trust corporation as trustee for the holders of the bonds or debentures; ^{bonds secured by provincial subsidy}
- (e) the bonds, debentures or other evidences of indebtedness of a corporation that are fully secured by statutory charge upon real estate or upon the plant or equipment of the corporation used in the transaction of its business, if interest in full has been paid regularly for a period of at least ten years immediately preceding the date of investment in such bonds, debentures or other evidences of indebtedness upon the securities of that class of the corporation then outstanding; ^{debentures secured by statutory charge upon real estate, plant or equipment}

revenue
bonds

- (f) the bonds, debentures or other evidences of indebtedness issued by an authority or other body without share capital established and empowered pursuant to the law of a country in which the insurer is carrying on business, or of a province or state thereof, or of a colony, dependency, territory or possession thereof in which the insurer is carrying on business, to administer, regulate the administration of, provide or operate port, harbour, airport, bridge, highway, tunnel, transportation, communication, sanitation, water, electricity or gas services or facilities and, for any of these purposes, to levy, impose or make taxes, rates, fees or other charges that,
- (i) may be used only in carrying out the objects of the authority or other body and are sufficient to meet its operating, maintenance and debt service charges, or
 - (ii) in the case of an authority constituted by an Act of a national government, are fixed or authorized by law or subject to the approval of the government or a minister or ministry thereof or of a body responsible to the government or the minister or ministry;

bonds, etc.,
secured by
mortgage

- (g) the bonds, debentures or other evidences of indebtedness of a corporation that are fully secured by a mortgage, charge or hypothec to a trustee upon any, or upon any combination, of the following assets:
- (i) real estate,
 - (ii) the plant or equipment of a corporation that is used in the transaction of its business, or
 - (iii) bonds, debentures or other evidences of indebtedness or shares of a class or classes authorized by this subsection as investments,

and the inclusion, as additional security under the mortgage, charge or hypothec, of any other assets not of a class authorized by

this Act as investments shall not render such bonds, debentures or other evidences of indebtedness ineligible as an investment;

- (h) obligations or certificates issued by a trustee ^{equipment trust certificates of railways} to finance the purchase of transportation equipment for a railway corporation incorporated in Canada or in the United States of America, if the obligations or certificates are fully secured by,
- (i) an assignment of the transportation equipment to, or the ownership thereof by, the trustee, and
 - (ii) a lease or conditional sale thereof by the trustee to the railway corporation;
- (i) the bonds, debentures or other evidences of ^{debentures} indebtedness,
- (i) of a corporation that has paid a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares or a dividend in each year of a period of five years ended less than one year before the date of investment upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid, or
 - (ii) of or guaranteed by a corporation where the earnings of the corporation in a period of five years ended less than one year before the date of investment have been equal in sum total to at least ten times and in each of any four of the five years have been equal to at least one and one-half times the annual interest requirements at the date of investment on all indebtedness of or guaranteed by it other than indebtedness classified as a current liability in the balance sheet of the corporation; and if the corporation at the date of investment owns directly

or indirectly more than 50 per cent of the common shares of another corporation, the earnings of the corporations during the said period of five years may be consolidated with due allowance for minority interests, if any, and in that event the interest requirements of the corporations shall be consolidated and such consolidated earnings and consolidated interest requirements shall be taken as the earnings and interest requirements of the corporation; and for the purpose of this subclause earnings shall mean earnings available to meet interest charges on indebtedness other than indebtedness classified as a current liability;

preferred
shares

(j) the preferred shares of a corporation that has paid,

(i) a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or

(ii) a dividend in each year of a period of five years ended less than one year before the date of investment upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid;

common
shares

(k) the fully paid common shares of a corporation that, in each year of a period of seven years ended less than one year before the date of investment, has paid a dividend upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid;

real estate
mortgages

(l) ground rents, mortgages or hypothecs on real estate in Canada or elsewhere where the insurer is carrying on business, but the amount paid for the mortgage or hypothec together

with the amount of indebtedness under any mortgage or hypothec on the real estate ranking superior to the mortgage or hypothec in which the investment is made shall not exceed 60 per cent of the value of the real estate covered thereby;

- (m) mortgages or hypothecs on real estate or leaseholds in Canada or elsewhere where the insurer is carrying on business or bonds or notes secured by such mortgages or hypothecs, notwithstanding that the mortgage or hypothec exceeds the amount which the insurer is otherwise authorized to invest, if the excess is guaranteed or insured by the government or through an agency of the government of the country in which the real estate or leasehold is situated or of a province or state of that country; or ^{guaranteed or insured real estate mortgages}
- (n) real estate or leaseholds for the production of income in Canada or elsewhere where the insurer is carrying on business, either alone or jointly with any other insurer, if ^{real estate for the production of income}
- (i) a lease of the real estate or leasehold is made to, or guaranteed by, a corporation that has met the dividend requirements specified in subclause i of clause i,
 - (ii) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested by the insurer in the real estate or leasehold within the period of the lease but not exceeding thirty years from the date of investment, and
 - (iii) the total investment of an insurer in any one parcel of real estate or in any one leasehold does not exceed one-half of 1 per cent of the book value of the total assets of the insurer,

and the insurer may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold,

and may lend its funds or any portion thereof on the security of, ^{Lending funds:}

authorized
securities

(o) any of the bonds, debentures or other evidences of indebtedness, shares or other securities in which the insurer may invest its funds under this subsection, but the amount of the loan together with the amount invested therein, if any, shall not exceed in the aggregate the amount that might be invested therein under this section;

real estate
mortgages

(p) real estate or leaseholds for a term of years or other estate or interest in real estate in Canada or elsewhere where the insurer is carrying on business, but the amount of the loan together with the amount of indebtedness under any mortgage or hypothec on the real estate or interest therein ranking superior to the loan shall not exceed 60 per cent of the value of the real estate or interest therein, subject to the exception that an insurer may accept as part payment for real estate sold by it a mortgage or hypothec for more than 60 per cent of the sale price of the real estate; or

guaranteed
or insured
real estate
mortgages

(q) real estate or leaseholds in Canada or elsewhere where the insurer is carrying on business, notwithstanding that the loan exceeds the amount that the insurer is otherwise authorized to lend, if, to the extent of the excess, the mortgage or hypothec thereon securing the loan is guaranteed or insured by the government or through an agency of the government of the country in which the real estate or leasehold is situated or of a province or state of that country.

Securities
received on
reorganiza-
tion or
amalgama-
tion

(2) Where an insurer owns securities of a corporation and where as a result of a *bona fide* arrangement for the reorganization of the corporation or for the amalgamation of the corporation with another corporation such securities are to be exchanged for bonds, debentures or other evidences of indebtedness or shares not eligible as investments under subsection 1, the insurer may accept such bonds, debentures or other evidences of indebtedness or shares but they shall be allowed as an asset of the insurer, in the annual report prepared by the Superintendent for the Minister, only for a period of five years after their acceptance, or such further period as the Lieutenant-Governor in Council may determine, unless it is shown to the satisfaction of the Lieutenant-

Governor in Council that such bonds, debentures or other evidences of indebtedness or shares are not inferior in status or value to the securities for which they have been substituted or unless they become eligible as investments under subsection 1.

- (3) a joint stock insurance company or a cash-mutual insurance corporation may make investments or loans not authorized by subsection 1, including investments in real estate or leaseholds, subject to the following: Other assets:
- (a) Investments in real estate or leaseholds pursuant to this subsection shall be made only for the production of income, and may be made by the insurer in Canada or elsewhere where the insurer is carrying on business, either alone or jointly with any other insurer, and the insurer may hold, maintain, improve, develop, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds, but the total investment of an insurer pursuant to this subsection in any one parcel of real estate or in any one leasehold shall not exceed one-half of 1 per cent of the book value of the total assets of the insurer. real estate for the production of income
- (b) This subsection shall be deemed not to enlarge the authority conferred by subsection 1 to invest in mortgages or hypothecs and to lend on the security of real estate or leaseholds. exceptions
- (c) The total book value of the investments and loans made under this subsection and held by the insurer, excluding those that are or at any time since acquisition have been eligible apart from this subsection, shall not exceed 3 per cent of the book value of the total assets of the insurer. limitation
- (4) An insurer licensed to transact the business of life insurance may invest or lend its life insurance funds or any portion thereof in the purchase of or on the security of policies of life insurance issued by the insurer or by any other insurer licensed to transact the business of life insurance in Ontario. Life insurance policies
- (5) Notwithstanding anything in this Act or in any other Act, an insurer incorporated under the law of Ontario, National Housing Acts

1938, c. 49
(Can.);
1944-5, c. 46
(Can.)

Rev. Stat.,
c. 174

(a) may lend its funds, or any portion thereof, on the security of real estate pursuant to *The National Housing Act, 1938* (Canada) or *The National Housing Act, 1944* (Canada) or any amendments thereto, or may make loans on the security of real estate or leaseholds or other estate or interest therein in excess of 60 per cent of the value of the real estate or interest therein which forms the security for such loan or in excess of the amount which may be loaned in accordance with *The National Housing Act, 1944* (Canada) or any amendments thereto, where the amount of the excess is guaranteed by the Lieutenant-Governor in Council or by a municipality under *The Housing Development Act*;

(b) may, if it is incorporated for the purpose of undertaking life insurance, cause to be formed, or may join with one or more life insurance corporations in forming one or more institutional holding companies and one or more institutional housing corporations as defined in *The National Housing Act, 1944* (Canada), and may invest its funds in shares or debentures of such holding companies and in shares of such housing corporations to an aggregate amount which, when added to the aggregate amount invested by such insurer under clause c, does not exceed 5 per cent of its total assets in Canada allowed by the Superintendent; and

(c) may, if it is incorporated for the purpose of undertaking life insurance, invest its funds to an aggregate amount not exceeding 5 per cent of its total assets in Canada allowed by the Superintendent in any other classes or types of investment pursuant to *The National Housing Act, 1944* (Canada) or any amendments thereto, including the purchase of land, the improvement thereof, construction of buildings thereon, and the management and disposal of such land and buildings.

Limitation
of invest-
ment in
common
shares

(6) The total book value of the investments of an insurer in common shares shall not exceed 15 per cent of the book value of the total assets of the insurer.

Limitation
in invest-
ment in
real estate
for the
production
of income

(7) The total book value of the investments of a joint stock insurance company or a cash-mutual insurance

corporation in real estate or leaseholds for the production of income pursuant to this section shall not exceed 5 per cent of the book value of the total assets of the insurer.

- (8) An insurer shall not invest any of its funds in bonds, debentures or other evidences of indebtedness on which payment of principal or interest is in default. No investment in securities in default
- (9) All investments and deposits of the funds of any insurer shall be made in its corporate name, and no director or other officer thereof and no member of a committee having any authority in the investment or disposition of its funds shall accept or be the beneficiary of, either directly or indirectly, any fee, brokerage, commission, gift or other consideration for or on account of any loan, deposit, purchase, sale, payment or exchange made by or in behalf of such insurer, or be pecuniarily interested in any such purchase, sale or loan, either as borrower, principal, co-principal, agent or beneficiary, except that if he is a policyholder he shall be entitled to all the benefits accruing under the terms of his contract. Investments in corporate name only
- (10) No insurer shall, Prohibitions and restrictions
- (a) invest in or loan its funds upon the security of its own shares or the shares of any company transacting the business of insurance; or
 - (b) except as to securities of or guaranteed by the Government of Canada, or the government of any province of Canada, or a municipal corporation in Canada, invest money in any one security or make a total investment in any one corporation including the purchase of its shares or other securities, the lending to it on the security of its debentures, mortgages or other assets or any part thereof, of more than 10 per cent of its funds; or
 - (c) except as to securities of or guaranteed by the Government of Canada, or the government of any province of Canada, or a municipal corporation in Canada, make any investment the effect of which will be that such insurer will hold more than 10 per cent of the total issue of shares of any one company; or
 - (d) lend any of its funds to any director or officer thereof or to the wife or any child of

such director or officer except, in the case of an insurer undertaking contracts of life insurance, on the security of its own policies; nor shall an insurer lend any of its funds to a company if more than one-half of the shares of the capital stock of the company are owned by a director or officer of the insurer or the wife or a child of a director or officer, or by any combination of such persons; or

- (e) subscribe to or participate in or employ the funds of the insurer in any underwriting for the purchase or sale of securities or property of any kind, nor shall any director or officer, except for the *bona fide* purpose of protecting investments already made by the insurer, enter into any transaction for such purchase or sale on account of such insurer, jointly with any other person, firm or corporation, but this clause shall not be deemed to prohibit the subscription for bonds or securities permitted by this section as a *bona fide* permanent investment on behalf of any such insurer.

Interest
in forming
other
companies

- (11) Except for the *bona fide* purpose of protecting investments previously made by it, and subject to the approval of the Lieutenant-Governor in Council, no insurer shall, nor shall its directors or officers or any of them on its behalf, under colour of an investment of the insurer's funds, directly or indirectly be employed, concerned or interested in the formation or promotion of any other corporation, but nothing in this subsection shall be deemed to prohibit insurers investing their funds in securities of a new corporation as provided in subsection 1.

Additional
security to
secure re-
payment of
liabilities

- (12) Any insurer may take any additional securities of any nature to further secure repayment of any liability thereto, or to further secure the sufficiency of any of the securities in or upon which such insurer is by this section authorized to invest or lend any of its funds.

By-laws to
prevail

- (13) Where the constitution, by-laws or rules of an insurer prescribe the securities in which its funds may be invested, nothing in this section shall enlarge the power of investment.

Disposal of
unauthorized
investments

- (14) The Superintendent may request any insurer to dispose of and realize any of its investments acquired

after the 1st day of May, 1928, and not authorized by this section, and such insurer shall within sixty days after receiving such request absolutely dispose of and realize such investments, and if the amount realized therefrom falls below the amount paid by such insurer for such investments the directors of the insurer shall be jointly and severally liable for the payment to such insurer of the amount of the deficiency, but 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 on the minutes of the board of directors his protest against such investment, and, within eight days thereafter, gives notice of his protest by registered letter to the Superintendent, such director shall thereby and not otherwise exonerate himself from such liability.

- (15) In subsection 1, except in clause *n* thereof, "insurer" shall be deemed to mean only joint stock insurance companies, fraternal societies, mutual insurance corporations with guarantee capital stock, and cash-mutual insurance corporations, and in clause *n* of subsection 1 "insurer" shall be deemed to mean only joint stock insurance companies and cash-mutual insurance corporations. ^{Interpretation}

299. Insurers, other than those mentioned in subsection 15 of section 298, may invest their funds in any securities in which, under *The Trustee Act*, trustees may invest trust funds. ^{Other Insurers Rev. Stat., c. 400}

4. This Act may be cited as *The Companies Amendment Act, 1952*. ^{Short title}

BILL

An Act to amend The Companies Act

1st Reading

April 3rd, 1952

2nd Reading

April 7th, 1952

3rd Reading

April 9th, 1952

MR. WELSH

No. 136

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Territorial Division Act

MR. PORTER

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

EXPLANATORY NOTES

SECTION 1—Subsections 1 to 7. These subsections bring the Act up to date in relation to the changes in municipal boundaries and the creation of new municipalities in the counties that have occurred since the revision of the statutes.

BILL

An Act to amend The Territorial Division Act

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

1.—(1) Clause *b* of paragraph 9 of section 1 of *The Territorial Division Act* is repealed. Rev. Stat., c. 388, s. 1, par. 9, cl. *b*, repealed

(2) Paragraph 14 of the said section 1 is amended by adding thereto the following clause: Rev. Stat., c. 388, s. 1, par. 14, amended

(*aa*) the Village of Bronte.

(3) Paragraph 16 of the said section 1 is amended by inserting after the designation "Clinton" in clause *a* the designation "Exeter" and by striking out the designation "Exeter" in clause *b*, so that clauses *a* and *b* shall read as follows: Rev. Stat., c. 388, s. 1, par. 16, amended

(*a*) the towns of Clinton, Exeter, Goderich, Seaforth, Wingham;

(*b*) the villages of Blyth, Brussels, Hensall.

(4) Clause *c* of paragraph 18 of the said section 1 is amended by inserting after the designation "Courtright" in the first line the designation "Grand Bend", so that the clause shall read as follows: Rev. Stat., c. 388, s. 1, par. 18, cl. *c*, amended

(*c*) the villages of Alvinston, Arkona, Courtright, Grand Bend, Oil Springs, Point Edward, Thedford, Watford, Wyoming.

(5) Paragraph 26 of the said section 1 is amended by adding thereto the following clause: Rev. Stat., c. 188, s. 1, par. 26, amended

(*cc*) the Improvement District of Ajax.

(6) Clause *b* of paragraph 31 of the said section 1 is repealed and the following substituted therefor: Rev. Stat., c. 388, s. 1, par. 31, cl. *b*, re-enacted

(*b*) the villages of Alfred, L'Original.

Rev. Stat.,
c. 388, s. 1,
par. 39, cl. c.
amended

(7) Clause *c* of paragraph 39 of the said section 1 is amended by striking out the designation "Humberstone" in the second line, so that the clause shall read as follows:

(c) the villages of Chippawa, Crystal Beach, Fonthill.

Rev. Stat.,
c. 388, s. 1,
par. 44, cl. d.
amended

(8) Clause *d* of paragraph 44 of the said section 1 is amended by inserting after the designation "Tp. 33, Range 25" the designation "Tp. 33 Additional, Range 25" and by inserting after the designation "Tp. 33, Range 26" the designation "Tp. 33 Additional, Range 26".

Rev. Stat.,
c. 388, s. 1,
par. 44,
amended

(9) Paragraph 44 of the said section 1 is amended by striking out the words "thence south astronomically to the southwest corner of the Township of Johns; thence east along the south boundary of the Township of Johns to the northwest corner of the Township of Common; thence south along the west boundaries of the Townships of Common and Hunt to the southwest corner of the last-mentioned Township; thence west along the south boundary of the Township of Knowles to O.L.S. Speight's meridian of 1902; thence south along O.L.S. Speight's meridian of 1902 and its southerly production to the International Boundary" in the fourth to thirteenth lines immediately following clause *d* and inserting in lieu thereof the words "thence south along O.L.S. Niven's meridian line of 1907 to the southerly extremity thereof; thence continuing south along O.L.S. Speight's meridian line of 1902 to the shore of Lake Superior; thence south astronomically to the International Boundary".

Rev. Stat.,
c. 388, s. 1,
par. 53,
amended

(10) Paragraph 53 of the said section 1 is amended by striking out the words "thence south astronomically to the southwest corner of the Township of Johns; thence east along the south boundary of the Township of Johns to the northwest corner of the Township of Common; thence south along the west boundaries of the Townships of Common and Hunt to the southwest corner of the last-mentioned Township; thence west along the south boundary of the Township of Knowles to O.L.S. Speight's meridian of 1902; thence south along O.L.S. Speight's meridian of 1902 and its southerly production to the International Boundary" in the fourth to thirteenth lines immediately following clause *c* and inserting in lieu thereof the words "thence south along O.L.S. Niven's meridian line of 1907 to the southerly extremity thereof; thence continuing south along O.L.S. Speight's meridian line of 1902 to the shore of Lake Superior; thence south astronomically to the International Boundary".

Subsections 8 to 10. The descriptions of the boundary line between the territorial districts of Algoma and Thunder Bay are amended so that they follow O.L.S. Niven's meridian line of 1907 and O.L.S. Speight's meridian line of 1902. This simply eliminates a jog in the boundary. As a result of this two new townships (Tp. 33 Additional, Range 25 and Tp. 33 Additional, Range 26) are created.

SECTION 2. This section brings the Act up to date in relation to the changes in municipal boundaries and the creation of new municipalities in the territorial districts that have occurred since the revision of the statutes.

SECTION 3. Complementary to section 1, subsections 8 to 10. The boundaries of certain townships are changed to correspond with the change in the boundary between the territorial districts of Algoma and Thunder Bay.

2.—(1) Paragraph 1 of section 2 of *The Territorial Division Act* is amended by inserting after the designation “Macdonald and Meredith” the designation “Michipicoten”. Rev. Stat., c. 388, s. 2, par. 1, amended

(2) Clause *a* of paragraph 2 of the said section 2 is repealed and the following substituted therefor: Rev. Stat., c. 388, s. 2, par. 2, cl. *a*, re-enacted

(*a*) the Improvement District of Kingham (part).

(3) Clause *b* of paragraph 2 of the said section 2 is amended by inserting after the designation “Glackmeyer” the designation “Mountjoy”. Rev. Stat., c. 388, s. 2, par. 2, cl. *b*, amended

(4) Clause *a* of paragraph 3 of the said section 2 is repealed and the following substituted therefor: Rev. Stat., c. 388, s. 2, par. 3, cl. *a*, re-enacted

(*a*) the improvement districts of Balmertown, Sioux Narrows.

(5) Clause *b* of paragraph 9 of the said section 2 is amended by striking out the designation “Cosby and Mason” and inserting in lieu thereof the designation “Cosby, Mason and Martland” and by striking out the designation “Martland”. Rev. Stat., c. 388, s. 2, par. 9, cl. *b*, amended

(6) Clause *a* of paragraph 10 of the said section 2 is amended by inserting after the designation “Beardmore” in the first line the designations “Dorion, Longlac”, so that the clause shall read as follows: Rev. Stat., c. 388, s. 2, par. 10, cl. *a*, amended

(*a*) the improvement districts of Beardmore, Dorion, Longlac, Marathon, Red Rock, Terrace Bay.

3.—(1) The west boundaries of the geographic townships of 33 Range 23, 33 Range 24, 33 Range 27, 33 Range 28, 65, Hunt and Common, all in the Territorial District of Algoma, are hereby altered so that the said boundaries shall coincide with the west boundary of the said Territorial District as set out in paragraph 44 of section 1 of *The Territorial Division Act* as amended by subsection 9 of section 1 of this Act. Boundaries of certain townships altered
Rev. Stat., c. 388

(2) The east boundaries of the geographic townships of Leslie and Knowles in the Territorial District of Thunder Bay are hereby altered so that the said boundaries shall coincide with the east boundary of the said Territorial District as set out in paragraph 53 of section 1 of *The Territorial Division Act* as amended by subsection 10 of section 1 of this Act. Idem

4. This Act may be cited as *The Territorial Division Amendment Act, 1952*. Short title

BILL

An Act to amend The Territorial
Division Act

1st Reading

April 4th, 1952

2nd Reading

3rd Reading

MR. PORTER

No. 136

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Territorial Division Act

MR. PORTER

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

BILL

An Act to amend The Territorial Division Act

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

1.—(1) Clause *b* of paragraph 9 of section 1 of *The Territorial Division Act* is repealed. Rev. Stat.,
c. 388, s. 1,
par. 9, cl. *b*,
repealed

(2) Paragraph 14 of the said section 1 is amended by adding thereto the following clause: Rev. Stat.,
c. 388, s. 1,
par. 14,
amended

(*aa*) the Village of Bronte.

(3) Paragraph 16 of the said section 1 is amended by inserting after the designation "Clinton" in clause *a* the designation "Exeter" and by striking out the designation "Exeter" in clause *b*, so that clauses *a* and *b* shall read as follows: Rev. Stat.,
c. 388, s. 1,
par. 16,
amended

(*a*) the towns of Clinton, Exeter, Goderich, Seaforth, Wingham;

(*b*) the villages of Blyth, Brussels, Hensall.

(4) Clause *c* of paragraph 18 of the said section 1 is amended by inserting after the designation "Courtright" in the first line the designation "Grand Bend", so that the clause shall read as follows: Rev. Stat.,
c. 388, s. 1,
par. 18, cl. *c*,
amended

(*c*) the villages of Alvinston, Arkona, Courtright, Grand Bend, Oil Springs, Point Edward, Thedford, Watford, Wyoming.

(5) Paragraph 26 of the said section 1 is amended by adding thereto the following clause: Rev. Stat.,
c. 188, s. 1,
par. 26,
amended

(*cc*) the Improvement District of Ajax.

(6) Clause *b* of paragraph 31 of the said section 1 is repealed and the following substituted therefor: Rev. Stat.,
c. 388, s. 1,
par. 31, cl. *b*,
re-enacted

(*b*) the villages of Alfred, L'Original.

Rev. Stat.,
c. 388, s. 1,
par. 39, cl. c,
amended

(7) Clause *c* of paragraph 39 of the said section 1 is amended by striking out the designation "Humberstone" in the second line, so that the clause shall read as follows:

(c) the villages of Chippawa, Crystal Beach, Fonthill.

Rev. Stat.,
c. 388, s. 1,
par. 44, cl. d,
amended

(8) Clause *d* of paragraph 44 of the said section 1 is amended by inserting after the designation "Tp. 33, Range 25" the designation "Tp. 33 Additional, Range 25" and by inserting after the designation "Tp. 33, Range 26" the designation "Tp. 33 Additional, Range 26".

Rev. Stat.,
c. 388, s. 1,
par. 44,
amended

(9) Paragraph 44 of the said section 1 is amended by striking out the words "thence south astronomically to the southwest corner of the Township of Johns; thence east along the south boundary of the Township of Johns to the northwest corner of the Township of Common; thence south along the west boundaries of the Townships of Common and Hunt to the southwest corner of the last-mentioned Township; thence west along the south boundary of the Township of Knowles to O.L.S. Speight's meridian of 1902; thence south along O.L.S. Speight's meridian of 1902 and its southerly production to the International Boundary" in the fourth to thirteenth lines immediately following clause *d* and inserting in lieu thereof the words "thence south along O.L.S. Niven's meridian line of 1907 to the southerly extremity thereof; thence continuing south along O.L.S. Speight's meridian line of 1902 to the shore of Lake Superior; thence south astronomically to the International Boundary".

Rev. Stat.,
c. 388, s. 1,
par. 53,
amended

(10) Paragraph 53 of the said section 1 is amended by striking out the words "thence south astronomically to the southwest corner of the Township of Johns; thence east along the south boundary of the Township of Johns to the northwest corner of the Township of Common; thence south along the west boundaries of the Townships of Common and Hunt to the southwest corner of the last-mentioned Township; thence west along the south boundary of the Township of Knowles to O.L.S. Speight's meridian of 1902; thence south along O.L.S. Speight's meridian of 1902 and its southerly production to the International Boundary" in the fourth to thirteenth lines immediately following clause *c* and inserting in lieu thereof the words "thence south along O.L.S. Niven's meridian line of 1907 to the southerly extremity thereof; thence continuing south along O.L.S. Speight's meridian line of 1902 to the shore of Lake Superior; thence south astronomically to the International Boundary".

2.—(1) Paragraph 1 of section 2 of *The Territorial Division Act* is amended by inserting after the designation “Macdonald and Meredith” the designation “Michipicoten”. Rev. Stat., c. 388, s. 2, par. 1, amended

(2) Clause *a* of paragraph 2 of the said section 2 is repealed and the following substituted therefor: Rev. Stat., c. 288, s. 2, par. 2, cl. *a*, re-enacted

(*a*) the Improvement District of Kingham (part).

(3) Clause *b* of paragraph 2 of the said section 2 is amended by inserting after the designation “Glackmeyer” the designation “Mountjoy”. Rev. Stat., c. 388, s. 2, par. 2, cl. *b*, amended

(4) Clause *a* of paragraph 3 of the said section 2 is repealed and the following substituted therefor: Rev. Stat., c. 388, s. 2, par. 3, cl. *a*, re-enacted

(*a*) the improvement districts of Balmertown, Sioux Narrows.

(5) Clause *b* of paragraph 9 of the said section 2 is amended by striking out the designation “Cosby and Mason” and inserting in lieu thereof the designation “Cosby, Mason and Martland” and by striking out the designation “Martland”. Rev. Stat., c. 388, s. 2, par. 9, cl. *b*, amended

(6) Clause *a* of paragraph 10 of the said section 2 is amended by inserting after the designation “Beardmore” in the first line the designations “Dorion, Longlac”, so that the clause shall read as follows: Rev. Stat., c. 388, s. 2, par. 10, cl. *a*, amended

(*a*) the improvement districts of Beardmore, Dorion, Longlac, Marathon, Red Rock, Terrace Bay.

3.—(1) The west boundaries of the geographic townships of 33 Range 23, 33 Range 24, 33 Range 27, 33 Range 28, 65, Hunt and Common, all in the Territorial District of Algoma, are hereby altered so that the said boundaries shall coincide with the west boundary of the said Territorial District as set out in paragraph 44 of section 1 of *The Territorial Division Act* as amended by subsection 9 of section 1 of this Act. Boundaries of certain townships altered
Rev. Stat., c. 388

(2) The east boundaries of the geographic townships of Leslie and Knowles in the Territorial District of Thunder Bay are hereby altered so that the said boundaries shall coincide with the east boundary of the said Territorial District as set out in paragraph 53 of section 1 of *The Territorial Division Act* as amended by subsection 10 of section 1 of this Act. Idem

4. This Act may be cited as *The Territorial Division Amendment Act, 1952*. Short title



BILL

An Act to amend The Territorial
Division Act

1st Reading

April 4th, 1952

2nd Reading

April 8th, 1952

3rd Reading

April 10th, 1952

Mr. PORTER

No. 137

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
**An Act to amend The Professional
Engineers Act**

MR. PORTER

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

EXPLANATORY NOTES

SECTION 1. By-laws are passed by the council of the Association of Professional Engineers of Ontario under this clause but they are not valid and cannot be acted upon until they have been approved by a majority of the members of the Association voting thereon and by the Lieutenant-Governor in Council. In these circumstances it is considered that the statutory maxima, which are now deleted, are unnecessarily restrictive.

SECTION 2. The present section 18 reads as follows:

18.—(1) In the case of two or more persons carrying on a practice as professional engineers in co-partnership, only such members who are registered or licensed under this Act shall individually assume the function of a professional engineer.

(2) A firm or corporation of professional engineers shall not, as such, be deemed to be a member of the Association or be licensed to practise.

BILL

An Act to amend The Professional Engineers Act

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

1. Clause *j* of subsection 1 of section 4 of *The Professional Engineers Act* is amended by striking out the words, symbol and figures "not exceeding \$25" in the first and second lines and by striking out the words, symbol and figures "not exceeding \$10" in the sixth line, so that the clause shall read as follows:

Rev. Stat.,
c. 292, s. 4,
subs. 1, cl. *j*,
amended

(*j*) the fixing, levying and collecting of a fee on each application for registration as a member or for a licence to practise or for recording as a graduate, undergraduate or person serving under articles and for the fixing, levying and collecting of an annual fee from each member or licensee.

2. Section 18 of *The Professional Engineers Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 292, s. 18,
re-enacted

PARTNERSHIPS, CORPORATIONS

18.—(1) A partnership, an association of persons or a corporation, as such, shall not be deemed to be a member of the Association or be licensed to practise.

Partnerships,
corporations,
etc.

(2) A partnership, an association of persons or a corporation may practise professional engineering in its own name if one of its principal and customary functions is to practise professional engineering and the practice is done under the responsibility and supervision of a member of the partnership or association or a director of the corporation or under the responsibility and supervision of a full-time permanent employee of the partnership, association or corporation who in either case is a member of the Association or is licensed to practise.

Idem

Rev. Stat.,
c. 292,
amended

3. *The Professional Engineers Act* is amended by adding thereto the following section:

Penalty,
partnerships,
corporations,
etc.

30a.—(1) Every partnership, association of persons or corporation,

(a) that practises professional engineering contrary to subsection 2 of section 18; or

being a partnership or association of persons not having as a member a person who is a member of the Association or is licensed to practise, or being a corporation not having as a director a person who is a member of the Association or is licensed to practise, or being a partnership, association of persons or corporation not having as a full-time permanent employee a person who is a member of the Association or is licensed to practise,

(b) that uses verbally or otherwise any name, title, description or designation which will lead to the belief that such partnership, association of persons or corporation is entitled to practise professional engineering; or

(c) that advertises, holds out or conducts itself in any way implying or intending to lead to the belief that such partnership, association of persons or corporation is entitled to practise professional engineering,

shall be guilty of an offence, and the partnership or the association of persons or any member thereof, or the corporation or any director thereof, on summary conviction, shall be liable to a penalty of not less than \$100 and not more than \$500 for a first offence and to a penalty of not less than \$200 and not more than \$1,000, or to imprisonment for a term of not more than three months, or both, for any subsequent offence.

Short title

4. This Act may be cited as *The Professional Engineers Amendment Act, 1952*.

SECTION 3. This section is new. It is complementary to section 18 of the Act re-enacted by section 2 of this bill.

BILL

An Act to amend The Professional
Engineers Act

1st Reading

April 4th, 1952

2nd Reading

3rd Reading

MR. PORTER

No. 137

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
**An Act to amend The Professional
Engineers Act**

MR. PORTER

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

BILL

An Act to amend The Professional Engineers Act

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

1. Clause *j* of subsection 1 of section 4 of *The Professional Engineers Act* is amended by striking out the words, symbol and figures "not exceeding \$25" in the first and second lines and by striking out the words, symbol and figures "not exceeding \$10" in the sixth line, so that the clause shall read as follows:

Rev. Stat.,
c. 292, s. 4,
subs. 1, cl. j,
amended

- (*j*) the fixing, levying and collecting of a fee on each application for registration as a member or for a licence to practise or for recording as a graduate, undergraduate or person serving under articles and for the fixing, levying and collecting of an annual fee from each member or licensee.

2. Section 18 of *The Professional Engineers Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 292, s. 18,
re-enacted

PARTNERSHIPS, CORPORATIONS

18.—(1) A partnership, an association of persons or a corporation, as such, shall not be deemed to be a member of the Association or be licensed to practise.

Partnerships,
corporations,
etc.

- (2) A partnership, an association of persons or a corporation may practise professional engineering in its own name if one of its principal and customary functions is to practise professional engineering and the practice is done under the responsibility and supervision of a member of the partnership or association or a director of the corporation or under the responsibility and supervision of a full-time permanent employee of the partnership, association or corporation who in either case is a member of the Association or is licensed to practise.

Idem

Rev. Stat.,
c. 292,
amended

3. *The Professional Engineers Act* is amended by adding thereto the following section:

Penalty,
partnerships,
corporations,
etc.

30a.—(1) Every partnership, association of persons or corporation,

(a) that practises professional engineering contrary to subsection 2 of section 18; or

being a partnership or association of persons not having as a member a person who is a member of the Association or is licensed to practise, or being a corporation not having as a director a person who is a member of the Association or is licensed to practise, or being a partnership, association of persons or corporation not having as a full-time permanent employee a person who is a member of the Association or is licensed to practise,

(b) that uses verbally or otherwise any name, title, description or designation which will lead to the belief that such partnership, association of persons or corporation is entitled to practise professional engineering; or

(c) that advertises, holds out or conducts itself in any way implying or intending to lead to the belief that such partnership, association of persons or corporation is entitled to practise professional engineering,

shall be guilty of an offence, and the partnership or the association of persons or any member thereof, or the corporation or any director thereof, on summary conviction, shall be liable to a penalty of not less than \$100 and not more than \$500 for a first offence and to a penalty of not less than \$200 and not more than \$1,000, or to imprisonment for a term of not more than three months, or both, for any subsequent offence.

Short title

4. This Act may be cited as *The Professional Engineers Amendment Act, 1952*.

BILL

An Act to amend The Professional
Engineers Act

1st Reading

April 4th, 1952

2nd Reading

April 7th, 1952

3rd Reading

April 10th, 1952

MR. PORTER

No. 138

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Voters' Lists Act, 1951

MR. PORTER

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

EXPLANATORY NOTES

SECTION 1. Some municipalities have found it impossible to return their assessment rolls before October 1st and where their elections are early it has been impossible to prepare and revise the voters' lists after the return of the roll in time for the elections. This amendment will permit, in such cases, the use of the certified list from the preceding year as a starting point, and that list will then be subject to revision in the same manner as if it had been prepared from the assessment roll as required in sections 7 and 8 of the Act.

SECTION 2. This amendment authorizes the Lieutenant-Governor in Council to prescribe the allowances and expenses to be paid to the county or district judge for revising municipal voters' lists.

BILL

An Act to amend The Voters' Lists Act, 1951

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

1. Section 9 of *The Voters' Lists Act, 1951* is amended by adding thereto the following subsection: 1951, c. 93, s. 9, amended

- (2) Where the assessment roll of a municipality is not returned on or before the 1st day of October and there is not or will not be time after its return to complete the preparation and revision of the voters' list in accordance with the other provisions of this Act before the time set for the polling in the municipality, the clerk shall print, post up and distribute in accordance with subsection 1 the required number of copies of the voters' list as certified in the next preceding year, and the proceedings thereafter shall be the same as if the list so printed, posted up and distributed were a list prepared by the clerk in accordance with sections 7 and 8. Where assessment roll delayed

2.—(1) Subsection 3 of section 16 of *The Voters' Lists Act, 1951* is amended by striking out the words "and the allowances and expenses payable to the judge" in the third and fourth lines, so that the subsection shall read as follows: 1951, c. 93, s. 16, subs. 3, amended

- (3) The proceedings thereafter by the judge, clerk and the parties respectively, and the powers and duties of the judge, clerk and other persons shall be the same, as nearly as may be, as in the case of an appeal from the court of revision under *The Assessment Act*, but no deposits shall be required. Procedure Rev. Stat., c. 24

(2) The said section 16 is amended by adding thereto the following subsection: 1951, c. 93, s. 16, amended

- (3a) The judge shall be paid by the municipality such allowances and expenses as may be prescribed by the Lieutenant-Governor in Council. Allowances and expenses of judge

1951, c. 93,
Sched.,
Form 10,
amended

3.—(1) Form 10 in the Schedule to *The Voters' Lists Act, 1951* is amended by striking out the words "and you are hereby required to appear at the court" in the seventh and eighth lines.

1951, c. 93,
Sched.,
Form 11,
amended

(2) Form 11 in the said Schedule is amended by striking out the words "you are required to appear at the court, for" in the sixth line.

Short title

4. This Act may be cited as *The Voters' Lists Amendment Act, 1952*.

SECTION 3. These amendments remove, from the notices sent to persons complaining and complained against in respect of municipal voters' lists, the indication that the court is ordering such persons to attend. The judge in these matters already has full power to act whether or not the parties are present.

BILL

An Act to amend The Voters' Lists
Act, 1951

1st Reading

April 4th, 1952

2nd Reading

3rd Reading

MR. PORTER

No. 138

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Voters' Lists Act, 1951

MR. PORTER

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

BILL

An Act to amend The Voters' Lists Act, 1951

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

1. Section 9 of *The Voters' Lists Act, 1951* is amended by adding thereto the following subsection: 1951, c. 93, s. 9, amended

- (2) Where the assessment roll of a municipality is not returned on or before the 1st day of October and there is not or will not be time after its return to complete the preparation and revision of the voters' list in accordance with the other provisions of this Act before the time set for the polling in the municipality, the clerk shall print, post up and distribute in accordance with subsection 1 the required number of copies of the voters' list as certified in the next preceding year, and the proceedings thereafter shall be the same as if the list so printed, posted up and distributed were a list prepared by the clerk in accordance with sections 7 and 8. Where assessment roll delayed

2.—(1) Subsection 3 of section 16 of *The Voters' Lists Act, 1951* is amended by striking out the words "and the allowances and expenses payable to the judge" in the third and fourth lines, so that the subsection shall read as follows: 1951, c. 93, s. 16, subs. 3, amended

- (3) The proceedings thereafter by the judge, clerk and the parties respectively, and the powers and duties of the judge, clerk and other persons shall be the same, as nearly as may be, as in the case of an appeal from the court of revision under *The Assessment Act*, but no deposits shall be required. Procedure Rev. Stat., c. 24

(2) The said section 16 is amended by adding thereto the following subsection: 1951, c. 93, s. 16, amended

- (3a) The judge shall be paid by the municipality such allowances and expenses as may be prescribed by the Lieutenant-Governor in Council. Allowances and expenses of judge

1951, c. 93,
 Sched.,
 Form 10,
 amended

3.—(1) Form 10 in the Schedule to *The Voters' Lists Act, 1951* is amended by striking out the words “and you are hereby required to appear at the court” in the seventh and eighth lines.

1951, c. 93,
 Sched.,
 Form 11,
 amended

(2) Form 11 in the said Schedule is amended by striking out the words “you are required to appear at the court, for” in the sixth line.

Short title

4. This Act may be cited as *The Voters' Lists Amendment Act, 1952*.

BILL

An Act to amend The Voters' Lists
Act, 1951

1st Reading

April 4th, 1952

2nd Reading

April 7th, 1952

3rd Reading

April 9th, 1952

MR. PORTER

No. 139

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

**An Act to amend The Sandwich, Windsor and
Amherstburg Railway Act, 1939**

MR. PORTER

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

EXPLANATORY NOTE

This bill brings the statute under which the Sandwich, Windsor and Amherstburg Railway company operates into line with what is in effect the present situation established recently by an order of the Ontario Municipal Board.

BILL

An Act to amend The Sandwich, Windsor and Amherstburg Railway Act, 1939

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

1. Subsection 3 of section 9 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939* is repealed and the following substituted therefor:

- (3) Unless and until the written approval of the Ontario Municipal Board has been obtained, the said company shall not exercise any of its powers with respect to,
- Condition precedent to exercise of certain powers
- (a) the acquisition, encumbrance or disposition of real property or any interest therein, or the erection or demolition of buildings or other permanent improvements thereon;
- (b) the acquisition, encumbrance or disposition of buses, motor coaches or other vehicles or the wrecking or demolition of the same;
- (c) the encumbrance or disposition of book accounts, fares, tolls, equipment or other property, except worn out, obsolete or surplus parts and accessories for buses, motor coaches and other vehicles;
- (d) such other matters as the Board may from time to time by order require.

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

Commencement

3. This Act may be cited as *The Sandwich, Windsor and Amherstburg Railway Amendment Act, 1952*.

Short title

BILL

An Act to amend The Sandwich, Windsor
and Amherstburg Railway Act, 1939

1st Reading

April 4th, 1952

2nd Reading

3rd Reading

Mr. PORTER

No. 139

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Sandwich, Windsor and
Amherstburg Railway Act, 1939

MR. PORTER

BILL

An Act to amend The Sandwich, Windsor and Amherstburg Railway Act, 1939

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

1. Subsection 3 of section 9 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939* is repealed and the following substituted therefor: 1939, c. 43, s. 9, subs. 3, re-enacted

- (3) Unless and until the written approval of the Ontario Municipal Board has been obtained, the said company shall not exercise any of its powers with respect to, Condition precedent to exercise of certain powers
- (a) the acquisition, encumbrance or disposition of real property or any interest therein, or the erection or demolition of buildings or other permanent improvements thereon;
 - (b) the acquisition, encumbrance or disposition of buses, motor coaches or other vehicles or the wrecking or demolition of the same;
 - (c) the encumbrance or disposition of book accounts, fares, tolls, equipment or other property, except worn out, obsolete or surplus parts and accessories for buses, motor coaches and other vehicles;
 - (d) such other matters as the Board may from time to time by order require.

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

3. This Act may be cited as *The Sandwich, Windsor and Amherstburg Railway Amendment Act, 1952*. Short title

BILL

An Act to amend The Sandwich, Windsor
and Amherstburg Railway Act, 1939

1st Reading

April 4th, 1952

2nd Reading

April 7th, 1952

3rd Reading

April 9th, 1952

MR. PORTER

No. 140

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act respecting Edible Oil Products

MR. KENNEDY

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

BILL

An Act respecting Edible Oil Products

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

1. In this Act,

Interpre-
tation

- (a) "analyst" means an analyst appointed under this Act;
- (b) "dairy product" means milk, cream, butter, cheese, condensed milk, evaporated milk, milk powder, dry milk, ice cream, malted milk, sherbet or any other product manufactured wholly or mainly from milk;
- (c) "edible oil product" means any food substance, other than a dairy product, of whatever origin, source or composition that is manufactured for human consumption wholly or in part from any fat or oil other than that of milk;
- (d) "inspector" means an inspector appointed under this Act;
- (e) "Minister" means Minister of Agriculture;
- (f) "regulations" means regulations made under this Act.

2. This Act applies to every edible oil product and class of ^{Application} edible oil product designated in the regulations. _{of Act}

3. No person shall manufacture or sell by wholesale any ^{Licence} edible oil product to which this Act applies without a licence therefor from the Minister.

4. No person shall offer for sale or sell by wholesale or ^{Sale of} retail any edible oil product to which this Act applies that _{edible oil} does not comply with this Act and the regulations. _{products}

Inspectors
and
analysts

5.—(1) The Lieutenant-Governor in Council may appoint such inspectors and analysts as may be deemed necessary for the administration and enforcement of this Act and the regulations.

Obstruction
of inspector

(2) No person shall obstruct an inspector in the performance of his duties or furnish an inspector with false information.

Regulations

6. The Lieutenant-Governor in Council may make regulations,

- (a) designating the edible oil products or classes of edible oil products to which this Act applies;
- (b) providing for the issue of licences to manufacturers and wholesalers of any edible oil product and prescribing the form, terms and conditions thereof and the fees to be paid therefor, and providing for the renewal, suspension and cancellation thereof;
- (c) prescribing the standards of quality for and the composition of any edible oil product or class of edible oil product;
- (d) providing for the detention and confiscation of any edible oil product which does not comply with the provisions of this Act and the regulations;
- (e) respecting the advertising and the labelling of containers of any edible oil product or class of edible oil product;
- (f) prescribing the powers and duties of inspectors and analysts;
- (g) prescribing the records to be kept by manufacturers and wholesalers of any edible oil product;
- (h) exempting any manufacturer or wholesaler from the provisions of this Act and the regulations;
- (i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Penalty

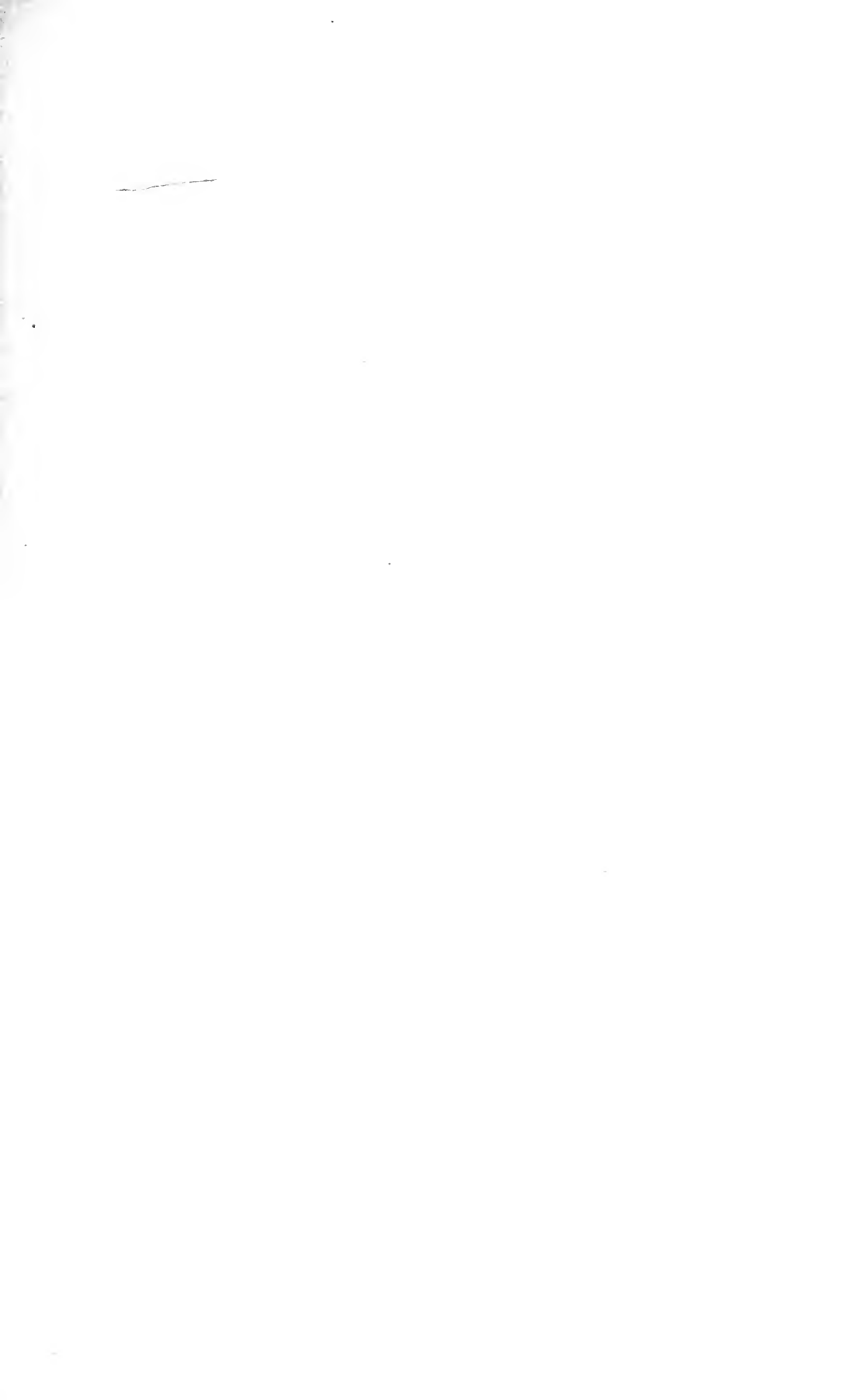
7. Every person who fails to comply with any provision of this Act or the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$500 for each offence.

Commence-
ment

8. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

9. This Act may be cited as *The Edible Oil Products Act, 1952*.



BILL

An Act respecting Edible Oil Products

1st Reading

April 4th, 1952

2nd Reading

3rd Reading

MR. KENNEDY

No. 140

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act respecting Edible Oil Products

MR. KENNEDY

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

BILL

An Act respecting Edible Oil Products

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

1. In this Act,

Interpre-
tation

- (a) "analyst" means an analyst appointed under this Act;
- (b) "dairy product" means milk, cream, butter, cheese, condensed milk, evaporated milk, milk powder, dry milk, ice cream, malted milk, sherbet or any other product manufactured wholly or mainly from milk;
- (c) "edible oil product" means any food substance, other than a dairy product, of whatever origin, source or composition that is manufactured for human consumption wholly or in part from any fat or oil other than that of milk;
- (d) "inspector" means an inspector appointed under this Act;
- (e) "Minister" means Minister of Agriculture;
- (f) "regulations" means regulations made under this Act.

2. This Act applies to every edible oil product and class of ^{Application} edible oil product designated in the regulations. _{of Act}

3. No person shall manufacture or sell by wholesale any ^{Licence} edible oil product to which this Act applies without a licence therefor from the Minister.

4. No person shall offer for sale or sell by wholesale or ^{Sale of} retail any edible oil product to which this Act applies that _{edible oil} does not comply with this Act and the regulations. _{products}

Inspectors
and
analysts

5.—(1) The Lieutenant-Governor in Council may appoint such inspectors and analysts as may be deemed necessary for the administration and enforcement of this Act and the regulations.

Obstruction
of inspector

(2) No person shall obstruct an inspector in the performance of his duties or furnish an inspector with false information.

Regulations

6. The Lieutenant-Governor in Council may make regulations,

- (a) designating the edible oil products or classes of edible oil products to which this Act applies;
- (b) providing for the issue of licences to manufacturers and wholesalers of any edible oil product and prescribing the form, terms and conditions thereof and the fees to be paid therefor, and providing for the renewal, suspension and cancellation thereof;
- (c) prescribing the standards of quality for and the composition of any edible oil product or class of edible oil product;
- (d) providing for the detention and confiscation of any edible oil product which does not comply with the provisions of this Act and the regulations;
- (e) respecting the advertising and the labelling of containers of any edible oil product or class of edible oil product;
- (f) prescribing the powers and duties of inspectors and analysts;
- (g) prescribing the records to be kept by manufacturers and wholesalers of any edible oil product;
- (h) exempting any manufacturer or wholesaler from the provisions of this Act and the regulations;
- (i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Penalty

7. Every person who fails to comply with any provision of this Act or the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$500 for each offence.

Commence-
ment

8. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

9. This Act may be cited as *The Edible Oil Products Act, 1952*.

BILL

An Act respecting Edible Oil Products

1st Reading

April 4th, 1952

2nd Reading

April 8th, 1952

3rd Reading

April 10th, 1952

MR. KENNEDY

No. 141

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Trees Act

MR. SCOTT

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

EXPLANATORY NOTES

SECTION 1. The clause authorizing county councils to issue debentures for the acquisition of land for reforestation is amended so that the assent of the electors will not be required.

SECTION 2. Cities, towns, villages and townships, of over 10,000 population, are authorized to acquire land and carry on reforestation work. They are also permitted to acquire the land in another municipality with the consent of the council and are authorized to agree to make annual payments to the municipality in which the land is situate as the land, being owned by a municipality, will be exempt from taxation.

SECTIONS 3 and 4. Complementary to section 2 of the bill.

BILL

An Act to amend The Trees Act

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

1. Clause *d* of section 6 of *The Trees Act* is amended by inserting after the word "debentures" in the first line the words "without the assent of the electors but subject to the approval of the Ontario Municipal Board", so that the clause shall read as follows:

Rev. Stat.,
c. 399, s. 6,
cl. *d*,
amended

- (*d*) for the issuing of debentures, without the assent of the electors but subject to the approval of the Ontario Municipal Board, from time to time for the purpose of providing for the purchase of such land to an amount not exceeding \$25,000 to be owing at any one time.

2. *The Trees Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 399,
amended

- 6a.—(1) The council of any city, town, village or township, having a population of not less than 10,000, shall have all the powers, privileges and authority conferred on the council of a county by section 6.
- (2) Land may be acquired under subsection 1 in another municipality with the consent of the council thereof.
- (3) Where a municipality acquires land in another municipality under this section, the council of the first-mentioned municipality may agree to pay annually to the municipality in which the land is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

Powers of
certain local
municipi-
palities

Acquisition
of land in
another
municipality

Payments

3.—(1) Subsection 1 of section 7 of *The Trees Act* is amended by inserting after the word "township" in the first line the words and figures "having a population of less than 10,000", so that the subsection shall read as follows:

Rev. Stat.,
c. 399, s. 7,
subs. 1,
amended

Powers of
township
councils

- (1) The council of any township having a population of less than 10,000 shall have all the powers, privileges and authority conferred by clauses *a, b, c, e* and *f* of section 6 on the council of a county.

Rev. Stat.,
c. 399, s. 7,
subs. 2,
amended

- (2) Subsection 2 of the said section 7 is amended by inserting after the word "any" in the first line the word "such", so that the subsection shall read as follows:

Idem

- (2) The council of any such township shall have power and authority to levy by special rate a sum not exceeding \$1,000 in any year for the purpose of providing for the purchase of such land.

Rev. Stat.,
c. 399, s. 9,
amended

- 4.** Section 9 of *The Trees Act* is amended by inserting after the figure "6" in the first line the figure and letter "6a", so that the section shall read as follows:

Approval
of by-law
by Minister

9. No by-law shall be finally passed under section 6, 6a, 7 or 8 until approved in writing by the Minister of Lands and Forests.

Commence-
ment

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

Short title

- 6.** This Act may be cited as *The Trees Amendment Act, 1952*.



BILL

An Act to amend The Trees Act

1st Reading

April 4th, 1952

2nd Reading

3rd Reading

MR. SCOTT

No. 141

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act to amend The Trees Act

MR. SCOTT

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

BILL

An Act to amend The Trees Act

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

1. Clause *d* of section 6 of *The Trees Act* is amended by inserting after the word "debentures" in the first line the words "without the assent of the electors but subject to the approval of the Ontario Municipal Board", so that the clause shall read as follows: Rev. Stat., c. 399, s. 6, cl. d, amended

(*d*) for the issuing of debentures, without the assent of the electors but subject to the approval of the Ontario Municipal Board, from time to time for the purpose of providing for the purchase of such land to an amount not exceeding \$25,000 to be owing at any one time.

2. *The Trees Act* is amended by adding thereto the following section: Rev. Stat., c. 399, amended

6a.—(1) The council of any city, town, village or township, having a population of not less than 10,000, shall have all the powers, privileges and authority conferred on the council of a county by section 6. Powers of certain local municipalities

(2) Land may be acquired under subsection 1 in another municipality with the consent of the council thereof. Acquisition of land in another municipality

(3) Where a municipality acquires land in another municipality under this section, the council of the first-mentioned municipality may agree to pay annually to the municipality in which the land is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation. Payments

3.—(1) Subsection 1 of section 7 of *The Trees Act* is amended by inserting after the word "township" in the first line the words and figures "having a population of less than 10,000", so that the subsection shall read as follows: Rev. Stat., c. 399, s. 7, subs. 1, amended

Powers of
township
councils

- (1) The council of any township having a population of less than 10,000 shall have all the powers, privileges and authority conferred by clauses *a, b, c, e* and *f* of section 6 on the council of a county.

Rev. Stat.,
c. 399, s. 7,
subs. 2,
amended

- (2) Subsection 2 of the said section 7 is amended by inserting after the word "any" in the first line the word "such", so that the subsection shall read as follows:

Idem

- (2) The council of any such township shall have power and authority to levy by special rate a sum not exceeding \$1,000 in any year for the purpose of providing for the purchase of such land.

Rev. Stat.,
c. 399, s. 9,
amended

4. Section 9 of *The Trees Act* is amended by inserting after the figure "6" in the first line the figure and letter "6a", so that the section shall read as follows:

Approval
of by-law
by Minister

9. No by-law shall be finally passed under section 6, 6a, 7 or 8 until approved in writing by the Minister of Lands and Forests.

Commence-
ment

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

Short title

6. This Act may be cited as *The Trees Amendment Act, 1952*.

BILL

An Act to amend The Trees Act

1st Reading

April 4th, 1952

2nd Reading

April 8th, 1952

3rd Reading

April 10th, 1952

Mr. SCOTT

No. 142

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
The Forestry Act, 1952

MR. SCOTT

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

EXPLANATORY NOTE

This Act will take the place of *The Nursery Stock Act* and *The Private Forest Reserves Act*. It also contains some features of *The Forestry Act* and *The Pulpwood Conservation Act*, which are repealed by *The Crown Timber Act, 1952* (Bill No. 56), as to nursery stock and reforestation of private lands.

BILL

The Forestry Act, 1952

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

1. In this Act,

Interpre-
tation

- (a) "Minister" means Minister of Lands and Forests;
- (b) "nursery stock" means coniferous or hardwood seedlings, transplants, grafts or trees propagated or grown in a nursery and having the roots attached, and includes cuttings having or not having the roots attached;
- (c) "owner" means a person having any right, title, interest or equity in land and includes the holder of a licence under *The Crown Timber Act, 1952*; 1952. c. . . .
- (d) "private forest reserve" means land declared to be a private forest reserve under this Act;
- (e) "regulations" means regulations made under this Act. R.S.O. 1950, c. 147, s. 1, *amended*.

2. The Minister may enter into agreements with the owners of lands that are suitable for forestry purposes for the reforestation and the management of such lands upon such terms and conditions as he deems proper, but no such agreement shall be entered into for a term of less than twenty years. R.S.O. 1950, c. 147, s. 4, *amended*.

Agreements
as to
forestry
develop-
ment on
private
lands

3. The Minister may direct that an agreement entered into under section 2 shall be registered by the owner of the land in respect of which the agreement is made in the proper registry or land titles office, and thereupon such agreement shall be binding upon and enure to the benefit of every successor-in-title to such owner during the term of the agreement. *New*.

Registration
of agree-
ments

- Right of entry and inspection **4.** The Minister or any person appointed by him for the purpose may, without the consent of the owner, enter upon any land and make an inspection thereof and survey and examine the timber and other natural resources thereon in order to determine the suitability of such land for forestry purposes. R.S.O. 1950, c. 147, s. 10, *amended*.
- Declaring forest land private forest reserve **5.—(1)** The Lieutenant-Governor in Council may, with the consent of the owner of any land covered with forest or suitable for reforestation, declare such land to be a private forest reserve.
- Registration of declaration (2) The declaration shall be registered forthwith by the owner in the proper registry or land titles office and thereupon the land shall constitute a private forest reserve in perpetuity.
- Cutting and removing trees (3) The owner of a private forest reserve shall not cut or remove any trees growing thereon except with the consent of the Minister. R.S.O. 1950, c. 288, s. 5, *amended*.
- Release of reserved timber rights **6.—(1)** Where the letters patent granting any land declared to be a private forest reserve under this Act contain a reservation of any class or kind of timber, the Minister, upon application and payment by the owner of a purchase price determined by the Minister, may make an order releasing the land from such reservation.
- Effect of release (2) Where lands are released from a reservation of any class or kind of timber under subsection 1, the cutting or removal of such timber shall be subject to subsection 3 of section 5. 1951, c. 68, s. 1.
- Establishment of nurseries **7.—(1)** The Lieutenant-Governor in Council may authorize the Minister to establish one or more nurseries for the growing and production of nursery stock. R.S.O. 1950, c. 325, s. 5, *amended*.
- Furnishing of nursery stock (2) The Minister, upon application therefor, may furnish nursery stock to any owner upon such terms and conditions as the regulations prescribe. *New*.
- Sale, etc., of nursery stock prohibited **8.** No person shall, directly or indirectly, sell or offer for sale or dispose of by gift or otherwise any nursery stock furnished under this Act. R.S.O. 1950, c. 255, s. 2, *amended*.
- False statement in application **9.** No person shall knowingly make any false statement of fact in an application to the Minister for nursery stock. R.S.O. 1950, c. 255, s. 3.
- Offences and penalties **10.** Every person who contravenes or fails to comply with any provision of this Act or the regulations 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 \$500. R.S.O. 1950, c. 255, s. 4, *amended*.

11. The Lieutenant-Governor in Council may make Regulations regulations,

- (a) prohibiting or regulating and governing the running at large of live stock or other domestic animals in private forest reserves;
- (b) respecting the preservation of trees on private forest reserves;
- (c) governing the form of and the manner in which application for nursery stock shall be made and prescribing the manner and time of payment therefor where a charge is made;
- (d) prescribing the purposes for which nursery stock may or may not be furnished;
- (e) prescribing the classes of land in respect of which and the terms and conditions under which nursery stock may be furnished free of charge or with a charge;
- (f) fixing the charges to be made for nursery stock or any species or type thereof;
- (g) respecting any other matter necessary or advisable to carry out effectively the intent or purpose of this Act. R.S.O. 1950, c. 147, s. 16, *amended*.

12. *The Nursery Stock Act, The Private Forest Reserves Act* Rev. Stat., cc. 255, 288; and *The Private Forest Reserves Amendment Act, 1951* 1951, c. 68, repealed are repealed.

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

14. This Act may be cited as *The Forestry Act, 1952*. Short title

BILL

The Forestry Act, 1952

1st Reading

April 4th, 1952

2nd Reading

3rd Reading

MR. SCOTT

No. 142

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
The Forestry Act, 1952

MR. SCOTT

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

BILL

The Forestry Act, 1952

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

1. In this Act,

Interpre-
tation

- (a) "Minister" means Minister of Lands and Forests;
- (b) "nursery stock" means coniferous or hardwood seedlings, transplants, grafts or trees propagated or grown in a nursery and having the roots attached, and includes cuttings having or not having the roots attached;
- (c) "owner" means a person having any right, title, interest or equity in land and includes the holder of a licence under *The Crown Timber Act, 1952*; 1952, c. . . .
- (d) "private forest reserve" means land declared to be a private forest reserve under this Act;
- (e) "regulations" means regulations made under this Act. R.S.O. 1950, c. 147, s. 1, *amended*.

2. The Minister may enter into agreements with the owners of lands that are suitable for forestry purposes for the reforestation and the management of such lands upon such terms and conditions as he deems proper, but no such agreement shall be entered into for a term of less than twenty years. R.S.O. 1950, c. 147, s. 4, *amended*.

Agreements
as to
forestry
develop-
ment on
private
lands

3. The Minister may direct that an agreement entered into under section 2 shall be registered by the owner of the land in respect of which the agreement is made in the proper registry or land titles office, and thereupon such agreement shall be binding upon and enure to the benefit of every successor-in-title to such owner during the term of the agreement. *New*.

Registration
of agree-
ments

- Right of entry and inspection** **4.** The Minister or any person appointed by him for the purpose may, without the consent of the owner, enter upon any land and make an inspection thereof and survey and examine the timber and other natural resources thereon in order to determine the suitability of such land for forestry purposes. R.S.O. 1950, c. 147, s. 10, *amended*.
- Declaring forest land private forest reserve** **5.—(1)** The Lieutenant-Governor in Council may, with the consent of the owner of any land covered with forest or suitable for reforestation, declare such land to be a private forest reserve.
- Registration of declaration** (2) The declaration shall be registered forthwith by the owner in the proper registry or land titles office and thereupon the land shall constitute a private forest reserve in perpetuity.
- Cutting and removing trees** (3) The owner of a private forest reserve shall not cut or remove any trees growing thereon except with the consent of the Minister. R.S.O. 1950, c. 288, s. 5, *amended*.
- Release of reserved timber rights** **6.—(1)** Where the letters patent granting any land declared to be a private forest reserve under this Act contain a reservation of any class or kind of timber, the Minister, upon application and payment by the owner of a purchase price determined by the Minister, may make an order releasing the land from such reservation.
- Effect of release** (2) Where lands are released from a reservation of any class or kind of timber under subsection 1, the cutting or removal of such timber shall be subject to subsection 3 of section 5. 1951, c. 68. s. 1.
- Establishment of nurseries** **7.—(1)** The Lieutenant-Governor in Council may authorize the Minister to establish one or more nurseries for the growing and production of nursery stock. R.S.O. 1950, c. 325, s. 5, *amended*.
- Furnishing of nursery stock** (2) The Minister, upon application therefor, may furnish nursery stock to any owner upon such terms and conditions as the regulations prescribe. *New*.
- Sale, etc., of nursery stock prohibited** **8.** No person shall, directly or indirectly, sell or offer for sale or dispose of by gift or otherwise any nursery stock furnished under this Act. R.S.O. 1950, c. 255, s. 2, *amended*.
- False statement in application** **9.** No person shall knowingly make any false statement of fact in an application to the Minister for nursery stock. R.S.O. 1950, c. 255, s. 3.
- Offences and penalties** **10.** Every person who contravenes or fails to comply with any provision of this Act or the regulations 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 \$500. R.S.O. 1950, c. 255, s. 4, *amended*.

11. The Lieutenant-Governor in Council may make Regulations regulations,

- (a) prohibiting or regulating and governing the running at large of live stock or other domestic animals in private forest reserves;
- (b) respecting the preservation of trees on private forest reserves;
- (c) governing the form of and the manner in which application for nursery stock shall be made and prescribing the manner and time of payment therefor where a charge is made;
- (d) prescribing the purposes for which nursery stock may or may not be furnished;
- (e) prescribing the classes of land in respect of which and the terms and conditions under which nursery stock may be furnished free of charge or with a charge;
- (f) fixing the charges to be made for nursery stock or any species or type thereof;
- (g) respecting any other matter necessary or advisable to carry out effectively the intent or purpose of this Act. R.S.O. 1950, c. 147, s. 16, *amended*.

12. *The Nursery Stock Act, The Private Forest Reserves Act and The Private Forest Reserves Amendment Act, 1951* are repealed. Rev. Stat.,
cc. 255, 288;
1951, c. 68,
repealed

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

14. This Act may be cited as *The Forestry Act, 1952*. Short title

BILL

The Forestry Act, 1952

1st Reading

April 4th, 1952

2nd Reading

April 8th, 1952

3rd Reading

April 10th, 1952

MR. SCOTT

No. 143

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

**An Act to amend The Children of
Unmarried Parents Act**

MR. GOODFELLOW

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

EXPLANATORY NOTE

The Act now provides that maintenance payments must be weekly. The amendments provide that maintenance payments may be ordered at such intervals as may be deemed proper in the circumstances of each case.

BILL

An Act to amend The Children of Unmarried Parents Act

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

1. Clause *b* of subsection 1 of section 13 of *The Children of Unmarried Parents Act* is repealed and the following substituted therefor: Rev. Stat., c. 51, s. 13, subs. 1, cl. b, re-enacted

(b) such sum of money at such intervals as may be deemed proper towards the maintenance of the child until the child attains the age of sixteen years, or a lump sum in lieu of such payments which shall form a principal consuming annuity, the balance of which, in the event of the death of the child before the age of sixteen years, shall revert to the Province unless otherwise ordered by a judge.

2. Section 14 of *The Children of Unmarried Parents Act* is amended by striking out the words "a weekly sum of money" in the third line and inserting in lieu thereof the words "such sum of money at such intervals as may be deemed proper", so that the section shall read as follows: Rev. Stat., c. 51, s. 14, amended

14. The judge may in his discretion upon the same or a like application order that the mother of a child born out of wedlock shall contribute such sum of money at such intervals as may be deemed proper towards the maintenance of the child until the child reaches the age of sixteen years. Liability of mother for maintenance of child

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

4. This Act may be cited as *The Children of Unmarried Parents Amendment Act, 1952*. Short title

BILL

An Act to amend The Children of
Unmarried Parents Act

1st Reading

April 4th, 1952

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 143

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BILL

An Act to amend The Children of
Unmarried Parents Act

1st Reading

April 4th, 1952

2nd Reading

April 8th, 1952

3rd Reading

April 10th, 1952

MR. GOODFELLOW

No. 144

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Children's Protection Act

MR. GOODFELLOW

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

EXPLANATORY NOTE

The amendment makes it clear that the Department may pay certain expenses in respect of children belonging in unorganized territory.

BILL

An Act to amend The Children's Protection Act

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

1. Subsection 5a of section 7 of *The Children's Protection Act*, as enacted by section 1 of *The Children's Protection Amendment Act, 1951*, is amended by striking out the words "except in a territorial district where" in the sixth line and inserting in lieu thereof the words "and where the child does not belong to a municipality", so that the subsection shall read as follows:

Rev. Stat.,
c. 53, s. 7,
subs. 5a
(1951,
c. 11, s. 1),
amended

(5a) Stenographers appointed under clause *b* of subsection 5 shall be allowed the fees for taking down and transcribing evidence prescribed under *The Magistrates Act*, and such fees shall be paid by the municipality to which the child concerned in the proceedings belongs and where the child does not belong to a municipality they may be paid out of such moneys as may be appropriated therefor by the Legislature.

Fees for
transcriptions
Rev. Stat.,
c. 219

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

Commence-
ment

3. This Act may be cited as *The Children's Protection Amendment Act, 1952*.

Short title

BILL

An Act to amend The Children's
Protection Act

1st Reading

April 4th, 1952

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 144

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Children's Protection Act

MR. GOODFELLOW

TORONTO
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Fees for
transcriptions
Rev. Stat.,
c. 219

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

Commence-
ment

3. This Act may be cited as *The Children's Protection Amendment Act, 1952*.

Short title

BILL

An Act to amend The Children's
Protection Act

1st Reading

April 4th, 1952

2nd Reading

April 7th, 1952

3rd Reading

April 9th, 1952

MR. GOODFELLOW

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

**An Act to authorize Provincial Grants to Assist
in the Erection of Housing Units for Elderly Persons**

MR. GOODFELLOW

No. 145

1952

BILL

An Act to authorize Provincial Grants to Assist in the Erection of Housing Units for Elderly Persons

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

1. The Minister of Public Welfare may grant aid to any municipality to assist it in any project for the construction and equipment of low rental housing units for elderly persons. ^{Grant in aid authorized}

2. The amount of any such grant shall be calculated at the rate of \$500 for each dwelling unit or 50 per cent of the capital cost of the project to the municipality, whichever is the lesser. ^{Amount}

3. Grants under this Act shall be paid out of the Consolidated Revenue Fund. ^{Source}

4. The Lieutenant-Governor in Council may make regulations, ^{Regulations}

(a) prescribing the terms and conditions upon which and the manner in which aid may be granted under this Act;

(b) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

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

6. This Act may be cited as *The Elderly Persons Housing Aid Act, 1952*. ^{Short title}

BILL

An Act to authorize Provincial Grants to
Assist in the Erection of Housing
Units for Elderly Persons

1st Reading

April 4th, 1952

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 145

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

**An Act to authorize Provincial Grants to Assist
in the Erection of Housing Units for Elderly Persons**

MR. GOODFELLOW

TORONTO
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PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

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An Act to authorize Provincial Grants to
Assist in the Erection of Housing
Units for Elderly Persons

1st Reading

April 4th, 1952

2nd Reading

April 8th, 1952

3rd Reading

April 10th, 1952

MR. GOODFELLOW

No. 146

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to provide for the Establishment of
The Ontario Cancer Institute

MR. PHILLIPS

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

BILL

An Act to provide for the Establishment of The Ontario Cancer Institute

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

1. In this Act, "Institute" means The Ontario Cancer Institute. ^{Interpretation}
2. There shall be a body corporate to be known as The Ontario Cancer Institute composed of nine members appointed by the Lieutenant-Governor in Council as follows: ^{Institute established}
 - (a) two persons representing and nominated by The Ontario Cancer Treatment and Research Foundation;
 - (b) the chairman of the Board of Trustees of the Toronto General Hospital and two persons representing and nominated by the Board of Trustees of the Toronto General Hospital;
 - (c) two persons representing and nominated by the Governors of the University of Toronto;
 - (d) one person representing and nominated by the governing body of St. Michael's Hospital; and
 - (e) one person representing and nominated by the Board of Governors of The Toronto Western Hospital.

3.—(1) The members appointed under section 2 shall be known as the Board of Trustees of the Institute, and five members thereof shall constitute a quorum. ^{Board of Trustees}

(2) The chairman of the Board of Trustees of the Toronto General Hospital shall be the chairman of the Board of Trustees of the Institute. ^{Chairman}

- 4.** The head office of the Institute shall be at or near the City of Toronto.
- 5.** The objects of the Institute shall be and it shall have power to plan, construct and establish buildings and other accommodations for,
- (a) research in cancer;
 - (b) the diagnosis and treatment of cancer; and
 - (c) the observation of and consultation with persons suffering from or believed to be suffering from cancer.
- 6.** Subject to the approval of the Lieutenant-Governor in Council, the Board of Trustees of the Institute may make such by-laws, rules or regulations as may be deemed expedient for the constitution of the Institute and the administration of its affairs and may do such other things as may be necessary or advisable to carry out its objects.
- 7.** No member of the Institute shall receive any remuneration for his services, but each member shall be paid his proper travelling and other expenses incurred in the work of the Institute.
- 8.** The funds of the Institute shall consist of moneys received by it from any source, including The Ontario Cancer Treatment and Research Foundation, and the Institute may disburse, expend or otherwise deal with any of its Funds in such manner as it may deem proper.
- 9.** The accounts of the Institute shall be audited annually by the provincial Auditor or by such auditor as the Lieutenant-Governor in Council may designate, and the cost of the audit shall be paid out of the funds of the Institute.
- 10.** The Board of Trustees of the Institute shall make a report annually to the Minister of Health and such report shall contain a financial statement certified by the auditor showing all moneys received and disbursed by the Institute during the previous fiscal year, and such other information as the Minister may require.
- 11.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.
- 12.** This Act may be cited as *The Ontario Cancer Institute Act, 1952*.

BILL

An Act to provide for the Establishment of
The Ontario Cancer Institute

1st Reading

April 4th, 1952

2nd Reading

3rd Reading

MR. PHILLIPS

No. 146

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

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**An Act to provide for the Establishment of
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- (a) two persons representing and nominated by The Ontario Cancer Treatment and Research Foundation;
- (b) the chairman of the Board of Trustees of the Toronto General Hospital and two persons representing and nominated by the Board of Trustees of the Toronto General Hospital;
- (c) two persons representing and nominated by the Governors of the University of Toronto;
- (d) one person representing and nominated by the governing body of St. Michael's Hospital; and
- (e) one person representing and nominated by the Board of Governors of The Toronto Western Hospital.

3.—(1) The members appointed under section 2 shall be known as the Board of Trustees of the Institute, and five members thereof shall constitute a quorum. ^{Board of Trustees}

(2) The chairman of the Board of Trustees of the Toronto General Hospital shall be the chairman of the Board of Trustees of the Institute. ^{Chairman}

- Head office** **4.** The head office of the Institute shall be at or near the City of Toronto.
- Objects and powers** **5.** The objects of the Institute shall be and it shall have power to plan, construct and establish buildings and other accommodations for,
- (a) research in cancer;
- (b) the diagnosis and treatment of cancer; and
- (c) the observation of and consultation with persons suffering from or believed to be suffering from cancer.
- By-laws** **6.** Subject to the approval of the Lieutenant-Governor in Council, the Board of Trustees of the Institute may make such by-laws, rules or regulations as may be deemed expedient for the constitution of the Institute and the administration of its affairs and may do such other things as may be necessary or advisable to carry out its objects.
- Remuneration and expenses** **7.** No member of the Institute shall receive any remuneration for his services, but each member shall be paid his proper travelling and other expenses incurred in the work of the Institute.
- Funds** **8.** The funds of the Institute shall consist of moneys received by it from any source, including The Ontario Cancer Treatment and Research Foundation, and the Institute may disburse, expend or otherwise deal with any of its Funds in such manner as it may deem proper.
- Audit** **9.** The accounts of the Institute shall be audited annually by the provincial Auditor or by such auditor as the Lieutenant-Governor in Council may designate, and the cost of the audit shall be paid out of the funds of the Institute.
- Annual report** **10.** The Board of Trustees of the Institute shall make a report annually to the Minister of Health and such report shall contain a financial statement certified by the auditor showing all moneys received and disbursed by the Institute during the previous fiscal year, and such other information as the Minister may require.
- Commencement** **11.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.
- Short title** **12.** This Act may be cited as *The Ontario Cancer Institute Act, 1952*.

BILL

An Act to provide for the Establishment of
The Ontario Cancer Institute

1st Reading

April 4th, 1952

2nd Reading

April 8th, 1952

3rd Reading

April 10th, 1952

MR. PHILLIPS

No. 147

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Department of Education Act

MR. DUNLOP

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

EXPLANATORY NOTES

SECTION 1. New definitions of "occasional teacher", "permanent teacher", "probationary teacher" and "temporary teacher" are added to the Act. (Complementary to the new provision respecting the regulations respecting teachers' contracts in subsection 1 of section 2 of this bill.)

BILL

An Act to amend The Department of Education Act

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

1. Clauses *d* and *e* of section 1 of *The Department of Education Act* are repealed and the following substituted therefor: Rev. Stat., c. 94, s. 1, cls. *d*, *e*, re-enacted

(*d*) “occasional teacher” means a teacher employed to teach on a daily basis as a substitute for a permanent, probationary or temporary teacher;

(*e*) “permanent teacher” means a teacher employed on a continuing basis, but does not include a temporary teacher or an occasional teacher;

(*f*) “probationary teacher” means a teacher employed for a probationary period,

(i) of not more than two years for a teacher with less than three years experience before the commencement of the contract, or

(ii) of not more than one year for a teacher with three or more years experience before the commencement of the contract,

leading to an appointment as a permanent teacher if his services are satisfactory to the board, but does not include a temporary teacher or an occasional teacher;

(*g*) “Registrar” means Registrar of the Department;

(*h*) “regulations” means regulations made by the Minister and approved by the Lieutenant-Governor in Council under this Act;

(*i*) “temporary teacher” means a teacher employed to teach on a monthly basis for a period not exceeding one year.

Rev. Stat.,
c. 94, s. 4,
subs. 1,
cl. *f*, re-
enacted;
cl. *g*,
repealed.

2.—(1) Clauses *f* and *g* of subsection 1 of section 4 of *The Department of Education Act* are repealed and the following substituted therefor:

(*f*) prescribing the form of contract which shall be used for every contract entered into between a board and a permanent teacher or a probationary teacher for the services of the teacher, and prescribing in the form of contract the terms and conditions of the contract.

Rev. Stat.,
c. 94, s. 4,
subs. 1,
amended

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

(*jj*) authorizing boards to purchase milk for free distribution to pupils in schools under the jurisdiction of such boards, and prescribing the terms and conditions under which such authority may be exercised.

Commence-
ment

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

Short title

4. This Act may be cited as *The Department of Education Amendment Act, 1952*.

SECTION 2—Subsection 1. The authority to make regulations respecting teachers' contracts is rewritten,

- (a) to provide that the prescribed form will apply only to permanent and probationary teachers as defined in the Act (see section 1 of this bill); and
- (b) to permit the terms of the contract to be prescribed in the form of contract.

Subsection 2. The authority to make regulations is extended to the matter dealt with in the new clause.

BILL

An Act to amend The Department of
Education Act

1st Reading

April 4th, 1952

2nd Reading

3rd Reading

MR. DUNLOP

No. 147

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Department of Education Act

MR. DUNLOP

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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- (*d*) “occasional teacher” means a teacher employed to teach on a daily basis as a substitute for a permanent, probationary or temporary teacher;
- (*e*) “permanent teacher” means a teacher employed on a continuing basis, but does not include a temporary teacher or an occasional teacher;
- (*f*) “probationary teacher” means a teacher employed for a probationary period,
 - (*i*) of not more than two years for a teacher with less than three years experience before the commencement of the contract, or
 - (*ii*) of not more than one year for a teacher with three or more years experience before the commencement of the contract,

leading to an appointment as a permanent teacher if his services are satisfactory to the board, but does not include a temporary teacher or an occasional teacher;

- (*g*) “Registrar” means Registrar of the Department;
- (*h*) “regulations” means regulations made by the Minister and approved by the Lieutenant-Governor in Council under this Act;
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Rev. Stat.,
c. 94, s. 4,
subs. 1,
cl. *f*, re-
enacted;
cl. *g*,
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2.—(1) Clauses *f* and *g* of subsection 1 of section 4 of *The Department of Education Act* are repealed and the following substituted therefor:

(*f*) prescribing the form of contract which shall be used for every contract entered into between a board and a permanent teacher or a probationary teacher for the services of the teacher, and prescribing in the form of contract the terms and conditions of the contract.

Rev. Stat.,
c. 94, s. 4,
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Commence-
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BILL

An Act to amend The Department of
Education Act

1st Reading

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MR. DUNLOP

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Municipal Drainage Act

MR. DUNBAR

EXPLANATORY NOTE

Under the Act at present farm bridges and water gates cannot be constructed or enlarged as part of the scheme unless they are to be maintained by the scheme. The cost of such construction or enlargement is required to be paid to the owner of the land. Under the amendment, the engineer is authorized as an alternative to provide for the construction or enlargement by the scheme, whether or not it is to be maintained by the scheme.

BILL

An Act to amend The Municipal Drainage Act

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

1. Subsection 4 of section 8 of *The Municipal Drainage Act* Rev. Stat., c. 246, s. 8, subs. 4, re-enacted is repealed and the following substituted therefor:

(4) The engineer or surveyor shall in the same manner Farm bridges provide for the construction or enlargement of bridges and water gates rendered necessary by the drainage work upon the lands of any owner, and

(a) shall fix the value of the construction or enlargement thereof to be paid to the respective owners entitled thereto; or

(b) shall provide for the construction or enlargement thereof by the drainage scheme,

and the land assessed for the drainage work shall not nor shall any municipal corporation be liable for keeping such bridges and water gates in repair, but should the engineer or surveyor deem it proper that any of such bridges or water gates be maintained by the drainage scheme he may so provide by his report.

2. This Act may be cited as *The Municipal Drainage* Short title *Amendment Act, 1952.*

BILL

An Act to amend The Municipal
Drainage Act

1st Reading

April 4th, 1952

2nd Reading

3rd Reading

MR. DUNBAR

No. 148

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Municipal Drainage Act

MR. DUNBAR

BILL

An Act to amend The Municipal Drainage Act

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

1. Subsection 4 of section 8 of *The Municipal Drainage Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 246, s. 8,
subs. 4,
re-enacted

(4) The engineer or surveyor shall in the same manner provide for the construction or enlargement of bridges and water gates rendered necessary by the drainage work upon the lands of any owner, and

Farm
bridges

(a) shall fix the value of the construction or enlargement thereof to be paid to the respective owners entitled thereto; or

(b) shall provide for the construction or enlargement thereof by the drainage scheme,

and the land assessed for the drainage work shall not nor shall any municipal corporation be liable for keeping such bridges and water gates in repair, but should the engineer or surveyor deem it proper that any of such bridges or water gates be maintained by the drainage scheme he may so provide by his report.

2. This Act may be cited as *The Municipal Drainage Amendment Act, 1952*.

Short title

BILL

An Act to amend The Municipal
Drainage Act

1st Reading

April 4th, 1952

2nd Reading

April 7th, 1952

3rd Reading

April 9th, 1952

MR. DUNBAR

No. 149

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend the Factory, Shop and Office Building Act

MR. DALEY

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

EXPLANATORY NOTE

The present subsection provides that no outside fire escape shall extend above the fifth floor of any factory, shop, restaurant or office building. The amendment provides that no outside fire escape of a building erected after July 1st, 1952, shall extend above the third floor

BILL

An Act to amend The Factory, Shop and Office Building Act

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

1. Subsection 3 of section 59 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor: Rev. Stat., c. 126, s. 59 subs. 3, re-enacted

(3) No outside fire escape shall extend above the third floor of any factory, shop, restaurant or office building erected after the 1st day of July, 1952, and the ground floor shall be considered the first floor. Extent of outside fire escapes

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

3. This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1952*. short title

BILL

An Act to amend The Factory, Shop
and Office Building Act

1st Reading

April 7th, 1952

2nd Reading

3rd Reading

MR. DALEY

No. 149

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

An Act to amend The Factory, Shop and Office Building Act

MR. DALEY

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

No. 149

1952

BILL

An Act to amend The Factory, Shop and Office Building Act

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

1. Subsection 3 of section 59 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor: Rev. Stat., c. 126, s. 59, subs. 3, re-enacted
- (3) No outside fire escape shall extend above the third floor of any factory, shop, restaurant or office building erected after the 1st day of July, 1952, and the ground floor shall be considered the first floor. Extent of outside fire escapes
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1952*. Short title

BILL.

An Act to amend The Factory, Shop
and Office Building Act

1st Reading

April 7th, 1952

2nd Reading

April 8th, 1952

3rd Reading

April 10th, 1952

MR. DALEY

No. 150

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act respecting the Diversion of the Seine River

MR. SCOTT

BILL

An Act respecting the Diversion of the Seine River

WHEREAS by Order in Council P.C. 11693, passed under Preamble the authority of the *War Measures Act* (Canada), R.S.C. 1927, c. 206 authority was granted to Steep Rock Iron Mines Limited to divert the waters of the Seine River and to do all things necessary or incidental to effecting such diversion, including the drainage of Steep Rock Lake, or part thereof, and the flooding or de-watering of properties of others; and whereas partial diversion of the waters of the Seine River has been effected pursuant to such authority; and whereas it is desirable that such partial diversion be confirmed and that authority be granted for the completion and the operation of the diversion;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Crown" means Her Majesty the Queen in right of Ontario;
- (b) "Company" means Steep Rock Iron Mines Limited;
- (c) "judge" means the judge of the Mining Court of Ontario;
- (d) "mineral rights" means ores, mines, minerals and the right to remove the same in such manner that any dam or other structure erected or to be erected within the Seine River diversion is not endangered or injuriously affected and that the flow of waters of the Seine River diversion is not interfered with;
- (e) "Minister" means Minister of Lands and Forests;
- (f) "Seine River diversion" means the watercourse of the Seine River diverted from Marmion Lake, through Raft Lake, Finlayson Lake, Barr Lake, Reed Lake and Modred Lake and intermediate territory to connect with the present course of the Seine River west of Tracy Rapids.

Right of
entry, etc.

2. The Company has the right to enter upon, examine and survey such lands as it deems necessary in connection with or as incidental to the de-watering of Steep Rock Lake and the completion of the Seine River diversion, and the Company shall pay compensation as hereinafter provided for any actual damage done.

Diversion
and de-
watering
powers

3.—(1) Notwithstanding anything in any other Act but subject to section 11, the Company has the right, in accordance with plans that have been or may be filed with or required by the Department of Lands and Forests, with such additions thereto or deviations therefrom as the Minister may permit or require and upon approval by him of such plans, to erect dams, create, enlarge and extend bodies of water, divert into new channels waters flowing southerly from Finlayson Lake and waters formerly flowing or draining through or into Steep Rock Lake; to de-water and drain the bed of Steep Rock Lake; to clear, excavate, construct and maintain any water-course, raceway, erection or work it may require in connection with the construction or use of such diversion, notwithstanding that the exercise of such rights may involve the flooding or de-watering of properties of others; and subject to subsection 2, to take, acquire, hold and use such portion of the land so examined or such rights over or in respect thereof, but not including the mineral rights, for the completion, improvement or maintenance of the diversion, de-watering or draining and works in connection therewith, and subject to the completion of such diversion and the installation, if required by the Minister, of a weir or dam at or near the south outlet of the West Arm of Steep Rock Lake, to discharge and deposit silt, clay and lake bottom material from the bed of Steep Rock Lake into the West Arm of Steep Rock Lake or into Marmion Lake or such basin or basins as may be made available for deposit and retention of such material, provided that no such discharge or deposit in Marmion Lake or other basin or basins shall be made until the plans for deposit and retention of such material in Marmion Lake or in such basin or basins have been approved by the Minister and the discharge or deposit in the case of Marmion Lake shall not exceed an elevation to be determined by the Minister, and such discharge or deposit shall be made upstream from the dam known as "the protective works at the Marmion Lake narrows".

Saving

(2) Nothing authorized by this section entitles the Company to expropriate or adversely affect the properties of the Crown or The Hydro-Electric Power Commission of Ontario without their consent.

Former
actions

4. The authority conferred by this Act extends to and includes all action heretofore taken by or on behalf of the Company pursuant to the said Order in Council P.C. 11693.

5.—(1) The authority granted by Order in Council P.C. 11693 to the judge of the Mining Court of Ontario to investigate and ascertain the damage, if any, caused by the diversion, flooding or draining is confirmed, and the judge is further authorized to investigate and ascertain the damage, if any, caused by the examination and survey, diversion, flooding, draining or anything else done under this Act to anyone other than the Company and to determine the amount of compensation for lands taken, acquired, held or used under this Act, and for all damage to property resulting from the exercise of the Company's powers under this Act, which shall be paid by the Company, and any party or parties affected by a decision of the judge have similar rights of appeal to those provided by *The Mining Act* in the case of proceedings under that Act. ^{Compensation} ^{Rev. Stat., c. 236}

(2) Upon payment of the compensation so determined for lands so taken, acquired, held or used, the Company is entitled to a conveyance, to be settled by the judge in case of dispute, and subject to section 7, of the land or rights in respect of which payment is so made. ^{Idem}

(3) In the event of the owner of land taken, acquired, held or used by the Company under this Act failing or refusing to execute a conveyance to the Company upon reasonable notice and after having tendered to him the Company's cheque for the amount awarded by the judge, the Company may file a plan and description in the proper registry or land titles office of the land so taken, acquired, held or used, signed by the proper officers of the Company and an Ontario land surveyor, and thereupon such land, except the mineral rights, shall be and become vested in the Company. ^{Idem}

6. Upon request of the Minister but subject to the Company's obligation to The Hydro-Electric Power Commission of Ontario under paragraph 5 of the agreement between The Hydro-Electric Power Commission of Ontario and the Company, which is Schedule E to *The Steep Rock Iron Ore Development Act, 1949*, the Company shall execute a conveyance to the Crown without charge or compensation of all rights to any lands so conveyed to it or to any other lands owned by the Company, except the mineral rights, which are within the Seine River diversion below a contour of three feet above that which will permit a maximum flow of water of 20,000 cubic feet per second, but no such conveyance shall limit or restrict the exercise by the Company of the rights conferred upon it in this Act. ^{Conveyance of lands to Crown} ^{1949, c. 97}

7.—(1) All patented lands which have been or may be acquired by the Company within the Seine River diversion below a contour three feet above that which will permit a ^{Lands vested in Crown}

maximum flow of water of 20,000 cubic feet per second and all rights to such lands, except the mineral rights, are hereby vested in the Crown.

Water
rights

(2) The rights vested in the Crown under subsection 1 include, in addition to all other rights except mineral rights, all rights to the use of water of the Seine River diversion and all rights with respect to power which may be developed from the water of the Seine River diversion, provided that no rights with respect to such water power development on the Seine River diversion shall at any time prior to the 1st day of December, 1971, be granted or leased by the Crown to anyone other than the Company except subject to prior reimbursement by the grantee or lessee to the Company for the cost incurred by the Company after the 1st day of December, 1951, for completion of the Seine River diversion, less one-twentieth of such cost for each year which intervenes between the 1st day of December, 1952, and the date of such granting or leasing, but if at the time of such granting or leasing The Hydro-Electric Power Commission of Ontario is entitled to restore the normal water flow in the Seine River through Steep Rock Lake, no part of such costs shall be reimbursable to the Company.

Lands sub-
ject to
Rev. Stat.,
c. 34

8. All lands within the Seine River diversion below a contour of three feet above that which will permit a maximum flow of water of 20,000 cubic feet per second are subject to *The Beds of Navigable Waters Act*.

1949,
c. 97, s. 2,
extended

9. The authority conferred on The Hydro-Electric Power Commission of Ontario by section 2 of *The Steep Rock Iron Ore Development Act, 1949* extends and applies to the Seine River diversion as authorized by this Act.

Rights of
action not
prejudiced

10. Nothing in this Act prejudices any right of action any person may have for damages against the Company by reason of alleged pollution of the waters of the Seine River.

Application
of Rev. Stat.,
cc. 420, 195

11. Nothing in this Act shall be deemed to limit or exclude the application to the Company of *The Water Powers Regulation Act* and Parts I and III of *The Lakes and Rivers Improvement Act*.

Assignment
of rights

12. With the consent of the Lieutenant-Governor in Council, any of the rights conferred on the Company by this Act may be assigned and may be exercised in whole or in part by assignees or licensees of the Company.

Crown to
be bound

13. This Act is binding upon and enures to the benefit of the Crown.

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

15. This Act may be cited as *The Seine River Diversion* Short title *Act, 1952.*

BILL

An Act respecting the Diversion of
the Seine River

1st Reading

April 7th, 1952

2nd Reading

3rd Reading

MR. SCOTT

No. 150

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act respecting the Diversion of the Seine River

MR. SCOTT

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

BILL

An Act respecting the Diversion of the Seine River

WHEREAS by Order in Council P.C. 11693, passed under Preamble the authority of the *War Measures Act* (Canada), R.S.C. 1927, c. 206 authority was granted to Steep Rock Iron Mines Limited to divert the waters of the Seine River and to do all things necessary or incidental to effecting such diversion, including the drainage of Steep Rock Lake, or part thereof, and the flooding or de-watering of properties of others; and whereas partial diversion of the waters of the Seine River has been effected pursuant to such authority; and whereas it is desirable that such partial diversion be confirmed and that authority be granted for the completion and the operation of the diversion;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Inter-
pre-
tation

- (a) "Crown" means Her Majesty the Queen in right of Ontario;
- (b) "Company" means Steep Rock Iron Mines Limited;
- (c) "judge" means the judge of the Mining Court of Ontario;
- (d) "mineral rights" means ores, mines, minerals and the right to remove the same in such manner that any dam or other structure erected or to be erected within the Seine River diversion is not endangered or injuriously affected and that the flow of waters of the Seine River diversion is not interfered with;
- (e) "Minister" means Minister of Lands and Forests;
- (f) "Seine River diversion" means the watercourse of the Seine River diverted from Marmion Lake, through Raft Lake, Finlayson Lake, Barr Lake, Reed Lake and Modred Lake and intermediate territory to connect with the present course of the Seine River west of Tracy Rapids.

Right of
entry, etc.

2. The Company has the right to enter upon, examine and survey such lands as it deems necessary in connection with or as incidental to the de-watering of Steep Rock Lake and the completion of the Seine River diversion, and the Company shall pay compensation as hereinafter provided for any actual damage done.

Diversion
and de-
watering
powers

3.—(1) Notwithstanding anything in any other Act but subject to section 11, the Company has the right, in accordance with plans that have been or may be filed with or required by the Department of Lands and Forests, with such additions thereto or deviations therefrom as the Minister may permit or require and upon approval by him of such plans, to erect dams, create, enlarge and extend bodies of water, divert into new channels waters flowing southerly from Finlayson Lake and waters formerly flowing or draining through or into Steep Rock Lake; to de-water and drain the bed of Steep Rock Lake; to clear, excavate, construct and maintain any water-course, raceway, erection or work it may require in connection with the construction or use of any such diversion, notwithstanding that the exercise of such rights may involve the flooding or de-watering of properties of others; and subject to subsection 2, to take, acquire, hold and use such portion of the land so examined or such rights over or in respect thereof, but not including the mineral rights, for the completion, improvement or maintenance of any such diversion, de-watering or draining and works in connection therewith, and subject to the completion of the Seine River diversion and the installation, if required by the Minister, of a weir or dam at or near the south outlet of the West Arm of Steep Rock Lake, to discharge and deposit silt, clay and lake bottom material from the bed of Steep Rock Lake into the West Arm of Steep Rock Lake or into Marmion Lake or such basin or basins as may be made available for deposit and retention of such material, provided that no such discharge or deposit in Marmion Lake or other basin or basins shall be made until the plans for deposit and retention of such material in Marmion Lake or in such basin or basins have been approved by the Minister and the discharge or deposit in the case of Marmion Lake shall not exceed an elevation to be determined by the Minister, and such discharge or deposit shall be made upstream from the dam known as “the protective works at the Marmion Lake narrows”.

Saving

(2) Nothing authorized by this section entitles the Company to expropriate or adversely affect the properties of the Crown or The Hydro-Electric Power Commission of Ontario without their consent.

Former
actions

4. The authority conferred by this Act extends to and includes all action heretofore taken by or on behalf of the Company pursuant to the said Order in Council P.C. 11693.

5.—(1) The authority granted by Order in Council P.C. ^{Compensation} 11693 to the judge of the Mining Court of Ontario to investigate and ascertain the damage, if any, caused by the diversion, flooding or draining is confirmed, and the judge is further authorized to investigate and ascertain the damage, if any, caused by the examination and survey, diversion, flooding, draining or anything else done under this Act to anyone other than the Company and to determine the amount of compensation for lands taken, acquired, held or used under this Act, and for all damage to property resulting from the exercise of the Company's powers under this Act, which shall be paid by the Company, and any party or parties affected by a decision of the judge have similar rights of appeal to those provided by *The Mining Act* in the case of proceedings under ^{Rev. Stat.,} that Act. c. 236

(2) Upon payment of the compensation so determined for ^{Idem} lands so taken, acquired, held or used, the Company is entitled to a conveyance, to be settled by the judge in case of dispute, and subject to section 7, of the land or rights in respect of which payment is so made.

(3) In the event of the owner of land taken, acquired, held ^{Idem} or used by the Company under this Act failing or refusing to execute a conveyance to the Company upon reasonable notice and after having tendered to him the Company's cheque for the amount awarded by the judge, the Company may file a plan and description in the proper registry or land titles office of the land so taken, acquired, held or used, signed by the proper officers of the Company and an Ontario land surveyor, and thereupon such land, except the mineral rights, shall be and become vested in the Company.

6. Upon request of the Minister but subject to the Com- ^{Conveyance} pany's obligation to The Hydro-Electric Power Commission of Ontario under paragraph 5 of the agreement between The Hydro-Electric Power Commission of Ontario and the Com- ^{of lands to} pany, which is Schedule E to *The Steep Rock Iron Ore Develop- 1949, c. 97* ^{Crown} ment Act, 1949, the Company shall execute a conveyance to the Crown without charge or compensation of all rights to any lands so conveyed to it or to any other lands owned by the Company, except the mineral rights, which are within the Seine River diversion below a contour of three feet above that which will permit a maximum flow of water of 20,000 cubic feet per second, but no such conveyance shall limit or restrict the exercise by the Company of the rights conferred upon it in this Act.

7.—(1) All patented lands which have been or may be ^{Lands vested} acquired by the Company within the Seine River diversion ^{in Crown} below a contour three feet above that which will permit a

maximum flow of water of 20,000 cubic feet per second and all rights to such lands, except the mineral rights, are hereby vested in the Crown.

Water
rights

(2) The rights vested in the Crown under subsection 1 include, in addition to all other rights except mineral rights, all rights to the use of water of the Seine River diversion and all rights with respect to power which may be developed from the water of the Seine River diversion, provided that no rights with respect to such water power development on the Seine River diversion shall at any time prior to the 1st day of December, 1971, be granted or leased by the Crown to anyone other than the Company except subject to prior reimbursement by the grantee or lessee to the Company for the cost incurred by the Company after the 1st day of December, 1951, for completion of the Seine River diversion, less one-twentieth of such cost for each year which intervenes between the 1st day of December, 1952, and the date of such granting or leasing, but if at the time of such granting or leasing The Hydro-Electric Power Commission of Ontario is entitled to restore the normal water flow in the Seine River through Steep Rock Lake, no part of such costs shall be reimbursable to the Company.

Lands sub-
ject to
Rev. Stat.,
c. 34

8. All lands within the Seine River diversion below a contour of three feet above that which will permit a maximum flow of water of 20,000 cubic feet per second are subject to *The Beds of Navigable Waters Act*.

Application
of 1949, c. 97

9. The authority conferred on The Hydro-Electric Power Commission of Ontario by section 2 of *The Steep Rock Iron Ore Development Act, 1949* extends and applies to the Seine River diversion authorized by this Act, and the rights and obligations existing under Schedules C and E referred to in the said section 2 are not affected by this Act, and the obligations, covenants and indemnities of the Company in favour of The Hydro-Electric Power Commission of Ontario in the said Schedule E extend to the Seine River diversion authorized by this Act.

Rights of
action not
prejudiced

10. Nothing in this Act prejudices any right of action any person may have for damages against the Company by reason of alleged pollution of the waters of the Seine River.

Application
of Rev. Stat.,
cc. 420, 195

11. Nothing in this Act shall be deemed to limit or exclude the application to the Company of *The Water Powers Regulation Act* and Parts I and III of *The Lakes and Rivers Improvement Act*.

Assignment
of rights

12. With the consent of the Lieutenant-Governor in Council, any of the rights conferred on the Company by this Act may be assigned and may be exercised in whole or in part by assignees or licensees of the Company.

- 13.** This Act is binding upon and enures to the benefit of ^{Crown to} the Crown. _{be bound}
- 14.** This Act comes into force on the day it receives Royal ^{Commence-} Assent. _{ment}
- 15.** This Act may be cited as *The Seine River Diversion* ^{Short title} *Act, 1952.*

BILL

An Act respecting the Diversion of
the Seine River

1st Reading

April 7th, 1952

2nd Reading

April 8th, 1952

3rd Reading

MR. SCOTT

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

No. 150

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL
An Act respecting the Diversion of the Seine River

MR. SCOTT

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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An Act respecting the Diversion of the Seine River

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Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Inter-
pre-
tation

- (a) "Crown" means Her Majesty the Queen in right of Ontario;
- (b) "Company" means Steep Rock Iron Mines Limited;
- (c) "judge" means the judge of the Mining Court of Ontario;
- (d) "mineral rights" means ores, mines, minerals and the right to remove the same in such manner that any dam or other structure erected or to be erected within the Seine River diversion is not endangered or injuriously affected and that the flow of waters of the Seine River diversion is not interfered with;
- (e) "Minister" means Minister of Lands and Forests;
- (f) "Seine River diversion" means the watercourse of the Seine River diverted from Marmion Lake, through Raft Lake, Finlayson Lake, Barr Lake, Reed Lake and Modred Lake and intermediate territory to connect with the present course of the Seine River west of Tracy Rapids.

Right of
entry, etc.

2. The Company has the right to enter upon, examine and survey such lands as it deems necessary in connection with or as incidental to the de-watering of Steep Rock Lake and the completion of the Seine River diversion, and the Company shall pay compensation as hereinafter provided for any actual damage done.

Diversion
and de-
watering
powers

3.—(1) Notwithstanding anything in any other Act but subject to section 11, the Company has the right, in accordance with plans that have been or may be filed with or required by the Department of Lands and Forests, with such additions thereto or deviations therefrom as the Minister may permit or require and upon approval by him of such plans, to erect dams, create, enlarge and extend bodies of water, divert into new channels waters flowing southerly from Finlayson Lake and waters formerly flowing or draining through or into Steep Rock Lake; to de-water and drain the bed of Steep Rock Lake; to clear, excavate, construct and maintain any water-course, raceway, erection or work it may require in connection with the construction or use of any such diversion, notwithstanding that the exercise of such rights may involve the flooding or de-watering of properties of others; and subject to subsection 2, to take, acquire, hold and use such portion of the land so examined or such rights over or in respect thereof, but not including the mineral rights, for the completion, improvement or maintenance of any such diversion, de-watering or draining and works in connection therewith, and subject to the completion of the Seine River diversion and the installation, if required by the Minister, of a weir or dam at or near the south outlet of the West Arm of Steep Rock Lake, to discharge and deposit silt, clay and lake bottom material from the bed of Steep Rock Lake into the West Arm of Steep Rock Lake or into Marmion Lake or such basin or basins as may be made available for deposit and retention of such material, provided that no such discharge or deposit in Marmion Lake or other basin or basins shall be made until the plans for deposit and retention of such material in Marmion Lake or in such basin or basins have been approved by the Minister and the discharge or deposit in the case of Marmion Lake shall not exceed an elevation to be determined by the Minister, and such discharge or deposit shall be made upstream from the dam known as “the protective works at the Marmion Lake narrows”.

Saving

(2) Nothing authorized by this section entitles the Company to expropriate or adversely affect the properties of the Crown or The Hydro-Electric Power Commission of Ontario without their consent.

Former
actions

4. The authority conferred by this Act extends to and includes all action heretofore taken by or on behalf of the Company pursuant to the said Order in Council P.C. 11693.

5.—(1) The authority granted by Order in Council P.C. 11693 to the judge of the Mining Court of Ontario to investigate and ascertain the damage, if any, caused by the diversion, flooding or draining is confirmed, and the judge is further authorized to investigate and ascertain the damage, if any, caused by the examination and survey, diversion, flooding, draining or anything else done under this Act to anyone other than the Company and to determine the amount of compensation for lands taken, acquired, held or used under this Act, and for all damage to property resulting from the exercise of the Company's powers under this Act, which shall be paid by the Company, and any party or parties affected by a decision of the judge have similar rights of appeal to those provided by *The Mining Act* in the case of proceedings under that Act. ^{Compensation}
^{Rev. Stat., c. 236}

(2) Upon payment of the compensation so determined for lands so taken, acquired, held or used, the Company is entitled to a conveyance, to be settled by the judge in case of dispute, and subject to section 7, of the land or rights in respect of which payment is so made. ^{Idem}

(3) In the event of the owner of land taken, acquired, held or used by the Company under this Act failing or refusing to execute a conveyance to the Company upon reasonable notice and after having tendered to him the Company's cheque for the amount awarded by the judge, the Company may file a plan and description in the proper registry or land titles office of the land so taken, acquired, held or used, signed by the proper officers of the Company and an Ontario land surveyor, and thereupon such land, except the mineral rights, shall be and become vested in the Company. ^{Idem}

6. Upon request of the Minister but subject to the Company's obligation to The Hydro-Electric Power Commission of Ontario under paragraph 5 of the agreement between The Hydro-Electric Power Commission of Ontario and the Company, which is Schedule E to *The Steep Rock Iron Ore Development Act, 1949*, the Company shall execute a conveyance to the Crown without charge or compensation of all rights to any lands so conveyed to it or to any other lands owned by the Company, except the mineral rights, which are within the Seine River diversion below a contour of three feet above that which will permit a maximum flow of water of 20,000 cubic feet per second, but no such conveyance shall limit or restrict the exercise by the Company of the rights conferred upon it in this Act. ^{Conveyance of lands to Crown}
^{1949, c. 97}

7.—(1) All patented lands which have been or may be acquired by the Company within the Seine River diversion below a contour three feet above that which will permit a ^{Lands vested in Crown}

maximum flow of water of 20,000 cubic feet per second and all rights to such lands, except the mineral rights, are hereby vested in the Crown.

Water
rights

(2) The rights vested in the Crown under subsection 1 include, in addition to all other rights except mineral rights, all rights to the use of water of the Seine River diversion and all rights with respect to power which may be developed from the water of the Seine River diversion, provided that no rights with respect to such water power development on the Seine River diversion shall at any time prior to the 1st day of December, 1971, be granted or leased by the Crown to anyone other than the Company except subject to prior reimbursement by the grantee or lessee to the Company for the cost incurred by the Company after the 1st day of December, 1951, for completion of the Seine River diversion, less one-twentieth of such cost for each year which intervenes between the 1st day of December, 1952, and the date of such granting or leasing, but if at the time of such granting or leasing The Hydro-Electric Power Commission of Ontario is entitled to restore the normal water flow in the Seine River through Steep Rock Lake, no part of such costs shall be reimbursable to the Company.

Lands sub-
ject to
Rev. Stat.,
c. 34

8. All lands within the Seine River diversion below a contour of three feet above that which will permit a maximum flow of water of 20,000 cubic feet per second are subject to *The Beds of Navigable Waters Act*.

Application
of 1949, c. 97

9. The authority conferred on The Hydro-Electric Power Commission of Ontario by section 2 of *The Steep Rock Iron Ore Development Act, 1949* extends and applies to the Seine River diversion authorized by this Act, and the rights and obligations existing under Schedules C and E referred to in the said section 2 are not affected by this Act, and the obligations, covenants and indemnities of the Company in favour of The Hydro-Electric Power Commission of Ontario in the said Schedule E extend to the Seine River diversion authorized by this Act.

Rights of
action not
prejudiced

10. Nothing in this Act prejudices any right of action any person may have for damages against the Company by reason of alleged pollution of the waters of the Seine River.

Application
of Rev. Stat.,
cc. 420, 195

11. Nothing in this Act shall be deemed to limit or exclude the application to the Company of *The Water Powers Regulation Act* and Parts I and III of *The Lakes and Rivers Improvement Act*.

Assignment
of rights

12. With the consent of the Lieutenant-Governor in Council, any of the rights conferred on the Company by this Act may be assigned and may be exercised in whole or in part by assignees or licensees of the Company.

13. This Act is binding upon and enures to the benefit of ^{Crown to} the Crown. _{be bound}

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

15. This Act may be cited as *The Seine River Diversion* ^{Short title} *Act, 1952.*

BILL

An Act respecting the Diversion of
the Seine River

1st Reading

April 7th, 1952

2nd Reading

April 8th, 1952

3rd Reading

April 10th, 1952

MR. SCOTT

1ST SESSION, 24TH LEGISLATURE, ONTARIO
1 ELIZABETH II, 1952

BILL

**An Act for granting to Her Majesty certain sums of money
for the Public Service for the fiscal year ending the 31st
day of March, 1952, and for the Public Service for the
fiscal year ending the 31st day of March, 1953**

MR. FROST

BILL

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1952, and for the Public Service for the fiscal year ending the 31st day of March, 1953

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable Preamble Louis Orville Breithaupt, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1952, and for the fiscal year ending the 31st day of March, 1953, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. There may be paid out of the Consolidated Revenue \$10,050,000 granted for fiscal year 1951-52 Fund a sum not exceeding in the whole \$10,050,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1951, to the 31st day of March, 1952, as set forth in Schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such Schedule is based.

2. There may be paid out of the Consolidated Revenue \$239,226,600 granted for fiscal year 1952-53 Fund a sum not exceeding in the whole \$239,226,600 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1952, to the 31st day of March, 1953, as set forth in Schedule B to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such Schedule is based.

Accounting
for expenditure

3. The due application of all moneys expended under this Act out of the Consolidated Revenue Fund shall be accounted for to Her Majesty.

Commencement

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

Short title

5. This Act may be cited as *The Supply Act, 1952*.

SCHEDULE A

Education Department.....	\$ 3,300,000.00
Health Department.....	5,750,000.00
Planning and Development Department.....	1,000,000.00
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	\$10,050,000.00

SCHEDULE B

Agriculture Department.....	\$ 8,782,000.00
Attorney-General's Department.....	10,392,800.00
Education Department.....	68,390,000.00
Health Department.....	45,401,000.00
Highways Department.....	4,531,000.00
Insurance Department.....	145,000.00
Labour Department.....	10,976,000.00
Lands and Forests Department.....	14,390,000.00
Lieutenant-Governor's Office.....	20,000.00
Mines Department.....	2,047,000.00
Municipal Affairs Department.....	4,830,600.00
Planning and Development Department.....	1,090,000.00
Prime Minister's Office.....	268,000.00
Provincial Auditor's Office.....	237,000.00
Provincial Secretary's Department.....	1,404,000.00
Provincial Treasurer's Department.....	5,043,200.00
Public Welfare Department.....	27,224,000.00
Public Works Department.....	23,975,000.00
Reform Institutions Department.....	8,345,000.00
Travel and Publicity Department.....	1,485,000.00
Miscellaneous.....	250,000.00
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Total estimate of expenditure for the fiscal year 1952-53.....	\$239,226,600.00

BILL

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1952, and for the Public Service for the fiscal year ending the 31st day of March, 1953

1st Reading

April 10th, 1952

2nd Reading

April 10th, 1952

3rd Reading

April 10th, 1952

MR. FROST



