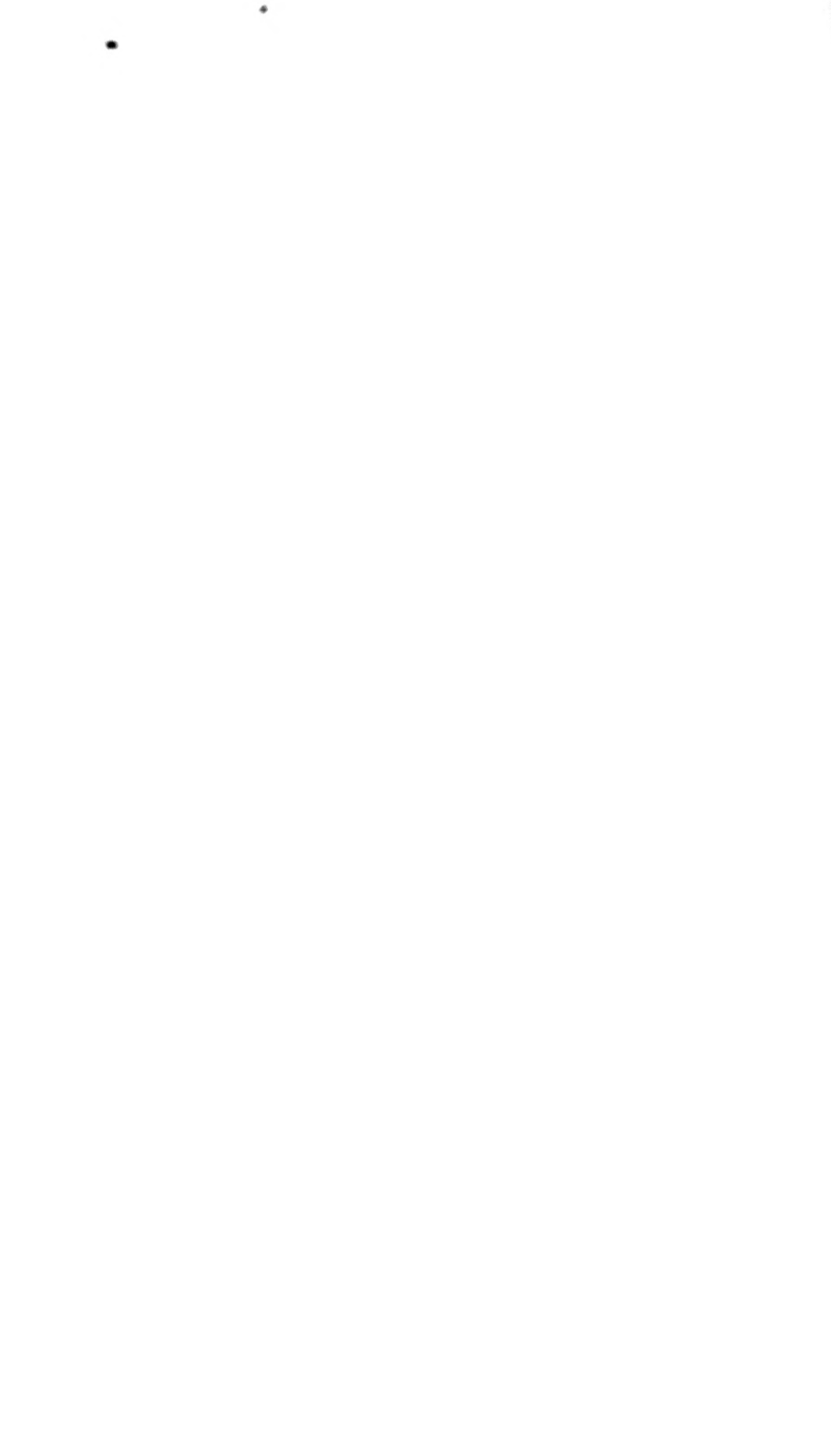


Ontario
Govt P.









No. 74

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Credit Unions Act, 1953

MR. PORTER

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

EXPLANATORY NOTES

GENERAL. Last session provision was made for the transfer of the administration of credit unions from the Department of Agriculture to the Department of Insurance and this transfer has been made.

The amendments contained in this Bill are designed to bring the Act into line with the new administrative policies of the Department of Insurance and the present practices of credit unions.

SECTION 1—Subsection 1. The definition of "officer" is changed to exclude servants of credit unions. The reason is that in subsection 3 of section 27 of the Act a special procedure for making loans to officers is prescribed and it is felt that this procedure is not necessary in the case of servants eligible for loans.

Subsection 2. This new officer will be appointed to perform some of the duties now performed by the registrar.

SECTION 2. These amendments provide for the transfer of duties from the registrar to the supervisor.

SECTION 3. The section is intended to include credit union leagues as well as credit unions and the power to hold real estate is restricted.

BILL

An Act to amend The Credit Unions Act, 1953

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

1.—(1) Clause *e* of section 1 of *The Credit Unions Act, 1953* is repealed and the following substituted therefor: 1953, c. 26, s. 1, cl. *e*, re-enacted

(*e*) "officer" includes treasurer, secretary, manager, assistant treasurer, assistant secretary and assistant manager.

(2) The said section 1 is amended by adding thereto the following clause: 1953, c. 26, s. 1, amended

(*k*) "supervisor" means supervisor of credit unions appointed for the purposes of this Act.

2. Section 9 of *The Credit Unions Act, 1953* is amended by striking out the word "registrar" where it occurs in the third line of subsection 1 and in the first line of subsection 2, respectively, and inserting in lieu thereof the word "supervisor", so that the section shall read as follows: 1953, c. 26, s. 9, amended

9.—(1) Every credit union shall have a registered office to which all communications and notices shall be sent, and the credit union shall send to the supervisor written notice in duplicate of the location of its registered office and of every change of the location. Registered office of credit union

(2) The supervisor shall transmit one copy of such notice to the Provincial Secretary. Idem

3. Section 10 of *The Credit Unions Act, 1953* is repealed and the following substituted therefor: 1953, c. 26, s. 10, re-enacted

10. A corporation that is subject to this Act may, by by-law, provide for the holding, purchasing or leasing in its own name of such real estate as is necessary for its own use and benefit for the transaction of its Power to hold real estate

business and may sell, mortgage or dispose of the same; and, with the written consent of the Superintendent, may lease, acquire or construct a building larger than is required for the transaction of its business and lease any part of the building not so required.

1953, c. 26,
s. 16,
amended

4. Section 16 of *The Credit Unions Act, 1953* is amended by striking out the word "registrar" where it occurs in the second and fifth lines of subsection 1 and in the first line of subsection 2, respectively, and inserting in lieu thereof the word "supervisor", so that the section shall read as follows:

Approval
of by-laws

16.—(1) No by-law or amendment of a by-law is valid until it has been approved by the supervisor, for which purpose two copies thereof, signed by three members and the secretary or by the president and the secretary, shall be sent to the supervisor.

Idem

(2) The supervisor, on being satisfied that a by-law or amendment of a by-law has been duly passed by the credit union, may approve it.

1953, c. 26,
s. 20,
amended

5. Section 20 of *The Credit Unions Act, 1953* is amended by adding thereto the following subsection:

Additional
shares

(2) After the first application for a share or shares by a member, payment on account of additional shares shall be deemed an application for such additional shares and receipt of the payments by the credit union shall be deemed to be an allotment of such shares.

1953, c. 26,
amended

6. *The Credit Unions Act, 1953* is amended by adding thereto the following sections:

Shares
in trust

20a. A member, in addition to holding shares in his own name, may subscribe for and hold shares and make deposits in trust for a named beneficiary and such beneficiary without payment of any entrance fee shall be deemed to be a member of the credit union only for the purpose of qualifying for life insurance under a group policy of insurance purchased by the credit union on the lives of its members and shall not be entitled to notice of meetings or to vote at meetings.

Joint
amounts

20b. Two or more members may hold their shares and deposits in a joint account, and in the absence of written notice to the contrary, payment by the

SECTION 4. These amendments provide for the transfer of duties from the registrar to the supervisor.

SECTION 5. The present procedure is for a new member to make application for membership in a credit union together with a subscription for one share, which is allotted by the directors at the time the membership is accepted. Subsequent purchases of shares are made by deposits with the credit union with no formal application or allotment. This amendment provides authority for this procedure.

SECTION 6. The new section 20a will enable members to open trust accounts for members of their family, etc., and to collect on group life insurance.

The new section 20b sets out the ways in which a credit union may discharge its liability on a joint account.

SECTION 7. The present section 23 provides that minors may be members of a credit union with certain rights but there has been some doubt as to whether this included the right to borrow money. The rights in this respect are now added.

SECTION 8. The new subsections give statutory recognition to a practice that has been generally followed by credit unions.

SECTION 9—Subsection 1. The words added provide an exception in that clauses *c* and *d* of section 4 specifically provide for the incorporation of credit unions having for their object and purpose the making of loans to other credit unions or the depositing with and making loans to credit union leagues.

credit union to any of such members or to the survivor or any of the survivors of such members of any money standing to the credit of the joint share or deposit account shall discharge the credit union from any further liability for such payment.

7. Section 23 of *The Credit Unions Act, 1953* is repealed and the following substituted therefor: 1953, c. 26, s. 23, re-enacted

23. Subject to the by-laws, a person under the age of twenty-one years may be a member of a credit union, and every such person may enjoy all the rights of a member and execute all instruments and give all acquittances necessary to be executed or given under the by-laws, but shall not be a trustee, manager, treasurer or a member of the board of directors, credit committee or supervisory committee of the credit union and shall not have the right to borrow any amount in excess of his savings in the credit union except upon the joint and several promissory note signed by him and by a person over twenty-one years of age. Members under 21

8. Section 26 of *The Credit Unions Act, 1953* is amended by adding thereto the following subsections: 1953, c. 26, s. 26, amended

(3) Entrance fees and fines, if any, shall be added to the guarantee fund but an amount not exceeding \$70 may, in the discretion of the board of directors, be withdrawn therefrom to cover organization expenses incurred during the first year of operations. Entrance fees and fines

(4) Subject to the approval of the board of directors and the supervisory committee, the outstanding principal balance of any uncollectable loan, after crediting to such principal any moneys to the credit of the member on shares and deposits, shall be charged to the guarantee fund and no charge shall be made to the guarantee fund for fines or interest on any such loan from the date of the last interest payment made by the borrower nor shall the amount standing to the credit of the member on shares or deposits be applied towards payment of fines or interest. Uncollectable loans

9.—(1) Subsection 1 of section 27 of *The Credit Unions Act, 1953* is amended by adding at the commencement thereof the words "Subject to clauses *c* and *d* of section 4", so that the subsection shall read as follows: 1953, c. 26, s. 27, subs. 1, amended

Advances
to members
only

- (1) Subject to clauses *c* and *d* of section 4, no credit union shall advance money by discount, loan or otherwise to, or accept deposits from, persons other than its members.

1953, c. 26,
s. 27, subs. 3,
re-enacted

- (2) Subsection 3 of the said section 27 is repealed and the following substituted therefor:

Loans to
officers

- (3) No officer or member of a committee or of the board of directors of a credit union shall borrow or have on loan an amount in excess of the aggregate of his fully paid-up shares and deposits unless such loan is approved by the directors and the supervisory committee in addition to the approval required by the credit committee.

1953, c. 26,
s. 28,
amended

- 10.** Section 28 of *The Credit Unions Act, 1953* is amended by adding thereto the following subsections:

Election
in rotation

- (3) The by-laws may provide for the election and retirement of directors in rotation, but in that case no director shall be elected for a term of more than three years.

Quorum

- (4) A majority of the board of directors constitutes a quorum.

Vacancies

- (5) So long as there is a quorum of directors in office, any vacancy occurring on the board of directors may be filled until the next annual meeting by the directors then in office.

Idem

- (6) When a quorum of directors is not in office, the director or directors then in office shall forthwith call a general meeting of the members to fill the vacancies, and in default or if there are no directors then in office, the meeting may be called by any member.

Idem

- (7) When a member of the board of directors fails to attend three consecutive meetings of the board without, in the opinion of the board, having a reasonable cause therefor or fails to perform any of the duties allotted to him as a member of the board, his position on the board may be declared vacant by the remaining members of the board and the vacancy shall be filled as provided in this section.

1953, c. 26,
s. 29,
subss. 2-4,
re-enacted

- 11.** Subsections 2, 3 and 4 of section 29 of *The Credit Unions Act, 1953* are repealed and the following substituted therefor:

Subsection 2. It has been found impracticable to hold the joint meetings required by the present subsection 3. The amendment will simplify the procedure and clarify the approval required for loans to officers, directors or members of a committee.

SECTION 10. These amendments will bring the Act into line with the procedure generally followed at the present time.

SECTION 11. These amendments bring the provisions dealing with the election of the credit committee into line with the new provisions dealing with the election of the board of directors. The new subsection 6 provides that the credit committee approves only loans made to members and not all loans made by the credit union as formerly. Loans made to other credit unions or to persons outside the membership is a matter that affects the general financial policy of the credit union and should be determined by the directors. The credit committee is set up to look into the credit position of individual members receiving loans. The new subsection 7 takes the place of the present subsection 3 and allows collectors to make pay-day loans not exceeding \$25 for periods not exceeding one month. This is a general practice.

SECTION 12. Subsections 1 to 6 of the new section 30 provide for the election of members of the supervisory committee and the filling of vacancies on the same general plan as is provided in this Bill for directors and the credit committee.

- (2) The by-laws may provide for the election and retirement of members of the credit committee in rotation, but in that case no member of the credit committee shall be elected for a term of more than three years. Election in rotation
- (3) A majority of the credit committee constitutes a quorum. Quorum
- (4) Any vacancy occurring in the credit committee may be filled by the board of directors until the next annual meeting. Vacancies
- (5) When a member of the credit committee fails to attend three consecutive meetings of the committee without, in the opinion of the board of directors, having a reasonable cause therefor or fails to perform any of the duties allotted to him as a member of the committee, his position on the committee may be declared vacant by the board of directors and the vacancy shall be filled as provided in this section. Idem
- (6) It is the duty of the credit committee to consider all applications and approve all loans to members. Duties
- (7) The credit committee may upon such terms as it may determine, Delegation of powers
- (a) authorize the treasurer or manager, without obtaining its approval, to make loans in amounts not exceeding the shares and deposits of the borrower less any debts owing by him to the credit union; or
- (b) authorize the treasurer, manager or other person, without obtaining its approval, to make loans in amounts not exceeding \$25 for periods not exceeding one month.
- (8) The credit committee shall not approve any loan that is greater in amount than the maximum amount that may be loaned to a member as set out in the by-laws of the credit union. Maximum loans

12. Section 30 of *The Credit Unions Act, 1953* is repealed and the following substituted therefor: 1953, c. 26, s. 30, re-enacted

- 30.—(1) Every credit union shall at each annual meeting elect from its members a supervisory committee of at least three members who are not members of the board of directors or credit committee or officers of Supervisory committee

the credit union and who shall hold office for such term as the by-laws prescribe and until their successors are elected.

Election in rotation

- (2) The by-laws may provide for the election and retirement of members of the supervisory committee in rotation, but in that case no member shall be elected for a term of more than three years.

Quorum

- (3) Two members of the supervisory committee constitute a quorum.

Vacancies

- (4) So long as there is a quorum of members of the supervisory committee in office, any vacancy occurring in the supervisory committee may be filled until the next annual meeting by the members of the supervisory committee then in office.

Idem

- (5) When a quorum of members of the supervisory committee is not in office, the directors may fill the vacancies until the next annual meeting or may forthwith call a general meeting of the members to fill the vacancies.

Idem

- (6) When a member of the supervisory committee fails to attend three consecutive meetings of the committee without, in the opinion of the board of directors, having a reasonable cause therefor or fails to perform any of the duties allotted to him as a member of the committee, his position on the committee may be declared vacant by the remaining members thereof and the vacancy shall be filled as provided in this section.

Duties

- (7) The supervisory committee shall, from time to time, examine and audit the books of the credit union and the deposit books of the members and shall check the cash, investments and securities of the credit union.

Misappropriation of funds, etc.

- (8) In the event of any of the funds, securities or other property of the credit union being misappropriated or misdirected or in the event of any of the by-laws of the credit union being contravened by the board of directors or by the credit committee or by any member thereof or by any officer or employee engaged by the board of directors, the supervisory committee shall forthwith advise the registrar in writing and shall call a general meeting of the credit union and pending the holding of the meeting the committee may suspend any member of the board of directors or credit committee or any officer or

Subsection 8 is the same as the present subsection 4 with the exception of the notice that is now required to be given to the registrar where it appears that there has been a misappropriation of funds.

Subsections 9 and 10 are the same as the present subsections 5 and 6. Subsections 11 to 14 provide authority for the credit union or the supervisory committee to appoint outside auditors. These subsections will provide the authority for the appointment of outside auditors where the supervisory committee is unwilling or unable to verify the accounts.

SECTION 13. The words deleted are superfluous and confusing. No change in principle.

employee until the general meeting and may appoint a member of the credit union to perform the duties of any person so suspended.

- (9) The supervisory committee shall report to the meeting ^{Idem} all the circumstances of such misappropriation or misdirection of funds, securities or other property and the reasons for such suspension, and the members of the credit union may by a vote of two-thirds of the members present at the meeting or at any adjournment thereof, dismiss from office any person so suspended and when the members of the credit union do not so vote to dismiss from office any person so suspended, the person shall be reinstated forthwith.
- (10) The supervisory committee shall submit a written ^{Annual report} report to each annual general meeting.
- (11) A credit union may, by by-law, provide for the ^{Auditors} appointment of an auditor or auditors in lieu of or in addition to the supervisory committee and may delegate to such auditor or auditors the whole or such part of the duties of the supervisory committee as the by-law provides.
- (12) The members of the credit union may fix the re-^{Remuneration of auditors}muneration of the auditor or auditors or may delegate to the board of directors authority to fix such remuneration.
- (13) If a majority of the supervisory committee suspects ^{Special audit} that any of the funds, securities or other property of the credit union have been misappropriated or misdirected, the supervisory committee may, with the written approval of the registrar, appoint an auditor or auditors to assist it in ascertaining whether any of the funds, securities or other property of the credit union have in fact been misappropriated or misdirected and the remuneration of any auditor or auditors so appointed shall be paid by the credit union.
- (14) The supervisory committee may appoint such per-^{Clerks}sons as it deems necessary to assist it in performing its duties, and the remuneration paid to such persons shall be determined by the board of directors.

13. Subsection 1 of section 33 of *The Credit Unions Act*, 1953, c. 26, s. 33, subs. 1, 1953 is amended by striking out the words "that are not amended" required for the purposes of section 4 or for the guarantee

fund shall” in the first and second lines and inserting in lieu thereof the word “may”, so that the subsection, exclusive of the clauses, shall read as follows:

Investment
of funds

(1) The funds of a credit union may be invested,

.

1953, c. 26,
ss. 34, 35,
re-enacted

14. Sections 34 and 35 of *The Credit Unions Act, 1953* are repealed and the following substituted therefor:

Borrowing
money

34. The board of directors of a credit union may pass resolutions for borrowing money, but at no time shall the total amount borrowed exceed 50 per cent of its capital, deposits and surplus.

Saving

35. Nothing in section 34 limits the amount that may be received on deposit from members.

1953, c. 26,
s. 39, subs. 1,
amended

15.—(1) Subsection 1 of section 39 of *The Credit Unions Act, 1953* is amended by inserting after the word “amount” in the fourth line the words “together with any insurance moneys that may be received by the credit union under any policy of life insurance on such member”, so that the subsection shall read as follows:

Disposition
of moneys
of intestate
members

(1) If a member of a credit union having on deposit and as payment for shares an amount not exceeding \$500 dies intestate without making a nomination as provided in section 38, the amount, together with any insurance moneys that may be received by the credit union under any policy of life insurance on such member, may, without letters of administration being taken out, be paid to the person who appears to the directors to be entitled thereto under *The Devolution of Estates Act* upon receiving an affidavit of the death and intestacy and that the person claiming is so entitled.

Rev. Stat.,
c. 103

(2) Subsection 2 of the said section 39 is amended by inserting after the word “amount” in the second line the words “and such insurance moneys”, so that the subsection shall read as follows:

1953, c. 26,
s. 39, subs. 2,
amended

Payment by
mistake,
when valid

(2) When the directors, after the death of a member, have paid such amount and such insurance moneys to the person who at the time appeared to be entitled thereto under the belief that the member died intestate, without having appointed any nominee, the payment is valid and effectual with respect to any demands from any other person as next-of-kin or

SECTION 14. Sections 34 and 35 are clarified.

SECTION 15. These amendments will allow the payment of amounts held on deposit and insurance moneys to the persons entitled thereto upon the death of a member, and will also provide for cases where a person dies having an account in trust for a named beneficiary.

SECTION 16. The effect of the present section 45 is to require credit unions to have their fiscal years end on December 31st. The amendment will allow credit unions to have fiscal years ending at other times of the year.

SECTION 17. Subsections 1 and 2 are new. Subsection 3 is the same as the present section 47.

as the lawful representative of the deceased against the credit union, but the next-of-kin or representative is entitled to recover the amount of such payment from the person who received it.

(3) The said section 39 is amended by adding thereto the following subsection: 1953, c. 26, s. 39, amended

(3) If a member of a credit union who has on deposit and who has paid for shares in trust for a named beneficiary an amount not exceeding \$500 dies, the amount may be paid to the executor or administrator of his estate in trust for the beneficiary, or, if no executor or administrator has been appointed, may be paid to the beneficiary. Payment to named beneficiary

16. Section 45 of *The Credit Unions Act, 1953* is amended by striking out the words "on or before the 1st day of March in each year" in the first and second lines and inserting in lieu thereof the words "not later than two months after the end of its fiscal year" and by striking out the words "in duplicate" in the second line, so that the section shall read as follows: 1953, c. 26, s. 45, amended

45. A credit union shall not later than two months after the end of its fiscal year deliver to the registrar in the form prescribed by him, an audited statement of its receipts and expenditures, assets and liabilities, and such statement shall also contain such other information as he may require. Annual statements

17. Section 47 of *The Credit Unions Act, 1953* is repealed and the following substituted therefor: 1953, c. 26, s. 47, re-enacted

47.—(1) Where it appears to the Superintendent from an examination of the condition and affairs of a credit union that any of the funds, securities or other property of the credit union may have been misappropriated or misdirected or that the records do not show the true financial position of the credit union, he may appoint an auditor or auditors to make such examination and audit of the affairs of the credit union as he considers necessary and the remuneration of any auditor or auditors so appointed shall be paid by the credit union. Examination by Superintendent

(2) Where it appears to the Superintendent from an examination of the condition and affairs of a credit union that the assets are shown on the statement mentioned in section 45 at an amount greater than the true value, he may require the credit union to Idem

set aside out of earnings such additional reserves as he considers necessary, and where in his opinion the value of the assets of the credit union is less than its liabilities, including the share accounts of its members, the Superintendent may prohibit the credit union from taking further deposits or payments on shares from members or from making any payments to its members, or may limit such payments for such period as he deems necessary to protect the interests of the members.

- (3) The Superintendent may order a credit union to discontinue doing business for such time as he may determine if, after an inspection thereof, he is satisfied that the continuance in business of such credit union is not in the public interest.

Suspension
of business

1953, c. 26,
s. 49, subs. 5,
amended

18. Subsection 5 of section 49 of *The Credit Unions Act, 1953* is amended by striking out the word "registrar" in the third line and inserting in lieu thereof the word "supervisor", so that the subsection shall read as follows:

- (5) Any league incorporated under this section may pass such by-laws as it deems advisable, but no by-law shall become operative until approved by the supervisor.

By-laws of
league

1953, c. 26,
s. 55, cl. b,
re-enacted

19. Clause *b* of section 55 of *The Credit Unions Act, 1953* is repealed and the following substituted therefor:

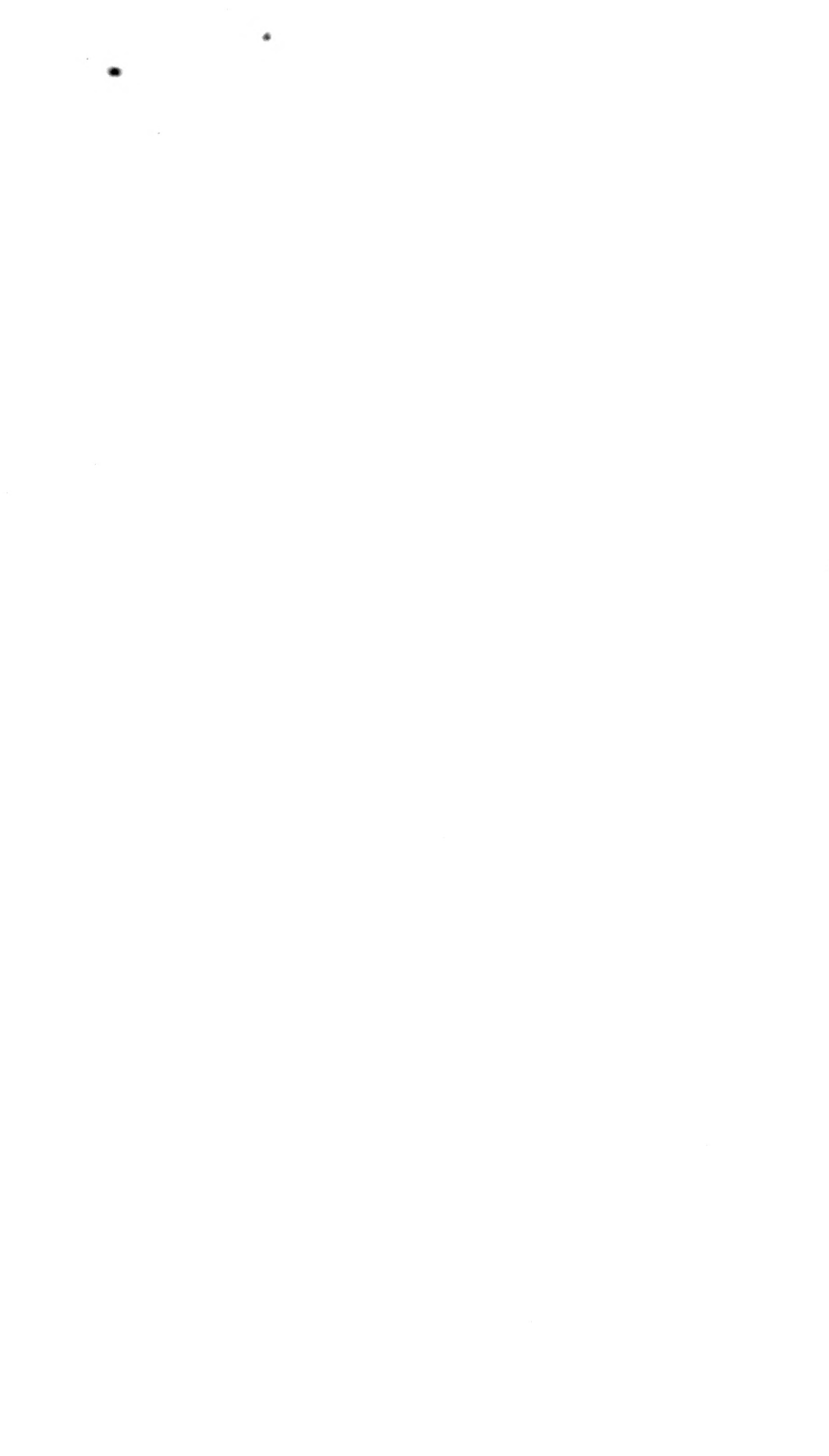
- (*b*) providing and prescribing the fees payable for incorporation of credit unions, for the filing of any memorandum of association, return or other document required or permitted to be filed under this Act, for searches, and for certified copies of certificates of incorporation and other documents.

Short title

20. This Act may be cited as *The Credit Unions Amendment Act, 1954*.

SECTION 18. This amendment provides for the transfer of duties from the registrar to the supervisor.

SECTION 19. The power to make regulations is extended to include searches and certified copies of documents.



BILL

An Act to amend The Credit
Unions Act, 1953

1st Reading

February 26th, 1954

2nd Reading

3rd Reading

MR. PORTER

No. 74

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

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MR. PORTER

(Reprinted as amended by the Committee on Legal Bills)

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SECTION 1—Subsection 1. The definition of “officer” is changed to exclude servants of credit unions. The reason is that in subsection 3 of section 27 of the Act a special procedure for making loans to officers is prescribed and it is felt that this procedure is not necessary in the case of servants eligible for loans.

Subsection 2. This new officer will be appointed to perform some of the duties now performed by the registrar.

SECTION 2. These amendments provide for the transfer of duties from the registrar to the supervisor.

SECTION 3. The section is intended to include credit union leagues as well as credit unions and the power to hold real estate is restricted.

BILL

An Act to amend The Credit Unions Act, 1953

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

1.—(1) Clause *e* of section 1 of *The Credit Unions Act, 1953* 1953, c. 26,
s. 1, cl. *e*,
re-enacted is repealed and the following substituted therefor:

(*e*) "officer" includes treasurer, secretary, manager, assistant treasurer, assistant secretary and assistant manager.

(2) The said section 1 is amended by adding thereto the following clause: 1953, c. 26,
s. 1,
amended

(*k*) "supervisor" means supervisor of credit unions appointed for the purposes of this Act.

2. Section 9 of *The Credit Unions Act, 1953* is amended 1953, c. 26,
s. 9,
amended by striking out the word "registrar" where it occurs in the third line of subsection 1 and in the first line of subsection 2, respectively, and inserting in lieu thereof the word "supervisor", so that the section shall read as follows:

9.—(1) Every credit union shall have a registered office Registered
office of
credit union to which all communications and notices shall be sent, and the credit union shall send to the supervisor written notice in duplicate of the location of its registered office and of every change of the location.

(2) The supervisor shall transmit one copy of such notice Idem to the Provincial Secretary.

3. Section 10 of *The Credit Unions Act, 1953* is repealed 1953, c. 26,
s. 10,
re-enacted and the following substituted therefor:

10. A corporation that is subject to this Act may, by Power to
hold real
estate by-law, provide for the holding, purchasing or leasing in its own name of such real estate as is necessary for its own use and benefit for the transaction of its

business and may sell, mortgage or dispose of the same; and, with the written consent of the Superintendent, may lease, acquire or construct a building larger than is required for the transaction of its business and lease any part of the building not so required.

1953, c. 26,
s. 16,
amended

4. Section 16 of *The Credit Unions Act, 1953* is amended by striking out the word "registrar" where it occurs in the second and fifth lines of subsection 1 and in the first line of subsection 2, respectively, and inserting in lieu thereof the word "supervisor", so that the section shall read as follows:

Approval
of by-laws

16.—(1) No by-law or amendment of a by-law is valid until it has been approved by the supervisor, for which purpose two copies thereof, signed by three members and the secretary or by the president and the secretary, shall be sent to the supervisor.

Idem

(2) The supervisor, on being satisfied that a by-law or amendment of a by-law has been duly passed by the credit union, may approve it.

1953, c. 26,
s. 20,
amended

5. Section 20 of *The Credit Unions Act, 1953* is amended by adding thereto the following subsection:

Additional
shares

(2) After the first application for a share or shares by a member, payment on account of additional shares shall be deemed an application for such additional shares and receipt of the payments by the credit union shall be deemed to be an allotment of such shares.

1953, c. 26,
amended

6. *The Credit Unions Act, 1953* is amended by adding thereto the following sections:

Shares
in trust

20a. A member, in addition to holding shares in his own name, may subscribe for and hold shares and make deposits in trust for a named beneficiary and such beneficiary without payment of any entrance fee shall be deemed to be a member of the credit union only for the purpose of qualifying for life insurance under a group policy of insurance purchased by the credit union on the lives of its members and shall not be entitled to notice of meetings or to vote at meetings.

Joint
amounts

20b. Two or more members may hold their shares and deposits in a joint account, and in the absence of written notice to the contrary, payment by the

SECTION 4. These amendments provide for the transfer of duties from the registrar to the supervisor.

SECTION 5. The present procedure is for a new member to make application for membership in a credit union together with a subscription for one share, which is allotted by the directors at the time the membership is accepted. Subsequent purchases of shares are made by deposits with the credit union with no formal application or allotment. This amendment provides authority for this procedure.

SECTION 6. The new section 20a will enable members to open trust accounts for members of their family, etc., and to collect on group life insurance.

The new section 20b sets out the ways in which a credit union may discharge its liability on a joint account.

SECTION 7. The present section 23 provides that minors may be members of a credit union with certain rights but there has been some doubt as to whether this included the right to borrow money. The rights in this respect are now added.

SECTION 8. The new subsections give statutory recognition to a practice that has been generally followed by credit unions.

SECTION 9—Subsection 1. The words added provide an exception in that clauses *c* and *d* of section 4 specifically provide for the incorporation of credit unions having for their object and purpose the making of loans to other credit unions or the depositing with and making loans to credit union leagues.

credit union to any of such members or to the survivor or any of the survivors of such members of any money standing to the credit of the joint share or deposit account shall discharge the credit union from any further liability for such payment.

7. Section 23 of *The Credit Unions Act, 1953* is repealed ^{1953, c. 26,} and the following substituted therefor: ^{s. 23,}
re-enacted

23. Subject to the by-laws, a person under the age of ^{Members} twenty-one years may be a member of a credit union, ^{under 21} and every such person may enjoy all the rights of a member and execute all instruments and give all acquittances necessary to be executed or given under the by-laws, but shall not be a trustee, manager, treasurer or a member of the board of directors, credit committee or supervisory committee of the credit union and shall not have the right to borrow any amount in excess of his savings in the credit union except upon the joint and several promissory note signed by him and by a person over twenty-one years of age.

8. Section 26 of *The Credit Unions Act, 1953* is amended by ^{1953, c. 26,} adding thereto the following subsections: ^{s. 26,}
amended

(3) Entrance fees and fines, if any, shall be added to the ^{Entrance} guarantee fund but an amount not exceeding \$70 ^{fees and} may, in the discretion of the board of directors, be ^{fines} withdrawn therefrom to cover organization expenses incurred during the first year of operations.

(4) Subject to the approval of the board of directors and the supervisory committee, the outstanding principal balance of any uncollectable ^{Uncollect-} loan, after ^{able loans} crediting to such principal any moneys to the credit of the member on shares and deposits, shall be charged to the guarantee fund and no charge shall be made to the guarantee fund for fines or interest on any such loan from the date of the last interest payment made by the borrower nor shall the amount standing to the credit of the member on shares or deposits be applied towards payment of fines or interest.

9.—(1) Subsection 1 of section 27 of *The Credit Unions Act, 1953* is amended by adding at the commencement thereof ^{1953, c. 26,} the words "Subject to clauses *c* and *d* of section 4", so that the ^{s. 27, subs. 1,} subsection shall read as follows: ^{amended}

Advances
to members
only

- (1) Subject to clauses *c* and *d* of section 4, no credit union shall advance money by discount, loan or otherwise to, or accept deposits from, persons other than its members.

1953, c. 26,
s. 27, subs. 3,
re-enacted

- (2) Subsection 3 of the said section 27 is repealed and the following substituted therefor:

Loans to
officers

- (3) No officer or member of a committee or of the board of directors of a credit union shall borrow or have on loan an amount in excess of the aggregate of his fully paid-up shares and deposits unless such loan is approved by the directors and the supervisory committee in addition to the approval required by the credit committee.

1953, c. 26,
s. 28,
amended

- 10.** Section 28 of *The Credit Unions Act, 1953* is amended by adding thereto the following subsections:

Election
in rotation

- (3) The by-laws may provide for the election and retirement of directors in rotation, but in that case no director shall be elected for a term of more than three years.

Quorum

- (4) A majority of the board of directors constitutes a quorum.

Vacancies

- (5) So long as there is a quorum of directors in office, any vacancy occurring on the board of directors may be filled until the next annual meeting by the directors then in office.

Idem

- (6) When a quorum of directors is not in office, the director or directors then in office shall forthwith call a general meeting of the members to fill the vacancies, and in default or if there are no directors then in office, the meeting may be called by any member.

Idem

- (7) When a member of the board of directors fails to attend three consecutive meetings of the board without, in the opinion of the board, having a reasonable cause therefor or fails to perform any of the duties allotted to him as a member of the board, his position on the board may be declared vacant by the remaining members of the board and the vacancy shall be filled as provided in this section.

1953, c. 26,
s. 29,
subss. 2-4,
re-enacted

- 11.** Subsections 2, 3 and 4 of section 29 of *The Credit Unions Act, 1953* are repealed and the following substituted therefor:

Subsection 2. It has been found impracticable to hold the joint meetings required by the present subsection 3. The amendment will simplify the procedure and clarify the approval required for loans to officers, directors or members of a committee.

SECTION 10. These amendments will bring the Act into line with the procedure generally followed at the present time.

SECTION 11. These amendments bring the provisions dealing with the election of the credit committee into line with the new provisions dealing with the election of the board of directors. The new subsection 6 provides that the credit committee approves only loans made to members and not all loans made by the credit union as formerly. Loans made to other credit unions or to persons outside the membership is a matter that affects the general financial policy of the credit union and should be determined by the directors. The credit committee is set up to look into the credit position of individual members receiving loans. The new subsection 7 takes the place of the present subsection 3 and allows collectors to make pay-day loans not exceeding \$25 for periods not exceeding one month. This is a general practice.

SECTION 12. Subsections 1 to 6 of the new section 30 provide for the election of members of the supervisory committee and the filling of vacancies on the same general plan as is provided in this Bill for directors and the credit committee.

- (2) The by-laws may provide for the election and retirement of members of the credit committee in rotation, but in that case no member of the credit committee shall be elected for a term of more than three years. ^{Election in rotation}
- (3) A majority of the credit committee constitutes a quorum. ^{Quorum}
- (4) Any vacancy occurring in the credit committee may be filled by the board of directors until the next annual meeting. ^{Vacancies}
- (5) When a member of the credit committee fails to attend three consecutive meetings of the committee without, in the opinion of the board of directors, having a reasonable cause therefor or fails to perform any of the duties allotted to him as a member of the committee, his position on the committee may be declared vacant by the board of directors and the vacancy shall be filled as provided in this section. ^{Idem}
- (6) It is the duty of the credit committee to consider all applications and approve all loans to members. ^{Duties}
- (7) The credit committee may upon such terms as it may determine, ^{Delegation of powers}
- (a) authorize the treasurer or manager, without obtaining its approval, to make loans in amounts not exceeding the shares and deposits of the borrower less any debts owing by him to the credit union; or
- (b) authorize the treasurer, manager or other person, without obtaining its approval, to make loans in amounts not exceeding \$25 for periods not exceeding one month.
- (8) The credit committee shall not approve any loan that is greater in amount than the maximum amount that may be loaned to a member as set out in the by-laws of the credit union. ^{Maximum loans}

12. Section 30 of *The Credit Unions Act, 1953* is repealed and the following substituted therefor: ^{1953, c. 26, s. 30, re-enacted}

- 30.—(1) Every credit union shall at each annual meeting elect from its members a supervisory committee of at least three members who are not members of the board of directors or credit committee or officers of ^{Supervisory committee}

the credit union and who shall hold office for such term as the by-laws prescribe and until their successors are elected.

- Election in rotation** (2) The by-laws may provide for the election and retirement of members of the supervisory committee in rotation, but in that case no member shall be elected for a term of more than three years.
- Quorum** (3) Two members of the supervisory committee constitute a quorum.
- Vacancies** (4) So long as there is a quorum of members of the supervisory committee in office, any vacancy occurring in the supervisory committee may be filled until the next annual meeting by the members of the supervisory committee then in office.
- Idem** (5) When a quorum of members of the supervisory committee is not in office, the directors may fill the vacancies until the next annual meeting or may forthwith call a general meeting of the members to fill the vacancies.
- Idem** (6) When a member of the supervisory committee fails to attend three consecutive meetings of the committee without, in the opinion of the board of directors, having a reasonable cause therefor or fails to perform any of the duties allotted to him as a member of the committee, his position on the committee may be declared vacant by the remaining members thereof and the vacancy shall be filled as provided in this section.
- Duties** (7) The supervisory committee shall, from time to time, examine and audit the books of the credit union and the deposit books of the members and shall check the cash, investments and securities of the credit union.
- Misappropriation of funds, etc.** (8) In the event of any of the funds, securities or other property of the credit union being misappropriated or misdirected or in the event of any of the by-laws of the credit union being contravened by the board of directors or by the credit committee or by any member thereof or by any officer or employee engaged by the board of directors, the supervisory committee shall forthwith advise the registrar in writing and shall call a general meeting of the credit union and pending the holding of the meeting the committee may suspend any member of the board of directors or credit committee or any officer or

Subsection 8 is the same as the present subsection 4 with the exception of the notice that is now required to be given to the registrar where it appears that there has been a misappropriation of funds.

Subsections 9 and 10 are the same as the present subsections 5 and 6. Subsections 11 to 14 provide authority for the credit union or the supervisory committee to appoint outside auditors. These subsections will provide the authority for the appointment of outside auditors where the supervisory committee is unwilling or unable to verify the accounts.

SECTION 13. The words deleted are superfluous and confusing. No change in principle.

employee until the general meeting and may appoint a member of the credit union to perform the duties of any person so suspended.

- (9) The supervisory committee shall report to the meeting all the circumstances of such misappropriation or misdirection of funds, securities or other property and the reasons for such suspension, and the members of the credit union may by a vote of two-thirds of the members present at the meeting or at any adjournment thereof, dismiss from office any person so suspended and when the members of the credit union do not so vote to dismiss from office any person so suspended, the person shall be reinstated forthwith. Idem
- (10) The supervisory committee shall submit a written report to each annual general meeting. Annual report
- (11) A credit union may, by by-law, provide for the appointment of an auditor or auditors in lieu of or in addition to the supervisory committee and may delegate to such auditor or auditors the whole or such part of the duties of the supervisory committee as the by-law provides. Auditors
- (12) The members of the credit union may fix the remuneration of the auditor or auditors or may delegate to the board of directors authority to fix such remuneration. Remuneration of auditors
- (13) If a majority of the supervisory committee suspects that any of the funds, securities or other property of the credit union have been misappropriated or misdirected, the supervisory committee may, with the written approval of the registrar, appoint an auditor or auditors to assist it in ascertaining whether any of the funds, securities or other property of the credit union have in fact been misappropriated or misdirected and the remuneration of any auditor or auditors so appointed shall be paid by the credit union. Special audit
- (14) The supervisory committee may appoint such persons as it deems necessary to assist it in performing its duties, and the remuneration paid to such persons shall be determined by the board of directors. Clerks

13. Subsection 1 of section 33 of *The Credit Unions Act*, 1953, c. 26, s. 33, subs. 1, is amended by striking out the words "that are not required for the purposes of section 4 or for the guarantee" amended

fund shall” in the first and second lines and inserting in lieu thereof the word “may”, so that the subsection, exclusive of the clauses, shall read as follows:

Investment of funds

(1) The funds of a credit union may be invested,

.

1953, c. 26, ss. 34, 35, re-enacted

14. Sections 34 and 35 of *The Credit Unions Act, 1953* are repealed and the following substituted therefor:

Borrowing money

34. The board of directors of a credit union may pass resolutions for borrowing money, but at no time shall the total amount borrowed exceed 50 per cent of its capital, deposits and surplus.

Saving

35. Nothing in section 34 limits the amount that may be received on deposit from members.

1953, c. 26, s. 39, subs. 1, amended

15.—(1) Subsection 1 of section 39 of *The Credit Unions Act, 1953* is amended by inserting after the word “amount” in the fourth line the words “together with any insurance moneys that may be received by the credit union under any policy of life insurance on such member”, so that the subsection shall read as follows:

Disposition of moneys of intestate members

(1) If a member of a credit union having on deposit and as payment for shares an amount not exceeding \$500 dies intestate without making a nomination as provided in section 38, the amount, together with any insurance moneys that may be received by the credit union under any policy of life insurance on such member, may, without letters of administration being taken out, be paid to the person who appears to the directors to be entitled thereto under *The Devolution of Estates Act* upon receiving an affidavit of the death and intestacy and that the person claiming is so entitled.

Rev. Stat., c. 103

(2) Subsection 2 of the said section 39 is amended by inserting after the word “amount” in the second line the words “and such insurance moneys”, so that the subsection shall read as follows:

Payment by mistake, when valid

(2) When the directors, after the death of a member, have paid such amount and such insurance moneys to the person who at the time appeared to be entitled thereto under the belief that the member died intestate, without having appointed any nominee, the payment is valid and effectual with respect to any demands from any other person as next-of-kin or

SECTION 14. Sections 34 and 35 are clarified.

SECTION 15. These amendments will allow the payment of amounts held on deposit and insurance moneys to the persons entitled thereto upon the death of a member, and will also provide for cases where a person dies having an account in trust for a named beneficiary.

SECTION 16. The effect of the present section 45 is to require credit unions to have their fiscal years end on December 31st. The amendment will allow credit unions to have fiscal years ending at other times of the year.

SECTION 17. Subsections 1 and 2 are new. Subsection 3 is the same as the present section 47.

as the lawful representative of the deceased against the credit union, but the next-of-kin or representative is entitled to recover the amount of such payment from the person who received it.

(3) The said section 39 is amended by adding thereto the following subsection: 1953, c. 26, s. 39, amended

(3) If a member of a credit union who has on deposit and who has paid for shares in trust for a named beneficiary an amount not exceeding \$500 dies, the amount may be paid to the executor or administrator of his estate in trust for the beneficiary, or, if no executor or administrator has been appointed, may be paid to the beneficiary. Payment to named beneficiary

16. Section 45 of *The Credit Unions Act, 1953* is amended by striking out the words "on or before the 1st day of March in each year" in the first and second lines and inserting in lieu thereof the words "not later than two months after the end of its fiscal year" and by striking out the words "in duplicate" in the second line, so that the section shall read as follows: 1953, c. 26, s. 45, amended

45. A credit union shall not later than two months after the end of its fiscal year deliver to the registrar in the form prescribed by him, an audited statement of its receipts and expenditures, assets and liabilities, and such statement shall also contain such other information as he may require. Annual statements

17. Section 47 of *The Credit Unions Act, 1953* is repealed and the following substituted therefor: 1953, c. 26, s. 47, re-enacted

47.—(1) Where it appears to the Superintendent from an examination of the condition and affairs of a credit union that any of the funds, securities or other property of the credit union may have been misappropriated or misdirected or that the records do not show the true financial position of the credit union, he may appoint an auditor or auditors to make such examination and audit of the affairs of the credit union as he considers necessary and the remuneration of any auditor or auditors so appointed shall be paid by the credit union. Examination by Superintendent

(2) Where it appears to the Superintendent from an examination of the condition and affairs of a credit union that the assets are shown on the statement mentioned in section 45 at an amount greater than the true value, he may require the credit union to Idem

set aside out of earnings such additional reserves as he considers necessary, and where in his opinion the value of the assets of the credit union is less than its liabilities, including the share accounts of its members, the Superintendent may prohibit the credit union from taking further deposits or payments on shares from members or from making any payments to its members, or may limit such payments for such period as he deems necessary to protect the interests of the members.

Suspension
of business

- (3) The Superintendent may order a credit union to discontinue doing business for such time as he may determine if, after an inspection thereof, he is satisfied that the continuance in business of such credit union is not in the public interest.

1953, c. 26,
s. 49, subs. 5,
amended

18. Subsection 5 of section 49 of *The Credit Unions Act, 1953* is amended by striking out the word "registrar" in the third line and inserting in lieu thereof the word "supervisor", so that the subsection shall read as follows:

By-laws of
league

- (5) Any league incorporated under this section may pass such by-laws as it deems advisable, but no by-law shall become operative until approved by the supervisor.

1953, c. 26,
s. 55, cl. b,
re-enacted

19. Clause *b* of section 55 of *The Credit Unions Act, 1953* is repealed and the following substituted therefor:

- (b) providing and prescribing the fees payable for incorporation of credit unions and credit union leagues, for the amalgamation of credit unions, for changing the name of credit unions, for the filing of any memorandum of association, return or other document required or permitted to be filed under this Act, for searches, and for certified copies of certificates of incorporation and other documents.

Short title

20. This Act may be cited as *The Credit Unions Amendment Act, 1954*.

SECTION 18. This amendment provides for the transfer of duties from the registrar to the supervisor.

SECTION 19. The power to make regulations is extended to include searches and certified copies of documents.



BILL

An Act to amend The Credit
Unions Act, 1953

1st Reading

February 26th, 1954

2nd Reading

March 12th, 1954

3rd Reading

MR. PORTER

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

No. 74

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Credit Unions Act, 1953

MR. PORTER

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



BILL

An Act to amend The Credit Unions Act, 1953

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

1.—(1) Clause *e* of section 1 of *The Credit Unions Act, 1953* is repealed and the following substituted therefor: 1953, c. 26,
s. 1, cl. 2,
re-enacted

(*e*) “officer” includes treasurer, secretary, manager, assistant treasurer, assistant secretary and assistant manager.

(2) The said section 1 is amended by adding thereto the following clause: 1953, c. 26,
s. 1,
amended

(*k*) “supervisor” means supervisor of credit unions appointed for the purposes of this Act.

2. Section 9 of *The Credit Unions Act, 1953* is amended by striking out the word “registrar” where it occurs in the third line of subsection 1 and in the first line of subsection 2, respectively, and inserting in lieu thereof the word “supervisor”, so that the section shall read as follows: 1953, c. 26,
s. 9,
amended

9.—(1) Every credit union shall have a registered office to which all communications and notices shall be sent, and the credit union shall send to the supervisor written notice in duplicate of the location of its registered office and of every change of the location. Registered
office of
credit union

(2) The supervisor shall transmit one copy of such notice to the Provincial Secretary. Idem

3. Section 10 of *The Credit Unions Act, 1953* is repealed and the following substituted therefor: 1953, c. 26,
s. 10,
re-enacted

10. A corporation that is subject to this Act may, by by-law, provide for the holding, purchasing or leasing in its own name of such real estate as is necessary for its own use and benefit for the transaction of its Power to
hold real
estate

business and may sell, mortgage or dispose of the same; and, with the written consent of the Superintendent, may lease, acquire or construct a building larger than is required for the transaction of its business and lease any part of the building not so required.

1953, c. 26,
s. 16,
amended

4. Section 16 of *The Credit Unions Act, 1953* is amended by striking out the word "registrar" where it occurs in the second and fifth lines of subsection 1 and in the first line of subsection 2, respectively, and inserting in lieu thereof the word "supervisor", so that the section shall read as follows:

Approval
of by-laws

16.—(1) No by-law or amendment of a by-law is valid until it has been approved by the supervisor, for which purpose two copies thereof, signed by three members and the secretary or by the president and the secretary, shall be sent to the supervisor.

Idem

(2) The supervisor, on being satisfied that a by-law or amendment of a by-law has been duly passed by the credit union, may approve it.

1953, c. 26,
s. 20,
amended

5. Section 20 of *The Credit Unions Act, 1953* is amended by adding thereto the following subsection:

Additional
shares

(2) After the first application for a share or shares by a member, payment on account of additional shares shall be deemed an application for such additional shares and receipt of the payments by the credit union shall be deemed to be an allotment of such shares.

1953, c. 26,
amended

6. *The Credit Unions Act, 1953* is amended by adding thereto the following sections:

Shares
in trust

20a. A member, in addition to holding shares in his own name, may subscribe for and hold shares and make deposits in trust for a named beneficiary and such beneficiary without payment of any entrance fee shall be deemed to be a member of the credit union only for the purpose of qualifying for life insurance under a group policy of insurance purchased by the credit union on the lives of its members and shall not be entitled to notice of meetings or to vote at meetings.

Joint
amounts

20b. Two or more members may hold their shares and deposits in a joint account, and in the absence of written notice to the contrary, payment by the

credit union to any of such members or to the survivor or any of the survivors of such members of any money standing to the credit of the joint share or deposit account shall discharge the credit union from any further liability for such payment.

7. Section 23 of *The Credit Unions Act, 1953* is repealed and the following substituted therefor: 1953, c. 26, s. 23, re-enacted¹

23. Subject to the by-laws, a person under the age of twenty-one years may be a member of a credit union, and every such person may enjoy all the rights of a member and execute all instruments and give all acquittances necessary to be executed or given under the by-laws, but shall not be a trustee, manager, treasurer or a member of the board of directors, credit committee or supervisory committee of the credit union and shall not have the right to borrow any amount in excess of his savings in the credit union except upon the joint and several promissory note signed by him and by a person over twenty-one years of age. Members under 21

8. Section 26 of *The Credit Unions Act, 1953* is amended by adding thereto the following subsections: 1953, c. 26, s. 26, amended

(3) Entrance fees and fines, if any, shall be added to the guarantee fund but an amount not exceeding \$70 may, in the discretion of the board of directors, be withdrawn therefrom to cover organization expenses incurred during the first year of operations. Entrance fees and fines

(4) Subject to the approval of the board of directors and the supervisory committee, the outstanding principal balance of any uncollectable loan, after crediting to such principal any moneys to the credit of the member on shares and deposits, shall be charged to the guarantee fund and no charge shall be made to the guarantee fund for fines or interest on any such loan from the date of the last interest payment made by the borrower nor shall the amount standing to the credit of the member on shares or deposits be applied towards payment of fines or interest. Uncollectable loans

9.—(1) Subsection 1 of section 27 of *The Credit Unions Act, 1953* is amended by adding at the commencement thereof the words "Subject to clauses *c* and *d* of section 4", so that the subsection shall read as follows: 1953, c. 26, s. 27, subs. 1 amended

Advances
to members
only

- (1) Subject to clauses *c* and *d* of section 4, no credit union shall advance money by discount, loan or otherwise to, or accept deposits from, persons other than its members.

1953, c. 26,
s. 27, subs. 3,
re-enacted

- (2) Subsection 3 of the said section 27 is repealed and the following substituted therefor:

Loans to
officers

- (3) No officer or member of a committee or of the board of directors of a credit union shall borrow or have on loan an amount in excess of the aggregate of his fully paid-up shares and deposits unless such loan is approved by the directors and the supervisory committee in addition to the approval required by the credit committee.

1953, c. 26,
s. 28,
amended

- 10.** Section 28 of *The Credit Unions Act, 1953* is amended by adding thereto the following subsections:

Election
in rotation

- (3) The by-laws may provide for the election and retirement of directors in rotation, but in that case no director shall be elected for a term of more than three years.

Quorum

- (4) A majority of the board of directors constitutes a quorum.

Vacancies

- (5) So long as there is a quorum of directors in office, any vacancy occurring on the board of directors may be filled until the next annual meeting by the directors then in office.

Idem

- (6) When a quorum of directors is not in office, the director or directors then in office shall forthwith call a general meeting of the members to fill the vacancies, and in default or if there are no directors then in office, the meeting may be called by any member.

Idem

- (7) When a member of the board of directors fails to attend three consecutive meetings of the board without, in the opinion of the board, having a reasonable cause therefor or fails to perform any of the duties allotted to him as a member of the board, his position on the board may be declared vacant by the remaining members of the board and the vacancy shall be filled as provided in this section.

1953, c. 26,
s. 29,
subss. 2-4,
re-enacted

- 11.** Subsections 2, 3 and 4 of section 29 of *The Credit Unions Act, 1953* are repealed and the following substituted therefor:

- (2) The by-laws may provide for the election and retirement of members of the credit committee in rotation, but in that case no member of the credit committee shall be elected for a term of more than three years. ^{Election in rotation}
- (3) A majority of the credit committee constitutes a quorum. ^{Quorum}
- (4) Any vacancy occurring in the credit committee may be filled by the board of directors until the next annual meeting. ^{Vacancies}
- (5) When a member of the credit committee fails to attend three consecutive meetings of the committee without, in the opinion of the board of directors, having a reasonable cause therefor or fails to perform any of the duties allotted to him as a member of the committee, his position on the committee may be declared vacant by the board of directors and the vacancy shall be filled as provided in this section. ^{Idem}
- (6) It is the duty of the credit committee to consider all applications and approve all loans to members. ^{Duties}
- (7) The credit committee may upon such terms as it may determine, ^{Delegation of powers}
- (a) authorize the treasurer or manager, without obtaining its approval, to make loans in amounts not exceeding the shares and deposits of the borrower less any debts owing by him to the credit union; or
- (b) authorize the treasurer, manager or other person, without obtaining its approval, to make loans in amounts not exceeding \$25 for periods not exceeding one month.
- (8) The credit committee shall not approve any loan that is greater in amount than the maximum amount that may be loaned to a member as set out in the by-laws of the credit union. ^{Maximum loans}

12. Section 30 of *The Credit Unions Act, 1953* is repealed and the following substituted therefor: ^{1953, c. 26, s. 30, re-enacted}

- 30.—(1) Every credit union shall at each annual meeting elect from its members a supervisory committee of at least three members who are not members of the board of directors or credit committee or officers of ^{Supervisory committee}

the credit union and who shall hold office for such term as the by-laws prescribe and until their successors are elected.

Election in rotation

- (2) The by-laws may provide for the election and retirement of members of the supervisory committee in rotation, but in that case no member shall be elected for a term of more than three years.

Quorum

- (3) Two members of the supervisory committee constitute a quorum.

Vacancies

- (4) So long as there is a quorum of members of the supervisory committee in office, any vacancy occurring in the supervisory committee may be filled until the next annual meeting by the members of the supervisory committee then in office.

Idem

- (5) When a quorum of members of the supervisory committee is not in office, the directors may fill the vacancies until the next annual meeting or may forthwith call a general meeting of the members to fill the vacancies.

Idem

- (6) When a member of the supervisory committee fails to attend three consecutive meetings of the committee without, in the opinion of the board of directors, having a reasonable cause therefor or fails to perform any of the duties allotted to him as a member of the committee, his position on the committee may be declared vacant by the remaining members thereof and the vacancy shall be filled as provided in this section.

Duties

- (7) The supervisory committee shall, from time to time, examine and audit the books of the credit union and the deposit books of the members and shall check the cash, investments and securities of the credit union.

Misappropriation of funds, etc.

- (8) In the event of any of the funds, securities or other property of the credit union being misappropriated or misdirected or in the event of any of the by-laws of the credit union being contravened by the board of directors or by the credit committee or by any member thereof or by any officer or employee engaged by the board of directors, the supervisory committee shall forthwith advise the registrar in writing and shall call a general meeting of the credit union and pending the holding of the meeting the committee may suspend any member of the board of directors or credit committee or any officer or

employee until the general meeting and may appoint a member of the credit union to perform the duties of any person so suspended.

- (9) The supervisory committee shall report to the meeting ^{idem} all the circumstances of such misappropriation or misdirection of funds, securities or other property and the reasons for such suspension, and the members of the credit union may by a vote of two-thirds of the members present at the meeting or at any adjournment thereof, dismiss from office any person so suspended and when the members of the credit union do not so vote to dismiss from office any person so suspended, the person shall be reinstated forthwith.
- (10) The supervisory committee shall submit a written ^{Annual report} report to each annual general meeting.
- (11) A credit union may, by by-law, provide for the ^{Auditors} appointment of an auditor or auditors in lieu of or in addition to the supervisory committee and may delegate to such auditor or auditors the whole or such part of the duties of the supervisory committee as the by-law provides.
- (12) The members of the credit union may fix the re-^{Remuneration of}muneration of the auditor or auditors or may dele-^{auditors}gate to the board of directors authority to fix such remuneration.
- (13) If a majority of the supervisory committee suspects ^{Special audit} that any of the funds, securities or other property of the credit union have been misappropriated or misdirected, the supervisory committee may, with the written approval of the registrar, appoint an auditor or auditors to assist it in ascertaining whether any of the funds, securities or other property of the credit union have in fact been misappropriated or misdirected and the remuneration of any auditor or auditors so appointed shall be paid by the credit union.
- (14) The supervisory committee may appoint such per-^{Clerks}sons as it deems necessary to assist it in performing its duties, and the remuneration paid to such persons shall be determined by the board of directors.

13. Subsection 1 of section 33 of *The Credit Unions Act*, ^{1953, c. 26,} ^{s. 33, subs. 1,} ^{amended} 1953 is amended by striking out the words "that are not required for the purposes of section 4 or for the guarantee

fund shall" in the first and second lines and inserting in lieu thereof the word "may", so that the subsection, exclusive of the clauses, shall read as follows:

Investment
of funds

(1) The funds of a credit union may be invested,

1953, c. 26,
ss. 34, 35,
re-enacted

14. Sections 34 and 35 of *The Credit Unions Act, 1953* are repealed and the following substituted therefor:

Borrowing
money

34. The board of directors of a credit union may pass resolutions for borrowing money, but at no time shall the total amount borrowed exceed 50 per cent of its capital, deposits and surplus.

Saving

35. Nothing in section 34 limits the amount that may be received on deposit from members.

1953, c. 26,
s. 39, subs. 1,
amended

15.—(1) Subsection 1 of section 39 of *The Credit Unions Act, 1953* is amended by inserting after the word "amount" in the fourth line the words "together with any insurance moneys that may be received by the credit union under any policy of life insurance on such member", so that the subsection shall read as follows:

Disposition
of moneys
of intestate
members

(1) If a member of a credit union having on deposit and as payment for shares an amount not exceeding \$500 dies intestate without making a nomination as provided in section 38, the amount, together with any insurance moneys that may be received by the credit union under any policy of life insurance on such member, may, without letters of administration being taken out, be paid to the person who appears to the directors to be entitled thereto under *The Devolution of Estates Act* upon receiving an affidavit of the death and intestacy and that the person claiming is so entitled.

Rev. Stat.,
c. 103

(2) Subsection 2 of the said section 39 is amended by inserting after the word "amount" in the second line the words "and such insurance moneys", so that the subsection shall read as follows:

1953, c. 26,
s. 39, subs. 2,
amended

Payment by
mistake,
when valid

(2) When the directors, after the death of a member, have paid such amount and such insurance moneys to the person who at the time appeared to be entitled thereto under the belief that the member died intestate, without having appointed any nominee, the payment is valid and effectual with respect to any demands from any other person as next-of-kin or

as the lawful representative of the deceased against the credit union, but the next-of-kin or representative is entitled to recover the amount of such payment from the person who received it.

(3) The said section 39 is amended by adding thereto the following subsection: 1953, c. 26,
s. 39,
amended

(3) If a member of a credit union who has on deposit and who has paid for shares in trust for a named beneficiary an amount not exceeding \$500 dies, the amount may be paid to the executor or administrator of his estate in trust for the beneficiary, or, if no executor or administrator has been appointed, may be paid to the beneficiary. Payment to
named
beneficiary

16. Section 45 of *The Credit Unions Act, 1953* is amended by striking out the words "on or before the 1st day of March in each year" in the first and second lines and inserting in lieu thereof the words "not later than two months after the end of its fiscal year" and by striking out the words "in duplicate" in the second line, so that the section shall read as follows: 1953, c. 26,
s. 45,
amended

45. A credit union shall not later than two months after the end of its fiscal year deliver to the registrar in the form prescribed by him, an audited statement of its receipts and expenditures, assets and liabilities, and such statement shall also contain such other information as he may require. Annual
statements

17. Section 47 of *The Credit Unions Act, 1953* is repealed and the following substituted therefor: 1953, c. 26,
s. 47, re-
enacted

47.—(1) Where it appears to the Superintendent from an examination of the condition and affairs of a credit union that any of the funds, securities or other property of the credit union may have been misappropriated or misdirected or that the records do not show the true financial position of the credit union, he may appoint an auditor or auditors to make such examination and audit of the affairs of the credit union as he considers necessary and the remuneration of any auditor or auditors so appointed shall be paid by the credit union. Examination
by Superin-
tendent

(2) Where it appears to the Superintendent from an examination of the condition and affairs of a credit union that the assets are shown on the statement mentioned in section 45 at an amount greater than the true value, he may require the credit union to Idem

set aside out of earnings such additional reserves as he considers necessary, and where in his opinion the value of the assets of the credit union is less than its liabilities, including the share accounts of its members, the Superintendent may prohibit the credit union from taking further deposits or payments on shares from members or from making any payments to its members, or may limit such payments for such period as he deems necessary to protect the interests of the members.

Suspension
of business

- (3) The Superintendent may order a credit union to discontinue doing business for such time as he may determine if, after an inspection thereof, he is satisfied that the continuance in business of such credit union is not in the public interest.

1953, c. 26,
s. 49, subs. 5,
amended

18. Subsection 5 of section 49 of *The Credit Unions Act, 1953* is amended by striking out the word "registrar" in the third line and inserting in lieu thereof the word "supervisor", so that the subsection shall read as follows:

By-laws of
league

- (5) Any league incorporated under this section may pass such by-laws as it deems advisable, but no by-law shall become operative until approved by the supervisor.

1953, c. 26,
s. 55, cl. b,
re-enacted

19. Clause *b* of section 55 of *The Credit Unions Act, 1953* is repealed and the following substituted therefor:

- (*b*) providing and prescribing the fees payable for incorporation of credit unions and credit union leagues, for the amalgamation of credit unions, for changing the name of credit unions, for the filing of any memorandum of association, return or other document required or permitted to be filed under this Act, for searches, and for certified copies of certificates of incorporation and other documents.

Short title

20. This Act may be cited as *The Credit Unions Amendment Act, 1954*.



BILL

An Act to amend The Credit
Unions Act, 1953

1st Reading

February 26th, 1954

2nd Reading

March 12th, 1954

3rd Reading

March 30th, 1954

Mr. PORTER

No. 75

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
The Juvenile and Family Courts Act, 1954

MR. PORTER

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

EXPLANATORY NOTE

This Bill is a complete revision of *The Juvenile and Family Courts Act* which was last revised in 1927.

The Bill names these courts "juvenile and family courts" instead of "family courts", thus giving equal emphasis to the two fields in which these courts function (section 3).

The Bill simplifies the municipal and geographic units for which these courts can be established (section 2, subsection 1) and also the financial obligations involved (sections 10, 11 and 12).

The Bill provides a uniform rule as to the retirement age of judges similar to that in effect in the public service (section 5, subsection 4).

In other respects the principles of the present Act are continued.

BILL

The Juvenile and Family Courts Act, 1954

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

1. In every Act, “juvenile court” means juvenile and family court and “judge of a juvenile court” or “juvenile court judge” means judge of a juvenile and family court. *New.* ^{Interpretation}

2.—(1) The Lieutenant-Governor in Council may establish a juvenile and family court in and for, ^{Establishment of courts}

- (a) a county;
- (b) two or more counties;
- (c) a local municipality separated from the county for municipal purposes;
- (d) two or more local municipalities separated from the county for municipal purposes;
- (e) a combination of clause *a* and clause *c* or *d*;
- (f) a combination of clause *b* and clause *c* or *d*;
- (g) one or more provisional judicial districts or part or parts thereof. R.S.O. 1950, c. 193, s. 1 (1-3), *amended.*

(2) Every order heretofore made establishing a juvenile court or hereafter made establishing a juvenile and family court shall be deemed not to be a regulation within the meaning of *The Regulations Act*. R.S.O. 1950, c. 193, s. 1 (4), *amended.* ^{Orders not within Rev. Stat., c. 337}

3. Every juvenile and family court is a court of record and shall be known as “The Juvenile and Family Court of” as the Lieutenant-Governor in Council may designate. R.S.O. 1950, c. 193, s. 2 (2), *amended.* ^{Court of record; name}

- Jurisdiction **4.** Every juvenile and family court,
- R.S.C.,
c. 160
- (a) is a juvenile court for the purpose of dealing with juvenile delinquents so soon as the *Juvenile Delinquents Act* (Canada) is proclaimed in force in the area for which it was established and it has all the powers vested in a juvenile court under that Act;
- (b) has power to try any child charged with an offence against the laws of Ontario; and
- (c) has power to deal with all cases where jurisdiction is conferred by any Act upon a juvenile court or a judge thereof or upon a juvenile and family court or a judge thereof. R.S.O. 1950, c. 193, s. 3, *amended*.
- Appointment
of judge **5.**—(1) The Lieutenant-Governor in Council may appoint the judge of a juvenile and family court who shall hold office during good behaviour.
- Appointment
of deputy
judges (2) The Lieutenant-Governor in Council may appoint one or more deputy judges of a juvenile and family court, each of whom shall act as judge of the court.
- Appointment
of acting
judge (3) On evidence satisfactory to the Attorney-General of the absence or illness of a judge or deputy judge, the Attorney-General may appoint any person to act *pro tempore* as judge in his stead. R.S.O. 1950, c. 193, s. 4 (1-3), *amended*.
- Retirement
age
Rev. Stat.,
c. 317 (4) The provisions of *The Public Service Act* as to age of retirement of civil servants apply *mutatis mutandis* to judges and deputy judges of juvenile and family courts. *New*.
- Clerk and
staff **6.**—(1) There shall be a clerk of each juvenile and family court and such staff as the judge of the court deems necessary, who shall be appointed by the Attorney-General. R.S.O. 1950, c. 193, s. 5 (1), *amended*.
- Duties
of clerk (2) It is the duty of the clerk of a juvenile and family court to ensure that the cases to be heard before the court are properly prepared, to have before the court all papers and documents in such cases, to arrange for the sittings of the court, and to preserve order during the sittings. R.S.O. 1950, c. 193, s. 5 (2).
- Idem (3) The clerk shall keep proper records, the form of which shall be approved by the Inspector of Legal Offices, containing full particulars of the cases dealt with by the court, including the disposition or order made in each case, the parentage, nationality and religion of each delinquent or neglected child, and such other information as may be required. R.S.O. 1950, c. 193, s. 5 (3), *amended*.

7.—(1) The Attorney-General may appoint one or more Appointment of probation officers probation officers for a juvenile and family court. R.S.O. 1950, c. 193, s. 6 (2), *amended*.

(2) Every probation officer while acting in the discharge of Powers his duties has all the powers of a police constable and a school attendance officer. R.S.O. 1950, c. 193, s. 6 (3, 4), *amended*.

8. Every officer of a juvenile and family court shall act in Control of officers accordance with the orders and directions of the judge of the court. R.S.O. 1950, c. 193, s. 7, *amended*.

9.—(1) Every temporary home or shelter provided for Detention homes children under *The Children's Protection Act*, and every Rev. Stat., c. 53 institution for the care of children, or children's home, the governing body of which has given its consent thereto, is a detention home within the meaning of the *Juvenile Delinquents Act* (Canada). R.S.C., c. 160

(2) The Attorney-General may declare any place, house, Idem home or institution a detention home within the meaning of the *Juvenile Delinquents Act* (Canada).

(3) Every municipality for which a juvenile and family court is established and in which there is no detention home, or in which there is no detention home of sufficient capacity, shall provide a detention home satisfactory to the Attorney-General. R.S.O. 1950, c. 193, s. 9 (1, 2, 5), *amended*. Duty to provide detention home

(4) The Attorney-General may make regulations for the Regulations government and management of detention homes in so far as they are used for that purpose. R.S.O. 1950, c. 193, s. 9 (3).

(5) The municipality for which a juvenile and family court Maintenance of child in detention home is established is liable for the maintenance in a detention home of a child charged with committing an offence in that municipality. R.S.O. 1950, c. 193, s. 9 (4), *amended*.

10.—(1) The municipality in and for which a juvenile and family court is established shall provide a suitable room for Duty to provide accommodation and expenses hearing cases and offices, furniture, equipment and supplies for the judge, deputy judges, clerk, probation officers and staff and shall make provision for and pay the expenses of the court including the salaries of the judge, deputy judges, clerk, probation officers and staff.

(2) The Lieutenant-Governor in Council may fix the salaries Fixing of salaries and expenses to be paid to the judge and deputy judges and the amount to be appropriated for other salaries and the expenses of the court. R.S.O. 1950, c. 193, s. 10 (1, 2), *amended*.

Payment of
salaries of
full-time
judges

(3) The salary of every full-time judge and every full-time deputy judge shall be paid out of the moneys that are voted therefor by the Legislature and an amount equal to the salary, cost of living bonus, if any, superannuation credits, if any, and any other allowance paid in the first instance by the Province shall be paid quarterly to the Treasurer of Ontario by the municipality or municipalities that would, but for this subsection, be responsible for the payment of such salaries. 1953, c. 52, s. 1.

Apportion-
ment of cost
of court

(4) Where a juvenile and family court is established in and for two or more municipalities, the municipalities served by the court shall pay such proportion of the cost of the court as may be agreed upon or failing agreement as may be determined by arbitration.

Arbitration

(5) For the purposes of an arbitration under subsection 4, a judge of a county court of a county other than a county concerned in the proceedings shall be sole arbitrator and the provisions of *The Municipal Arbitrations Act* as to procedure and appeals apply to every such arbitration and to the award. 1952, c. 48, s. 2, *part, amended*.

Rev. Stat.,
c. 244

Apportion-
ment of
cost in
districts

11. Where a juvenile and family court is established in and for a provisional judicial district or part thereof and it serves a municipality in such district or part, the Lieutenant-Governor in Council may fix the amount to be paid by such municipality towards the cost of the court and prescribe the times and manner of making the payments. R.S.O. 1950, c. 193, s. 10 (3), *amended*.

Provincial
aid

12. The Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund to any municipality of such portion of the cost to it of a juvenile and family court as he may determine. 1952, c. 48, s. 3.

Supreme
Court
alimony
and main-
tenance
orders

13.—(1) Any person entitled to alimony or maintenance under a judgment or order of the Supreme Court may file a copy of the judgment or order in the juvenile and family court having jurisdiction where the person ordered to pay the alimony or maintenance resides, and when so filed it shall be enforced in the same manner as an order made in that court under *The Deserted Wives' and Children's Maintenance Act*.

Rev. Stat.,
c. 102

Interpre-
tation

(2) A person entitled to maintenance under a judgment or order of the Supreme Court within the meaning of subsection 1 includes a child entitled to maintenance under any such judgment or order. *New*.

14. Every court established under a predecessor of this Act and any judge and deputy judge appointed to any such court shall be deemed to have been established or appointed, as the case may be, under this Act. *New.* Existing courts and judges

15.—(1) Notwithstanding anything in this Act or in *The Juvenile and Family Courts Act*, the Lieutenant-Governor in Council may appoint two judges and one or more deputy judges for the juvenile court established for The Municipality of Metropolitan Toronto. Metropolitan Toronto Rev. Stat., c. 193

(2) This section comes into force on the day this Act receives Royal Assent. *New.* Commencement of s. 1

16. *The Juvenile and Family Courts Act, The Juvenile and Family Courts Amendment Act, 1952* and *The Juvenile and Family Courts Amendment Act, 1953* are repealed. Rev. Stat., c. 193; 1952, c. 48; 1953, c. 52, repealed

17. This Act may be cited as *The Juvenile and Family Courts Act, 1954*. Short title

BILL

The Juvenile and Family Courts
Act, 1954

1st Reading

February 26th, 1954

2nd Reading

3rd Reading

MR. PORTER

No. 75

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
The Juvenile and Family Courts Act, 1954

MR. PORTER

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



BILL

The Juvenile and Family Courts Act, 1954

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

1. In every Act, “juvenile court” means juvenile and family court and “judge of a juvenile court” or “juvenile court judge” means judge of a juvenile and family court. Interpre-
tation
New.

2.—(1) The Lieutenant-Governor in Council may establish a juvenile and family court in and for, Establish-
ment of
courts

- (a) a county;
- (b) two or more counties;
- (c) a local municipality separated from the county for municipal purposes;
- (d) two or more local municipalities separated from the county for municipal purposes;
- (e) a combination of clause *a* and clause *c* or *d*;
- (f) a combination of clause *b* and clause *c* or *d*;
- (g) one or more provisional judicial districts or part or parts thereof. R.S.O. 1950, c. 193, s. 1 (1-3), *amended.*

(2) Every order heretofore made establishing a juvenile court or hereafter made establishing a juvenile and family court shall be deemed not to be a regulation within the meaning of *The Regulations Act*. R.S.O. 1950, c. 193, s. 1 (4), *amended.* Orders not
within
Rev. Stat.,
c. 337

3. Every juvenile and family court is a court of record and shall be known as “The Juvenile and Family Court of” as the Lieutenant-Governor in Council may designate. R.S.O. 1950, c. 193, s. 2 (2), *amended.* Court of
record;
name

- Jurisdiction **4.** Every juvenile and family court,
- R.S.C.,
c. 160 (a) is a juvenile court for the purpose of dealing with juvenile delinquents so soon as the *Juvenile Delinquents Act* (Canada) is proclaimed in force in the area for which it was established and it has all the powers vested in a juvenile court under that Act;
- (b) has power to try any child charged with an offence against the laws of Ontario; and
- (c) has power to deal with all cases where jurisdiction is conferred by any Act upon a juvenile court or a judge thereof or upon a juvenile and family court or a judge thereof. R.S.O. 1950, c. 193, s. 3, *amended*.
- Appointment
of judge **5.**—(1) The Lieutenant-Governor in Council may appoint the judge of a juvenile and family court who shall hold office during good behaviour.
- Appointment
of deputy
judges (2) The Lieutenant-Governor in Council may appoint one or more deputy judges of a juvenile and family court, each of whom shall act as judge of the court.
- Appointment
of acting
judge (3) On evidence satisfactory to the Attorney-General of the absence or illness of a judge or deputy judge, the Attorney-General may appoint any person to act *pro tempore* as judge in his stead. R.S.O. 1950, c. 193, s. 4 (1-3), *amended*.
- Retirement
age
Rev. Stat.,
c. 317 (4) The provisions of *The Public Service Act* as to age of retirement of civil servants apply *mutatis mutandis* to judges and deputy judges of juvenile and family courts. *New*.
- Clerk and
staff **6.**—(1) There shall be a clerk of each juvenile and family court and such staff as the judge of the court deems necessary, who shall be appointed by the Attorney-General. R.S.O. 1950, c. 193, s. 5 (1), *amended*.
- Duties
of clerk (2) It is the duty of the clerk of a juvenile and family court to ensure that the cases to be heard before the court are properly prepared, to have before the court all papers and documents in such cases, to arrange for the sittings of the court, and to preserve order during the sittings. R.S.O. 1950, c. 193, s. 5 (2).
- Idem (3) The clerk shall keep proper records, the form of which shall be approved by the Inspector of Legal Offices, containing full particulars of the cases dealt with by the court, including the disposition or order made in each case, the parentage, nationality and religion of each delinquent or neglected child, and such other information as may be required. R.S.O. 1950, c. 193, s. 5 (3), *amended*.

7.—(1) The Attorney-General may appoint one or more ^{Appointment of probation officers} probation officers for a juvenile and family court. R.S.O. 1950, c. 193, s. 6 (2), *amended*.

(2) Every probation officer while acting in the discharge of ^{Powers} his duties has all the powers of a police constable and a school attendance officer. R.S.O. 1950, c. 193, s. 6 (3, 4), *amended*.

8. Every officer of a juvenile and family court shall act in accordance with the orders and directions of the judge of the ^{Control of officers} court. R.S.O. 1950, c. 193, s. 7, *amended*.

9.—(1) Every temporary home or shelter provided for ^{Detention homes} children under *The Children's Protection Act*, and every ^{Rev. Stat., c. 53} institution for the care of children, or children's home, the governing body of which has given its consent thereto, is a detention home within the meaning of the *Juvenile Delinquents Act* (Canada). ^{R.S.C., c. 160}

(2) The Attorney-General may declare any place, house, ^{Idem} home or institution a detention home within the meaning of the *Juvenile Delinquents Act* (Canada).

(3) Every municipality for which a juvenile and family court is established and in which there is no detention home, or in which there is no detention home of sufficient capacity, shall provide a detention home satisfactory to the Attorney-General. ^{Duty to provide detention home} R.S.O. 1950, c. 193, s. 9 (1, 2, 5), *amended*.

(4) The Attorney-General may make regulations for the ^{Regulations} government and management of detention homes in so far as they are used for that purpose. R.S.O. 1950, c. 193, s. 9 (3).

(5) The municipality for which a juvenile and family court is established is liable for the maintenance in a detention home of a child charged with committing an offence in that municipality. ^{Maintenance of child in detention home} R.S.O. 1950, c. 193, s. 9 (4), *amended*.

10.—(1) The municipality in and for which a juvenile and family court is established shall provide a suitable room for hearing cases and offices, furniture, equipment and supplies for the judge, deputy judges, clerk, probation officers and staff and shall make provision for and pay the expenses of the court including the salaries of the judge, deputy judges, clerk, probation officers and staff. ^{Duty to provide accommodation and expenses}

(2) The Lieutenant-Governor in Council may fix the salaries ^{Fixing of salaries and expenses} to be paid to the judge and deputy judges and the amount to be appropriated for other salaries and the expenses of the court. R.S.O. 1950, c. 193, s. 10 (1, 2), *amended*.

Payment of salaries of full-time judges

(3) The salary of every full-time judge and every full-time deputy judge shall be paid out of the moneys that are voted therefor by the Legislature and an amount equal to the salary, cost of living bonus, if any, superannuation credits, if any, and any other allowance paid in the first instance by the Province shall be paid quarterly to the Treasurer of Ontario by the municipality or municipalities that would, but for this subsection, be responsible for the payment of such salaries. 1953, c. 52, s. 1.

Apportionment of cost of court

(4) Where a juvenile and family court is established in and for two or more municipalities, the municipalities served by the court shall pay such proportion of the cost of the court as may be agreed upon or failing agreement as may be determined by arbitration.

Arbitration

(5) For the purposes of an arbitration under subsection 4, a judge of a county court of a county other than a county concerned in the proceedings shall be sole arbitrator and the provisions of *The Municipal Arbitrations Act* as to procedure and appeals apply to every such arbitration and to the award. 1952, c. 48, s. 2, *part, amended*.

Rev. Stat., c. 244

Apportionment of cost in districts

11. Where a juvenile and family court is established in and for a provisional judicial district or part thereof and it serves a municipality in such district or part, the Lieutenant-Governor in Council may fix the amount to be paid by such municipality towards the cost of the court and prescribe the times and manner of making the payments. R.S.O. 1950, c. 193, s. 10 (3), *amended*.

Provincial aid

12. The Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund to any municipality of such portion of the cost to it of a juvenile and family court as he may determine. 1952, c. 48, s. 3.

Supreme Court alimony and maintenance orders

13.—(1) Any person entitled to alimony or maintenance under a judgment or order of the Supreme Court may file a copy of the judgment or order in the juvenile and family court having jurisdiction where the person ordered to pay the alimony or maintenance resides, and when so filed it shall be enforced in the same manner as an order made in that court under *The Deserted Wives' and Children's Maintenance Act*.

Rev. Stat., c. 102

Interpretation

(2) A person entitled to maintenance under a judgment or order of the Supreme Court within the meaning of subsection 1 includes a child entitled to maintenance under any such judgment or order. *New*.

14. Every court established under a predecessor of this Act and any judge and deputy judge appointed to any such court shall be deemed to have been established or appointed, as the case may be, under this Act. *New.*

15.—(1) Notwithstanding anything in this Act or in *The Juvenile and Family Courts Act*, the Lieutenant-Governor in Council may appoint two judges and one or more deputy judges for the juvenile court established for The Municipality of Metropolitan Toronto.

(2) This section comes into force on the day this Act receives Royal Assent. *New.*

16. *The Juvenile and Family Courts Act, The Juvenile and Family Courts Amendment Act, 1952* and *The Juvenile and Family Courts Amendment Act, 1953* are repealed.

17. This Act may be cited as *The Juvenile and Family Courts Act, 1954*.

BILL

The Juvenile and Family Courts
Act, 1954

1st Reading

February 26th, 1954

2nd Reading

March 12th, 1954

3rd Reading

March 30th, 1954

Mr. PORTER

No. 76

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

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—Subsection 1. Clause *a* in its present form leaves a registered salesman free to operate as a broker because he is “registered as a broker or salesman”. The amendment to clause *a* and the new clause *aa* make it clear that a person can trade as a broker only if he is registered as a broker and can trade as a salesman only if he is registered as a salesman.

Subsection 2. Section 41 provides that a surviving or remaining partner of a partnership may carry on business in the name of the original partnership and thus operates as an exception to subsection 2 of section 3.

Subsection 3. When a limited company is registered, its officers likewise have to be registered and the Registrar must be satisfied that each officer is qualified to act as a broker. Consequently, it is necessary that a change in the officers be made only with the consent of the Registrar.

SECTION 2. When the employment of a salesman with a broker has been terminated, the Registrar must be satisfied that the reason for his termination would not disentitle him to be transferred to another broker. It is therefore necessary to require such a salesman to be again registered as a salesman provided another broker is willing to employ him.

No. 76

1954

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.—(1) Clause *a* of subsection 1 of section 3 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor: Rev. Stat., c. 332, s. 3, subs. 1, cl. *a*, re-enacted

(a) trade in real estate as a broker unless he is registered as a broker;

(aa) trade in real estate as a salesman unless he is registered as a salesman of a registered broker.

(2) Subsection 2 of the said section 3 is amended by adding at the commencement thereof the words "Subject to section 41", so that the subsection shall read as follows: Rev. Stat., c. 332, s. 3, subs. 2, amended

(2) Subject to section 41, any change in the membership of a partnership shall be deemed to create a new partnership and to extinguish any existing registration. Change in partnership

(3) The said section 3 is amended by adding thereto the following subsection: Rev. Stat., c. 332, s. 3, amended

(3) A change in the officers of a registered limited company may be made only with the consent of the Registrar. Change in company's officers

2. Subsection 2 of section 4 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor: Rev. Stat., c. 332, s. 4, subs. 2, re-enacted

(2) The termination of the employment of a salesman with a registered broker shall operate as a suspension of the registration of the salesman until notice in writing has been received by the Registrar from Suspension of registration

another registered broker of his intention to employ the salesman and until the salesman is again registered as a salesman.

Rev. Stat.,
c. 332, s. 15,
amended

3. Section 15 of *The Real Estate and Business Brokers Act* is amended by inserting after the word "shall" where it occurs in the first line of subsection 1 and in the first line of subsection 2, respectively, the word "immediately", so that the section shall read as follows:

Change in
registration
of broker;

15.—(1) Every registered broker shall immediately notify the Registrar in writing of,

- (a) any change in the address for service;
- (b) any change in the partners in the case of a partnership; and
- (c) the commencement and termination of employment of every salesman.

salesman

(2) Every registered salesman shall immediately notify the Registrar in writing of,

- (a) any change in his address for service; and
- (b) every commencement and termination of his employment by a registered broker.

Rev. Stat.,
c. 332, s. 43,
re-enacted

4. Section 43 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

Unregistered
broker and
salesman

43. A person who is not registered as a broker shall neither directly nor indirectly hold himself out as being a broker and a person who is not registered as a salesman shall neither directly nor indirectly hold himself out as being a salesman.

Short title

5. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1954*.

SECTION 3. The amendments are necessary so that the Registrar will be notified *immediately* of any change in address, etc., of a registered broker or salesman.

SECTION 4. Self-explanatory.



BILL

An Act to amend The Real Estate and
Business Brokers Act

1st Reading

February 26th, 1954

2nd Reading

3rd Reading

MR. PORTER

No. 76

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

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.—(1) Clause *a* of subsection 1 of section 3 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor: Rev. Stat., c. 332, s. 3, subs. 1, cl. *a*, re-enacted

(a) trade in real estate as a broker unless he is registered as a broker;

(aa) trade in real estate as a salesman unless he is registered as a salesman of a registered broker.

(2) Subsection 2 of the said section 3 is amended by adding at the commencement thereof the words "Subject to section 41", so that the subsection shall read as follows: Rev. Stat., c. 332, s. 3, subs. 2, amended

(2) Subject to section 41, any change in the membership of a partnership shall be deemed to create a new partnership and to extinguish any existing registration. Change in partnership

(3) The said section 3 is amended by adding thereto the following subsection: Rev. Stat., c. 332, s. 3, amended

(3) A change in the officers of a registered limited company may be made only with the consent of the Registrar. Change in company's officers

2. Subsection 2 of section 4 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor: Rev. Stat., c. 332, s. 4, subs. 2, re-enacted

(2) The termination of the employment of a salesman with a registered broker shall operate as a suspension of the registration of the salesman until notice in writing has been received by the Registrar from Suspension of registration

another registered broker of his intention to employ the salesman and until the salesman is again registered as a salesman.

Rev. Stat.,
c. 332, s. 15,
amended

3. Section 15 of *The Real Estate and Business Brokers Act* is amended by inserting after the word "shall" where it occurs in the first line of subsection 1 and in the first line of subsection 2, respectively, the word "immediately", so that the section shall read as follows:

Change in
registration
of broker;

15.—(1) Every registered broker shall immediately notify the Registrar in writing of,

- (a) any change in the address for service;
- (b) any change in the partners in the case of a partnership; and
- (c) the commencement and termination of employment of every salesman.

salesman

(2) Every registered salesman shall immediately notify the Registrar in writing of,

- (a) any change in his address for service; and
- (b) every commencement and termination of his employment by a registered broker.

Rev. Stat.,
c. 332, s. 43,
re-enacted

4. Section 43 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

Unregistered
broker and
salesman

43. A person who is not registered as a broker shall neither directly nor indirectly hold himself out as being a broker and a person who is not registered as a salesman shall neither directly nor indirectly hold himself out as being a salesman.

Short title

5. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1954*.



BILL

An Act to amend The Real Estate and
Business Brokers Act

1st Reading

February 26th, 1954

2nd Reading

March 12th, 1954

3rd Reading

March 30th, 1954

MR. PORTER

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

**An Act to consolidate and revise The Children's Protection
Act, The Children of Unmarried Parents Act and
The Adoption Act**

MR. GOODFELLOW

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EXPLANATORY NOTE

This Bill is a consolidation and revision of *The Children's Protection Act*, *The Children of Unmarried Parents Act* and *The Adoption Act*. A number of changes in principle have been made and some new principles added, all of them designed to promote the welfare of the children concerned and to improve the administration and legal procedure in these three fields.

BILL

An Act to consolidate and revise The Children's Protection Act, The Children of Unmarried Parents Act and The Adoption Act

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-
pretation

- (a) "children's aid society" or "society" means a children's aid society approved by the Lieutenant-Governor in Council under this Act; R.S.O. 1950, c. 53, s. 1, cl. (d), *amended*.
- (b) "Director" means Director of Child Welfare appointed under this Act;
- (c) "local director" means local director of a children's aid society appointed under this Act; *New*.
- (d) "Minister" means Minister of Public Welfare;
- (e) "municipality" means county, city or separated town, but in a territorial district "municipality" means city, town, village or township; R.S.O. 1950, c. 53, s. 1, cls. (h, i).
- (f) "regulations" means regulations made under this Act. R.S.O. 1950, c. 51, s. 1, cl. (c).

PART I

OFFICERS, SOCIETIES

2.—(1) The Lieutenant-Governor in Council may appoint an officer to be known as the Director of Child Welfare. R.S.O. 1950, c. 7, s. 19, *part, amended*; R.S.O. 1950, c. 53, s. 2, *part, amended*.

Duties of
Director

- (2) The Director shall,
- (a) advise children's aid societies as to the manner in which their functions are to be performed;
 - (b) exercise the powers and duties of a children's aid society in any area in which no society is functioning;
 - (c) ensure that a record in such form as he may prescribe is kept by societies of all court committals of children to their care and of all children placed by them in foster homes and of such other matters as he may require;
 - (d) inspect or direct and supervise the inspection of any place in which a child in the care of a society is placed;
 - (e) prepare and submit an annual report to the Minister;
 - (f) keep books of account of all moneys received by him showing receipts and expenditures;
 - (g) perform such other duties as may be prescribed by this Act or the regulations or by the Lieutenant-Governor in Council. R.S.O. 1950, c. 53, s. 2, *amended*.

Acting
Director

(3) 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. *New*.

Appointment
of local
directors

3.—(1) Every children's aid society shall appoint a local director who shall be responsible to the board of directors of the society for the administration and enforcement of this Act and the regulations in the area in which the society has jurisdiction, who shall co-operate with the Director to this end, and who shall carry out such other duties as may be required of him by the constitution, by-laws and instructions of the society. *New*.

Powers of
local
directors,
etc.

(2) Every local director and every person designated by the board of directors of a society shall for the purposes of this Act be vested with the powers of a constable and a school attendance officer, and he shall be deemed to be an officer within the meaning of section 10 of *The Public Authorities Protection Act*, and that section and the other provisions of that Act apply to him in the same manner and to the same extent as they do to the officers mentioned in that section. R.S.O. 1950, c. 53, s. 38, *amended*.

Rev. Stat.,
c. 303

4. The Director or a local director or any person acting under the authority of either of them may call to his aid in the performance of his duties a member of the police force responsible for policing the area in which such aid is required. ^{Police assistance}
R.S.O. 1950, c. 53, s. 8, *amended*.

5. The Director and every local director and every person authorized by the Director has power to take affidavits and statutory declarations for the purposes of this Act in the same manner and to the same extent as a commissioner for taking affidavits in Ontario. ^{Power to take affidavits}
R.S.O. 1950, c. 7, s. 19, *part*;
c. 51, s. 2 (2).

6.—(1) A children's aid society may be established having among its objects the protection of children from neglect, the care and control of neglected children, assistance to unmarried parents, the placement of children in adoption, the supervision of children placed in adoption until an order of adoption is made and generally the discharge of the functions of a children's aid society under this Act, but no society may act as such until it has been incorporated under *The 1953, c. 19 Corporations Act, 1953* or a predecessor thereof. ^{Establishment of societies}
R.S.O. 1950, c. 53, s. 33, *amended*.

(2) The by-laws of every children's aid society shall contain such provisions as the regulations prescribe, and a certified copy of the by-laws and any amendments thereto shall be filed with the Director forthwith after they are made and no such by-law or amendment shall come into operation until it has been approved by the Minister. ^{By-laws}
R.S.O. 1950, c. 53, s. 34 (3), *amended*.

7.—(1) A children's aid society shall be governed by a board of directors composed of the president, one or more vice-presidents, the secretary, the treasurer, one or more municipal representatives and such other officers and members as may be determined, elected in such manner and for such period as the by-laws of the society provide. ^{Board of directors}
R.S.O. 1950, c. 53, s. 36, *amended*.

(2) Where the number of directors of a children's aid society is more than nine, the directors shall pass a by-law directing them to elect from among their number an executive committee consisting of not less than five and not more than nine members, including the president, the treasurer and one or more municipal representatives, and to delegate to the executive committee any powers of the board of directors, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the board. ^{Executive committee}

(3) A majority of the members of an executive committee constitutes a quorum. ^{Quorum}
New.

Inter-
pretation

8. For the purposes of section 7 and subject to the by-laws of the children's aid society, "municipal representative" means member of a municipal council of a municipality in the area in which the society has jurisdiction. *New.*

Annual
grants to
societies

9.—(1) There shall be paid to each children's aid society,

(a) an annual grant of such amount as the regulations provide; and

(b) an amount equal to 25 per cent of the amount of the funds it obtains each year from any campaign conducted to obtain private donations, whether the campaign is conducted by the society only or is part of a joint campaign but not from endowments, investments or payments made by a municipality as grants in excess of its statutory liability under this Act. R.S.O. 1950, c. 53, s. 40 (1, 2), *part, amended.*

Idem

(2) There shall be paid to each children's aid society having jurisdiction in territory without municipal organization an additional annual grant of such amount as the regulations provide to assist it in the provision of protection services to children living in such territory. *New.*

Source

(3) The amounts payable under this section shall be paid out of such moneys as are appropriated therefor by the Legislature. R.S.O. 1950, c. 53, s. 40 (3).

Dissolution
of
societies

10. The Lieutenant-Governor upon the recommendation of the Minister may at any time dissolve a children's aid society on such date as the order may fix and upon the dissolution of a society its property vests in the Crown to be held and disposed of in such manner as the Lieutenant-Governor in Council determines. R.S.O. 1950, c. 53, s. 34 (5), *amended.*

PART II

PROTECTION AND CARE OF NEGLECTED CHILDREN

Inter-
pretation

11.—(1) In this Part,

(a) "boarding home" means a home or dwelling in which a child is placed and kept upon payment of compensation, whether the home or dwelling is privately occupied or forms part of, or is connected with, a hospital or a correctional, custodial, charitable or other institution; R.S.O. 1950, c. 53, s. 1, cl. (b), *amended.*

- (b) "child" means boy or girl actually or apparently under sixteen years of age; R.S.O. 1950, c. 53, s. 1, cl. (c).
- (c) "foster home" means a home, other than the home of his parent, in which a child is placed for care and supervision; R.S.O. 1950, c. 53, s. 1, cl. (e), *amended*.
- (d) "judge" means judge, junior judge or acting judge of a county or district court, or judge or deputy judge of a juvenile and family court or magistrate where the magistrate has been designated by the Lieutenant-Governor in Council a judge for the purposes of this Part; R.S.O. 1950, c. 53, s. 1, cl. (f), *amended*.
- (e) "neglected child" means,
- (i) a child who is an orphan and who is not being properly cared for, or who is brought, with the consent of the person in whose charge he is, before a judge to be dealt with under this Part,
 - (ii) a child who is deserted by the person in whose charge he is or that person has died or is unable to care properly for him,
 - (iii) a child where the person in whose charge he is cannot by reason of disease or infirmity or misfortune or incompetence or imprisonment or any combination thereof care properly for him,
 - (iv) a child who is living in an unfit or improper place,
 - (v) a child found associating with an unfit or improper person,
 - (vi) a child found begging or receiving alms in a public place or carrying on a street trade contrary to this Part, or loitering in a public place after 9 o'clock in the evening after being warned as provided in subsection 4 of section 33,
 - (vii) a child who, with the consent or connivance of the person in whose charge he is, commits any act which renders him liable to a penalty

under any Act of the Parliament of Canada or of the Legislature or under any municipal by-law,

- (viii) a child who is delinquent or incorrigible by reason of the inadequacy of the control exercised by the person in whose charge he is or who is being allowed to grow up under circumstances tending to make him idle or dissolute,
 - (ix) a child who, without sufficient cause, habitually absents himself from his home or school,
 - (x) a child when the person in whose charge he is neglects or refuses to provide or secure proper medical, surgical or other remedial care or treatment necessary for his health or well-being, or who refuses to permit such care or treatment to be supplied to the child when it is recommended by a duly qualified medical practitioner,
 - (xi) a child who is emotionally rejected or deprived of affection by the person in whose charge he is to a degree which on the evidence of a psychiatrist who is on the register of specialists in psychiatry of the Royal College of Physicians and Surgeons of Canada or of the College of Physicians and Surgeons of Ontario is sufficient to endanger his emotional and mental development, or
 - (xii) a child whose life, health or morals may be endangered by the conduct of the person in whose charge he is; R.S.O. 1950, c. 53, s. 1, cl. (j), *amended*.
- (f) "parent" means a person who is under a legal duty to provide for a child;
 - (g) "place of safety" means a receiving home or an institution for the care and protection of children;
 - (h) "public place" means a place, building or conveyance to which the public has, or is permitted to have, access; R.S.O. 1950, c. 53, s. 1, cls. (k, l, m), *amended*.
 - (i) "rate" means the average daily cost to a children's aid society of providing for the welfare of a child or ward who is living in an institution or home other than the home of his parent;

- (j) "receiving home" means an institution or home operated or supervised by a children's aid society for the temporary care of children;
- (k) "ward" means a person committed to the care and custody of a children's aid society. *New.*

(2) Where there is a juvenile and family court, cases under this Part shall be heard by the judge or a deputy judge of that court, and where there is no juvenile and family court, cases under this Part shall be heard by the judge, junior judge or acting judge of the county or district court or by a magistrate designated a judge for the purposes of this Part. *New.*

12. A constable or other police officer, the Director, a local director or a person authorized by the Director or by a local director may apprehend without warrant and take to a place of safety any apparently neglected child and detain him there until he can be brought before a judge, or apply to a judge for an order requiring the person in whose charge the child is to produce the child before a judge at the time and place named in the order. R.S.O. 1950, c. 53, s. 7 (1), *amended.*

13.—(1) If it appears to a justice of the peace, on information laid before him on oath,

- (a) that there is reasonable cause to suspect that a child is neglected; or
- (b) that a ward has been unlawfully removed from the custody of a children's aid society or is being unlawfully concealed or harboured,

such justice may issue a warrant authorizing any person named therein to search for such child or ward and to take him to and detain him in a place of safety. R.S.O. 1950, c. 53, s. 18 (1), *part, amended.*

(2) Any person authorized by the warrant may enter, if need be by force, any house, building or other place specified in the warrant and may remove the child or ward therefrom.

(3) It is not necessary in an information or warrant under this section to describe the child or ward by name. R.S.O. 1950, c. 53, s. 18 (2, 3).

14. An executive officer of an infants' or children's home or other public institution having the care or custody of children may, after notifying a children's aid society in writing, bring before a judge any apparently neglected child. R.S.O. 1950, c. 53, s. 9, *amended.*

Detention
limited

15. A child detained in a place of safety under section 12 or clause *a* of subsection 1 of section 13 shall be returned to his parent or guardian or brought before a judge within ten days of his detention. R.S.O. 1950, c. 53, s. 7 (2), *part, amended.*

Hearing to
be held

16.—(1) Where a child is brought before a judge as an apparently neglected child, the judge shall hold a hearing and determine whether or not the child is a neglected child, and if he finds that the child is a neglected child, he shall also determine the child's name, age and religious faith. R.S.O. 1950, c. 53, s. 7 (2), *part, amended.*

Witnesses

(2) The judge has the power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as may be requisite and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases. R.S.O. 1950, c. 53, s. 7 (3), *amended.*

Who may
be heard

(3) The judge may hear any person on behalf of the child and the local director of a children's aid society or any person authorized so to do by the board of directors of the society may be heard on behalf of the society. R.S.O. 1950, c. 53, s. 7 (6), *amended.*

Notice to
municipality
and parent

(4) The judge shall not proceed to hear or dispose of the matter until he is satisfied that any municipality that may be made liable to pay the rate in respect of the child has had reasonable notice of the hearing and that the parent or the person having the actual custody of the child has had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause them to be notified. R.S.O. 1950, c. 53, s. 7 (4), *amended.*

Evidence
to be
transcribed

(5) The evidence of every witness shall be given under oath and shall be taken down and transcribed,

(a) where the proceedings are in a juvenile and family court that has a stenographer who is a member of the staff of such court, by that stenographer; and

(b) where the proceedings are not in a juvenile and family court or where the juvenile and family court does not have a stenographer who is a member of the staff of such court, by a stenographer appointed by the judge. 1951, c. 11, s. 1, *part.*

Transcrip-
tion fees

(6) Stenographers appointed under clause *b* of subsection 5 or the employers of such stenographers shall be allowed the

fees for taking down and transcribing evidence prescribed by *The Magistrates Act, 1952*, and such fees shall be paid by the municipality to which the child concerned in the proceedings belongs and where the child belongs to territory without municipal organization they may be paid out of moneys appropriated therefor by the Legislature. 1951, c. 11, s. 1, *part*; 1952, c. 9, s. 1, *amended*. 1952, c. 53

(7) Where a hearing is adjourned, the judge shall make such order for the temporary care and custody of the child as he thinks advisable and he shall name therein the municipality that shall pay *pro tem* the rate in respect of the child. R.S.O. 1950, c. 53, s. 7 (7, 12), *part, amended*. Order on adjournment

(8) Where the judge finds the child to be a neglected child he shall make an order, Order where child neglected

- (a) that the case be adjourned *sine die* and that the child be returned to his parent or guardian or other person in whose charge he is, subject to supervision by the children's aid society; or
- (b) that the child be committed temporarily to the care and custody of the children's aid society for such period, not exceeding twelve months, as in the circumstances of the case he considers advisable; or
- (c) that the child be committed permanently to the care and custody of the children's aid society; and
- (d) that in cases under clause *b* or *c* the municipality to which the child belongs pay the rate in respect of the child from the day the child was apprehended, or if he was not apprehended, from the day he was brought before the judge as an apparently neglected child, and so long as the child remains in the care and custody of the society. R.S.O. 1950, c. 53, s. 7 (8, 12), *part, amended*.

(9) Where the judge finds a child who has been apprehended and detained in a place of safety not to be a neglected child, he shall ascertain the municipality to which the child belongs and make an order requiring that municipality to pay the rate in respect of the child for the period of such detention. *New*. Order where child not neglected

(10) Where the judge finds that a parent is able to contribute towards the child's maintenance, he shall in any order made under subsection 7 or clause *b* of subsection 8 or subsection 9, or he may in any order made under clause *c* of subsection 8, order such parent to refund to the municipality the whole or any part of the rate that the municipality has Contribution by parent

been ordered to pay, but nothing in this subsection relieves the municipality from liability for the rate. R.S.O. 1950, c. 53, s. 11 (1, 2), *amended*.

Enforcement of order (11) An order made against a parent under subsection 10 may be enforced in the same manner as an order made under Rev. Stat., c. 102 *The Deserted Wives' and Children's Maintenance Act*. R.S.O. 1950, c. 53, s. 11 (3).

Re-opening of case adjourned *sine die* (12) Where a judge has made an order under clause *a* of subsection 8, the society may at any time bring the case again before a judge for further consideration and action under this section.

Re-opening of temporary commitment (13) Where a judge has made an order under clause *b* of subsection 8, the society may at any time during the period of temporary commitment bring the case again before a judge for further consideration and action under this section, and if the temporary commitment has not been earlier terminated, the case shall, at the expiration of the specified period, again be brought before a judge and the judge shall thereupon further inquire and determine whether the circumstances justify an order returning the child to the parent or guardian or other person in whose charge he is, or making a further order under subsection 8, but no such further order shall be made under clause *b* of subsection 8 that results in the temporary commitment of a child for a total period of more than twenty-four months. R.S.O. 1950, c. 53, s. 7 (9), *amended*.

Re-opening of permanent commitment (14) Where a judge has made an order under clause *c* of subsection 8, the society may at any time during the period of permanent commitment and upon at least thirty days notice in writing to the Director, bring the case before a judge to determine if the welfare of the child might best be served by the termination of such permanent commitment and if the judge is satisfied that such action is in the interest of the welfare of the child, he shall terminate the commitment. *New*.

Custody during temporary commitment (15) Where a child has been temporarily committed to the care and custody of a society, the society shall keep such ward in a suitable place and shall exercise during such period all the rights of the legal guardian of such ward, except as to adoption proceedings under Part IV. R.S.O. 1950, c. 53, s. 7 (10), *amended*.

Custody during permanent commitment (16) Where a child has been permanently committed to the care and custody of a society, the society shall be the legal guardian of such ward until he has attained the age of eighteen years, or until he is adopted under Part IV, or until

some other legal guardian is appointed, or until the wardship is terminated by a judge under subsection 14, or until an extended guardianship under subsection 17 terminates. R.S.O. 1950, c. 53, s. 13 (1), *amended*.

(17) Where it is in the interest of the welfare of a ward, a judge may, upon application of the society, make an order extending the wardship for such period as he considers proper beyond the day on which the ward attains the age of eighteen years, but not beyond the day on which the ward attains the age of twenty-one years. *New*.

(18) Every order made under this section shall contain a statement of the facts of the case as found by the judge. R.S.O. 1950, c. 53, s. 7 (12), *part, amended*.

(19) The judge shall cause to be transmitted three certified copies of every order made by him under this section and of the transcript of the evidence to the society and the society shall transmit one copy of each to the Director and one copy of each to the municipality ordered to pay the rate. R.S.O. 1950, c. 53, s. 7 (12), *part, amended*.

17.—(1) For the purposes of this Part, a child,

- (a) who is one year of age or more, shall be deemed to belong to the municipality in which he last resided for a period of twelve months, consecutive or inconsecutive, in the thirty-six month period preceding the day on which proceedings under this Part commenced; or
- (b) who is less than one year of age or who has resided only in the places mentioned in subsection 4, shall be deemed to belong to the municipality in which his mother last resided for a period of twelve months, consecutive or inconsecutive, in the thirty-six month period preceding the day on which proceedings under this Part commenced.

(2) Where the municipality to which a child belongs cannot be determined under subsection 1, a child,

- (a) who is one year of age or more, shall be deemed to belong to the municipality in which he last resided for the greatest number of months, consecutive or inconsecutive, in the thirty-six month period preceding the day on which proceedings under this Part commenced; or

- (b) who is less than one year of age or who has resided only in the places mentioned in subsection 4, shall be deemed to belong to the municipality in which his mother last resided for the greatest number of months, consecutive or inconsecutive, in the thirty-six month period preceding the day on which proceedings under this Part commenced.

Idem

- (3) In all other cases, a child shall be deemed to belong to the municipality in which he is residing on the day on which proceedings under this Part commenced.

Interpretation

- (4) For the purposes of this section,

- (a) any period of time during which the child under clause *a* of subsection 1 or clause *a* of subsection 2 or the child's mother under clause *b* of subsection 1 or clause *b* of subsection 2 resided in a children's, infants', maternity or other boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial, medical, educational, or other care or supervision, shall be disregarded;
- (b) any part of a month during which the child or his mother, as the case may be, resides in a municipality shall, if such period is fifteen consecutive days or more, be deemed to be one month, and shall, if such period is less than fifteen consecutive days, be disregarded;
- (c) any part of a day during which the child or his mother, as the case may be, resides in a municipality shall be deemed to be one day; and
- (d) the expression "day on which proceedings under this Part commenced" means the day on which the child was apprehended or, if he was not apprehended, means the day on which he was brought before a judge as an apparently neglected child. R.S.O. 1950, c. 53, s. 10 (2-4), *amended*.

Residence
in territory
without
municipal
organization

18. Where it is not possible to determine the municipality to which a child belongs by reason of his residence in territory without municipal organization, he shall be deemed to reside in territory without municipal organization, in which case the Province is responsible for the payment of the rate otherwise payable to the society by municipalities in the area in which the society has jurisdiction, and the other provisions of this Part apply *mutatis mutandis*. *New*.

19.—(1) Where it is in the interest of the welfare of a ward of a society having jurisdiction in an area other than the area in which the municipality to which the ward belongs is situate, the first-named society may with the written approval of the Director and by written agreement with the society having jurisdiction in the municipality to which the ward belongs apply to a judge for an order transferring the ward to the care and custody of the second-named society and the judge, if he considers it to be in the interests of the welfare of the ward to do so, shall make the order applied for. ^{Transfer of wards}

(2) Where a ward is transferred under subsection 1, the society to which he is transferred is vested with the same powers and obligations as the society from which he is transferred. *New.* ^{Idem}

20. A municipality that has made a payment under an order made under this Part for the maintenance of a child in respect of whom another municipality is subsequently ordered to pay the rate may recover the sum so paid from such other municipality. R.S.O. 1950, c. 53, s. 10 (8). ^{Right of recovery}

21. Where a judge orders a municipality to pay the rate under this Part, there shall be paid to such municipality out of the moneys appropriated therefor by the Legislature an amount equal to 25 per cent of the amount of the net expenditures of the municipality under such order, except that where the order is made against a county the amount otherwise payable to the county under this section shall be paid to each municipality forming part of the county in the proportion that the equalized assessment of the municipality bears to the total equalized assessment of the county. R.S.O. 1950, c. 53, s. 10 (11). ^{Provincial aid to municipalities}

22. The Lieutenant-Governor in Council may make special grants out of the moneys appropriated therefor by the Legislature to any municipality in a territorial district, except a city, or to a provisional county, to relieve, in whole or in part, any such municipality that is unduly burdened in any year by reason of its liabilities under this Part. R.S.O. 1950, c. 53, s. 10 (10), *amended.* ^{Additional provincial aid to certain municipalities}

23. The council of any municipality may pass by-laws for the levying of such amounts as are necessary for the purpose of meeting any liability imposed on the municipality under this Part, or for the purpose of affording to a children's aid society such other assistance as the council considers advisable. R.S.O. 1950, c. 53, s. 29. ^{Power to make levies}

Temporary
care on
municipal
authoriza-
tion

24.—(1) When authorized so to do by the council, the head of the council of a municipality may, with the consent of the person in charge of a child, authorize the children's aid society to furnish temporary care and shelter to the child and the society may charge the municipality the rate with respect to the child. R.S.O. 1950, c. 53, s. 4 (4), *amended*.

Provincial
aid

(2) Where a municipality pays the rate under subsection 1, there shall be paid to such municipality out of the moneys appropriated therefor by the Legislature an amount equal to 25 per cent of the amount of the net expenditures of such municipality under that subsection. *New*.

Establish-
ment of rate

25.—(1) Each children's aid society shall apply annually to a judge before the 15th day of February for an order establishing its rate and shall give reasonable notice to the municipalities within its area of jurisdiction and to such other municipalities as are at that time paying the rate for children in the care of that society of the intention to apply and of the rate to be applied for.

Idem

(2) The judge shall hear the representations of the society and of such municipalities as desire to be heard and he shall make an order establishing the rate in accordance with the regulations, and such order shall not have retroactive effect before the first day of the calendar year in which it is made. *New*.

Appeal

26.—(1) Within thirty days of the making of an order under this Part, any person, including a society or municipality, may appeal from the order to the Court of Appeal with leave of a judge of the Supreme Court.

Idem

(2) On any such appeal, the Court of Appeal may make such order as the Court considers proper. *New*.

Application
to Supreme
Court for
production
of child

27.—(1) Where a parent applies to a judge of the Supreme Court for an order for the production of a child committed under this Part and the judge is of the opinion that the parent has neglected or deserted the child or that he has otherwise so conducted himself that the judge should refuse to enforce his right to the custody of the child, the judge may in his discretion decline to make the order.

Court may
order com-
pensation

(2) If at the time of the application the child is being brought up by another person or has been placed by a children's aid society, the judge, if he directs the child to be given up to the parent, may order the parent to pay to such person or society the whole of the expense properly incurred in bringing up the child, or such portion thereof as may seem just.

(3) Where a parent,

No order
unless
parent fit
person

(a) has abandoned or deserted his child; or

(b) has allowed his child to be brought up by another person at that person's expense, or by a children's aid society, for such time and under such circumstances as to satisfy the court that the parent was unmindful of his parental duties,

the judge shall not make an order for the delivery of the child to the parent unless the parent satisfies the judge that, having regard to the welfare of the child, he is a fit person to have the custody of the child.

(4) If the judge is of the opinion that the parent ought not to have the custody of the child and that the child is being brought up in a different religious faith from that in which the parent has a legal right to require the child to be brought up, the judge may make such order as he considers proper to ensure that the child be brought up in that religious faith.

Order as to
religious
faith

(5) Nothing in this section affects the power of the judge to consult the wishes of the child in determining what order ought to be made or any right which the child possesses to exercise his own free choice. R.S.O. 1950, c. 53, s. 26.

Child's
wishes to
be consulted

28.—(1) A child shall be deemed to have the same religious faith as his father unless it is shown that an agreement has been entered into in writing, signed by his parents, that he be brought up in the same religious faith as his mother. R.S.O. 1950, c. 53, s. 27 (3), *amended*.

Presumption
as to
religious
faith

(2) An illegitimate child shall be deemed to have the religious faith of his mother. R.S.O. 1950, c. 53, s. 27 (4), *amended*.

Illegitimate
child

(3) A Protestant child shall not be committed under this Part to the care of a Roman Catholic children's aid society or institution and a Roman Catholic child shall not be committed under this Part to a Protestant children's aid society or institution, and a Protestant child shall not be placed in the foster care of a Roman Catholic family and a Roman Catholic child shall not be placed in the foster care of a Protestant family, and where a child committed under this Part is other than Protestant or Roman Catholic he shall be placed where practicable with a family of his own religious faith. R.S.O. 1950, c. 53, s. 27 (1), *amended*.

Religious
faith of
child

Where only
one society

(4) Subsection 3 does not apply to a child detained in a place of safety in a municipality in which there is only one children's aid society. R.S.O. 1950, c. 53, s. 27 (2), *amended*.

Child's
wishes to
be
consulted

(5) Notwithstanding anything in this section, the judge may have regard to the wishes of the child in determining what order ought to be made as to his religious faith. *New*.

Society
may place
ward

29.—(1) A ward of a children's aid society may be placed by the society for any period of time in a foster home or other suitable place according to the needs of the child, and every ward so placed shall receive an education in accordance with the laws of Ontario and in keeping with his intellectual capacity and provision for his occupational training and his physical, mental and spiritual development shall be such as a good parent would make for his own child.

Removal
of ward

(2) A ward who has been so placed may at any time be removed by the society when, in the opinion of the Director, or the local director, the welfare of the ward so requires. R.S.O. 1950, c. 53, s. 13, *amended*.

Interference
with wards,
etc.

30.—(1) No person shall,

- (a) induce or attempt to induce a ward or a person under the age of eighteen years who is lawfully in the care and custody of any organization that provides care for children to leave the premises in which he has been lawfully placed; or
- (b) detain or harbour a ward or a person under the age of eighteen years who is lawfully in the care and custody of any organization that provides care for children after demand made by a person authorized to require the delivery up of such ward or person; or
- (c) visit, write to, telephone to or otherwise interfere with a ward who is placed in a foster home or other place, or his foster parents, without the consent in writing of the children's aid society.

Offence
and
penalty

(2) Every person who contravenes any provision of subsection 1 is guilty of an offence and on summary conviction before a judge is liable to a penalty of not more than \$500 or to imprisonment for a period of not more than one year, or both. R.S.O. 1950, c. 53, s. 19, *amended*.

Desertion,
neglect,
etc., of
child

31.—(1) Any person having the care, custody, control or charge of a child who neglects, abandons, deserts or fails to support the child or inflicts unreasonable cruelty or ill-treatment upon the child not constituting an assault is

guilty of an offence and on summary conviction before a judge is liable to a penalty of not more than \$500 or to imprisonment for a term of not more than one year, or both. R.S.O. 1950, c. 53, s. 14 (1), *amended*.

(2) Any person having the care, custody, control or charge of a boy or girl under the age of ten years who leaves the boy or girl unattended for an unreasonable length of time without making reasonable provision for his or her supervision and safety is guilty of an offence and on summary conviction before a judge is liable to a penalty of not more than \$100 and for a second or subsequent offence, \$200 or imprisonment for a term of not more than one year. *New*.

Leaving
boy or
girl
unattended

(3) The judge may in connection with any case arising under subsection 1 or 2 hold a hearing in respect of any child concerned and may proceed as though the child was brought before him as an apparently neglected child. R.S.O. 1950, c. 53, s. 14 (2), *amended*.

Further
proceedings
as to child

32.—(1) Every person who,

- (a) causes or procures a child to be in any public place for the purpose of begging or receiving alms or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale or otherwise; or
- (b) causes or procures a child to be in any public place for the purpose of singing, playing, or performing for profit or offering anything for sale between 9 o'clock in the afternoon of any day and 6 o'clock in the morning of the following day; or
- (c) subject to subsection 2, causes or procures any child to be at any time for the purpose of singing, playing, or performing for profit or offering anything for sale in any circus, theatre or other place of public amusement to which the public are admitted by payment,

Causing
child to
beg, per-
form, etc.

is guilty of an offence and on summary conviction before a judge is liable to a penalty of not more than \$100 or to imprisonment for a term of not more than six months, or both. R.S.O. 1950, c. 53, s. 17 (1), *amended*.

(2) In the case of any entertainment or series of entertainments to take place in premises used for public entertainment or in any circus, theatre or other place of public amusement, where it is shown that provision has been made to ensure the health and proper treatment of a child proposed to be employed thereat, the head of the council of the municipality may, with the approval of the children's aid society, grant a licence for such time and during such hours

Licence for
child to
perform
in public

of the day and subject to such restrictions and conditions as he may think fit for any child who in his opinion is a fit and proper person to take part in such entertainment or series of entertainments, and such licence may at any time be varied, added to or revoked by him with the approval of the children's aid society. R.S.O. 1950, c. 53, s. 17 (2), *amended*.

Officer to supervise licensed child

(3) The municipal council shall assign to some person the duty of seeing that the restrictions and conditions of any licence granted under subsection 2 are duly complied with, and such person may enter, inspect and examine any place at which the employment of a child is for the time being licensed, and that duty shall be discharged by the chief constable of the municipality until some other person is appointed. R.S.O. 1950, c. 53, s. 17 (3).

Street trades, girls under 16 and boys under 12;

33.—(1) No girl under sixteen years of age and no boy under twelve years of age shall engage in or be licensed or permitted to engage in any street trade or occupation. R.S.O. 1950, c. 53, s. 15 (1).

boys 12 to 16

(2) No boy twelve or more years of age and under sixteen years of age shall engage in any street trade or occupation between the hours of 9 o'clock in the afternoon and 6 o'clock in the morning of the following day. R.S.O. 1950, c. 53, s. 15 (2), *amended*.

Boy or girl under 16 loitering in public place at night

(3) No boy or girl under sixteen years of age shall loiter in any public place between the hours of 9 o'clock in the afternoon and 6 o'clock in the morning of the following day or be in any place of public resort or entertainment during such hours unless accompanied by his or her parent or guardian or an adult appointed by the parent or guardian to accompany the boy or girl. R.S.O. 1950, c. 53, s. 16 (1), *amended*.

Warning

(4) A boy or girl found contravening any provision of this section may be warned by any constable or officer of a children's aid society, and if the warning is not regarded, or after the warning the boy or girl is again found contravening any provision of this section, the boy or girl may be taken by the constable or officer to his or her home or to a place of safety and dealt with as an apparently neglected child. R.S.O. 1950, c. 53, s. 16 (2), *amended*.

Penalty for parent

(5) A parent who permits his boy or girl to contravene any provision of this section is guilty of an offence and upon summary conviction before a judge for a first offence is liable to a penalty of \$5 and for a second or any subsequent offence, \$10. R.S.O. 1950, c. 53, s. 16 (3), *amended*.

34. Where a person is charged with an offence under this Part in respect of a child who is alleged to be under a specified age, and the child appears to the judge to be under that age, such child shall for the purposes of this Part be deemed to be under that age unless the contrary is proved. R.S.O. 1950, c. 53, s. 25. ^{Presumption as to age of child}

35.—(1) A child charged with an offence or who is brought before a judge under this Part shall not, before his trial or hearing, be confined in a lock-up or a police cell used for persons charged with crime. R.S.O. 1950, c. 53, s. 21 (1), *part.* ^{Separate place of detention}

(2) The council of every city, town, village and township shall make provision for the separate detention of every such child prior to his trial or hearing by arrangement with some person or society willing to undertake the responsibility of such detention on such terms as may be agreed upon, or by providing suitable premises entirely distinct and separated from the ordinary lock-ups and police cells. R.S.O. 1950, c. 53, s. 21 (2). ^{Idem}

(3) A child remanded in custody for sentence or under sentence in jail or other place of confinement shall not be placed or allowed to remain in the same cell or room with or be in the company of adult prisoners. R.S.O. 1950, c. 53, s. 24, *amended.* ^{Idem}

(4) Where an information and complaint is laid against a child, the person issuing the process shall at once notify the local director who shall have opportunity allowed him to investigate the charge and the circumstances pertaining thereto. R.S.O. 1950, c. 53, s. 22 (1), *amended.* ^{Notice of charge to be given to local director}

(5) Upon receiving such notice, the local director may make such inquiry as he considers appropriate and report his findings to the judge in court. R.S.O. 1950, c. 53, s. 22 (2), *amended.* ^{Local director may inquire}

(6) Where it appears to the judge that the interest of a child charged with an offence under section 33 will be best served thereby, the child may be dealt with by the judge in the same manner as though the child had been brought before him as an apparently neglected child or the child may be dealt with under *The Training Schools Act*. R.S.O. 1950, c. 53, s. 22 (3), *amended.* ^{Alternative proceedings} Rev. Stat., c. 396

36.—(1) Where a child is brought before a judge under this Part, the hearing shall be held in premises maintained specifically for the purpose or in the private office of the judge or other suitable premises, but the hearing shall not ^{Place of hearing}

be held in premises ordinarily used for magistrates' courts. R.S.O. 1950, c. 53, s. 21 (3), *amended*.

Exclusion
of public,
etc.

(2) Where a child or parent is brought before a judge for trial or hearing under this Part, the judge shall exclude from the room all persons other than the counsel and witnesses in the case, officers of the law or of any children's aid society, and the immediate friends or relatives of the child or parent and he may exclude any or all of the latter as he thinks proper. R.S.O. 1950, c. 53, s. 21 (5), *amended*.

Authority
to bring
children
into
Ontario

37.—(1) The Lieutenant-Governor in Council may authorize any organization to carry on the work of bringing into Ontario and providing foster homes for neglected or dependent children who are not feeble-minded and who before arrival in Ontario are certified by a duly qualified medical practitioner to be free from disease of any kind. R.S.O. 1950, c. 53, s. 30, *amended*.

Records
to be
kept

(2) Every such organization shall keep a record in a register prescribed by the Director for that purpose of the names of all children brought into Ontario by it under this section, their ages and such particulars as he requires, and a copy of such record shall be filed with the Director by every such organization on the first days of January and July of each year. R.S.O. 1950, c. 53, s. 31 (1), *amended*.

Penalty
for false
record

(3) Any person who knowingly makes or is a party to the making of or procuring to be made, directly or indirectly, any false record under subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. R.S.O. 1950, c. 53, s. 31 (2), *amended*.

Supervision

(4) Every such organization shall maintain careful supervision over every child brought or caused or procured to be brought into Ontario by it until the child attains the age of eighteen years, and it shall be the duty of such organization to cause a personal visit by an agent appointed for that purpose to be made to each such child at least once in every year until the child has attained such age, and for the protection of the person and earnings of the child, such organization, until the child attains the age of eighteen years, has all the powers and shall perform all the duties by law provided in the case of the guardian of an infant. R.S.O. 1950, c. 53, s. 32, *amended*.

PART III

PROTECTION OF CHILDREN BORN OUT OF WEDLOCK

Interpre-
tation

38. In this Part, "judge" means judge or junior judge or acting judge of a county or district court. R.S.O. 1950, c. 51, s. 1, cl. (a), *amended*.

39. The Registrar-General shall notify the Director of the birth of every child born out of wedlock that is registered under *The Vital Statistics Act* and of every birth that is registered under that Act in such a manner as to suggest that the parents are unmarried or unknown, together with such particulars thereof as may be required by the regulations. R.S.O. 1950, c. 51, s. 3, *amended*.

Director to be notified of certain births
Rev. Stat., c. 412

40. The Director may by inquiry through a children's aid society obtain information with respect to any child born out of wedlock. R.S.O. 1950, c. 51, s. 4, *part, amended*.

Director may obtain information

41. The Director shall take all such proceedings and do all such things as are permitted or required under this Part as may seem to him advisable in the interest of any child born out of wedlock. R.S.O. 1950, c. 51, s. 4, *part, amended*.

Director to act in child's interest

42. Nothing in this Part requires the Director to interfere with the care and maintenance of a child born out of wedlock where the child has been adopted in accordance with the laws of Ontario or where the child is being cared for voluntarily by a person whom the Director considers suitable to have charge of the child. R.S.O. 1950, c. 51, s. 5, *amended*.

Where Director need not interfere

43. The mother of a child born out of wedlock or an unmarried woman who is pregnant may apply to the Director or to the local director for advice and protection in any matter connected with the child or with the birth of the child, and the local director, with the approval of the Director, shall take such action as seems advisable in the interest of the mother and child. R.S.O. 1950, c. 51, s. 6, *amended*.

Advice, protection and action

44.—(1) All proceedings under this Part shall be heard by the judge in his chambers and not in open court. R.S.O. 1950, c. 51, s. 20, *amended*.

Proceedings to be in judge's chambers

(2) The judge has the power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as may be requisite and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

Witnesses

(3) The fees payable to witnesses shall be upon the scale of fees allowed to witnesses in an action in the county court. R.S.O. 1950, c. 51, s. 26 (1, 2).

Witness fees

45. The applicant in any proceedings under this Part shall give notice thereof to the Director and he has the right to appear and intervene and be heard in person or by counsel in any such proceedings. R.S.O. 1950, c. 51, s. 21, *amended*.

Notice of proceedings to Director

Death of
mother
no bar to
proceedings

46. The Director may institute or continue proceedings under this Part even though the mother has died. R.S.O. 1950, c. 51, s. 22, *amended*.

Who may
apply for
affiliation
order

47. An application may be made to a judge for an affiliation order,

- (a) by the mother of a child born out of wedlock; or
- (b) by an unmarried woman who is pregnant; or
- (c) by the next friend or guardian of a child born out of wedlock; or
- (d) by the Director; or
- (e) with the approval of the Director, by any person or municipality having an apparently legitimate claim for reimbursement of moneys expended or payment of moneys charged in consequence of the mother's pregnancy, the birth of the child, the death of the child, the death of the mother, the maintenance of the mother or the maintenance of the child. R.S.O. 1950, c. 51, s. 8, *amended*.

When appli-
cation for
affiliation
order
must be
made

48. An affiliation order shall not be made under this Part unless the application therefor is made in the lifetime of the putative father and

- (a) within two years after the birth of the child; or
- (b) within one year after the doing of any act on the part of the putative father that affords evidence of acknowledgment of paternity; or
- (c) within one year after the return to Ontario of the putative father, where he was absent from Ontario at the expiration of the period of two years from the birth of the child; or
- (d) the putative father has failed in whole or in part to carry out the terms of any agreement entered into under this Part. R.S.O. 1950, c. 51, s. 9.

Corroborat-
ion of
mother's
evidence
required

49. No order of affiliation shall be made upon the evidence of the mother of the child unless her evidence is corroborated by some other material evidence. R.S.O. 1950, c. 51, s. 19.

Appoint-
ment for
hearing

50. The judge shall, upon receipt of an application for an affiliation order, appoint in writing a time and place at which

he will inquire and determine whether the putative father of the child is in fact the father of the child. R.S.O. 1950, c. 51, s. 10.

51. Notice in writing of the time and place so appointed shall be served personally or in such other manner as the judge may direct upon the putative father of the child at least seven days before the day so appointed. R.S.O. 1950, c. 51, s. 11 (1), *amended*. Notice to be served on putative father

52. Where the judge is satisfied that there is good and probable cause for believing that the putative father of the child is in fact the father of the child and that the putative father is about to quit the territorial jurisdiction of the judge with the intention of avoiding service of the notice in writing referred to in section 51 or of evading his obligations in respect of the child and his mother, whether before or after an affiliation order has been made, the judge may issue a warrant for the arrest of the putative father and upon his arrest may require him to give security for such sum and in such manner and upon such condition as the judge may direct, and if the security is not given, the judge may order the putative father to be imprisoned for a period of not more than three months unless the security is sooner given or the putative father has sooner complied with the condition so imposed. R.S.O. 1950, c. 51, s. 11 (2), *amended*. Arrest of putative father

53. If at the time and place so appointed the putative father so served fails to appear or show sufficient reason for not appearing, the judge, in the absence of the putative father and upon sufficient evidence being adduced before him, may make an affiliation order against the putative father or such other order as he considers just. R.S.O. 1950, c. 51, s. 12. Proceedings in default of appearance

54.—(1) Where the putative father so served appears in pursuance of the notice, the judge may hear and determine the matter in a summary manner and upon sufficient evidence being adduced before him may make an order declaring the putative father to be in fact the father of the child and requiring him to pay in accordance with the circumstances of the case, Proceedings on appearance

- (a) the reasonable expenses of the mother of the child for her maintenance and care, medical or otherwise, during the three months next preceding the birth of the child, at the birth, and during such period after the birth as may in the opinion of the judge have been or be necessary in connection with or as a consequence of the birth of the child;

- (b) the expenses of the burial of the mother if she dies in consequence of her pregnancy or of the birth of the child;
- (c) the expenses of the burial of the child if the child dies before the making of the affiliation order or at any time thereafter before attaining the age of sixteen years;
- (d) a sum of money at intervals towards the maintenance of the child until the child attains the age of sixteen years, or a lump sum in lieu of such periodic payments, the balance of which, in the event of the death of the child before the age of sixteen years, shall revert to the father unless otherwise ordered by a judge. R.S.O. 1950, c. 51, s. 13, *amended*.

Sums payable by father

(2) In estimating the sums payable by the father under clause *d* of subsection 1, the judge shall fix such sums as will enable the child to maintain a reasonable standard of life having regard to what the child would have enjoyed had he been born to his parents in lawful wedlock, but the judge shall take into consideration the ability of the father to provide such sums. R.S.O. 1950, c. 51, s. 13 (2), *amended*; s. 15, *amended*.

Where child made ward of society

(3) Where a judge has declared a putative father to be in fact the father of a child and orders the father to pay a lump sum in lieu of periodic payments and the child subsequently is committed to the care and custody of a children's aid society, the father shall be deemed to be a parent within the meaning of subsection 10 of section 16. *New*.

Order for mother to contribute

55. The judge may in his discretion upon the same or a like application order the mother of a child born out of wedlock to contribute a sum of money at intervals towards the maintenance of the child until the child reaches the age of sixteen years. R.S.O. 1950, c. 51, s. 14.

Re-opening of application

56.—(1) Where an application for an affiliation order has been dismissed, a judge may, upon the discovery of new evidence or of fraud, grant leave to re-open and may re-open and reconsider such application. R.S.O. 1950, c. 51, s. 16 (1), *amended*.

Variation, etc., of order

(2) Where an order for payment has been made under this Part, a judge may at any time rescind or vary the order as he sees fit and any order so varied may be enforced in the same manner as the original order. R.S.O. 1950, c. 51, s. 16 (2).

57.—(1) A judge may require security to be given for such sum and in such manner as he directs for the performance of any order made under this Part, and where a person fails to give the security required of him, a judge may order the person to be imprisoned for a period of not more than three months unless the security is sooner given. R.S.O. 1950, c. 51, s. 17 (1). Security for performance of order

(2) Where a person has failed to perform a condition or comply with an order in respect of which security has been given under section 52 or this section, a judge may order that the security be forfeited, which order of forfeiture may be enforced under section 58, and the Director shall apply the proceeds of such forfeited security in making payments ordered to be made or in such other manner as the judge may direct. R.S.O. 1950, c. 51, s. 17 (2), *amended*. Forfeiture of security

58.—(1) Any order made under this Part may be enforced in the same manner and by the like proceedings as, Enforcement of orders

(a) an order made or fine imposed under *The Summary Convictions Act*, except that imprisonment for default in making payment under the order may only be ordered as provided in subsection 2; or Rev. Stat., c. 379

(b) a judgment of the division court, where the order has been filed with the clerk of a division court, whereupon proceedings by way of execution or judgment summons, *inter alia*, may be used to enforce the order. R.S.O. 1950, c. 51, s. 18 (1).

(2) It is the duty of the Director to see that payments ordered to be made are duly made, and upon default in any payment, the Director may apply to a judge who, Default in payments

(a) may from time to time summon the person in default to explain the default; and

(b) may, where service of the summons has been proved and the person summoned does not appear or sufficient reason for his absence is not given, or where it appears that the summons cannot be served, or where an order of imprisonment has been made, issue a warrant for the arrest of the person; and

(c) may, where a warrant has been issued or where the person in default fails to satisfy the judge that the default is due to inability to pay, order the person to be imprisoned for a period of not more than three months unless the sums of money payable under the order or such lesser sums as the judge may see fit to designate are sooner paid. R.S.O. 1950, c. 51, s. 18 (2), *amended*.

Idem

(3) Upon such default and where the order has been filed in a division court, the Director may proceed as in the case of a judgment of that court. R.S.O. 1950, c. 51, s. 18 (3), *amended*.

Agreements
of putative
father and
others as
to main-
tenance, etc.

59. Any agreement between the mother and the putative father of a child born or likely to be born out of wedlock or any agreement entered into between any other person and the putative father relating to any of the matters mentioned in section 54 is voidable at the instance of the Director unless it has been entered into with the approval in writing of a judge. R.S.O. 1950, c. 51, s. 24, *amended*.

Agreements
of persons
and Director
as to main-
tenance, etc.

60.—(1) The Director may enter into an agreement with any person whereby such person agrees to pay sums of money in respect of the matters mentioned in section 54.

Default

(2) Upon default in payment under any such agreement, the Director may apply to a judge for an affiliation order, and such agreement when made by the putative father of the child shall be *prima facie* proof of paternity and of the ability of the father to make the payments provided for by the agreement. R.S.O. 1950, c. 51, s. 25, *amended*.

Where
deceased
father's
estate
bound

61.—(1) Where an agreement with the Director has been entered into by a putative father or an affiliation order has been made against the father under this Part, such agreement or order binds the estate of the putative father or father after his death and any sums payable thereunder are a debt due from and chargeable upon his estate and are recoverable at the suit of the Director, but every such agreement or affiliation order is, as to any payment falling due before or after the putative father's or father's death, subject to review as provided in section 56.

No pro-
ceedings
without
leave of
judge

(2) No action or other proceedings shall be taken on any such agreement or order after the death of the putative father or father without the leave of a judge, and the judge before granting leave shall direct notice to be given to the widow and legitimate children of the putative father or father and to all other persons interested in his estate. R.S.O. 1950, c. 51, s. 23 (1).

Widow, etc.,
not to be
prejudiced

(3) Where in an action or other proceedings taken on such an agreement or affiliation order it appears to the judge that the terms of the agreement or affiliation order cannot be carried out without depriving the widow or legitimate children of the putative father or father of necessary maintenance, he may, having regard to all the circumstances, vary the agreement or affiliation order to such an extent and in such manner as to make equitable provision for his widow,

his legitimate child or children and his child or children born out of wedlock. R.S.O. 1950, c. 51, s. 23 (2), *amended*.

62. A judge has power to direct payment of the costs of ^{Costs} any proceedings taken before him under this Part. R.S.O. 1950, c. 51, s. 27.

63. An appeal lies from any order made under this Part ^{Appeal} to the Court of Appeal with leave of a judge of the Supreme Court. R.S.O. 1950, c. 51, s. 28.

64.—(1) Every sum of money whether for expenses, ^{Sums to be} maintenance or costs payable under an affiliation order made ^{paid to} or an agreement entered into with the Director under this Part shall be paid in the first instance to the Director, and where payment of a lump sum is ordered or agreed upon, the Director shall pay over to the Public Trustee such portion thereof as is not required immediately for the maintenance of the child or to meet other charges under this Part. ^{Director}

(2) Sums so paid over shall be invested by the Public ^{Sums to be} Trustee but are subject to withdrawal of any amounts from ^{invested,} time to time upon the written requisition of the Director, ^{subject to} provided that such withdrawals shall not cause the Director to have at any time in his possession or under his control a sum of more than \$5,000. R.S.O. 1950, c. 51, s. 29, *amended*. ^{withdrawal}

PART IV

ADOPTION

65. In this Part,

^{Interpre-}
^{tation}

- (a) “adopted child” means infant or other person adopted;
- (b) “adopting parent” means person who adopts an infant;
- (c) “infant” means person under twenty-one years of age or other person sought to be adopted. R.S.O. 1950, c. 7, s. 1.

66.—(1) The court having jurisdiction to make an adoption ^{Jurisdiction} order shall be the Supreme Court or the judge, junior or ^{as to making} acting judge of the county or district court within whose order jurisdiction either the applicant or the person to be adopted resides at the time of the application for the order. R.S.O. 1950, c. 7, s. 15 (1), *amended*.

Application
may be
heard in
chambers

(2) An application for an adoption order may be heard and determined in chambers. R.S.O. 1950, c. 7, s. 15 (2), *part.*

Born out
of wedlock
not to
appear

(3) If the adopted child was born out of wedlock, this fact shall not appear upon the face of the adoption order. R.S.O. 1950, c. 7, s. 15 (3). *part.*

Papers to
be sealed

(4) The paper used upon an adoption application shall be sealed up and filed in the office of the court by the clerk of the court and shall not be open for inspection save upon the direction of a judge or the Director. R.S.O. 1950, c. 7, s. 15 (4), *amended.*

Guardian
ad litem

(5) For the purpose of an application under this Part and subject to any rules under this section, the court may appoint some person to act as guardian *ad litem* of the infant upon the hearing of the application with the duty of safeguarding the interests of the infant before the court, and may direct the applicant to pay the costs of the person so appointed. R.S.O. 1950, c. 7, s. 15 (5).

Where
adoption
orders may
be made

67. The court may make an order for the adoption of any infant resident in Ontario upon an application therefor being made in the prescribed manner by any person domiciled in Canada and resident in Ontario. R.S.O. 1950, c. 7, s. 2, *amended.*

Where
adoption
orders may
not be
made

68.—(1) Notwithstanding section 67, the court shall not make an order for the adoption of an infant,

- (a) where the applicant, or either of joint applicants, is under twenty-five years of age or is less than twenty-one years older than the infant;
- (b) where the applicant is a male and the infant is a female under twenty-one years of age; or
- (c) where the applicant is unmarried, a widow, a widower or a divorced person,

unless the court is satisfied that there are special circumstances that justify, as an exceptional measure, the making of an adoption order. R.S.O. 1950, c. 7, s. 3 (1); 1951, c. 2, s. 1.

Adoption
by more
than one
person

(2) Except in the case of a joint application by a husband and wife, the court shall not make an order for the adoption of an infant by more than one person. R.S.O. 1950, c. 7, s. 3 (2).

69. An adoption order shall not be made upon the application of a husband or wife without the consent of the wife or husband, as the case may be. R.S.O. 1950, c. 7, s. 4. Consent of husband or wife of adopting parent

70.—(1) An adoption order in respect of an infant under twenty-one years of age who has not been married shall be made only with the consent of every person who is a parent or guardian or who has lawful custody or control or who is liable to contribute to the support of the infant. R.S.O. 1950, c. 7, s. 5 (1). Consent, infant under 21;

(2) Notwithstanding subsection 1, where such infant is illegitimate the consent of the mother shall be sufficient for the purposes of that subsection, but if such illegitimate infant resides with and is maintained by the father, the consent of both mother and father shall be required. R.S.O. 1950, c. 7, s. 5 (2), *amended*. illegitimate infant;

(3) Where an infant referred to in subsection 1 or 2 has been committed permanently to the care and custody of a children's aid society, the consent of the society shall be sufficient for the purposes of subsection 1. R.S.O. 1950, c. 7, s. 5 (3). infant ward of children's aid society

71. An adoption order in respect of a person who is over twenty-one years of age or who is under twenty-one years of age and has been married shall be made only with the consent of the person to be adopted, and where such person is married, the consent of the spouse. R.S.O. 1950, c. 7, s. 6. Consent, person over 21

72.—(1) Every consent required under this Part shall have attached thereto an affidavit of execution in the prescribed form. *New*. Affidavit of execution

(2) The court may dispense with any consent required under this Part except that mentioned in subsection 3 of section 70 if, having regard to all the circumstances of the case, the court is of opinion that the consent may properly be dispensed with. R.S.O. 1950, c. 7, s. 7. Where consent may be dispensed with

73. An adoption order in respect of an infant who is under twenty-one years of age and who has not been married shall not be made unless the Director certifies in writing, Director's certificate, infant under 21

- (a) that the infant has resided for at least one year with the applicant and that during that period the conduct of the applicant and the conditions under which the infant has lived have been such as in his opinion justifies the making of the order; or

- (b) that the applicant is to the knowledge of the Director a proper person to have the care and custody of the infant and that for the reasons set out in the certificate it is in the best interests of the infant that the period of residence be dispensed with. R.S.O. 1950, c. 7, s. 8; 1951, c. 2, s. 2, *amended*.

Director's
certificate,
persons
over 21

74.—(1) An adoption order in respect of a person over twenty-one years of age or who is under twenty-one years of age and has been married shall not be made unless the Director certifies in writing that the person sought to be adopted has been in the custody of, brought up, maintained and educated by the applicant as his own child during infancy or until marriage, as the case may be, under a *de facto* adoption.

Review
by court

(2) Where the Director is unable to make such a certificate, he shall so certify in writing and in any such case the court may review all the circumstances and if the court is satisfied that the person to be adopted has in fact been in the custody of, brought up, maintained and educated by the applicant as his own child during infancy or until marriage, as the case may be, under a *de facto* adoption, the court may make an adoption order. R.S.O. 1950, c. 7, s. 9, *amended*.

Conditions
precedent
to granting
of order

75. The court before making an adoption order shall be satisfied,

- (a) that every person whose consent is necessary under this Part and whose consent is not dispensed with has consented to and understands the nature and effect of the adoption order for which application is made, and in particular in the case of any parent, understands that the effect of the adoption order will be to deprive him or her permanently of his or her parental rights; and
- (b) that the order if made will be for the welfare of the infant, due consideration being for this purpose given to the wishes of the infant, having regard to the age and understanding of the infant; and
- (c) that no person has given, received, or agreed to give or receive any payment or reward to or from any person in consideration of the adoption. R.S.O. 1950, c. 7, s. 10, *amended*.

Order may
be upon
terms and
conditions

76. The court may impose such terms and conditions in an adoption order as the court thinks fit and in particular may require the adopting parent by bond or otherwise to make for the adopted child such provision as in the opinion of the court is just and expedient. R.S.O. 1950, c. 7, s. 11.

77.—(1) Upon an adoption order being made and unless ^{Surname} the adoption order provides for the adopted child to retain his surname, the adopted child shall assume the surname of the adopting parent. R.S.O. 1950, c. 7, s. 12 (1), *part, amended.*

(2) In and by an adoption order, the court may in its ^{Christian name} discretion change the Christian or given name or names of the child to be adopted giving the child such name or names as the adopting parents may desire, and thereafter the child shall be entitled to and known by the name or names so given. R.S.O. 1950, c. 7, s. 12 (2).

(3) Upon an adoption order being made, all the rights, ^{Rights, duties, etc.} obligations and liabilities of the parent or parents, guardian or guardians of the adopted child in relation to the future custody, maintenance and education of the adopted child, including all rights to appoint a guardian or to consent or give notice of dissent to marriage, are extinguished, and all such rights, duties, obligations and liabilities vest in and are exercisable by and enforceable against the adopting parent as though the adopted child was a child born to the adopting parent in lawful wedlock, and in respect of the same matters and in respect of the liability of a child to maintain his parents, the adopted child stands to the adopting parent in the position of a child born to the adopting parent in lawful wedlock. R.S.O. 1950, c. 7, s. 12 (1), *part.*

(4) Where a husband and wife are the adopting parents, ^{Idem} they shall, in respect of the matters mentioned in subsection 3 and for the purpose of the jurisdiction of any court to make orders as to the custody and maintenance of and right of access to children, stand to each other and to the adopted child in the same relation as they would have stood if they had been the lawful father and mother of the adopted child, and the adopted child shall stand to them respectively in the same relation as a child stands to a lawful father and mother respectively. R.S.O. 1950, c. 7, s. 12 (1), *part.*

(5) An adoption order does not deprive the adopted child ^{Rights to and interest in property} of any right to or interest in property to which, but for the order, the child would have been entitled under an intestacy or disposition, whether occurring or made before or after the making of the adoption order. R.S.O. 1950, c. 7, s. 12 (3), *part.*

(6) An adoption order confers upon the adopted child or ^{Idem} any issue of the adopted child the same rights to and interests in property under any intestacy of or disposition by the adopting parent or any kindred of the adopting parent as if the adopted child was a child born to the adopting parent in lawful wedlock. R.S.O. 1950, c. 7, s. 12 (3), *part, amended.*

Disposition
of property
where child
dies
intestate

(7) If an adopted child dies intestate, his property acquired by himself or by gift or inheritance from his adopting parent or from the kindred of such parent shall be distributed as though he was a child born to the adopting parent in lawful wedlock and property acquired by gift or inheritance from his natural parent or kindred shall be distributed as if no adoption order had been made. R.S.O. 1950, c. 7, s. 12 (8).

Succession
duty rates
Rev. Stat.,
c. 378

(8) Where any duty is levied under *The Succession Duty Act* on the death of an adopted child,

(a) on property passing on his death to or for the benefit of the adopting parent or the kindred of the adopting parent; or

(b) on the parent or kindred,

such duty is payable at the same rate and to the same extent as if the adopted child was a child born to the adopting parent in lawful wedlock.

Idem

(9) Where any duty is levied under *The Succession Duty Act* on the death of an adopting parent or the kindred of an adopting parent,

(a) on property passing on the death of such parent to or for the benefit of the adopted child or any issue of the adopted child; or

(b) on the adopted child or issue,

such duty is payable at the same rate and to the same extent as if the adopted child was a child born to the adopting parent in lawful wedlock. R.S.O. 1950, c. 7, s. 12 (4), *amended*.

Interpre-
tation

(10) For the purposes of this section, "disposition" means an assurance of any interest in property by any instrument whether *inter vivos* or by will, including codicil.

Rights re
fatal
accidents

(11) For the purposes of the enactments relating to fatal accidents, the adopting parent shall be deemed to be the parent of the child. R.S.O. 1950, c. 7, s. 12 (5, 6).

Status of
adopted
child

(12) Except as provided in this Part, an adopted child shall not be deemed the child of the adopting parent. R.S.O. 1950, c. 7, s. 12 (7), *amended*.

Illegitimate
child

(13) An adoption order made with respect to an illegitimate child is not affected in any way by the intermarriage of his parents. R.S.O. 1950, c. 7, s. 12 (9).

78. A person domiciled in any other province of Canada who has been adopted in accordance with the laws of the province where he is domiciled is entitled to the same rights of succession as to property in Ontario as he would have had in the province in which he was adopted but not exceeding the right he would have had if adopted under this Part. Rights to succession of Ontario property
R.S.O. 1950, c. 7, s. 18.

79.—(1) Upon an application for an adoption order, the court may postpone the determination of the application and may make an interim order giving the custody of the infant to the applicant for a period not exceeding one year by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the infant and otherwise as the court thinks fit. Interim order
R.S.O. 1950, c. 7, s. 13 (1), *part, amended*.

(2) An interim custody order is not an adoption order. Idem
R.S.O. 1950, c. 7, s. 13 (1), *part*.

(3) All consents required for an adoption order are necessary for an interim custody order but subject to a like power on the part of the court to dispense with any such consent. Consents
R.S.O. 1950, c. 7, s. 13 (3).

(4) Notwithstanding anything to the contrary in this Part, where an applicant has obtained an interim custody order and subsequently takes up residence outside Ontario, the court may nevertheless make the order of adoption applied for if the Director makes the certificate mentioned in section 73. Residence outside Ontario
New.

80. An adoption order or an interim custody order may be made in respect of an infant who has previously been the subject of an adoption order, and, upon an application for another adoption order, the adopting parent under the adoption order last previously made shall, if living, be deemed to be the parent of the infant for all the purposes of this Part. Effect of order on previous adoption
R.S.O. 1950, c. 7, s. 14.

81.—(1) The proper officer of the court shall transmit to the Registrar-General a certified copy of every adoption order, under the seal of the proper certifying authority, within ten days of the making of the order. Copy of order to Registrar-General

(2) Where the adopted child was born outside of Ontario, two certified copies shall be so transmitted. Additional copy
R.S.O. 1950, c. 7, s. 17.

Rights of
infants
heretofore
adopted

82. The property and rights of all persons heretofore adopted under the laws of Ontario shall be governed by this Part. R.S.O. 1950, c. 7, s. 20, *amended*.

Registration
of infants
placed for
adoption

83.—(1) Every person who places an infant with another person on the understanding that such other person will adopt the infant shall, within thirty days after the day on which the infant is so placed, register the placement with the Director in the prescribed form.

Information

(2) The Director may by inquiry through a children's aid society obtain such information with respect to an infant so placed as he considers necessary for the purposes of the certificate mentioned in section 73 or 74.

Offence

(3) Every person who fails to comply with subsection 1 is guilty of an offence and upon summary conviction is liable to a penalty of not more than \$100 or to imprisonment for a term of not more than six months, or both. *New*.

Offence

84. Every person who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, in consideration of the adoption of an infant under this Part, or who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, to procure an infant for the purpose of adoption, is guilty of an offence and upon summary conviction is liable to a penalty of not more than \$2,000 or to imprisonment for a term of not more than three years, or both. R.S.O. 1950, c. 7, s. 16, *amended*.

PART V

REGULATIONS, MISCELLANEOUS

Regulations

85. The Lieutenant-Governor in Council may make regulations,

- (a) prescribing additional duties of the Director;
- (b) prescribing provisions to be included in the by-laws of children's aid societies; *New*.
- (c) prescribing the amounts of annual grants to children's aid societies, the manner of computing and paying such grants, and the conditions upon which such grants may be paid;
- (d) prescribing the formula to be used in establishing the rate;

- (e) governing the construction, alteration, remodelling, extension and equipment of receiving homes;
- (f) prescribing rules under which applications under this Act or any part thereof are to be made, and dealing generally with all matters of procedure under this Act or any Part thereof;
- (g) for fixing fees, costs, charges and expenses payable on proceedings under this Act or any Part thereof and for dispensing with the payment of such fees, costs, charges and expenses where owing to lack of means or any other reason the judge considers such action advisable;
- (h) prescribing forms for use under this Act or any Part thereof;
- (i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act or any Part thereof. R.S.O. 1950, c. 7, s. 15 (2); c. 51, s. 7; c. 53, s. 41, *amended*.

86. *The Adoption Act, The Adoption Amendment Act, 1951, The Children of Unmarried Parents Act, The Children of Unmarried Parents Amendment Act, 1952, The Children's Protection Act, The Children's Protection Amendment Act, 1951 and The Children's Protection Amendment Act, 1952* are repealed.

Rev. Stat.,
c. 7;
1951, c. 2;
Rev. Stat.,
c. 51;
1952, c. 8;
Rev. Stat.,
c. 53;
1951, c. 11;
1952, c. 9,
repealed

87. This Act comes into force on the 1st day of January, 1955.

Commence-
ment

88. This Act may be cited as *The Child Welfare Act, 1954*. Short title



BILL

An Act to consolidate and revise The Children's Protection Act, The Children of Unmarried Parents Act and The Adoption Act

1st Reading

March 3rd, 1954

2nd Reading

3rd Reading

MR. GOODFELLOW

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

**An Act to consolidate and revise The Children's Protection
Act, The Children of Unmarried Parents Act and
The Adoption Act**

MR. GOODFELLOW



BILL

An Act to consolidate and revise The Children's Protection Act, The Children of Unmarried Parents Act and The Adoption Act

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-
pretation

- (a) "children's aid society" or "society" means a children's aid society approved by the Lieutenant-Governor in Council under this Act; R.S.O. 1950, c. 53, s. 1, cl. (d), *amended*.
- (b) "Director" means Director of Child Welfare appointed under this Act;
- (c) "local director" means local director of a children's aid society appointed under this Act; *New*.
- (d) "Minister" means Minister of Public Welfare;
- (e) "municipality" means county, city or separated town, but in a territorial district "municipality" means city, town, village or township; R.S.O. 1950, c. 53, s. 1, cls. (h, i).
- (f) "regulations" means regulations made under this Act. R.S.O. 1950, c. 51, s. 1, cl. (c).

PART I

OFFICERS, SOCIETIES

2.—(1) The Lieutenant-Governor in Council may appoint an officer to be known as the Director of Child Welfare. R.S.O. 1950, c. 7, s. 19, *part, amended*; R.S.O. 1950, c. 53, s. 2, *part, amended*. <sup>Appoint-
ment of
Director</sup>

Duties of
Director

- (2) The Director shall,
- (a) advise children's aid societies as to the manner in which their functions are to be performed;
 - (b) exercise the powers and duties of a children's aid society in any area in which no society is functioning;
 - (c) ensure that a record in such form as he may prescribe is kept by societies of all court committals of children to their care and of all children placed by them in foster homes and of such other matters as he may require;
 - (d) inspect or direct and supervise the inspection of any place in which a child in the care of a society is placed;
 - (e) prepare and submit an annual report to the Minister;
 - (f) keep books of account of all moneys received by him showing receipts and expenditures;
 - (g) perform such other duties as may be prescribed by this Act or the regulations or by the Lieutenant-Governor in Council. R.S.O. 1950, c. 53, s. 2, *amended*.

Acting
Director

(3) 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. *New*.

Appointment
of local
directors

3.—(1) Every children's aid society shall appoint a local director who shall be responsible to the board of directors of the society for the administration and enforcement of this Act and the regulations in the area in which the society has jurisdiction, who shall co-operate with the Director to this end, and who shall carry out such other duties as may be required of him by the constitution, by-laws and instructions of the society. *New*.

Powers of
local
directors,
etc.

(2) Every local director and every person designated by the board of directors of a society shall for the purposes of this Act be vested with the powers of a constable and a school attendance officer, and he shall be deemed to be an officer within the meaning of section 10 of *The Public Authorities Protection Act*, and that section and the other provisions of that Act apply to him in the same manner and to the same extent as they do to the officers mentioned in that section. R.S.O. 1950, c. 53, s. 38, *amended*.

Rev. Stat.,
c. 303

4. The Director or a local director or any person acting under the authority of either of them may call to his aid in the performance of his duties a member of the police force responsible for policing the area in which such aid is required. R.S.O. 1950, c. 53, s. 8, *amended*. ^{Police assistance}

5. The Director and every local director and every person authorized by the Director has power to take affidavits and statutory declarations for the purposes of this Act in the same manner and to the same extent as a commissioner for taking affidavits in Ontario. R.S.O. 1950, c. 7, s. 19, *part*; c. 51, s. 2 (2). ^{Power to take affidavits}

6.—(1) A children's aid society may be established having among its objects the protection of children from neglect, the care and control of neglected children, assistance to unmarried parents, the placement of children in adoption, the supervision of children placed in adoption until an order of adoption is made and generally the discharge of the functions of a children's aid society under this Act, but no society may act as such until it has been incorporated under *The Corporations Act, 1953* or a predecessor thereof. R.S.O. 1950, c. 53, s. 33, *amended*. ^{Establishment of societies} 1953, c. 19

(2) The by-laws of every children's aid society shall contain such provisions as the regulations prescribe, and a certified copy of the by-laws and any amendments thereto shall be filed with the Director forthwith after they are made and no such by-law or amendment shall come into operation until it has been approved by the Minister. R.S.O. 1950, c. 53, s. 34 (3), *amended*. ^{By-laws}

7.—(1) A children's aid society shall be governed by a board of directors composed of the president, one or more vice-presidents, the secretary, the treasurer, one or more municipal representatives and such other officers and members as may be determined, elected in such manner and for such period as the by-laws of the society provide. R.S.O. 1950, c. 53, s. 36, *amended*. ^{Board of directors}

(2) Where the number of directors of a children's aid society is more than nine, the directors shall pass a by-law directing them to elect from among their number an executive committee consisting of not less than five and not more than nine members, including the president, the treasurer and one or more municipal representatives, and to delegate to the executive committee any powers of the board of directors, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the board. ^{Executive committee}

(3) A majority of the members of an executive committee constitutes a quorum. *New*. ^{Quorum}

Inter-pretation

8. For the purposes of section 7 and subject to the by-laws of the children's aid society, "municipal representative" means member of a municipal council of a municipality in the area in which the society has jurisdiction. *New.*

Annual grants to societies

9.—(1) There shall be paid to each children's aid society,

(a) an annual grant of such amount as the regulations provide; and

(b) an amount equal to 25 per cent of the amount of the funds it obtains each year from any campaign conducted to obtain private donations, whether the campaign is conducted by the society only or is part of a joint campaign but not from endowments, investments or payments made by a municipality as grants in excess of its statutory liability under this Act. R.S.O. 1950, c. 53, s. 40 (1, 2), *part, amended.*

Idem

(2) There shall be paid to each children's aid society having jurisdiction in territory without municipal organization an additional annual grant of such amount as the regulations provide to assist it in the provision of protection services to children living in such territory. *New.*

Source

(3) The amounts payable under this section shall be paid out of such moneys as are appropriated therefor by the Legislature. R.S.O. 1950, c. 53, s. 40 (3).

Dissolution of societies

10. The Lieutenant-Governor upon the recommendation of the Minister may at any time dissolve a children's aid society on such date as the order may fix and upon the dissolution of a society its property vests in the Crown to be held and disposed of in such manner as the Lieutenant-Governor in Council determines. R.S.O. 1950, c. 53, s. 34 (5), *amended.*

PART II

PROTECTION AND CARE OF NEGLECTED CHILDREN

Inter-pretation

11.—(1) In this Part,

(a) "boarding home" means a home or dwelling in which a child is placed and kept upon payment of compensation, whether the home or dwelling is privately occupied or forms part of, or is connected with, a hospital or a correctional, custodial, charitable or other institution; R.S.O. 1950, c. 53, s. 1, cl. (b), *amended.*

- (b) "child" means boy or girl actually or apparently under sixteen years of age; R.S.O: 1950, c. 53, s. 1, cl. (c).
- (c) "foster home" means a home, other than the home of his parent, in which a child is placed for care and supervision; R.S.O. 1950, c. 53, s. 1, cl. (e), *amended*.
- (d) "judge" means judge, junior judge or acting judge of a county or district court, or judge or deputy judge of a juvenile and family court or magistrate where the magistrate has been designated by the Lieutenant-Governor in Council a judge for the purposes of this Part; R.S.O. 1950, c. 53, s. 1, cl. (f), *amended*.
- (e) "neglected child" means,
- (i) a child who is an orphan and who is not being properly cared for, or who is brought, with the consent of the person in whose charge he is, before a judge to be dealt with under this Part,
 - (ii) a child who is deserted by the person in whose charge he is or that person has died or is unable to care properly for him,
 - (iii) a child where the person in whose charge he is cannot by reason of disease or infirmity or misfortune or incompetence or imprisonment or any combination thereof care properly for him,
 - (iv) a child who is living in an unfit or improper place,
 - (v) a child found associating with an unfit or improper person,
 - (vi) a child found begging or receiving alms in a public place or carrying on a street trade contrary to this Part, or loitering in a public place after 9 o'clock in the evening after being warned as provided in subsection 4 of section 33,
 - (vii) a child who, with the consent or connivance of the person in whose charge he is, commits any act which renders him liable to a penalty

under any Act of the Parliament of Canada or of the Legislature or under any municipal by-law,

- (viii) a child who is delinquent or incorrigible by reason of the inadequacy of the control exercised by the person in whose charge he is or who is being allowed to grow up under circumstances tending to make him idle or dissolute,
 - (ix) a child who, without sufficient cause, habitually absents himself from his home or school,
 - (x) a child when the person in whose charge he is neglects or refuses to provide or secure proper medical, surgical or other remedial care or treatment necessary for his health or well-being, or who refuses to permit such care or treatment to be supplied to the child when it is recommended by a duly qualified medical practitioner,
 - (xi) a child who is emotionally rejected or deprived of affection by the person in whose charge he is to a degree which on the evidence of a psychiatrist who is on the register of specialists in psychiatry of the Royal College of Physicians and Surgeons of Canada or of the College of Physicians and Surgeons of Ontario is sufficient to endanger his emotional and mental development, or
 - (xii) a child whose life, health or morals may be endangered by the conduct of the person in whose charge he is; R.S.O. 1950, c. 53, s. 1, cl. (j), *amended*.
- (f) "parent" means a person who is under a legal duty to provide for a child;
 - (g) "place of safety" means a receiving home or an institution for the care and protection of children;
 - (h) "public place" means a place, building or conveyance to which the public has, or is permitted to have, access; R.S.O. 1950, c. 53, s. 1, cls. (k, l, m), *amended*.
 - (i) "rate" means the average daily cost to a children's aid society of providing for the welfare of a child or ward who is living in an institution or home other than the home of his parent;

- (j) "receiving home" means an institution or home operated or supervised by a children's aid society for the temporary care of children;
- (k) "ward" means a person committed to the care and custody of a children's aid society. *New.*

(2) Where there is a juvenile and family court, cases under this Part shall be heard by the judge or a deputy judge of that court, and where there is no juvenile and family court, cases under this Part shall be heard by the judge, junior judge or acting judge of the county or district court or by a magistrate designated a judge for the purposes of this Part. *New.*

12. A constable or other police officer, the Director, a local director or a person authorized by the Director or by a local director may apprehend without warrant and take to a place of safety any apparently neglected child and detain him there until he can be brought before a judge, or apply to a judge for an order requiring the person in whose charge the child is to produce the child before a judge at the time and place named in the order. R.S.O. 1950, c. 53, s. 7 (1), *amended.*

13.—(1) If it appears to a justice of the peace, on information laid before him on oath,

- (a) that there is reasonable cause to suspect that a child is neglected; or
- (b) that a ward has been unlawfully removed from the custody of a children's aid society or is being unlawfully concealed or harboured,

such justice may issue a warrant authorizing any person named therein to search for such child or ward and to take him to and detain him in a place of safety. R.S.O. 1950, c. 53, s. 18 (1), *part, amended.*

(2) Any person authorized by the warrant may enter, if need be by force, any house, building or other place specified in the warrant and may remove the child or ward therefrom.

(3) It is not necessary in an information or warrant under this section to describe the child or ward by name. R.S.O. 1950, c. 53, s. 18 (2, 3).

14. An executive officer of an infants' or children's home or other public institution having the care or custody of children may, after notifying a children's aid society in writing, bring before a judge any apparently neglected child. R.S.O. 1950, c. 53, s. 9, *amended.*

Detention
limited

15. A child detained in a place of safety under section 12 or clause *a* of subsection 1 of section 13 shall be returned to his parent or guardian or brought before a judge within ten days of his detention. R.S.O. 1950, c. 53, s. 7 (2), *part, amended.*

Hearing to
be held

16.—(1) Where a child is brought before a judge as an apparently neglected child, the judge shall hold a hearing and determine whether or not the child is a neglected child, and if he finds that the child is a neglected child, he shall also determine the child's name, age and religious faith. R.S.O. 1950, c. 53, s. 7 (2), *part, amended.*

Witnesses

(2) The judge has the power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as may be requisite and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases. R.S.O. 1950, c. 53, s. 7 (3), *amended.*

Who may
be heard

(3) The judge may hear any person on behalf of the child and the local director of a children's aid society or any person authorized so to do by the board of directors of the society may be heard on behalf of the society. R.S.O. 1950, c. 53, s. 7 (6), *amended.*

Notice to
municipality
and parent

(4) The judge shall not proceed to hear or dispose of the matter until he is satisfied that any municipality that may be made liable to pay the rate in respect of the child has had reasonable notice of the hearing and that the parent or the person having the actual custody of the child has had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause them to be notified. R.S.O. 1950, c. 53, s. 7 (4), *amended.*

Evidence
to be
transcribed

(5) The evidence of every witness shall be given under oath and shall be taken down and transcribed.

(a) where the proceedings are in a juvenile and family court that has a stenographer who is a member of the staff of such court, by that stenographer; and

(b) where the proceedings are not in a juvenile and family court or where the juvenile and family court does not have a stenographer who is a member of the staff of such court, by a stenographer appointed by the judge. 1951, c. 11, s. 1, *part.*

Transcrip-
tion fees

(6) Stenographers appointed under clause *b* of subsection 5 or the employers of such stenographers shall be allowed the

fees for taking down and transcribing evidence prescribed by *The Magistrates Act, 1952*, and such fees shall be paid by the municipality to which the child concerned in the proceedings belongs and where the child belongs to territory without municipal organization they may be paid out of moneys appropriated therefor by the Legislature. 1951, c. 11, s. 1, *part*; 1952, c. 9, s. 1, *amended*. 1952, c. 53

(7) Where a hearing is adjourned, the judge shall make such order for the temporary care and custody of the child as he thinks advisable and he shall name therein the municipality that shall pay *pro tem* the rate in respect of the child. R.S.O. 1950, c. 53, s. 7 (7, 12), *part, amended*. Order on adjournment

(8) Where the judge finds the child to be a neglected child he shall make an order, Order where child neglected

(a) that the case be adjourned *sine die* and that the child be returned to his parent or guardian or other person in whose charge he is, subject to supervision by the children's aid society; or

(b) that the child be committed temporarily to the care and custody of the children's aid society for such period, not exceeding twelve months, as in the circumstances of the case he considers advisable; or

(c) that the child be committed permanently to the care and custody of the children's aid society; and

(d) that in cases under clause *b* or *c* the municipality to which the child belongs pay the rate in respect of the child from the day the child was apprehended, or if he was not apprehended, from the day he was brought before the judge as an apparently neglected child, and so long as the child remains in the care and custody of the society. R.S.O. 1950, c. 53, s. 7 (8, 12), *part, amended*.

(9) Where the judge finds a child who has been apprehended and detained in a place of safety not to be a neglected child, he shall ascertain the municipality to which the child belongs and make an order requiring that municipality to pay the rate in respect of the child for the period of such detention. *New*. Order where child not neglected

(10) Where the judge finds that a parent is able to contribute towards the child's maintenance, he shall in any order made under subsection 7 or clause *b* of subsection 8 or subsection 9, or he may in any order made under clause *c* of subsection 8, order such parent to refund to the municipality the whole or any part of the rate that the municipality has Contribution by parent

been ordered to pay, but nothing in this subsection relieves the municipality from liability for the rate. R.S.O. 1950, c. 53, s. 11 (1, 2), *amended*.

Enforcement
of order

(11) An order made against a parent under subsection 10 may be enforced in the same manner as an order made under *The Deserted Wives' and Children's Maintenance Act*. R.S.O. 1950, c. 53, s. 11 (3).

Rev. Stat.,
c. 102

Re-opening
of case
adjourned
sine die

(12) Where a judge has made an order under clause *a* of subsection 8, the society may at any time bring the case again before a judge for further consideration and action under this section.

Re-opening
of
temporary
commitment

(13) Where a judge has made an order under clause *b* of subsection 8, the society may at any time during the period of temporary commitment bring the case again before a judge for further consideration and action under this section, and if the temporary commitment has not been earlier terminated, the case shall, at the expiration of the specified period, again be brought before a judge and the judge shall thereupon further inquire and determine whether the circumstances justify an order returning the child to the parent or guardian or other person in whose charge he is, or making a further order under subsection 8, but no such further order shall be made under clause *b* of subsection 8 that results in the temporary commitment of a child for a total period of more than twenty-four months. R.S.O. 1950, c. 53, s. 7 (9), *amended*.

Re-opening
of permanent
commitment

(14) Where a judge has made an order under clause *c* of subsection 8, the society may at any time during the period of permanent commitment and upon at least thirty days notice in writing to the Director, bring the case before a judge to determine if the welfare of the child might best be served by the termination of such permanent commitment and if the judge is satisfied that such action is in the interest of the welfare of the child, he shall terminate the commitment. *New*.

Custody
during
temporary
commitment

(15) Where a child has been temporarily committed to the care and custody of a society, the society shall keep such ward in a suitable place and shall exercise during such period all the rights of the legal guardian of such ward, except as to adoption proceedings under Part IV. R.S.O. 1950, c. 53, s. 7 (10), *amended*.

Custody
during
permanent
commitment

(16) Where a child has been permanently committed to the care and custody of a society, the society shall be the legal guardian of such ward until he has attained the age of eighteen years, or until he is adopted under Part IV, or until

some other legal guardian is appointed, or until the wardship is terminated by a judge under subsection 14, or until an extended guardianship under subsection 17 terminates. R.S.O. 1950, c. 53, s. 13 (1), *amended*.

(17) Where it is in the interest of the welfare of a ward, a judge may, upon application of the society, make an order extending the wardship for such period as he considers proper beyond the day on which the ward attains the age of eighteen years, but not beyond the day on which the ward attains the age of twenty-one years. *New*.

(18) Every order made under this section shall contain a statement of the facts of the case as found by the judge. R.S.O. 1950, c. 53, s. 7 (12), *part, amended*.

(19) The judge shall cause to be transmitted three certified copies of every order made by him under this section and of the transcript of the evidence to the society and the society shall transmit one copy of each to the Director and one copy of each to the municipality ordered to pay the rate. R.S.O. 1950, c. 53, s. 7 (12), *part, amended*.

17.—(1) For the purposes of this Part, a child,

(a) who is one year of age or more, shall be deemed to belong to the municipality in which he last resided for a period of twelve months, consecutive or inconsecutive, in the thirty-six month period preceding the day on which proceedings under this Part commenced; or

(b) who is less than one year of age or who has resided only in the places mentioned in subsection 4, shall be deemed to belong to the municipality in which his mother last resided for a period of twelve months, consecutive or inconsecutive, in the thirty-six month period preceding the day on which proceedings under this Part commenced.

(2) Where the municipality to which a child belongs cannot be determined under subsection 1, a child,

(a) who is one year of age or more, shall be deemed to belong to the municipality in which he last resided for the greatest number of months, consecutive or inconsecutive, in the thirty-six month period preceding the day on which proceedings under this Part commenced; or

- (b) who is less than one year of age or who has resided only in the places mentioned in subsection 4, shall be deemed to belong to the municipality in which his mother last resided for the greatest number of months, consecutive or inconsecutive, in the thirty-six month period preceding the day on which proceedings under this Part commenced.

Idem

(3) In all other cases, a child shall be deemed to belong to the municipality in which he is residing on the day on which proceedings under this Part commenced.

Interpretation

(4) For the purposes of this section,

- (a) any period of time during which the child under clause *a* of subsection 1 or clause *a* of subsection 2 or the child's mother under clause *b* of subsection 1 or clause *b* of subsection 2 resided in a children's, infants', maternity or other boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial, medical, educational, or other care or supervision, shall be disregarded;
- (b) any part of a month during which the child or his mother, as the case may be, resides in a municipality shall, if such period is fifteen consecutive days or more, be deemed to be one month, and shall, if such period is less than fifteen consecutive days, be disregarded;
- (c) any part of a day during which the child or his mother, as the case may be, resides in a municipality shall be deemed to be one day; and
- (d) the expression "day on which proceedings under this Part commenced" means the day on which the child was apprehended or, if he was not apprehended, means the day on which he was brought before a judge as an apparently neglected child. R.S.O. 1950, c. 53, s. 10 (2-4), *amended*.

Residence in territory without municipal organization

18. Where it is not possible to determine the municipality to which a child belongs by reason of his residence in territory without municipal organization, he shall be deemed to reside in territory without municipal organization, in which case the Province is responsible for the payment of the rate otherwise payable to the society by municipalities in the area in which the society has jurisdiction, and the other provisions of this Part apply *mutatis mutandis*. *New*.

19.—(1) Where it is in the interest of the welfare of a ward of a society having jurisdiction in an area other than the area in which the municipality to which the ward belongs is situate, the first-named society may with the written approval of the Director and by written agreement with the society having jurisdiction in the municipality to which the ward belongs apply to a judge for an order transferring the ward to the care and custody of the second-named society and the judge, if he considers it to be in the interests of the welfare of the ward to do so, shall make the order applied for. ^{Transfer of wards}

(2) Where a ward is transferred under subsection 1, the society to which he is transferred is vested with the same powers and obligations as the society from which he is transferred. *New.* ^{Idem}

20. A municipality that has made a payment under an order made under this Part for the maintenance of a child in respect of whom another municipality is subsequently ordered to pay the rate may recover the sum so paid from such other municipality. R.S.O. 1950, c. 53, s. 10 (8). ^{Right of recovery}

21. Where a judge orders a municipality to pay the rate under this Part, there shall be paid to such municipality out of the moneys appropriated therefor by the Legislature an amount equal to 25 per cent of the amount of the net expenditures of the municipality under such order, except that where the order is made against a county the amount otherwise payable to the county under this section shall be paid to each municipality forming part of the county in the proportion that the equalized assessment of the municipality bears to the total equalized assessment of the county. R.S.O. 1950, c. 53, s. 10 (11). ^{Provincial aid to municipalities}

22. The Lieutenant-Governor in Council may make special grants out of the moneys appropriated therefor by the Legislature to any municipality in a territorial district, except a city, or to a provisional county, to relieve, in whole or in part, any such municipality that is unduly burdened in any year by reason of its liabilities under this Part. R.S.O. 1950, c. 53, s. 10 (10), *amended.* ^{Additional provincial aid to certain municipalities}

23. The council of any municipality may pass by-laws for the levying of such amounts as are necessary for the purpose of meeting any liability imposed on the municipality under this Part, or for the purpose of affording to a children's aid society such other assistance as the council considers advisable. R.S.O. 1950, c. 53, s. 29. ^{Power to make levies}

Temporary
care on
municipal
authoriza-
tion

24.—(1) When authorized so to do by the council, the head of the council of a municipality may, with the consent of the person in charge of a child, authorize the children's aid society to furnish temporary care and shelter to the child and the society may charge the municipality the rate with respect to the child. R.S.O. 1950, c. 53, s. 4 (4), *amended*.

Provincial
aid

(2) Where a municipality pays the rate under subsection 1, there shall be paid to such municipality out of the moneys appropriated therefor by the Legislature an amount equal to 25 per cent of the amount of the net expenditures of such municipality under that subsection. *New*.

Establish-
ment of rate

25.—(1) Each children's aid society shall apply annually to a judge before the 15th day of February for an order establishing its rate and shall give reasonable notice to the municipalities within its area of jurisdiction and to such other municipalities as are at that time paying the rate for children in the care of that society of the intention to apply and of the rate to be applied for.

Idem

(2) The judge shall hear the representations of the society and of such municipalities as desire to be heard and he shall make an order establishing the rate in accordance with the regulations, and such order shall not have retroactive effect before the first day of the calendar year in which it is made. *New*.

Appeal

26.—(1) Within thirty days of the making of an order under this Part, any person, including a society or municipality, may appeal from the order to the Court of Appeal with leave of a judge of the Supreme Court.

Idem

(2) On any such appeal, the Court of Appeal may make such order as the Court considers proper. *New*.

Application
to Supreme
Court for
production
of child

27.—(1) Where a parent applies to a judge of the Supreme Court for an order for the production of a child committed under this Part and the judge is of the opinion that the parent has neglected or deserted the child or that he has otherwise so conducted himself that the judge should refuse to enforce his right to the custody of the child, the judge may in his discretion decline to make the order.

Court may
order com-
pensation

(2) If at the time of the application the child is being brought up by another person or has been placed by a children's aid society, the judge, if he directs the child to be given up to the parent, may order the parent to pay to such person or society the whole of the expense properly incurred in bringing up the child, or such portion thereof as may seem just.

(3) Where a parent,

No order
unless
parent fit
person

(a) has abandoned or deserted his child; or

(b) has allowed his child to be brought up by another person at that person's expense, or by a children's aid society, for such time and under such circumstances as to satisfy the court that the parent was unmindful of his parental duties,

the judge shall not make an order for the delivery of the child to the parent unless the parent satisfies the judge that, having regard to the welfare of the child, he is a fit person to have the custody of the child.

(4) If the judge is of the opinion that the parent ought not to have the custody of the child and that the child is being brought up in a different religious faith from that in which the parent has a legal right to require the child to be brought up, the judge may make such order as he considers proper to ensure that the child be brought up in that religious faith.

Order as to
religious
faith

(5) Nothing in this section affects the power of the judge to consult the wishes of the child in determining what order ought to be made or any right which the child possesses to exercise his own free choice. R.S.O. 1950, c. 53, s. 26.

Child's
wishes to
be consulted

28.—(1) A child shall be deemed to have the same religious faith as his father unless it is shown that an agreement has been entered into in writing, signed by his parents, that he be brought up in the same religious faith as his mother. R.S.O. 1950, c. 53, s. 27 (3), *amended*.

Presumption
as to
religious
faith

(2) An illegitimate child shall be deemed to have the religious faith of his mother. R.S.O. 1950, c. 53, s. 27 (4), *amended*.

Illegitimate
child

(3) A Protestant child shall not be committed under this Part to the care of a Roman Catholic children's aid society or institution and a Roman Catholic child shall not be committed under this Part to a Protestant children's aid society or institution, and a Protestant child shall not be placed in the foster care of a Roman Catholic family and a Roman Catholic child shall not be placed in the foster care of a Protestant family, and where a child committed under this Part is other than Protestant or Roman Catholic he shall be placed where practicable with a family of his own religious faith. R.S.O. 1950, c. 53, s. 27 (1), *amended*.

Religious
faith of
child

Where only
one society

(4) Subsection 3 does not apply to a child detained in a place of safety in a municipality in which there is only one children's aid society. R.S.O. 1950, c. 53, s. 27 (2), *amended*.

Child's
wishes to
be
consulted

(5) Notwithstanding anything in this section, the judge may have regard to the wishes of the child in determining what order ought to be made as to his religious faith. *New*.

Society
may place
ward

29.—(1) A ward of a children's aid society may be placed by the society for any period of time in a foster home or other suitable place according to the needs of the child, and every ward so placed shall receive an education in accordance with the laws of Ontario and in keeping with his intellectual capacity and provision for his occupational training and his physical, mental and spiritual development shall be such as a good parent would make for his own child.

Removal
of ward

(2) A ward who has been so placed may at any time be removed by the society when, in the opinion of the Director, or the local director, the welfare of the ward so requires. R.S.O. 1950, c. 53, s. 13, *amended*.

Interference
with wards,
etc.

30.—(1) No person shall,

- (a) induce or attempt to induce a ward or a person under the age of eighteen years who is lawfully in the care and custody of any organization that provides care for children to leave the premises in which he has been lawfully placed; or
- (b) detain or harbour a ward or a person under the age of eighteen years who is lawfully in the care and custody of any organization that provides care for children after demand made by a person authorized to require the delivery up of such ward or person; or
- (c) visit, write to, telephone to or otherwise interfere with a ward who is placed in a foster home or other place, or his foster parents, without the consent in writing of the children's aid society.

Offence
and
penalty

(2) Every person who contravenes any provision of subsection 1 is guilty of an offence and on summary conviction before a judge is liable to a penalty of not more than \$500 or to imprisonment for a period of not more than one year, or both. R.S.O. 1950, c. 53, s. 19, *amended*.

Desertion,
neglect,
etc., of
child

31.—(1) Any person having the care, custody, control or charge of a child who neglects, abandons, deserts or fails to support the child or inflicts unreasonable cruelty or ill-treatment upon the child not constituting an assault is

guilty of an offence and on summary conviction before a judge is liable to a penalty of not more than \$500 or to imprisonment for a term of not more than one year, or both. R.S.O. 1950, c. 53, s. 14 (1), *amended*.

(2) Any person having the care, custody, control or charge of a boy or girl under the age of ten years who leaves the boy or girl unattended for an unreasonable length of time without making reasonable provision for his or her supervision and safety is guilty of an offence and on summary conviction before a judge is liable to a penalty of not more than \$100 and for a second or subsequent offence, \$200 or imprisonment for a term of not more than one year. *New*.

(3) The judge may in connection with any case arising under subsection 1 or 2 hold a hearing in respect of any child concerned and may proceed as though the child was brought before him as an apparently neglected child. R.S.O. 1950, c. 53, s. 14 (2), *amended*.

32.—(1) Every person who,

- (a) causes or procures a child to be in any public place for the purpose of begging or receiving alms or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale or otherwise; or
- (b) causes or procures a child to be in any public place for the purpose of singing, playing, or performing for profit or offering anything for sale between 9 o'clock in the afternoon of any day and 6 o'clock in the morning of the following day; or
- (c) subject to subsection 2, causes or procures any child to be at any time for the purpose of singing, playing, or performing for profit or offering anything for sale in any circus, theatre or other place of public amusement to which the public are admitted by payment,

is guilty of an offence and on summary conviction before a judge is liable to a penalty of not more than \$100 or to imprisonment for a term of not more than six months, or both. R.S.O. 1950, c. 53, s. 17 (1), *amended*.

(2) In the case of any entertainment or series of entertainments to take place in premises used for public entertainment or in any circus, theatre or other place of public amusement, where it is shown that provision has been made to ensure the health and proper treatment of a child proposed to be employed thereat, the head of the council of the municipality may, with the approval of the children's aid society, grant a licence for such time and during such hours

of the day and subject to such restrictions and conditions as he may think fit for any child who in his opinion is a fit and proper person to take part in such entertainment or series of entertainments, and such licence may at any time be varied, added to or revoked by him with the approval of the children's aid society. R.S.O. 1950, c. 53, s. 17 (2), *amended*.

Officer to supervise licensed child

(3) The municipal council shall assign to some person the duty of seeing that the restrictions and conditions of any licence granted under subsection 2 are duly complied with, and such person may enter, inspect and examine any place at which the employment of a child is for the time being licensed, and that duty shall be discharged by the chief constable of the municipality until some other person is appointed. R.S.O. 1950, c. 53, s. 17 (3).

Street trades, girls under 16 and boys under 12:

33.—(1) No girl under sixteen years of age and no boy under twelve years of age shall engage in or be licensed or permitted to engage in any street trade or occupation. R.S.O. 1950, c. 53, s. 15 (1).

boys 12 to 16

(2) No boy twelve or more years of age and under sixteen years of age shall engage in any street trade or occupation between the hours of 9 o'clock in the afternoon and 6 o'clock in the morning of the following day. R.S.O. 1950, c. 53, s. 15 (2), *amended*.

Boy or girl under 16 loitering in public place at night

(3) No boy or girl under sixteen years of age shall loiter in any public place between the hours of 9 o'clock in the afternoon and 6 o'clock in the morning of the following day or be in any place of public resort or entertainment during such hours unless accompanied by his or her parent or guardian or an adult appointed by the parent or guardian to accompany the boy or girl. R.S.O. 1950, c. 53, s. 16 (1), *amended*.

Warning

(4) A boy or girl found contravening any provision of this section may be warned by any constable or officer of a children's aid society, and if the warning is not regarded, or after the warning the boy or girl is again found contravening any provision of this section, the boy or girl may be taken by the constable or officer to his or her home or to a place of safety and dealt with as an apparently neglected child. R.S.O. 1950, c. 53, s. 16 (2), *amended*.

Penalty for parent

(5) A parent who permits his boy or girl to contravene any provision of this section is guilty of an offence and upon summary conviction before a judge for a first offence is liable to a penalty of \$5 and for a second or any subsequent offence, \$10. R.S.O. 1950, c. 53, s. 16 (3), *amended*.

34. Where a person is charged with an offence under this Part in respect of a child who is alleged to be under a specified age, and the child appears to the judge to be under that age, such child shall for the purposes of this Part be deemed to be under that age unless the contrary is proved. R.S.O. 1950, c. 53, s. 25. Presumption as to age of child

35.—(1) A child charged with an offence or who is brought before a judge under this Part shall not, before his trial or hearing, be confined in a lock-up or a police cell used for persons charged with crime. R.S.O. 1950, c. 53, s. 21 (1), *part.* Separate place of detention

(2) The council of every city, town, village and township shall make provision for the separate detention of every such child prior to his trial or hearing by arrangement with some person or society willing to undertake the responsibility of such detention on such terms as may be agreed upon, or by providing suitable premises entirely distinct and separated from the ordinary lock-ups and police cells. R.S.O. 1950, c. 53, s. 21 (2). Idem

(3) A child remanded in custody for sentence or under sentence in jail or other place of confinement shall not be placed or allowed to remain in the same cell or room with or be in the company of adult prisoners. R.S.O. 1950, c. 53, s. 24, *amended.* Idem

(4) Where an information and complaint is laid against a child, the person issuing the process shall at once notify the local director who shall have opportunity allowed him to investigate the charge and the circumstances pertaining thereto. R.S.O. 1950, c. 53, s. 22 (1), *amended.* Notice of charge to be given to local director

(5) Upon receiving such notice, the local director may make such inquiry as he considers appropriate and report his findings to the judge in court. R.S.O. 1950, c. 53, s. 22 (2), *amended.* Local director may inquire

(6) Where it appears to the judge that the interest of a child charged with an offence under section 33 will be best served thereby, the child may be dealt with by the judge in the same manner as though the child had been brought before him as an apparently neglected child or the child may be dealt with under *The Training Schools Act*. R.S.O. 1950, c. 53, s. 22 (3), *amended.* Alternative proceedings Rev. Stat., c. 396

36.—(1) Where a child is brought before a judge under this Part, the hearing shall be held in premises maintained specifically for the purpose or in the private office of the judge or other suitable premises, but the hearing shall not Place of hearing

be held in premises ordinarily used for magistrates' courts. R.S.O. 1950, c. 53, s. 21 (3), *amended*.

Exclusion
of public,
etc.

(2) Where a child or parent is brought before a judge for trial or hearing under this Part, the judge shall exclude from the room all persons other than the counsel and witnesses in the case, officers of the law or of any children's aid society, and the immediate friends or relatives of the child or parent and he may exclude any or all of the latter as he thinks proper. R.S.O. 1950, c. 53, s. 21 (5), *amended*.

Authority
to bring
children
into
Ontario

37.—(1) The Lieutenant-Governor in Council may authorize any organization to carry on the work of bringing into Ontario and providing foster homes for neglected or dependent children who are not feeble-minded and who before arrival in Ontario are certified by a duly qualified medical practitioner to be free from disease of any kind. R.S.O. 1950, c. 53, s. 30, *amended*.

Records
to be
kept

(2) Every such organization shall keep a record in a register prescribed by the Director for that purpose of the names of all children brought into Ontario by it under this section, their ages and such particulars as he requires, and a copy of such record shall be filed with the Director by every such organization on the first days of January and July of each year. R.S.O. 1950, c. 53, s. 31 (1), *amended*.

Penalty
for false
record

(3) Any person who knowingly makes or is a party to the making of or procuring to be made, directly or indirectly, any false record under subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. R.S.O. 1950, c. 53, s. 31 (2), *amended*.

Supervision

(4) Every such organization shall maintain careful supervision over every child brought or caused or procured to be brought into Ontario by it until the child attains the age of eighteen years, and it shall be the duty of such organization to cause a personal visit by an agent appointed for that purpose to be made to each such child at least once in every year until the child has attained such age, and for the protection of the person and earnings of the child, such organization, until the child attains the age of eighteen years, has all the powers and shall perform all the duties by law provided in the case of the guardian of an infant. R.S.O. 1950, c. 53, s. 32, *amended*.

PART III

PROTECTION OF CHILDREN BORN OUT OF WEDLOCK

Interpre-
tation

38. In this Part, "judge" means judge or junior judge or acting judge of a county or district court. R.S.O. 1950, c. 51, s. 1, cl. (a), *amended*.

39. The Registrar-General shall notify the Director of the birth of every child born out of wedlock that is registered under *The Vital Statistics Act* and of every birth that is registered under that Act in such a manner as to suggest that the parents are unmarried or unknown, together with such particulars thereof as may be required by the regulations. R.S.O. 1950, c. 51, s. 3, *amended*.

Director to be notified of certain births
Rev. Stat., c. 412

40. The Director may by inquiry through a children's aid society obtain information with respect to any child born out of wedlock. R.S.O. 1950, c. 51, s. 4, *part, amended*.

Director may obtain information

41. The Director shall take all such proceedings and do all such things as are permitted or required under this Part as may seem to him advisable in the interest of any child born out of wedlock. R.S.O. 1950, c. 51, s. 4, *part, amended*.

Director to act in child's interest

42. Nothing in this Part requires the Director to interfere with the care and maintenance of a child born out of wedlock where the child has been adopted in accordance with the laws of Ontario or where the child is being cared for voluntarily by a person whom the Director considers suitable to have charge of the child. R.S.O. 1950, c. 51, s. 5, *amended*.

Where Director need not interfere

43. The mother of a child born out of wedlock or an unmarried woman who is pregnant may apply to the Director or to the local director for advice and protection in any matter connected with the child or with the birth of the child, and the local director, with the approval of the Director, shall take such action as seems advisable in the interest of the mother and child. R.S.O. 1950, c. 51, s. 6, *amended*.

Advice, protection and action

44.—(1) All proceedings under this Part shall be heard by the judge in his chambers and not in open court. R.S.O. 1950, c. 51, s. 20, *amended*.

Proceedings to be in judge's chambers

(2) The judge has the power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as may be requisite and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

Witnesses

(3) The fees payable to witnesses shall be upon the scale of fees allowed to witnesses in an action in the county court. R.S.O. 1950, c. 51, s. 26 (1, 2).

Witness fees

45. The applicant in any proceedings under this Part shall give notice thereof to the Director and he has the right to appear and intervene and be heard in person or by counsel in any such proceedings. R.S.O. 1950, c. 51, s. 21, *amended*.

Notice of proceedings to Director

Death of
mother
no bar to
proceedings

46. The Director may institute or continue proceedings under this Part even though the mother has died. R.S.O. 1950, c. 51, s. 22, *amended*.

Who may
apply for
affiliation
order

47. An application may be made to a judge for an affiliation order,

- (a) by the mother of a child born out of wedlock; or
- (b) by an unmarried woman who is pregnant; or
- (c) by the next friend or guardian of a child born out of wedlock; or
- (d) by the Director; or
- (e) with the approval of the Director, by any person or municipality having an apparently legitimate claim for reimbursement of moneys expended or payment of moneys charged in consequence of the mother's pregnancy, the birth of the child, the death of the child, the death of the mother, the maintenance of the mother or the maintenance of the child. R.S.O. 1950, c. 51, s. 8, *amended*.

When appli-
cation for
affiliation
order
must be
made

48. An affiliation order shall not be made under this Part unless the application therefor is made in the lifetime of the putative father and

- (a) within two years after the birth of the child; or
- (b) within one year after the doing of any act on the part of the putative father that affords evidence of acknowledgment of paternity; or
- (c) within one year after the return to Ontario of the putative father, where he was absent from Ontario at the expiration of the period of two years from the birth of the child; or
- (d) the putative father has failed in whole or in part to carry out the terms of any agreement entered into under this Part. R.S.O. 1950, c. 51, s. 9.

Corrobor-
ation of
mother's
evidence
required

49. No order of affiliation shall be made upon the evidence of the mother of the child unless her evidence is corroborated by some other material evidence. R.S.O. 1950, c. 51, s. 19.

Appoint-
ment for
hearing

50. The judge shall, upon receipt of an application for an affiliation order, appoint in writing a time and place at which

he will inquire and determine whether the putative father of the child is in fact the father of the child. R.S.O. 1950, c. 51, s. 10.

51. Notice in writing of the time and place so appointed shall be served personally or in such other manner as the judge may direct upon the putative father of the child at least seven days before the day so appointed. R.S.O. 1950, c. 51, s. 11 (1), *amended*. Notice to be served on putative father

52. Where the judge is satisfied that there is good and probable cause for believing that the putative father of the child is in fact the father of the child and that the putative father is about to quit the territorial jurisdiction of the judge with the intention of avoiding service of the notice in writing referred to in section 51 or of evading his obligations in respect of the child and his mother, whether before or after an affiliation order has been made, the judge may issue a warrant for the arrest of the putative father and upon his arrest may require him to give security for such sum and in such manner and upon such condition as the judge may direct, and if the security is not given, the judge may order the putative father to be imprisoned for a period of not more than three months unless the security is sooner given or the putative father has sooner complied with the condition so imposed. R.S.O. 1950, c. 51, s. 11 (2), *amended*. Arrest of putative father

53. If at the time and place so appointed the putative father so served fails to appear or show sufficient reason for not appearing, the judge, in the absence of the putative father and upon sufficient evidence being adduced before him, may make an affiliation order against the putative father or such other order as he considers just. R.S.O. 1950, c. 51, s. 12. Proceedings in default of appearance

54.—(1) Where the putative father so served appears in pursuance of the notice, the judge may hear and determine the matter in a summary manner and upon sufficient evidence being adduced before him may make an order declaring the putative father to be in fact the father of the child and requiring him to pay in accordance with the circumstances of the case, Proceedings on appearance

- (a) the reasonable expenses of the mother of the child for her maintenance and care, medical or otherwise, during the three months next preceding the birth of the child, at the birth, and during such period after the birth as may in the opinion of the judge have been or be necessary in connection with or as a consequence of the birth of the child;

- (b) the expenses of the burial of the mother if she dies in consequence of her pregnancy or of the birth of the child;
- (c) the expenses of the burial of the child if the child dies before the making of the affiliation order or at any time thereafter before attaining the age of sixteen years;
- (d) a sum of money at intervals towards the maintenance of the child until the child attains the age of sixteen years, or a lump sum in lieu of such periodic payments, the balance of which, in the event of the death of the child before the age of sixteen years, shall revert to the father unless otherwise ordered by a judge. R.S.O. 1950, c. 51, s. 13, *amended*.

Sums payable by father

(2) In estimating the sums payable by the father under clause *d* of subsection 1, the judge shall fix such sums as will enable the child to maintain a reasonable standard of life having regard to what the child would have enjoyed had he been born to his parents in lawful wedlock, but the judge shall take into consideration the ability of the father to provide such sums. R.S.O. 1950, c. 51, s. 13 (2), *amended*; s. 15, *amended*.

Where child made ward of society

(3) Where a judge has declared a putative father to be in fact the father of a child and orders the father to pay a lump sum in lieu of periodic payments and the child subsequently is committed to the care and custody of a children's aid society, the father shall be deemed to be a parent within the meaning of subsection 10 of section 16. *New*.

Order for mother to contribute

55. The judge may in his discretion upon the same or a like application order the mother of a child born out of wedlock to contribute a sum of money at intervals towards the maintenance of the child until the child reaches the age of sixteen years. R.S.O. 1950, c. 51, s. 14.

Re-opening of application

56.—(1) Where an application for an affiliation order has been dismissed, a judge may, upon the discovery of new evidence or of fraud, grant leave to re-open and may re-open and reconsider such application. R.S.O. 1950, c. 51, s. 16 (1), *amended*.

Variation, etc., of order

(2) Where an order for payment has been made under this Part, a judge may at any time rescind or vary the order as he sees fit and any order so varied may be enforced in the same manner as the original order. R.S.O. 1950, c. 51, s. 16 (2).

57.—(1) A judge may require security to be given for such sum and in such manner as he directs for the performance of any order made under this Part, and where a person fails to give the security required of him, a judge may order the person to be imprisoned for a period of not more than three months unless the security is sooner given. R.S.O. 1950, c. 51, s. 17 (1).

Security
for per-
formance
of order

(2) Where a person has failed to perform a condition or comply with an order in respect of which security has been given under section 52 or this section, a judge may order that the security be forfeited, which order of forfeiture may be enforced under section 58, and the Director shall apply the proceeds of such forfeited security in making payments ordered to be made or in such other manner as the judge may direct. R.S.O. 1950, c. 51, s. 17 (2), *amended*.

Forfeiture
of security

58.—(1) Any order made under this Part may be enforced in the same manner and by the like proceedings as,

Enforce-
ment of
orders

- (a) an order made or fine imposed under *The Summary Convictions Act*, except that imprisonment for default in making payment under the order may only be ordered as provided in subsection 2; or
- (b) a judgment of the division court, where the order has been filed with the clerk of a division court, whereupon proceedings by way of execution or judgment summons, *inter alia*, may be used to enforce the order. R.S.O. 1950, c. 51, s. 18 (1).

Rev. Stat.,
c. 379

(2) It is the duty of the Director to see that payments ordered to be made are duly made, and upon default in any payment, the Director may apply to a judge who,

Default in
payments

- (a) may from time to time summon the person in default to explain the default; and
- (b) may, where service of the summons has been proved and the person summoned does not appear or sufficient reason for his absence is not given, or where it appears that the summons cannot be served, or where an order of imprisonment has been made, issue a warrant for the arrest of the person; and
- (c) may, where a warrant has been issued or where the person in default fails to satisfy the judge that the default is due to inability to pay, order the person to be imprisoned for a period of not more than three months unless the sums of money payable under the order or such lesser sums as the judge may see fit to designate are sooner paid. R.S.O. 1950, c. 51, s. 18 (2), *amended*.

Idem

(3) Upon such default and where the order has been filed in a division court, the Director may proceed as in the case of a judgment of that court. R.S.O. 1950, c. 51, s. 18 (3), *amended*.

Agreements of putative father and others as to maintenance, etc.

59. Any agreement between the mother and the putative father of a child born or likely to be born out of wedlock or any agreement entered into between any other person and the putative father relating to any of the matters mentioned in section 54 is voidable at the instance of the Director unless it has been entered into with the approval in writing of a judge. R.S.O. 1950, c. 51, s. 24, *amended*.

Agreements of persons and Director as to maintenance, etc.

60.—(1) The Director may enter into an agreement with any person whereby such person agrees to pay sums of money in respect of the matters mentioned in section 54.

Default

(2) Upon default in payment under any such agreement, the Director may apply to a judge for an affiliation order, and such agreement when made by the putative father of the child shall be *prima facie* proof of paternity and of the ability of the father to make the payments provided for by the agreement. R.S.O. 1950, c. 51, s. 25, *amended*.

Where deceased father's estate bound

61.—(1) Where an agreement with the Director has been entered into by a putative father or an affiliation order has been made against the father under this Part, such agreement or order binds the estate of the putative father or father after his death and any sums payable thereunder are a debt due from and chargeable upon his estate and are recoverable at the suit of the Director, but every such agreement or affiliation order is, as to any payment falling due before or after the putative father's or father's death, subject to review as provided in section 56.

No proceedings without leave of judge

(2) No action or other proceedings shall be taken on any such agreement or order after the death of the putative father or father without the leave of a judge, and the judge before granting leave shall direct notice to be given to the widow and legitimate children of the putative father or father and to all other persons interested in his estate. R.S.O. 1950, c. 51, s. 23 (1).

Widow, etc., not to be prejudiced

(3) Where in an action or other proceedings taken on such an agreement or affiliation order it appears to the judge that the terms of the agreement or affiliation order cannot be carried out without depriving the widow or legitimate children of the putative father or father of necessary maintenance, he may, having regard to all the circumstances, vary the agreement or affiliation order to such an extent and in such manner as to make equitable provision for his widow,

his legitimate child or children and his child or children born out of wedlock. R.S.O. 1950, c. 51, s. 23 (2), *amended*.

62. A judge has power to direct payment of the costs of any proceedings taken before him under this Part. R.S.O. 1950, c. 51, s. 27. Costs

63. An appeal lies from any order made under this Part to the Court of Appeal with leave of a judge of the Supreme Court. R.S.O. 1950, c. 51, s. 28. Appeal

64.—(1) Every sum of money whether for expenses, maintenance or costs payable under an affiliation order made or an agreement entered into with the Director under this Part shall be paid in the first instance to the Director, and where payment of a lump sum is ordered or agreed upon, the Director shall pay over to the Public Trustee such portion thereof as is not required immediately for the maintenance of the child or to meet other charges under this Part. Sums to be paid to Director

(2) Sums so paid over shall be invested by the Public Trustee but are subject to withdrawal of any amounts from time to time upon the written requisition of the Director, provided that such withdrawals shall not cause the Director to have at any time in his possession or under his control a sum of more than \$5,000. R.S.O. 1950, c. 51, s. 29, *amended*. Sums to be invested, subject to withdrawal

PART IV

ADOPTION

65. In this Part,

Interpre-
tation

- (a) "adopted child" means infant or other person adopted;
- (b) "adopting parent" means person who adopts an infant;
- (c) "infant" means person under twenty-one years of age or other person sought to be adopted. R.S.O. 1950, c. 7, s. 1.

66.—(1) The court having jurisdiction to make an adoption order shall be the Supreme Court or the judge, junior or acting judge of the county or district court within whose jurisdiction either the applicant or the person to be adopted resides at the time of the application for the order. R.S.O. 1950, c. 7, s. 15 (1), *amended*. Jurisdiction as to making order

Application
may be
heard in
chambers

(2) An application for an adoption order may be heard and determined in chambers. R.S.O. 1950, c. 7, s. 15 (2), *part*.

Born out
of wedlock
not to
appear

(3) If the adopted child was born out of wedlock, this fact shall not appear upon the face of the adoption order. R.S.O. 1950, c. 7, s. 15 (3), *part*.

Papers to
be sealed

(4) The paper used upon an adoption application shall be sealed up and filed in the office of the court by the clerk of the court and shall not be open for inspection save upon the direction of a judge or the Director. R.S.O. 1950, c. 7, s. 15 (4), *amended*.

Guardian
ad litem

(5) For the purpose of an application under this Part and subject to any rules under this section, the court may appoint some person to act as guardian *ad litem* of the infant upon the hearing of the application with the duty of safeguarding the interests of the infant before the court, and may direct the applicant to pay the costs of the person so appointed. R.S.O. 1950, c. 7, s. 15 (5).

Where
adoption
orders may
be made

67. The court may make an order for the adoption of any infant resident in Ontario upon an application therefor being made in the prescribed manner by any person domiciled in Canada and resident in Ontario. R.S.O. 1950, c. 7, s. 2, *amended*.

Where
adoption
orders may
not be made

68.—(1) Notwithstanding section 67, the court shall not make an order for the adoption of an infant,

- (a) where the applicant, or either of joint applicants, is under twenty-five years of age or is less than twenty-one years older than the infant;
- (b) where the applicant is a male and the infant is a female under twenty-one years of age; or
- (c) where the applicant is unmarried, a widow, a widower or a divorced person,

unless the court is satisfied that there are special circumstances that justify, as an exceptional measure, the making of an adoption order. R.S.O. 1950, c. 7, s. 3 (1); 1951, c. 2, s. 1.

Adoption
by more
than one
person

(2) Except in the case of a joint application by a husband and wife, the court shall not make an order for the adoption of an infant by more than one person. R.S.O. 1950, c. 7, s. 3 (2).

69. An adoption order shall not be made upon the application of a husband or wife without the consent of the wife or husband, as the case may be. R.S.O. 1950, c. 7, s. 4. Consent of husband or wife of adopting parent

70.—(1) An adoption order in respect of an infant under twenty-one years of age who has not been married shall be made only with the consent of every person who is a parent or guardian or who has lawful custody or control or who is liable to contribute to the support of the infant. R.S.O. 1950, c. 7, s. 5 (1). Consent, infant under 21;

(2) Notwithstanding subsection 1, where such infant is illegitimate the consent of the mother shall be sufficient for the purposes of that subsection, but if such illegitimate infant resides with and is maintained by the father, the consent of both mother and father shall be required. R.S.O. 1950, c. 7, s. 5 (2), *amended*. illegitimate infant;

(3) Where an infant referred to in subsection 1 or 2 has been committed permanently to the care and custody of a children's aid society, the consent of the society shall be sufficient for the purposes of subsection 1. R.S.O. 1950, c. 7, s. 5 (3). infant ward of children's aid society

71. An adoption order in respect of a person who is over twenty-one years of age or who is under twenty-one years of age and has been married shall be made only with the consent of the person to be adopted, and where such person is married, the consent of the spouse. R.S.O. 1950, c. 7, s. 6. Consent, person over 21

72.—(1) Every consent required under this Part shall have attached thereto an affidavit of execution in the prescribed form. *New*. Affidavit of execution

(2) The court may dispense with any consent required under this Part except that mentioned in subsection 3 of section 70 if, having regard to all the circumstances of the case, the court is of opinion that the consent may properly be dispensed with. R.S.O. 1950, c. 7, s. 7. Where consent may be dispensed with

73. An adoption order in respect of an infant who is under twenty-one years of age and who has not been married shall not be made unless the Director certifies in writing, Director's certificate, infant under 21

- (a) that the infant has resided for at least one year with the applicant and that during that period the conduct of the applicant and the conditions under which the infant has lived have been such as in his opinion justifies the making of the order; or

- (b) that the applicant is to the knowledge of the Director a proper person to have the care and custody of the infant and that for the reasons set out in the certificate it is in the best interests of the infant that the period of residence be dispensed with. R.S.O. 1950, c. 7, s. 8; 1951, c. 2, s. 2, *amended*.

Director's
certificate,
persons
over 21

74.—(1) An adoption order in respect of a person over twenty-one years of age or who is under twenty-one years of age and has been married shall not be made unless the Director certifies in writing that the person sought to be adopted has been in the custody of, brought up, maintained and educated by the applicant as his own child during infancy or until marriage, as the case may be, under a *de facto* adoption.

Review
by court

(2) Where the Director is unable to make such a certificate, he shall so certify in writing and in any such case the court may review all the circumstances and if the court is satisfied that the person to be adopted has in fact been in the custody of, brought up, maintained and educated by the applicant as his own child during infancy or until marriage, as the case may be, under a *de facto* adoption, the court may make an adoption order. R.S.O. 1950, c. 7, s. 9, *amended*.

Conditions
precedent
to granting
of order

75. The court before making an adoption order shall be satisfied,

- (a) that every person whose consent is necessary under this Part and whose consent is not dispensed with has consented to and understands the nature and effect of the adoption order for which application is made, and in particular in the case of any parent, understands that the effect of the adoption order will be to deprive him or her permanently of his or her parental rights; and
- (b) that the order if made will be for the welfare of the infant, due consideration being for this purpose given to the wishes of the infant, having regard to the age and understanding of the infant; and
- (c) that no person has given, received, or agreed to give or receive any payment or reward to or from any person in consideration of the adoption. R.S.O. 1950, c. 7, s. 10, *amended*.

Order may
be upon
terms and
conditions

76. The court may impose such terms and conditions in an adoption order as the court thinks fit and in particular may require the adopting parent by bond or otherwise to make for the adopted child such provision as in the opinion of the court is just and expedient. R.S.O. 1950, c. 7, s. 11.

77.—(1) Upon an adoption order being made and unless ^{Surname} the adoption order provides for the adopted child to retain his surname, the adopted child shall assume the surname of the adopting parent. R.S.O. 1950, c. 7, s. 12 (1), *part, amended*.

(2) In and by an adoption order, the court may in its ^{Christian name} discretion change the Christian or given name or names of the child to be adopted giving the child such name or names as the adopting parents may desire, and thereafter the child shall be entitled to and known by the name or names so given. R.S.O. 1950, c. 7, s. 12 (2).

(3) Upon an adoption order being made, all the rights, ^{Rights, duties, etc.} obligations and liabilities of the parent or parents, guardian or guardians of the adopted child in relation to the future custody, maintenance and education of the adopted child, including all rights to appoint a guardian or to consent or give notice of dissent to marriage, are extinguished, and all such rights, duties, obligations and liabilities vest in and are exercisable by and enforceable against the adopting parent as though the adopted child was a child born to the adopting parent in lawful wedlock, and in respect of the same matters and in respect of the liability of a child to maintain his parents, the adopted child stands to the adopting parent in the position of a child born to the adopting parent in lawful wedlock. R.S.O. 1950, c. 7, s. 12 (1), *part*.

(4) Where a husband and wife are the adopting parents, ^{Idem} they shall, in respect of the matters mentioned in subsection 3 and for the purpose of the jurisdiction of any court to make orders as to the custody and maintenance of and right of access to children, stand to each other and to the adopted child in the same relation as they would have stood if they had been the lawful father and mother of the adopted child, and the adopted child shall stand to them respectively in the same relation as a child stands to a lawful father and mother respectively. R.S.O. 1950, c. 7, s. 12 (1), *part*.

(5) An adoption order does not deprive the adopted child ^{Rights to and interest in property} of any right to or interest in property to which, but for the order, the child would have been entitled under an intestacy or disposition, whether occurring or made before or after the making of the adoption order. R.S.O. 1950, c. 7, s. 12 (3), *part*.

(6) An adoption order confers upon the adopted child or ^{Idem} any issue of the adopted child the same rights to and interests in property under any intestacy of or disposition by the adopting parent or any kindred of the adopting parent as if the adopted child was a child born to the adopting parent in lawful wedlock. R.S.O. 1950, c. 7, s. 12 (3), *part, amended*.

Disposition
of property
where child
dies
intestate

(7) If an adopted child dies intestate, his property acquired by himself or by gift or inheritance from his adopting parent or from the kindred of such parent shall be distributed as though he was a child born to the adopting parent in lawful wedlock and property acquired by gift or inheritance from his natural parent or kindred shall be distributed as if no adoption order had been made. R.S.O. 1950, c. 7, s. 12 (8).

Succession
duty rates
Rev. Stat.,
c. 378

(8) Where any duty is levied under *The Succession Duty Act* on the death of an adopted child,

(a) on property passing on his death to or for the benefit of the adopting parent or the kindred of the adopting parent; or

(b) on the parent or kindred,

such duty is payable at the same rate and to the same extent as if the adopted child was a child born to the adopting parent in lawful wedlock.

Idem

(9) Where any duty is levied under *The Succession Duty Act* on the death of an adopting parent or the kindred of an adopting parent,

(a) on property passing on the death of such parent to or for the benefit of the adopted child or any issue of the adopted child; or

(b) on the adopted child or issue,

such duty is payable at the same rate and to the same extent as if the adopted child was a child born to the adopting parent in lawful wedlock. R.S.O. 1950, c. 7, s. 12 (4), *amended*.

Interpre-
tation

(10) For the purposes of this section, "disposition" means an assurance of any interest in property by any instrument whether *inter vivos* or by will, including codicil.

Rights re
fatal
accidents

(11) For the purposes of the enactments relating to fatal accidents, the adopting parent shall be deemed to be the parent of the child. R.S.O. 1950, c. 7, s. 12 (5, 6).

Status of
adopted
child

(12) Except as provided in this Part, an adopted child shall not be deemed the child of the adopting parent. R.S.O. 1950, c. 7, s. 12 (7), *amended*.

Illegitimate
child

(13) An adoption order made with respect to an illegitimate child is not affected in any way by the intermarriage of his parents. R.S.O. 1950, c. 7, s. 12 (9).

78. A person domiciled in any other province of Canada who has been adopted in accordance with the laws of the province where he is domiciled is entitled to the same rights of succession as to property in Ontario as he would have had in the province in which he was adopted but not exceeding the right he would have had if adopted under this Part. R.S.O. 1950, c. 7, s. 18. Rights to
succession
of Ontario
property

79.—(1) Upon an application for an adoption order, the court may postpone the determination of the application and may make an interim order giving the custody of the infant to the applicant for a period not exceeding one year by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the infant and otherwise as the court thinks fit. R.S.O. 1950, c. 7, s. 13 (1), *part, amended*. Interim
order

(2) An interim custody order is not an adoption order. R.S.O. 1950, c. 7, s. 13 (1), *part*. Idem

(3) All consents required for an adoption order are necessary for an interim custody order but subject to a like power on the part of the court to dispense with any such consent. R.S.O. 1950, c. 7, s. 13 (3). Consents

(4) Notwithstanding anything to the contrary in this Part, where an applicant has obtained an interim custody order and subsequently takes up residence outside Ontario, the court may nevertheless make the order of adoption applied for if the Director makes the certificate mentioned in section 73. *New*. Residence
outside
Ontario

80. An adoption order or an interim custody order may be made in respect of an infant who has previously been the subject of an adoption order, and, upon an application for another adoption order, the adopting parent under the adoption order last previously made shall, if living, be deemed to be the parent of the infant for all the purposes of this Part. R.S.O. 1950, c. 7, s. 14. Effect of
order on
previous
adoption

81.—(1) The proper officer of the court shall transmit to the Registrar-General a certified copy of every adoption order, under the seal of the proper certifying authority, within ten days of the making of the order. Copy of
order to
Registrar-
General

(2) Where the adopted child was born outside of Ontario, two certified copies shall be so transmitted. R.S.O. 1950, c. 7, s. 17. Additional
copy

Rights of
infants
heretofore
adopted

82. The property and rights of all persons heretofore adopted under the laws of Ontario shall be governed by this Part. R.S.O. 1950, c. 7, s. 20, *amended*.

Registration
of infants
placed for
adoption

83.—(1) Every person who places an infant with another person on the understanding that such other person will adopt the infant shall, within thirty days after the day on which the infant is so placed, register the placement with the Director in the prescribed form.

Information

(2) The Director may by inquiry through a children's aid society obtain such information with respect to an infant so placed as he considers necessary for the purposes of the certificate mentioned in section 73 or 74.

Offence

(3) Every person who fails to comply with subsection 1 is guilty of an offence and upon summary conviction is liable to a penalty of not more than \$100 or to imprisonment for a term of not more than six months, or both. *New*.

Offence

84. Every person who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, in consideration of the adoption of an infant under this Part, or who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, to procure an infant for the purpose of adoption, is guilty of an offence and upon summary conviction is liable to a penalty of not more than \$2,000 or to imprisonment for a term of not more than three years, or both. R.S.O. 1950, c. 7, s. 16, *amended*.

PART V

REGULATIONS, MISCELLANEOUS

Regulations

85. The Lieutenant-Governor in Council may make regulations,

- (a) prescribing additional duties of the Director;
- (b) prescribing provisions to be included in the by-laws of children's aid societies; *New*.
- (c) prescribing the amounts of annual grants to children's aid societies, the manner of computing and paying such grants, and the conditions upon which such grants may be paid;
- (d) prescribing the formula to be used in establishing the rate;

- (e) governing the construction, alteration, remodelling, extension and equipment of receiving homes;
- (f) prescribing rules under which applications under this Act or any part thereof are to be made, and dealing generally with all matters of procedure under this Act or any Part thereof;
- (g) for fixing fees, costs, charges and expenses payable on proceedings under this Act or any Part thereof and for dispensing with the payment of such fees, costs, charges and expenses where owing to lack of means or any other reason the judge considers such action advisable;
- (h) prescribing forms for use under this Act or any Part thereof;
- (i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act or any Part thereof. R.S.O. 1950, c. 7, s. 15 (2); c. 51, s. 7; c. 53, s. 41, *amended*.

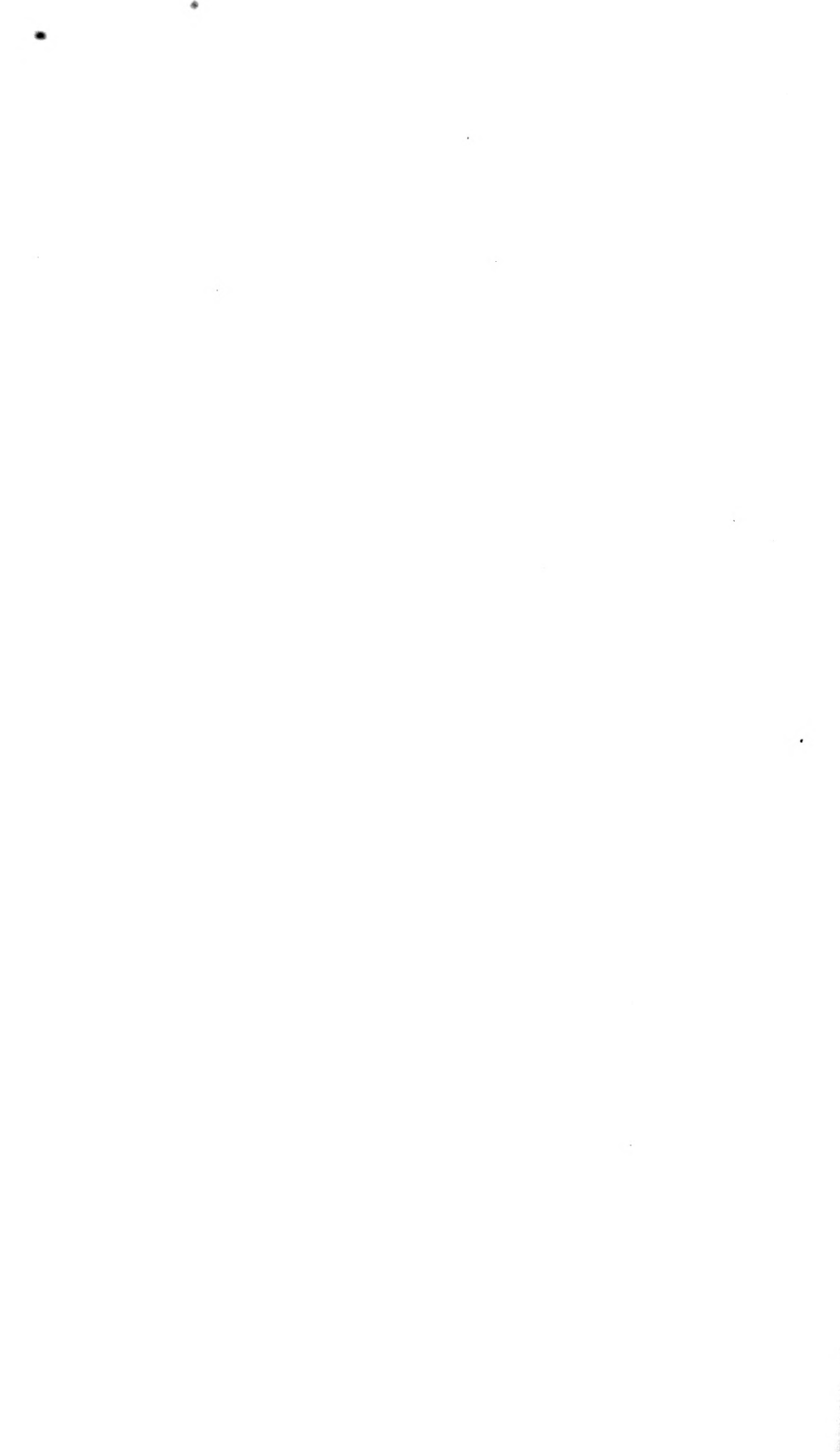
86. *The Adoption Act, The Adoption Amendment Act, 1951, The Children of Unmarried Parents Act, The Children of Unmarried Parents Amendment Act, 1952, The Children's Protection Act, The Children's Protection Amendment Act, 1951 and The Children's Protection Amendment Act, 1952* are repealed.

Rev. Stat.,
 c. 7;
 1951, c. 2;
 Rev. Stat.,
 c. 51;
 1952, c. 8;
 Rev. Stat.,
 c. 53;
 1951, c. 11;
 1952, c. 9,
 repealed

87. This Act comes into force on the 1st day of January, 1955.

Commence-
ment

88. This Act may be cited as *The Child Welfare Act, 1954*. Short title



BILL

An Act to consolidate and revise The Children's Protection Act, The Children of Unmarried Parents Act and The Adoption Act

1st Reading

March 3rd, 1954

2nd Reading

March 19th, 1954

3rd Reading

April 5th, 1954

MR. GOODFELLOW

No. 78

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act respecting Representation of the People in the
Legislative Assembly

MR. FROST (Victoria)

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



BILL

An Act respecting Representation of the People in the Legislative Assembly

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

1. Notwithstanding anything in any general or special Act, Boundaries the boundaries of any county, territorial district, city, town, village or township shall for the purposes of this Act be deemed to be the boundaries of such county, territorial district, city, town, village or township as defined by statute, by-law, proclamation or other lawful authority at the time this Act receives Royal Assent. R.S.O. 1950, c. 340, s. 1, *amended*.

2. The Legislative Assembly of Ontario shall consist of Number of members

R.S.O. 1950, c. 340, s. 2, *amended*.

3. Ontario shall for the purpose of representation in the Division of Ontario into electoral districts Assembly be divided into electoral districts as enumerated and defined in the Schedule to this Act and one member shall be returned to the Assembly for each electoral district. R.S.O. 1950, c. 340, s. 3.

4. The boundaries of any electoral district as set out in the Schedule to this Act shall not be affected by any alteration in municipal boundaries made after this Act receives Royal Assent. R.S.O. 1950, c. 340, s. 4, *amended*. Changes in municipal boundaries

5. The electors entitled to vote in any town or village, not expressly included in an electoral district described in the Schedule to this Act, and lying within the boundaries of two or more electoral districts, shall be entitled to vote in the electoral district in which they would have been so entitled if the town or village had not become incorporated. R.S.O. 1950, c. 340, s. 5. Towns and villages on boundary line

Augmentations or gores of townships

6. Except as otherwise expressly set out in the Schedule to this Act, every augmentation or gore of a township shall for the purposes of this Act be considered as forming part of the electoral district in which the township is situate. R.S.O. 1950, c. 340, s. 6.

City having separate representation

7. A city which constitutes an electoral district, or which is divided into two or more electoral districts, according to the Schedule to this Act, shall not for the purposes of this Act be deemed to form part of the electoral district within the limits of which it lies. R.S.O. 1950, c. 340, s. 7.

Cities, towns, etc., included in electoral district in which situate

8. Every city, town, village or township heretofore or hereafter incorporated, lying within the territorial limits of any electoral district described in the Schedule to this Act and not specially included in any other electoral district in the Schedule, shall form part of the electoral district in which it is situate. R.S.O. 1950, c. 340, s. 8.

Special Act overruled

9. Every city, town, village or township which by the provisions of any special Act passed before this Act receives Royal Assent forms or forms part of any electoral district shall, notwithstanding such provisions, form or form part of the electoral district or districts in which it is included in the Schedule to this Act. R.S.O. 1950, c. 340, s. 9, *amended*.

Rev. Stat., c. 340, repealed

10. *The Representation Act* is repealed.

Commencement

11. This Act comes into force and has effect on, from and after the dissolution or end of the present Legislative Assembly.

Short title

12. This Act may be cited as *The Representation Act, 1954*.

SCHEDULE

ELECTORAL DISTRICTS OF THE PROVINCE OF ONTARIO



An Act respecting Representation of the
People in the Legislative Assembly

1st Reading

March 9th, 1954

2nd Reading

3rd Reading

MR. FROST (Victoria)

No. 78

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act respecting Representation of the People in the
Legislative Assembly

MR. FROST (Victoria)

*(Reprinted as amended by the Select Committee
to which Bill 78 was referred)*

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



BILL

An Act respecting Representation of the People in the Legislative Assembly

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

1. Notwithstanding anything in any general or special Act, ^{Boundaries} the boundaries of any county, territorial district, city, town, village, township or improvement district shall for the purposes of this Act be deemed to be the boundaries of such county, territorial district, city, town, village, township or improvement district as defined by statute, by-law, proclamation or other lawful authority at the time this Act receives Royal Assent. R.S.O. 1950, c. 340, s. 1, *amended*.
2. The Legislative Assembly of Ontario shall consist of ^{Number of members} ninety-eight members. R.S.O. 1950, c. 340, s. 2, *amended*.
3. Ontario shall for the purpose of representation in the Assembly be divided into electoral districts as enumerated and defined in the Schedule to this Act and one member shall be ^{Division of Ontario into electoral districts} returned to the Assembly for each electoral district. R.S.O. 1950, c. 340, s. 3.
4. The boundaries of any electoral district as set out in the Schedule to this Act shall not be affected by any alteration ^{Changes in municipal boundaries} in municipal boundaries made after this Act receives Royal Assent. R.S.O. 1950, c. 340, s. 4, *amended*.
5. The electors entitled to vote in any town or village, not expressly included in an electoral district described in the Schedule to this Act, and lying within the boundaries of two or more electoral districts, shall be entitled to vote in the electoral district in which they would have been so entitled if the town or village had not become incorporated. ^{Towns and villages on boundary line} R.S.O. 1950, c. 340, s. 5.

Augmentations or gores of townships

6. Except as otherwise expressly set out in the Schedule to this Act, every augmentation or gore of a township shall for the purposes of this Act be considered as forming part of the electoral district in which the township is situate. R.S.O. 1950, c. 340, s. 6.

City having separate representation

7. A city which constitutes an electoral district, or which is divided into two or more electoral districts, according to the Schedule to this Act, shall not for the purposes of this Act be deemed to form part of the electoral district within the limits of which it lies. R.S.O. 1950, c. 340, s. 7.

Cities, towns, etc., included in electoral district in which situate

8. Every city, town, village, township or improvement district heretofore or hereafter incorporated, lying within the territorial limits of any electoral district described in the Schedule to this Act and not specially included in any other electoral district in the Schedule, shall form part of the electoral district in which it is situate. R.S.O. 1950, c. 340, s. 8.

Special Act overruled

9. Every city, town, village, township or improvement district which by the provisions of any special Act passed before this Act receives Royal Assent forms or forms part of any electoral district shall, notwithstanding such provisions, form or form part of the electoral district or districts in which it is included in the Schedule to this Act. R.S.O. 1950, c. 340, s. 9, *amended*.

Rev. Stat., c. 340, repealed

10. *The Representation Act* is repealed.

Commencement

11. This Act comes into force and has effect on, from and after the dissolution or end of the present Legislative Assembly.

Short title

12. This Act may be cited as *The Representation Act, 1954*.

SCHEDULE

ELECTORAL DISTRICTS

THE ELECTORAL DISTRICT OF ALGOMA-MANITOULIN—to consist of those parts of the territorial districts of Sudbury, Algoma, and Manitoulin within the hereinafter described limits, that is to say: Commencing at the intersection of the west boundary of the Township of Travers with the shore of Georgian Bay; thence northerly along the west boundaries of the townships of Travers and Kilpatrick to the northwest angle of the last-named township; thence westerly along the south boundary of the Township of Sale to the southwest angle of that township; thence northerly along the west boundary of the Township of Sale to the southeast angle of the Township of Goschen; thence westerly along the south boundaries of the townships of Goschen, Stalin and Roosevelt to the southwest angle of the last-named township; thence northerly along the west boundary of the Township of Roosevelt to the northwest angle of that township; thence westerly along the south boundary of the Township of Foster to the southwest angle of that township; thence northerly along the west boundaries of the townships of Foster, Nairn, Hyman and Totten to the northwest angle of the last-named township; thence westerly along the south boundary of Township 107 to the southwest angle of that township; thence northerly along the west boundary of Township 107 to the northwest angle of that township; thence westerly along the south boundary of Township 114 to the southwest angle of that township; thence northerly along the west boundaries of townships 114, 115, Gilbert and Dennie to the northwest angle of the last-named township; thence westerly along the south boundary of the Township of LaFleche to the southwest angle of that township; thence northerly along the west boundary of the Township of LaFleche to the southeast angle of the Township of Alton; thence westerly along the south boundaries of the townships of Alton, Jasper, Durban, Ethel and Comox to the southwest angle of the last-named township; thence northerly along the west boundaries of the townships of Comox, Fulton and Iris to the northwest angle of the last-named township; thence westerly along the south boundaries of townships 8Z, 8A, 8B, 8C, 8D, 8E, 8F, 8G and 8H to the southwest angle of the last-named township; thence continuing westerly along the south boundaries of townships 22, Range 15, and 23, Range 15, to the southwest angle of the last-named township; thence southerly along the west boundaries of townships 23 in Ranges 14, 13, 12, 11 and 10 to the northwest angle of the Township of Whitman; thence southerly along the west boundaries of the townships of Whitman and Chesley to the north boundary of the Township of Kehoe; thence easterly along the north boundary of the Township of Kehoe to the northeast angle of that township; thence southerly along the east boundary of the Township of Kehoe to the southeast angle of that township; thence westerly along the south boundary of the Township of Kehoe and its projection to Echo River; thence southerly and westerly along Echo River, Echo Bay, to Lake George; thence west astronomically to the International Boundary; thence southeasterly and along the International Boundary to its intersection with a line drawn west astronomically from a point measured 40 miles south astronomically from the point of commencement; thence east astronomically to a point measured 40 miles south astronomically from the point of commencement; thence north astronomically a distance of 40 miles to the point of commencement.

THE ELECTORAL DISTRICT OF BRANT—to consist of that part of the Township of Brantford lying north of the Grand River, the townships of Burford, Blenheim, South Dumfries, Oakland, Onondaga, Tuscarora, Windham, and Townsend, the Town of Paris, and the Village of Waterford.

THE ELECTORAL DISTRICT OF BRANTFORD—to consist of the City of Brantford, and that part of the Township of Brantford lying south of the Grand River.

THE ELECTORAL DISTRICT OF BRUCE—to consist of the townships of Albemarle, Amabel, Arran, Bruce, Eastnor, Elderslie, Lindsay, St. Edmunds, Saugeen, Brant, Greenock, Kincardine, the towns of Chesley, Southampton, Wiarton, Kincardine, Port Elgin, and Walkerton, and the villages of Hepworth, Paisley, Tara, Tiverton, and Lion's Head.

THE ELECTORAL DISTRICT OF CARLETON—to consist of the townships of Fitzroy, Goulbourn, North Gower, Huntley, March, Marlborough, Nepean, and Torbolton, and the Village of Richmond, and that portion of the City of Ottawa bounded on the west by the city limits; bounded on the north by a line drawn as follows: Commencing at the intersection of the centre line of the Canadian National Railway line with the westerly limit of the City of Ottawa; thence continuing easterly along the said centre line of the Canadian National Railway line to its intersection with the centre line of Carling Avenue; thence continuing easterly along the centre line of Carling Avenue to the centre line of Preston Street; bounded on the east by the westerly limit of Dow's Lake, the centre line of the Rideau Canal and the centre line of the Rideau River.

THE ELECTORAL DISTRICT OF COCHRANE NORTH—to consist of those portions of the territorial districts of Cochrane, South Algoma, and Thunder Bay, and the Patricia Portion of the Territorial District of Kenora, within the hereinafter described limits: Commencing at the intersection of the Interprovincial Boundary between Ontario and Quebec with the south shore of Lake Abitibi; thence in a northerly and north-westerly direction following the shore line of the said lake to the southeast angle of the Township of Galna; thence westerly along the southern boundary of the townships of Galna, Moody and Wesley to the southwest angle of the last-mentioned township; thence north along the west boundary of the said Township of Wesley to the southeast angle of the Township of Mortimer; thence west along the south limits of the townships of Mortimer, Pyne, St. John, Hanna, Reaume, Beck, Nesbitt, Aubin, Kingsmill and Kirkland; thence northerly along the westerly boundary of the Township of Kirkland to the southeast angle of the Township of Ford; thence westerly along the southern boundary of the townships of Ford, Stringer, Slack and Fenton; thence northerly along the western boundary of the townships of Fenton and Staples to the southern boundary of the Township of Sulman; thence westerly along the southern boundary of the townships of Sulman, Cargill, Ecclestone, Fergus, Rykert, Caithness, Scholfield and Talbott; thence northerly along the western limits of the townships of Talbott, Templeton, Landry and Irish to the northwest corner of the last-mentioned township; thence westerly along the southern boundary of the townships of Studholme, Gill, McMillan, McCoig, Kohler and Clavet; thence northerly along the western limit of the Township of Clavet to the southeast corner of the Township of Bell; thence west along the southern limit of the townships of Bell, Low, Klotz, Fernow, O'Meara and Bain; thence northerly along the western boundary of the townships of Bain and Raynar and following the boundary line between the Territorial District of Thunder Bay and

the Territorial District of Cochrane and the production of the said boundary line north astronomically to the northern boundary of Ontario; thence easterly, southerly and southeasterly along said northern boundary to a point where the boundary line between Quebec and Ontario intersects the south shore of James Bay; thence southerly along the said Interprovincial Boundary to the place of beginning.

THE ELECTORAL DISTRICT OF COCHRANE SOUTH—to consist of those portions of the District of Timiskaming and the District of Cochrane described as follows: Commencing at a point on the line between Ontario and Quebec where the said boundary line intersects the production of the southern boundary of the Township of McFadden; thence westerly along the southern boundary of the townships of McFadden and Hearst to the southwest angle of the Township of Hearst; thence northerly along the west boundary of the Township of Hearst to the northwest angle thereof; thence westerly along the southern boundary of the townships of Gauthier, Lebel, Teck, Grenfell, Bompas, Dunmore, Sheba, Robertson, McNeil, Cleaver, Geikie, Bartlett, Musgrove, Doyle, Childerhouse and Pharand; thence northerly following the west boundary of the townships of Pharand, Hillary, Keefer and Whitesides to the southeasterly corner of the Township of Enid; thence westerly along the southern boundary of the townships of Enid, Strachan, Nova and Ossin; thence northerly along the western boundary of the townships of Ossin, Wadsworth, Lisgar, and Seaton to the northwest angle of the Township of Seaton; thence easterly along the northern boundary of the townships of Seaton, Griffin, Hicks and Oke to the northeast corner of the said Township of Oke; thence southerly along the eastern boundary of the Township of Oke to its intersection with the southern boundary of the Township of Kirkland; thence easterly along the southern boundary of the townships of Kirkland, Kingsmill, Aubin, Nesbitt, Beck, Reaume, Hanna, St. John, Pyne and Mortimer; thence southerly following the western boundary of the Township of Wesley to the southwest angle of the said township; thence easterly along the southern boundary of the townships of Wesley, Moody and Galna to the shore of Lake Abitibi; thence following the shore line of the said lake in a southerly and southeasterly direction to a point where the boundary between Ontario and Quebec intersects the south shore of the said lake; thence southerly along the said Interprovincial Boundary to the place of beginning.

THE ELECTORAL DISTRICT OF DUFFERIN-SIMCOE—to consist of the townships of Adjala, Essa, Mono, Mulmur, Nottawasaga, Tecumseth and Tossorontio, the towns of Alliston, Collingwood, Stayner and Orangeville, and the villages of Beeton, Creemore and Tottenham.

THE ELECTORAL DISTRICT OF DURHAM—to consist of the County of Durham.

THE ELECTORAL DISTRICT OF ELGIN—to consist of the townships of Southwold, Bayham, Malahide, South Dorchester and Yarmouth, the City of St. Thomas, the Town of Aylmer, and the villages of Port Burwell, Port Stanley, Springfield and Vienna.

THE ELECTORAL DISTRICT OF ESSEX NORTH—to consist of the townships of Maidstone, Rochester, Sandwich East, Sandwich South, Tilbury North and Tilbury West, that part of the City of Windsor formerly comprising the City of East Windsor, the towns of Riverside and Tecumseh, and the villages of Belle River and St. Clair Beach.

THE ELECTORAL DISTRICT OF ESSEX SOUTH—to consist of the townships of Anderdon, Colchester North, Colchester South, Gosfield North, Gosfield South, Malden, Mersea and Pelee (including the islands forming part thereof), the towns of Amherstburg, Essex, Harrow, Kingsville and Leamington.

THE ELECTORAL DISTRICT OF FORT WILLIAM—to consist of all that portion of the Territorial District of Thunder Bay within the hereinafter described limits, that is to say: Commencing at a point on the International Boundary between Ontario and the United States of America where it is intersected by the boundary lines between the territorial districts of Thunder Bay and Rainy River; thence northerly along the said district boundary and continuing along the district boundary between the Territorial District of Kenora and the Territorial District of Thunder Bay; thence continuing north through the Patricia Portion of the District of Kenora, to the northern boundary of Ontario; thence in a north-easterly direction along the said northern boundary of Ontario to a point where it is intersected by a line drawn due north astronomically from the northwest angle of the Nipigon Forest Reserve to the middle thread of the Albany River; thence westerly following the middle thread of the Albany River to a point due north astronomically from the southeast angle of the Grand Trunk Pacific, Block I; thence south astronomically to the said southeast angle; thence east along the northern boundary of the Township of Forbes and the production thereof to the centre of Dog River; thence southerly down stream along the middle thread of Dog River to the northern limit of the Township of Oliver; thence east astronomically along the north boundary of the Township of Oliver to the northeast angle thereof; thence south astronomically along the east limit of the said Township of Oliver to the north limit of the Township of Paipoonge; thence east astronomically along the north limit of the Township of Paipoonge and along the north limit of the Township of Neebing to the west shore of Thunder Bay of Lake Superior; thence continuing due east astronomically 8 miles, more or less, to a point due north astronomically from the most easterly point on Pie Island in said Bay; thence due south astronomically 20 miles, more or less, to said International Boundary; thence southwesterly along said International Boundary to the mouth of the Pigeon River; thence continuing westerly along said International Boundary up Pigeon River to the west boundary of the Territorial District of Thunder Bay or place of beginning.

THE ELECTORAL DISTRICT OF FRONTENAC-ADDINGTON—to consist of the townships of Abinger, Anglesea, Ashby, Camden, Denbigh, Effingham, Kaladar, Sheffield, and the Village of Newburgh in the County of Lennox and Addington, and the townships of Barrie, Bedford, North Canonto, South Canonto, Clarendon, Hinchinbrook, Kennebec, Loughborough, Pittsburg, Miller, Olden, Oso, Palmerston, Portland, Kingston and Storrington in the County of Frontenac.

THE ELECTORAL DISTRICT OF GLENGARRY—to consist of the County of Glengarry, the Township of Caledonia and that part of East Hawkesbury Township and West Hawkesbury Township lying south of the original road allowance between Concessions four and five, and the Town of Vankleek Hill.

THE ELECTORAL DISTRICT OF GRENVILLE-DUNDAS—to consist of the County of Grenville and the County of Dundas.

THE ELECTORAL DISTRICT OF GREY NORTH—to consist of the townships of Collingwood, Derby, Keppel, Sarawak, St. Vincent, Sullivan and Sydenham, the City of Owen Sound, the towns of Meaford and Thornbury, and the Village of Shallow Lake.

- THE ELECTORAL DISTRICT OF GREY SOUTH—to consist of the townships of Artemesia, Bentinck, Egremont, Holland, Euphrasia, Glenelg, Normanby, Osprey and Proton, the towns of Durham and Hanover, and the villages of Chatsworth, Dundalk, Markdale, Neustadt and Flesherton.
- THE ELECTORAL DISTRICT OF HALDIMAND-NORFOLK—to consist of the County of Haldimand, the townships of Charlotteville, Houghton, Middleton, Walsingham North, Walsingham South (including Long Point) and Woodhouse, the towns of Port Dover and Simcoe, and the villages of Delhi and Port Rowan.
- THE ELECTORAL DISTRICT OF HALTON—to consist of the County of Halton.
- THE ELECTORAL DISTRICT OF HAMILTON CENTRE—to consist of that part of the City of Hamilton lying between the centre line of Dundurn Street on the west and the centre line of Wentworth Street on the east and continuing northerly to the north limits of the City and southerly to the brow of the Mountain.
- THE ELECTORAL DISTRICT OF HAMILTON EAST—to consist of that part of the City of Hamilton lying between the centre line of Wentworth Street on the west and the centre line of Kenilworth Avenue on the east and continuing northerly to the north limits of the City and southerly to the brow of the Mountain.
- THE ELECTORAL DISTRICT OF HAMILTON-WENTWORTH—to consist of that portion of the City of Hamilton lying west of the centre line of Dundurn Street, the townships of East Flamboro, West Flamboro, and Beverley, the Town of Dundas and the Village of Waterdown.
- THE ELECTORAL DISTRICT OF HASTINGS EAST—to consist of the townships of Hungerford, Huntingdon, Thurlow, Tyendinaga, Madoc, Wicklow, Bangor, Tudor, Limerick, Dungannon, Montegale, Carlow, Mayo, Cashel, Grimsthorpe, and Elzevir, the Town of Deseronto, and the villages of Madoc and Tweed.
- THE ELECTORAL DISTRICT OF HASTINGS WEST—to consist of the townships of Sidney, Rawdon, Marmora, Lake, Wollaston, Faraday, Herschel, and McClure, the City of Belleville, the Town of Trenton, and the villages of Delora, Marmora, Frankford, Bancroft, and Stirling.
- THE ELECTORAL DISTRICT OF HURON—to consist of the townships of Goderich, Hay, Hullett, McKillop, Stanley, Stephen, Tuckersmith, and Osborne, the towns of Clinton, Exeter, Goderich and Seaforth, and the Village of Hensall.
- THE ELECTORAL DISTRICT OF HURON-BRUCE—to consist of the townships of Ashfield, Carrick, Colborne, Culross, Grey, Howick, Huron, Kinloss, Morris, Turnberry, East Wawanosh, and West Wawanosh, the Town of Wingham, and the villages of Blyth, Brussels, Lucknow, Mildmay, Ripley, and Teeswater.
- THE ELECTORAL DISTRICT OF KENORA—to consist of the Territorial District of Kenora, including that part of the Patricia Portion lying west of the production in a northerly direction through the Patricia Portion of the boundary line between the Territorial District of Thunder Bay and the Territorial District of Kenora to the northern boundary of Ontario.
- THE ELECTORAL DISTRICT OF KENT EAST—to consist of the townships of Camden (not including Gore), Harwich, Howard, Orford, Zone, Aldborough, and Dunwich, the towns of Blenheim, Bothwell, and Ridgetown, and the villages of Eriean, Highgate, Thamesville, Dutton, Rodney, and West Lorne.

THE ELECTORAL DISTRICT OF KENT WEST—to consist of the townships of Chatham, Dover, Raleigh, Romney, and Tilbury East, the City of Chatham, the towns of Tilbury and Wallaceburg, and the villages of Erie Beach and Wheatley.

THE ELECTORAL DISTRICT OF KINGSTON—to consist of the City of Kingston, Amherst Island, Howe Island, Wolfe Island (including Simcoe Island, Horseshoe Island and Mud Island).

THE ELECTORAL DISTRICT OF LAMBTON EAST—to consist of the townships of Bosanquet, Brooke, Dawn, Enniskillen, Euphemia, Plympton, Warwick, the Gore of Camden, the towns of Dresden, Forest, and Petrolea, and the villages of Alvinston, Arkona, Grand Bend, Oil Springs, Thedford, Watford, and Wyoming.

THE ELECTORAL DISTRICT OF LAMBTON WEST—to consist of the townships of Moore, Sarnia, and Sombra (including Walpole Island, St. Anne's Island and the other Islands at the mouth of the River St. Clair), the City of Sarnia and the villages of Courtwright and Point Edward.

THE ELECTORAL DISTRICT OF LANARK—to consist of the townships of Beckwith, Bathurst, North Burgess, Dalhousie, Darling, Drummond, North Elmsley, Lanark, Lavant, Montague, Pakenham, Ramsay, North Sherbrooke, and South Sherbrooke, the towns of Almonte, Carleton Place, Perth, and Smith's Falls, and the Village of Lanark.

THE ELECTORAL DISTRICT OF LEEDS—to consist of the County of Leeds and the towns of Brockville and Gananoque.

THE ELECTORAL DISTRICT OF LINCOLN—to consist of the County of Lincoln and the City of St. Catharines.

THE ELECTORAL DISTRICT OF LONDON NORTH—to consist of those portions of the City of London and the Township of London within the hereinafter described limits, that is to say: Commencing at the point of intersection of the centre line of Crumlin sideroad and the centre line of Dundas Street; thence northerly along the centre line of the Crumlin sideroad to the centre line of the road in front of the Third Concession of the Township of London; thence westerly along the production easterly of the centre line of the road in front of the Third Concession and the centre line of the road in front of the Third Concession and the production westerly of the centre line of the road in front of the Third Concession to the centre line of the Western Road; thence southerly along the centre line of the Western Road to the centre line of Platt's Lane; thence southerly along the centre line of Platt's Lane to the centre of Oxford Street; thence westerly along the centre line of Oxford Street to the easterly boundary of Mount Pleasant Cemetery; thence southerly along the easterly boundary of Mount Pleasant Cemetery to the city limit; thence southerly along the city limit to the centre line of the main stream of the River Thames; thence easterly along the centre line of the main stream of the River Thames and the north branch of the River Thames to a point where it is intersected by the centre line of Dundas Street projected westerly; thence easterly along the centre line of Dundas Street to the place of beginning.

THE ELECTORAL DISTRICT OF LONDON SOUTH—to consist of those portions of the City of London and the Township of London within the hereinafter described limits, that is to say: Commencing at the easterly limit of the City of London where it crosses the centre line of the south branch of the River Thames; thence southeasterly along the centre line of the

south branch of the River Thames to the centre line of the Crumlin sideroad and the southerly production thereof; thence northerly along the southerly production of the centre line of the Crumlin sideroad and the centre line of the Crumlin sideroad to the point at which it is intersected by the centre line of Dundas Street; thence westerly along the centre line of Dundas Street to the centre line of the north branch of the River Thames; thence southerly and westerly along the centre line of the north branch of the River Thames and the main stream of the River Thames to a point where the said centre line of the main stream of the River Thames intersects the westerly limit of the City of London; thence along the westerly and southerly limits of the City of London to the place of beginning.

THE ELECTORAL DISTRICT OF MIDDLESEX NORTH—to consist of that portion of the Township of London not included in the Electoral Districts of London North and London South hereinbefore described, the townships of Biddulph, McGillivray, West Nissouri, East Williams, and West Williams; the Town of Parkhill, and the villages of Ailsa Craig and Lucan.

THE ELECTORAL DISTRICT OF MIDDLESEX SOUTH—to consist of the townships of Adelaide, Caradoc, Delaware, North Dorchester, Ekfrid, Lobo, Medcalfe, Mosa, and Westminster, the Town of Strathroy, and the villages of Glencoe, Newbury, and Wardsville.

THE ELECTORAL DISTRICT OF MUSKOKA—to consist of the Territorial District of Muskoka except the Township of Baxter.

THE ELECTORAL DISTRICT OF NIAGARA FALLS—to consist of the townships of Bertie, Stamford, and Willoughby, the City of Niagara Falls, the Town of Fort Erie and the villages of Chippawa and Crystal Beach.

THE ELECTORAL DISTRICT OF NICKEL BELT—to consist of those parts of the territorial districts of Sudbury and Algoma within the hereinafter described limits, that is to say: Commencing at the northeast angle of the Township of Zavitz in the Territorial District of Sudbury; thence southerly along the east boundaries of the townships of Zavitz, Hutt, Halliday, Mond, Natal, Macmurchy, Fawcett, Ogilvie, Browning, Unwin, Leask, McNamara, and Beaumont to the southeast angle of the last-named township; thence easterly along the north boundary of the Township of Creelman to the northeast angle of that township; thence southerly along the east boundary of the Township of Creelman to the southeast angle thereof; thence easterly along the north boundary of the townships of Parkin, Aylmer, Mackelcan, and McCarthy to the northeast angle of the last-named township; thence southerly along the east boundaries of the townships of McCarthy, Kelly, Davis, Loughrin, Hagar, and Appleby to the southeast angle of the last-named township; thence westerly along the south boundary of the Township of Appleby to the northeast angle of the Township of Jennings; thence southerly along the east boundaries of the townships of Jennings, Cherriman, Cosby, and Mason to the centre line of the channel of the French River being the southerly boundary of the Territorial District of Sudbury; thence southwesterly along the centre line of the channel of the French River that lies adjacent to the south boundaries of the townships of Mason, Bigwood, Allen and Struthers to the southerly production of the east boundary of the Township of Travers; thence north along the said production to the water's edge of the channel of the French River; thence southwesterly following the water's edge of the said channel and the water's edge of Georgian Bay to the west boundary

of the Township of Travers; thence northerly along the west boundaries of the townships of Travers and Kilpatrick to the northwest angle of the last-named township; thence westerly along the south boundary of the Township of Sale to the southwest angle of that township; thence northerly along the west boundary of the Township of Sale to the southeast angle of the Township of Goschen; thence westerly along the south boundaries of the townships of Goschen, Stalin, and Roosevelt to the southwest angle of the last-named township; thence northerly along the west boundary of the Township of Roosevelt to the northwest angle of that township; thence westerly along the south boundary of the Township of Foster to the southwest angle of that township; thence northerly along the west boundaries of the townships of Foster, Nairn, Hyman, and Totten to the northwest angle of the last-named township; thence westerly along the south boundary of Township 107 to the southwest angle of that township; thence northerly along the west boundary of Township 107 to the northwest angle of that township; thence westerly along the south boundary of Township 114 to the southwest angle of that township; thence northerly along the west boundaries of townships 114, 115, Gilbert, and Dennie to the northwest angle of the last-named township; thence westerly along the south boundary of the Township of LaFleche to the southwest angle of that township; thence northerly along the west boundary of the Township of LaFleche to the southeast angle of the Township of Alton; thence westerly along the south boundaries of the townships of Alton, Jasper, Durban, Ethel, and Comox to the southwest angle of the last-named township; thence northerly along the west boundaries of the townships of Comox, Fulton, and Iris to the northwest angle of the last-named township; thence westerly along the south boundaries of townships 8Z, 8A, 8B, 8C, 8D, 8E, 8F, 8G, and 8H to the southwest angle of the last-named township; thence continuing westerly along the south boundaries of townships 22, Range 15, and 23, Range 15 to the southwest angle of the last-named township; thence northerly along the west boundaries of townships 23, Range 15; 23, Range 16; 23, Range 17; 23, Range 18; 23, Range 19; 23, Range 20, Topham, and Cosens to the northwest angle of the last-named township; thence westerly along the south boundary of Township 23, Range 23 to the southwest angle of that township; thence northerly along the west boundaries of townships 23, Range 23, Hornell, Bader, 44, Stover, Rennie, Winget, Makawa, Mildred, Marjorie, Walls, and Roche to the northwest angle of the last-named township; thence easterly along the north boundaries of the townships of Roche, Pelletier, Doherty, Abbott, Opazatika, Bourinot, and Shanly to the northeast angle of the last-named township; thence southerly along the east boundaries of the townships of Shanly, Concohar, Allenby, Buchan, Davin, and Loughheed to the southeast angle of the last-named township; thence easterly along the north boundaries of the townships of Shenango, Oates, Oswald, Melrose, and Frey to the northeast angle of the last-named township; thence southerly along the east boundaries of the townships of Frey, Sewell, and Kenogaming to the northwest angle of the Township of Crothers; thence easterly along the north boundaries of the townships of Crothers, McBride, Hassard, Beemer, English, and Zavitz to the northeast angle of that township, the point of commencement; excepting therefrom the Township of McKim, the City of Sudbury and the towns of Copper Cliff and Froid Mine.

THE ELECTORAL DISTRICT OF NIPISSING—to consist of those parts of the territorial districts of Sudbury and Nipissing within the hereinafter described limits, that is to say: Commencing at the northwest angle of the Township of McNish in the Terri-

torial District of Sudbury; thence easterly along the north boundaries of the townships of McNish, Pardo, Hobbs, McCallum, Sisk, Kenny, Gooderham, La Salle, McAuslan, and Wyse and the easterly production of the north boundary of the last-named township to the Interprovincial Boundary between Ontario and Quebec; thence southeasterly along the said Interprovincial Boundary to its intersection with the northerly production of the east boundary of the Township of Papineau; thence southeasterly along the east boundaries of the townships of Papineau, Boyd, Lister, Freswick, Bower, and Sproule to the southeast angle of the last-named township; thence southwesterly along the south boundaries of the townships of Sproule, Canisbay, Peck, and Finlayson to the southwest angle of the last-named township; thence northwesterly along the west boundary of the Township of Finlayson to the northwest angle of that township; thence northeasterly along the north boundary of the Township of Finlayson to the southwest angle of the Township of McCraney; thence northwesterly along the west boundaries of the townships of McCraney, Butt, Paxton, and Ballantyne to the northwest angle of the last-named township; thence northeasterly along the north boundary of the Township of Ballantyne to the southwest angle of the Township of Chisholm; thence northwesterly along the west boundaries of the townships of Chisholm and East Ferris to the south boundary of the Township of West Ferris being the boundary between the territorial districts of Nipissing and Parry Sound; thence westerly along the boundary between the territorial districts of Parry Sound and Nipissing and continuing westerly along the boundary between the territorial districts of Parry Sound and Sudbury to its intersection with the southerly production of the west boundary of the Township of Scollard in the Territorial District of Sudbury; thence northerly along the west boundaries of the townships of Scollard, Martland, Haddo, and Casimir to the northwest angle of the last-named township; thence easterly along the north boundary of the Township of Casimir to the southwest angle of the Township of Dunnet; thence northerly along the west boundaries of the townships of Dunnet, Ratter, Henry, Janes, and McNish to the northwest angle of the last-named township, the point of commencement.

THE ELECTORAL DISTRICT OF NORTHUMBERLAND—to consist of the County of Northumberland.

THE ELECTORAL DISTRICT OF ONTARIO—to consist of all of the County of Ontario not included in the Electoral District of Oshawa.

THE ELECTORAL DISTRICT OF OSHAWA—to consist of the City of Oshawa, the Improvement District of Ajax, and the parts of the Town of Whitby and the townships of Pickering and Whitby lying south of the line described as follows: Commencing at a point in the west boundary of the Township of Pickering where it intersects the centre line of the road between the fourth and fifth concessions of the Township of Pickering; thence easterly along the centre line of the said road to the westerly boundary of the Township of Whitby; thence southerly along the westerly boundary of the Township of Whitby to the centre line of King's Highway No. 401; thence easterly along the centre line of King's Highway No. 401 to the west boundary of the City of Oshawa.

THE ELECTORAL DISTRICT OF OTTAWA EAST—to consist of all that part of Ward 1 in the City of Ottawa formerly known as Rideau Ward, all of Wards 2 and 3, and those parts of Wards 4, 6 and 7 described as follows: Commencing at a point in the centre line of the Ottawa River where it is intersected by the

east boundary of Ward 4; thence southerly along the east boundary of Ward 4 to the centre line of Sparks Street; thence westerly along the centre line of Sparks Street to its intersection with the centre line of Wellington Street; thence southwesterly along the centre line of Wellington Street to its intersection with the centre line of Parkdale Avenue; thence northerly along the centre line of Parkdale Avenue to its intersection with the centre line of the Ottawa River; thence easterly following the centre line of the Ottawa River to the point of commencement.

THE ELECTORAL DISTRICT OF OTTAWA SOUTH—to consist of Ward 5 in the City of Ottawa and the parts of Wards 4 and 6 lying south of a line described as follows: Commencing at a point in the east boundary of Ward 4 where it is intersected by the centre line of Sparks Street; thence westerly along the centre line of Sparks Street to its intersection with the centre line of Wellington Street; thence southwesterly along the centre line of Wellington Street to its intersection with the west boundary of Ward 6.

THE ELECTORAL DISTRICT OF OTTAWA WEST—to consist of the parts of Wards 7, 8 and 9 in the City of Ottawa bounded as follows: Commencing at the intersection of the westerly limit of the City of Ottawa with the centre line of the Canadian National Railway line; thence northerly along the said westerly city limit to the centre line of the Ottawa River; thence easterly along the centre line of the Ottawa River to its intersection with the production northerly of the centre line of Parkdale Avenue; thence southerly along the production northerly of the centre line of Parkdale Avenue and along the centre line of Parkdale Avenue to its intersection with the centre line of Wellington Street; thence easterly along the centre line of Wellington Street to its intersection with the centre line of Preston Street; thence southerly along the centre line of Preston Street to its intersection with the centre line of Carling Avenue; thence westerly along the centre line of Carling Avenue to its intersection with the centre line of the Canadian National Railway line; thence continuing westerly along the centre line of the Canadian National Railway line to its intersection with the westerly limit of the City of Ottawa, the place of beginning.

THE ELECTORAL DISTRICT OF OXFORD—to consist of the townships of Blandford, East Nissouri, East Zorra, West Zorra, Dereham, North Norwich, South Norwich, East Oxford, West Oxford, and North Oxford, the City of Woodstock, the towns of Ingersoll and Tillsonburg and the villages of Embro, Tavistock, and Norwich.

THE ELECTORAL DISTRICT OF PARRY SOUND—to consist of the Territorial District of Parry Sound.

THE ELECTORAL DISTRICT OF PEEL—to consist of the County of Peel.

THE ELECTORAL DISTRICT OF PERTH—to consist of the County of Perth, the City of Stratford, and the towns of Palmerston and St. Marys.

THE ELECTORAL DISTRICT OF PETERBOROUGH—to consist of the County of Peterborough and the City of Peterborough.

THE ELECTORAL DISTRICT OF PORT ARTHUR—to consist of all that portion of the Territorial District of Thunder Bay within the hereinafter described limits, that is to say: Commencing at a point in Lake Superior on the International Boundary between Ontario and the United States of America where the said International Boundary is intersected by the boundary between the territorial districts of Thunder Bay and Algoma,

in longitude 85° 20' west; thence due north astronomically along said meridian line to the southeast angle of the Township of Bell, a distance of 176 miles, more or less; thence west astronomically along the south limit of the townships of Bell, Low, Klotz, Fernow, O'Meara, and Bain, 54 miles, more or less, to the southwest angle of the last-named township; thence north astronomically along the western limit of the townships of Bain and Raynar and the boundary between the territorial districts of Thunder Bay and Cochrane and the said boundary produced to the northern limit of the Patricia Portion of the Territorial District of Kenora; thence westerly and southwesterly following the said northern limit to a point due north astronomically from the northwest angle of the Nipigon Forest Reserve; thence due south to the centre line of the Albany River; thence following the middle thread of the Albany River to a point due north astronomically of the southeast angle of the Grand Trunk Pacific, Block I; thence south astronomically to the said southeast angle; thence east along the north boundary of the Township of Forbes and the production thereof to the centre of Dog River; thence southerly down stream along the middle thread of Dog River to the northern limit of the Township of Oliver; thence east astronomically along the northern limit of the Township of Oliver to the northeast angle thereof; thence south astronomically along the east limit of the Township of Oliver to the north limit of the Township of Paipoonge; thence east astronomically along the northern limit of the Township of Paipoonge and along the northern limit of the Township of Neebing to the west shore of Thunder Bay of Lake Superior; thence continuing due east astronomically 8 miles, more or less, to a point due north astronomically from the most easterly point of Pie Island in said Bay; thence due south astronomically 20 miles, more or less, to the said International Boundary; thence northeast and southeast along the said International Boundary to the place of beginning.

THE ELECTORAL DISTRICT OF PRESCOTT—to consist of the townships of Alfred, Clarence, Cambridge, Longueuil, North Plantagenet, South Plantagenet, that part of the townships of East Hawkesbury and West Hawkesbury lying north of the original road allowance between Concessions four and five, the towns of Hawkesbury and Rockland, and the villages of Alfred, L'Orignal and Casselman.

THE ELECTORAL DISTRICT OF PRINCE EDWARD-LENNOX—to consist of the County of Prince Edward, the townships of Adolphustown, North Fredericksburg, South Fredericksburg, Richmond and Ernestown, the Town of Napanee, and the Village of Bath.

THE ELECTORAL DISTRICT OF RAINY RIVER—to consist of the Territorial District of Rainy River.

THE ELECTORAL DISTRICT OF RENFREW NORTH—to consist of the townships of Airy, Anglin, North Algona, Alice, Bromley, Buchanan, Bronson, Barron, Clara, Cameron, Clancy, Dickens, Deacon, Dickson, Edgar, Fraser, Fitzgerald, Guthrie, Head, Lyell, Maria, McKay, Murchison, Master, Niven, Pembroke, Petawawa, Preston, Rolph, Ross, Stafford, Sabine, Stratton, Westmeath, Wilberforce, Wylie, and White, the Town of Pembroke, the villages of Cobden and Chalk River and that part of the Village of Eganville lying north of the Bonnechere River.

THE ELECTORAL DISTRICT OF RENFREW SOUTH—to consist of the townships of Admaston, South Algona, Bagot, Blithfield, Brougham, Brudenell, Burns, Grattan, Griffith, Hagarty, Horton, Jones, Lyndoch, Matawatchan, McNab, Raglan, Radcliffe,

Richards, Sebastopol, and Sherwood, the towns of Arnprior and Renfrew, and the villages of Barry's Bay, Braeside, and Killaloe Station and that part of the Village of Eganville lying south of the Bonnechere River.

THE ELECTORAL DISTRICT OF RUSSELL—to consist of the townships of Cumberland, Gloucester, Osgoode, and Russell, the Town of Eastview, and the Village of Rockcliffe Park, and that portion of Ward 1 in the City of Ottawa not included in the Electoral District of Ottawa East.

THE ELECTORAL DISTRICT OF STORMONT—to consist of the County of Stormont and the City of Cornwall.

THE ELECTORAL DISTRICT OF SAULT STE. MARIE—to consist of that part of the Territorial District of Algoma described as follows: Commencing at the mouth of Echo River on the Garden River Indian Reserve; thence due west astronomically to the International Boundary between Ontario and the United States of America; thence northerly, westerly and north-westerly along the said International Boundary to where it is intersected by the boundary between the territorial districts of Thunder Bay and Algoma in longitude $85^{\circ} 20'$ west; thence due north astronomically following the said boundary to the southwest corner of the Township of Clavet; thence east astronomically along the south boundary of the townships of Clavet, Kohler, McCoig, McMillan, Gill, and Studholme 56 miles, more or less, to the southeast angle of the Township of Studholme; thence southerly in a straight line to the northwest angle of the Township of Templeton, a distance of 18 miles, more or less; thence continuing south along the west boundary of the townships of Templeton and Talbott, a distance of 18 miles, more or less, to the southwest angle of the latter; thence east astronomically along the south boundary of the Township of Talbott 2 miles 77 chains, more or less, to the northeast angle of the Township of Franz; thence south astronomically along the east boundary of the townships of Franz, Hawkins, Irving, Martin, and Moorehouse, and continuing southerly to a point on Niven's base line in latitude $48^{\circ} 27' 54''$ north, which point constitutes the northwest angle of the Territorial District of Sudbury, a distance of 51 miles, more or less; thence south along T. B. Speight's meridian line, which constitutes the boundary between the territorial districts of Sudbury and Algoma, to the northwest angle of the Mississauga Forest Reserve, a distance of 84 miles, more or less; thence continuing south astronomically along the west limit of townships No. 23, Ranges 14, 13, 12, 11 and 10, and the townships of Whitman and Chesley, to the north limit of the Township of Kehoe; thence easterly along said north limit to the northeast angle thereof; thence south along the east limit of said township to the southeast angle thereof; thence west along said south boundary and its production to the Echo River; thence down Echo River to the place of beginning.

THE ELECTORAL DISTRICT OF SIMCOE CENTRE—to consist of the townships of Floss, Innisfil, Sunnidale, Tiny, Vespra, and West Gwillimbury, the towns of Barrie and Penetanguishene, and the villages of Bradford, Elmvale, and Wasaga Beach.

THE ELECTORAL DISTRICT OF SIMCOE EAST—to consist of the townships of Baxter, Matchedash, Medonte, Orillia, Oro, and Tay, the towns of Midland and Orillia, and the villages of Coldwater, Port McNicoll and Victoria Harbour.

THE ELECTORAL DISTRICT OF SUDBURY—to consist of the Township of McKim, the City of Sudbury, and the towns of Copper Cliff, and Flood Mine.

THE ELECTORAL DISTRICT OF TIMISKAMING—to consist of all that portion of the territorial districts of Nipissing, Sudbury, and Timiskaming within the hereinafter described limits: Commencing at a point in the Interprovincial Boundary between Ontario and Quebec in the Ottawa River where the same is intersected by the easterly production of the north boundary of the Township of Wyse; thence due west astronomically $59\frac{3}{4}$ miles, more or less, to the northwest angle of the Township of McNish; thence north astronomically along the east limit of the Township of McCarthy 6 miles, more or less, to the northeast angle thereof; thence west astronomically along the north boundary of the townships of McCarthy, Mackelcan, Aylmer, and Parkin 25 miles, more or less, to the northwest angle thereof; thence north along the east boundary of the Township of Creelman to the northeast angle thereof; thence west astronomically along the north limit thereof 6 miles, more or less, to the southwest angle of the Township of Beresford; thence north along the west limits of the townships of Beresford, Cotton, Valin, Stull, Dufferin, North Williams, Leonard, Tyrell, Knight, Raymond, Midlothian, Montrose and Hincks 78 miles, more or less, to the northwest angle of the Township of Hincks; thence east along the south boundary of the townships of Cleaver, McNeil, Robertson, Sheba, Dunmore, Bompas, Grenfell, Teck, Lebel, and Gauthier; thence south along the west boundary of the Township of Hearst to the southwest angle thereof; thence east along the south boundary of the townships of Hearst and McFadden to the Interprovincial Boundary between Ontario and Quebec; thence south astronomically along the said Interprovincial Boundary to the head of Lake Timiskaming; thence southerly through Lake Timiskaming and the Ottawa River along the said Interprovincial Boundary to the place of beginning.

THE ELECTORAL DISTRICT OF VICTORIA—to consist of the County of Victoria and the Provisional County of Haliburton.

THE ELECTORAL DISTRICT OF WATERLOO NORTH—to consist of the townships of Wellesley and Woolwich and the north part of the Township of Waterloo, the cities of Kitchener and Waterloo the Town of Elmira, and the Village of Bridgeport.

THE ELECTORAL DISTRICT OF WATERLOO SOUTH—to consist of the townships of North Dumfries and Wilmot and the south part of the Township of Waterloo, the City of Galt, the towns of Hespeler and Preston, and the villages of Ayr and New Hamburg.

THE ELECTORAL DISTRICT OF WELLAND—to consist of the townships of Crowland, Humberstone, Thorold, Wainfleet and Pelham, the City of Welland, the towns of Port Colborne and Thorold, and the Village of Fonthill.

THE ELECTORAL DISTRICT OF WELLINGTON-DUFFERIN—to consist of the townships of Arthur, Erin, Amaranth, East Garafraxa, Eramosa, West Garafraxa, East Luther, West Luther, Maryborough, Minto, Peel, and Melancthon, the towns of Harriston and Mount Forest, and the villages of Arthur, Clifford, Drayton, Erin, Grand Valley, and Shelburne.

THE ELECTORAL DISTRICT OF WELLINGTON SOUTH—to consist of the townships of Guelph, Nichol, Pilkington, and Puslinch, the City of Guelph, the Town of Fergus, and the Village of Elora.

THE ELECTORAL DISTRICT OF WENTWORTH—to consist of that portion of the City of Hamilton lying on the Mountain and bounded on the north by the brow of the Mountain and on the south by the southerly limits of the City of Hamilton, the townships of Ancaster, Barton, Binbrook, and Glanford.

THE ELECTORAL DISTRICT OF WENTWORTH EAST—to consist of that portion of the City of Hamilton lying east of the centre line of Kenilworth Avenue; the Township of Saltfleet, and the Village of Stoney Creek.

THE ELECTORAL DISTRICT OF WINDSOR-WALKERVILLE—to consist of all that part of the City of Windsor, and the whole of the former Town of Walkerville, within the following limits: Commencing at a point on the centre line of Ouellette Avenue, in the City of Windsor, at its northern terminus; thence southerly along the centre line of Ouellette Avenue to Giles Boulevard; thence easterly along the centre line of Giles Boulevard to Howard Avenue; thence southerly along the centre line of Howard Avenue and proceeding in a straight line to the south boundary of the City of Windsor; thence easterly along the south boundaries of the City of Windsor and the former Town of Walkerville to the easterly limit of the former Town of Walkerville; thence northerly along the said easterly limit to the Detroit River; thence westerly along the bank of the said River to the place of beginning.

THE ELECTORAL DISTRICT OF WINDSOR-SANDWICH—to consist of that part of the City of Windsor and the whole of the former Town of Sandwich within the following limits: Commencing at the northern terminus of the westerly limit of the former Town of Sandwich; thence in a southerly direction along the said limit to the southerly limit of the former Town of Sandwich; thence easterly along the southern boundaries of the former Town of Sandwich and the City of Windsor to a point from which a straight line may be drawn through the centre line of Howard Avenue in the City of Windsor; thence northerly in a straight line through the centre line of Howard Avenue to the intersection of Howard Avenue with Giles Boulevard; thence westerly along the centre line of Giles Boulevard to the centre line of Ouellette Avenue; thence northerly along the centre line of Ouellette Avenue to the Detroit River; thence westerly along the bank of the said River to the place of beginning; the Township of Sandwich West, and the towns of LaSalle and Ojibway.

THE ELECTORAL DISTRICT OF YORK CENTRE—to consist of that portion of the Township of North York lying west of the centre line of Yonge Street.

THE ELECTORAL DISTRICT OF YORK EAST—to consist of the Township of East York, and that portion of the Township of North York lying east of the centre line of Yonge Street, and the Town of Leaside.

THE ELECTORAL DISTRICT OF YORK-HUMBER—to consist of all that portion of the Township of Etobicoke lying east of a line drawn as follows: Commencing at the southwesterly corner of the Town of Mimico; thence northerly along the westerly boundary and boundary produced of the Town of Mimico to an intersection with the Queen Elizabeth Way; thence easterly along the Queen Elizabeth Way to the intersection of Royal York Road; thence northerly along Royal York Road to the intersection of the westerly production of Sunnydale Drive; thence easterly along said production of Sunnydale Drive and Sunnydale Drive to the intersection of Prince Edward Drive; thence northerly along Prince Edward Drive to the intersection of Bloor Street West; thence easterly along Bloor Street West and Old Mill Road to the Humber River; together with the Town of Mimico and all that portion of the Township of York lying west of a line drawn as follows: Commencing at the Humber River at the south limit of the Town of Weston; thence easterly along said south limit to the southwesterly boundary of the Township of North York; thence southeasterly along the said southwesterly boundary

to the intersection of Jane Street; thence southerly along Jane Street to the intersection of Lambton Avenue; thence easterly along Lambton Avenue to the intersection of Weston Road; thence southeasterly along Weston Road to the Toronto city limit; thence westerly and southerly along the said city limit to the north limit of the Village of Swansea; thence westerly along the said north limit to the Humber River; together with the Village of Swansea and the Town of Weston and excluding therefrom Ellis Court Apartments.

THE ELECTORAL DISTRICT OF YORK NORTH—to consist of the townships of King, Whitchurch, Georgina, North Gwillimbury, East Gwillimbury, Markham, and Vaughan, the towns of Aurora and Newmarket and the villages of Markham, Richmond Hill, Stouffville, Sutton West and Woodbridge.

THE ELECTORAL DISTRICT OF YORK-SCARBOROUGH—to consist of the Township of Scarborough.

THE ELECTORAL DISTRICT OF YORK SOUTH—to consist of all that portion of the Township of York not included in the Electoral District of York-Humber; and the Village of Forest Hill.

THE ELECTORAL DISTRICT OF YORK WEST—to consist of that portion of the Township of Etobicoke not included in the Electoral District of York-Humber; the Town of New Toronto and the Village of Long Branch.

THE ELECTORAL DISTRICT OF BEACHES—to consist of that part of the City of Toronto bounded as follows: On the north by the north limit of the said city; on the south by the waters of Lake Ontario; on the east by the eastern limit of the said city, and on the west by the centre line of Woodbine Avenue and Woodbine Avenue produced southerly to the waters of Lake Ontario.

THE ELECTORAL DISTRICT OF BELLWOODS—to consist of that part of the City of Toronto bounded as follows: Commencing at a point where the western boundary of the Island intersects the centre line of Tecumseh Street, produced south; thence northerly along the centre line of Tecumseh Street to Palmerston Avenue; thence along the centre line of Palmerston Avenue to the centre line of Bloor Street; thence easterly along the centre line of Bloor Street to the centre line of Bathurst Street; thence north along the centre line of Bathurst Street to the centre line of the Canadian Pacific Railway tracks; thence easterly along the centre line of the Canadian Pacific Railway tracks to the centre line of Spadina Road; thence north along the centre line of Spadina Road and Spadina Road produced to the city limits; thence westerly along the city limits and southerly along the city limits and westerly along the city limits to intersection with the centre line of Christie Street, produced northerly; thence southerly and along the centre line of Christie Street to the centre line of Bloor Street; thence westerly along the centre line of Bloor Street to the centre line of Crawford Street; thence southerly along the centre line of Crawford Street to the centre line of King Street; thence easterly along the centre line of King Street to the centre line of Strachan Avenue; thence southerly along the centre line of Strachan Avenue and Strachan Avenue produced, to the waters of Lake Ontario; thence easterly along the waters of Lake Ontario to the place of beginning.

THE ELECTORAL DISTRICT OF BRACONDALÉ—to consist of that part of the City of Toronto bounded as follows: On the north by the city limits; on the south by the waters of Lake Ontario and on the east by an imaginary line drawn from the waters of Lake Ontario to the intersection of Strachan Avenue; thence along the centre line of Strachan Avenue to King Street;

thence west along the centre line of King Street to Crawford Street; thence along the centre line of Crawford Street to Bloor Street; thence easterly along the centre line of Bloor Street to the intersection of Christie Street; thence north along the centre line of Christie Street to the north city limits. It is bounded on the west by an imaginary line from Lake Ontario to Atlantic Avenue; thence north along the centre line of Atlantic Avenue to King Street; thence north from King Street to Dovercourt Road; thence north along the centre line of Dovercourt Road to Davenport Road; thence east on the centre line of Davenport Road to Oakwood Avenue; thence north on the centre line of Oakwood Avenue to the city limits.

THE ELECTORAL DISTRICT OF DOVERCOURT—to consist of that part of the City of Toronto bounded as follows: On the north by the city limits; on the south by the waters of Lake Ontario and on the east by an imaginary line running from the waters of Lake Ontario to the intersection of Atlantic Avenue; thence along the centre line of Atlantic Avenue to Dovercourt Road; thence along the centre line of Dovercourt Road to Davenport Road; thence easterly on the centre line of Davenport Road to Oakwood Avenue; thence along the centre line of Oakwood Avenue to the northern city limits. It is bounded on the west by an imaginary line drawn from the waters of Lake Ontario to the intersection of Spencer Avenue; thence along the centre line of Spencer Avenue to King Street; thence easterly along the centre line of King Street to Elm Grove Avenue; thence north along the centre line of Elm Grove Avenue to Queen Street; thence west along the centre line of Queen Street to Brock Avenue; thence north along the centre line of Brock Avenue to Wallace Avenue; thence west along the centre line of Wallace Avenue to Lansdowne Avenue; thence north along the centre line of Lansdowne Avenue to St. Clair Avenue; thence west along the centre line of St. Clair Avenue to the western limits of Prospect Cemetery; thence north to the city limits, not including McRoberts Avenue.

THE ELECTORAL DISTRICT OF EGLINTON—to consist of that part of the City of Toronto now known as Ward 9.

THE ELECTORAL DISTRICT OF HIGH PARK—to consist of that part of the City of Toronto now known as Ward 7, together with that part of Ward 6 of the said City described as follows: Commencing at the intersection of the centre line of Lansdowne Avenue with the Canadian Pacific Railway; thence northerly along the centre line of Lansdowne Avenue to St. Clair Avenue; thence westerly along the centre line of St. Clair Avenue to the westerly limit of Prospect Cemetery; thence northerly along the last-mentioned limit to the northerly limit of the said City; thence westerly along the last-mentioned limit to its intersection with the centre line of the Canadian Northern Railway, formerly the Northern Division of the Grand Trunk Railway System; thence southerly along the centre line of the said Railway to its intersection with the centre line of the Canadian Pacific Railway; thence easterly along the last-mentioned railway to the place of beginning.

THE ELECTORAL DISTRICT OF PARKDALE—to consist of that part of the City of Toronto bounded as follows: On the south by the waters of Lake Ontario; on the north by the centre line of Bloor Street from the intersection of Clendennan Avenue easterly to the boundary between Ward 6 and Ward 7; thence northerly along the centre line of the division between Ward 6 and Ward 7 to Humberside Avenue; thence east along the centre line of Humberside Avenue to the Canadian Pacific Railway; thence north on the Canadian Pacific Railway to the

intersection of the Canadian Pacific Railway line running east and west; thence easterly on the said Canadian Pacific Railway line to the intersection of Lansdowne Avenue. It is bounded on the east by an imaginary line from the waters of Lake Ontario to the intersection of Spencer Avenue; thence northerly along the centre line of Spencer Avenue to King Street; thence east along the centre line of King Street to Elm Grove Avenue; thence north along the centre line of Elm Grove Avenue to Queen Street; thence west on the centre line of Queen Street to Brock Avenue; thence north along the centre line of Brock Avenue to Wallace Avenue; thence west along the centre line of Wallace Avenue to Lansdowne Avenue; thence north along the centre line of Lansdowne Avenue to the Canadian Pacific Railway track. It is bounded on the west by the city limits from Lake Ontario to the intersection of Clendennan Avenue and Bloor Street.

THE ELECTORAL DISTRICT OF RIVERDALE—to consist of that part of the City of Toronto bounded as follows: On the east by a line drawn from the waters of Lake Ontario extending north along the centre line of Berkshire Avenue, produced southerly to a point at intersection with the southern boundary of Eastern Avenue; thence along the centre line of Berkshire Avenue to the centre line of Queen Street; thence easterly along the centre line of Queen Street to intersection with the centre line of Jones Avenue; thence north along the centre line of Jones Avenue to the centre line of Danforth Avenue; thence easterly along the centre line of Danforth Avenue to the centre line of Dewhurst Avenue; thence north along the centre line of Dewhurst Avenue to the city limits; bounded on the north by the limits of the said city; bounded on the west by the Don roadway and the said roadway produced southerly to intersection with the waters of Lake Ontario to a point intersecting the Don River; thence following the centre line of the Don River to the northern city limits; and bounded on the south by the waters of Lake Ontario.

THE ELECTORAL DISTRICT OF ST. ANDREW—to consist of that part of the City of Toronto bounded as follows: Commencing at a point on the northern boundary of the waters of Toronto Bay where the centre line of Peter Street produced southerly intersects said waters; thence westerly along the northern boundaries of the waters of said Toronto Bay to intersection with the northern boundary of the western channel; thence westerly along the said northern boundary to intersection with the western boundary of the Island; thence north-westerly along said western boundary to intersection with the centre line of Tecumseh Street produced southerly; thence north from the centre line of Tecumseh Street to Palmerston Avenue; thence along the centre line of Palmerston Avenue to the centre line of Bloor Street; thence east on the centre line of Bloor Street to the centre line of Bathurst Street; thence north on the centre line of Bathurst Street to the centre line of the Canadian Pacific Railway tracks; thence east on the centre line of the Canadian Pacific Railway tracks to the centre line of Spadina Road; thence southerly along the centre line of Spadina Road to the centre line of Bloor Street; thence easterly along the centre line of Bloor Street to the centre line of Huron Street; thence southerly along the centre line of Huron Street to the centre line of Phoebe Street; thence easterly along the centre line of Phoebe Street to the centre line of Soho Street; thence southerly along the centre line of Soho Street to the centre line of Queen Street; thence westerly along the centre line of Queen Street to the centre line of Peter Street; thence southerly along the centre line of Peter Street and Peter Street produced southerly to the place of beginning.

THE ELECTORAL DISTRICT OF ST. DAVID—to consist of that part of the City of Toronto bounded as follows: Commencing at a point where the Don roadway produced southerly intersects the waters of Lake Ontario; thence northerly along said Don roadway and Don roadway produced to intersection with the Don River; thence along the centre of the Don River to the northern city limits; thence westerly along the said northern city limits to intersection with the centre line of the belt line railway; thence northerly and northwesterly and westerly following the centre line of said belt line railway to intersection with the centre line of Yonge Street; thence southerly along the centre line of Yonge Street to the ravine crossing Yonge Street, nearly opposite Walmsley Boulevard; thence southeasterly following the centre of said ravine to intersection with the centre line of the Canadian Pacific Railway; thence easterly along the said centre line of the Canadian Pacific Railway to intersection with the centre line of MacLennan Avenue; thence southerly along the centre line of MacLennan Avenue to the centre line of Schofield Avenue; thence southerly along the centre line of Schofield Avenue to the centre line of Highland Avenue; thence southeasterly along the centre line of Highland Avenue to the centre line of Glen Road; thence southerly along the centre line of Glen Road to the centre line of South Drive; thence westerly along the centre line of South Drive to intersection with the centre line of Sherbourne Street; thence southerly along the centre line of Sherbourne Street and Sherbourne Street produced to the northern boundary of Toronto Bay; thence southeasterly in a straight line to the centre of the northerly end of the eastern channel; thence continuing southeasterly along the centre line of the eastern channel to the waters of Lake Ontario; thence easterly along the edge of the waters of Lake Ontario to the place of beginning.

THE ELECTORAL DISTRICT OF ST. GEORGE—to consist of that part of the City of Toronto bounded as follows: Commencing at a point where the northern boundary of the waters of Toronto Bay are intersected by the centre line of Sherbourne Street produced southerly; thence northerly along the said Sherbourne Street and Sherbourne Street produced southerly to intersection with the centre line of South Drive; thence easterly along the centre line of South Drive to intersection with the centre line of Glen Road; thence northerly along the centre line of Glen Road to intersection with the centre line of Highland Avenue; thence northwesterly along the centre line of Highland Avenue to the centre line of Schofield Avenue; thence northerly along the centre line of Schofield Avenue to intersection with the centre line of MacLennan Avenue; thence northerly along the centre line of MacLennan Avenue to the centre line of the Canadian Pacific Railway; thence westerly along the centre line of the Canadian Pacific Railway to intersection with the Ravine; thence northwesterly along the centre line of the Ravine to intersection with the centre line of Yonge Street; thence northerly along the centre line of Yonge Street to the centre line of the belt line railway; thence northwesterly along the centre line of the belt line railway to the city limits; thence southerly, easterly, southerly and westerly along the city limits to intersection with the centre line of Avenue Road produced northerly; thence southerly along the centre line of Avenue Road and Avenue Road produced northerly to the centre line of Davenport Road; thence easterly and southeasterly along the centre line of Davenport Road to intersection with the centre line of Bay Street; thence southerly along the centre line of Bay Street and Bay Street produced to the northern boundary of the waters of Toronto Bay; thence easterly along the northern boundary of the waters of Toronto Bay to the place of beginning.

THE ELECTORAL DISTRICT OF ST. PATRICK—to consist of that part of the City of Toronto bounded as follows: Commencing at a point where the waters of Lake Ontario are intersected by the centre line of the eastern channel; thence northwesterly along the centre line of the eastern channel to the centre at the north boundary of said channel; thence northwesterly in a straight line to a point on the northern boundary of the waters of Toronto Bay intersected by the centre line of Sherbourne Street produced southerly; thence westerly along the northern boundary of the waters of Toronto Bay to intersection with the centre line of Bay Street produced southerly; thence northerly along the centre line of Bay Street and Bay Street produced southerly to intersection with the centre line of Davenport Road; thence northwesterly along the centre line of Davenport Road to centre line of Avenue Road; thence northerly along the centre line of Avenue Road and Avenue Road produced to the city limit; thence westerly along the northern boundary of the city limit to intersection with the centre line of Spadina Road, produced northerly; thence southerly along the centre line of Spadina Road to the centre line of Bloor Street; thence easterly along the centre line of Bloor Street to the centre line of Huron Street; thence southerly along the centre line of Huron Street to the centre line of Phoebe Street; thence easterly along the centre line of Phoebe Street to the centre line of Soho Street; thence southerly along the centre line of Soho Street to the centre line of Queen Street; thence westerly along the centre line of Queen Street to the centre line of Peter Street; thence southerly along the centre line of Peter Street and Peter Street produced southerly to the northern boundary of the waters of Toronto Bay; thence westerly following the northern boundary of the waters of Toronto Bay and along the northern boundary of the western channel to intersection with the western boundary of Toronto Island; thence southerly across the western channel and along the western boundary of the said Island and along the waters of Lake Ontario and easterly along the southern boundary of the said Island and along the waters of Lake Ontario to the place of beginning.

THE ELECTORAL DISTRICT OF WOODBINE—to consist of that part of the City of Toronto bounded as follows: On the east by the centre line of Woodbine Avenue, said centre line produced southerly to the waters of Lake Ontario; on the south by the waters of Lake Ontario; on the west by a line drawn from the waters of Lake Ontario, extending north along the centre line of Berkshire Avenue produced southerly to a point at intersection with the southern boundary of Eastern Avenue; thence along the centre line of Berkshire Avenue to the centre line of Queen Street; thence easterly along the centre line of Queen Street to intersection with the centre line of Jones Avenue; thence along the centre line of Jones Avenue to intersection with the centre line of Danforth Avenue; thence easterly to intersection with the centre line of Dewhurst Avenue; thence north along the said centre line of Dewhurst Avenue to the city limits and bounded on the north by the city limits.



BILL

An Act respecting Representation of the
People in the Legislative Assembly

1st Reading

March 9th, 1954

2nd Reading

March 23rd, 1954

3rd Reading

MR. FROST (Victoria)

*(Reprinted as amended by the Select Com-
mittee to which Bill 78 was referred)*

No. 78

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act respecting Representation of the People in the
Legislative Assembly

MR. FROST (Victoria)

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



BILL

An Act respecting Representation of the People in the Legislative Assembly

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

1. Notwithstanding anything in any general or special Act, ^{Boundaries} the boundaries of any county, territorial district, city, town, village, township or improvement district shall for the purposes of this Act be deemed to be the boundaries of such county, territorial district, city, town, village, township or improvement district as defined by statute, by-law, proclamation or other lawful authority at the time this Act receives Royal Assent. R.S.O. 1950, c. 340, s. 1, *amended*.
2. The Legislative Assembly of Ontario shall consist of ^{Number of members} ninety-eight members. R.S.O. 1950, c. 340, s. 2, *amended*.
3. Ontario shall for the purpose of representation in the ^{Division of Ontario into electoral districts} Assembly be divided into electoral districts as enumerated and defined in the Schedule to this Act and one member shall be returned to the Assembly for each electoral district. R.S.O. 1950, c. 340, s. 3.
4. The boundaries of any electoral district as set out in ^{Changes in municipal boundaries} the Schedule to this Act shall not be affected by any alteration in municipal boundaries made after this Act receives Royal Assent. R.S.O. 1950, c. 340, s. 4, *amended*.
5. The electors entitled to vote in any town or village not ^{Towns and villages on boundary line} expressly included in an electoral district described in the Schedule to this Act and lying within the boundaries of two or more electoral districts shall be entitled to vote in the electoral district in which they would have been so entitled if the town or village had not become incorporated. R.S.O. 1950, c. 340, s. 5.

Augmentations or gores of townships

6. Except as otherwise expressly set out in the Schedule to this Act, every augmentation or gore of a township shall for the purposes of this Act be considered as forming part of the electoral district in which the township is situate. R.S.O. 1950, c. 340, s. 6.

City having separate representation

7. A city which constitutes an electoral district, or which is divided into two or more electoral districts, according to the Schedule to this Act, shall not for the purposes of this Act be deemed to form part of the electoral district within the limits of which it lies. R.S.O. 1950, c. 340, s. 7.

Cities, towns, etc., included in electoral district in which situate

8. Every city, town, village, township or improvement district heretofore or hereafter incorporated, lying within the territorial limits of any electoral district described in the Schedule to this Act and not specially included in any other electoral district in the Schedule, shall form part of the electoral district in which it is situate. R.S.O. 1950, c. 340, s. 8.

Special Act overruled

9. Every city, town, village, township or improvement district which by the provisions of any special Act passed before this Act receives Royal Assent forms or forms part of any electoral district shall, notwithstanding such provisions, form or form part of the electoral district or districts in which it is included in the Schedule to this Act. R.S.O. 1950, c. 340, s. 9, *amended*.

Rev. Stat., c. 340, repealed

10. *The Representation Act* is repealed.

Commencement

11. This Act comes into force and has effect on, from and after the dissolution or end of the present Legislative Assembly.

Short title

12. This Act may be cited as *The Representation Act, 1954*.

SCHEDULE

ELECTORAL DISTRICTS

THE ELECTORAL DISTRICT OF ALGOMA-MANITOULIN—to consist of those parts of the territorial districts of Sudbury, Algoma, and Manitoulin within the hereinafter described limits, that is to say: Commencing at the intersection of the west boundary of the Township of Travers with the shore of Georgian Bay; thence northerly along the west boundaries of the townships of Travers and Kilpatrick to the northwest angle of the last-named township; thence westerly along the south boundary of the Township of Sale to the southwest angle of that township; thence northerly along the west boundary of the Township of Sale to the southeast angle of the Township of Goschen; thence westerly along the south boundaries of the townships of Goschen, Stalin and Roosevelt to the southwest angle of the last-named township; thence northerly along the west boundary of the Township of Roosevelt to the northwest angle of that township; thence westerly along the south boundary of the Township of Foster to the southwest angle of that township; thence northerly along the west boundaries of the townships of Foster, Nairn, Hyman and Totten to the northwest angle of the last-named township; thence westerly along the south boundary of Township 107 to the southwest angle of that township; thence northerly along the west boundary of Township 107 to the northwest angle of that township; thence westerly along the south boundary of Township 114 to the southwest angle of that township; thence northerly along the west boundaries of townships 114, 115, Gilbert and Dennie to the northwest angle of the last-named township; thence westerly along the south boundary of the Township of LaFleche to the southwest angle of that township; thence northerly along the west boundary of the Township of LaFleche to the southeast angle of the Township of Alton; thence westerly along the south boundaries of the townships of Alton, Jasper, Durban, Ethel and Comox to the southwest angle of the last-named township; thence northerly along the west boundaries of the townships of Comox, Fulton and Iris to the northwest angle of the last-named township; thence westerly along the south boundaries of townships 8Z, 8A, 8B, 8C, 8D, 8E, 8F, 8G and 8H to the southwest angle of the last-named township; thence continuing westerly along the south boundaries of townships 22, Range 15, and 23, Range 15, to the southwest angle of the last-named township; thence southerly along the west boundaries of townships 23 in Ranges 14, 13, 12, 11 and 10 to the northwest angle of the Township of Whitman; thence southerly along the west boundaries of the townships of Whitman and Chesley to the north boundary of the Township of Kehoe; thence easterly along the north boundary of the Township of Kehoe to the northeast angle of that township; thence southerly along the east boundary of the Township of Kehoe to the southeast angle of that township; thence westerly along the south boundary of the Township of Kehoe and its projection to Echo River; thence southerly and westerly along Echo River, Echo Bay, to Lake George; thence west astronomically to the International Boundary; thence southeasterly and along the International Boundary to its intersection with a line drawn west astronomically from a point measured 40 miles south astronomically from the point of commencement; thence east astronomically to a point measured 40 miles south astronomically from the point of commencement; thence north astronomically a distance of 40 miles to the point of commencement.

THE ELECTORAL DISTRICT OF BRANT—to consist of that part of the Township of Brantford lying north of the Grand River, the townships of Burford, Blenheim, South Dumfries, Oakland, Onondaga, Tuscarora, Windham, and Townsend, the Town of Paris, and the Village of Waterford.

THE ELECTORAL DISTRICT OF BRANTFORD—to consist of the City of Brantford, and that part of the Township of Brantford lying south of the Grand River.

THE ELECTORAL DISTRICT OF BRUCE—to consist of the townships of Albemarle, Amabel, Arran, Bruce, Eastnor, Elderslie, Lindsay, St. Edmunds, Saugeen, Brant, Greenock, and Kincardine, the towns of Chesley, Southampton, Warton, Kincardine, Port Elgin, and Walkerton, and the villages of Hepworth, Paisley, Tara, Tiverton, and Lion's Head.

THE ELECTORAL DISTRICT OF CARLETON—to consist of the townships of Fitzroy, Goulbourn, North Gower, Huntley, March, Marlborough, Nepean, and Torbolton, and the Village of Richmond, and that portion of the City of Ottawa bounded on the west by the city limits; bounded on the north by a line drawn as follows: Commencing at the intersection of the centre line of the Canadian National Railway line with the westerly limit of the City of Ottawa; thence continuing easterly along the said centre line of the Canadian National Railway line to its intersection with the centre line of Carling Avenue; thence continuing easterly along the centre line of Carling Avenue to the centre line of Preston Street; bounded on the east by the westerly limit of Dow's Lake, the centre line of the Rideau Canal and the centre line of the Rideau River.

THE ELECTORAL DISTRICT OF COCHRANE NORTH—to consist of those portions of the territorial districts of Cochrane, South Algoma, and Thunder Bay, and the Patricia Portion of the Territorial District of Kenora, within the hereinafter described limits: Commencing at the intersection of the Interprovincial Boundary between Ontario and Quebec with the south shore of Lake Abitibi; thence in a northerly and north-westerly direction following the shore line of the said lake to the southeast angle of the Township of Galna; thence westerly along the southern boundary of the townships of Galna, Moody and Wesley to the southwest angle of the last-mentioned township; thence north along the west boundary of the said Township of Wesley to the southeast angle of the Township of Mortimer; thence west along the south limits of the townships of Mortimer, Pyne, St. John, Hanna, Reaume, Beck, Nesbitt, Aubin, Kingsmill and Kirkland; thence northerly along the westerly boundary of the Township of Kirkland to the southeast angle of the Township of Ford; thence westerly along the southern boundary of the townships of Ford, Stringer, Slack and Fenton; thence northerly along the western boundary of the townships of Fenton and Staples to the southern boundary of the Township of Sulman; thence westerly along the southern boundary of the townships of Sulman, Cargill, Ecclestone, Fergus, Rykert, Caithness, Scholfield and Talbott; thence northerly along the western limits of the townships of Talbott, Templeton, Landry and Irish to the northwest corner of the last-mentioned township; thence westerly along the southern boundary of the townships of Studholme, Gill, McMillan, McCoig, Kohler and Clavet; thence northerly along the western limit of the Township of Clavet to the southeast corner of the Township of Bell; thence west along the southern limit of the townships of Bell, Low, Klotz, Fernow, O'Meara and Bain; thence northerly along the western boundary of the townships of Bain and Raynar and following the boundary line between the Territorial District of Thunder Bay and

the Territorial District of Cochrane and the production of the said boundary line north astronomically to the northern boundary of Ontario; thence easterly, southerly and southeasterly along said northern boundary to a point where the boundary line between Quebec and Ontario intersects the south shore of James Bay; thence southerly along the said Interprovincial Boundary to the place of beginning.

THE ELECTORAL DISTRICT OF COCHRANE SOUTH—to consist of those portions of the District of Timiskaming and the District of Cochrane described as follows: Commencing at a point on the line between Ontario and Quebec where the said boundary line intersects the production of the southern boundary of the Township of McFadden; thence westerly along the southern boundary of the townships of McFadden and Hearst to the southwest angle of the Township of Hearst; thence northerly along the west boundary of the Township of Hearst to the northwest angle thereof; thence westerly along the southern boundary of the townships of Gauthier, Lebel, Teck, Grenfell, Bompas, Dunmore, Sheba, Robertson, McNeil, Cleaver, Geikie, Bartlett, Musgrove, Doyle, Childerhouse and Pharand; thence northerly following the west boundary of the townships of Pharand, Hillary, Keefer and Whitesides to the southeasterly corner of the Township of Enid; thence westerly along the southern boundary of the townships of Enid, Strachan, Nova and Ossin; thence northerly along the western boundary of the townships of Ossin, Wadsworth, Lisgar, and Seaton to the northwest angle of the Township of Seaton; thence easterly along the northern boundary of the townships of Seaton, Griffin, Hicks and Oke to the northeast corner of the said Township of Oke; thence southerly along the eastern boundary of the Township of Oke to its intersection with the southern boundary of the Township of Kirkland; thence easterly along the southern boundary of the townships of Kirkland, Kingsmill, Aubin, Nesbitt, Beck, Reaume, Hanna, St. John, Pyne and Mortimer; thence southerly following the western boundary of the Township of Wesley to the southwest angle of the said township; thence easterly along the southern boundary of the townships of Wesley, Moody and Galna to the shore of Lake Abitibi; thence following the shore line of the said lake in a southerly and southeasterly direction to a point where the boundary between Ontario and Quebec intersects the south shore of the said lake; thence southerly along the said Interprovincial Boundary to the place of beginning.

THE ELECTORAL DISTRICT OF DUFFERIN-SIMCOE—to consist of the townships of Adjala, Essa, Mono, Mulmur, Nottawasaga, Tecumseth, and Tossorontio, the towns of Alliston, Collingwood, Stayner, and Orangeville, and the villages of Beeton, Creemore, and Tottenham.

THE ELECTORAL DISTRICT OF DURHAM—to consist of the County of Durham.

THE ELECTORAL DISTRICT OF ELGIN—to consist of the townships of Southwold, Bayham, Malahide, South Dorchester, and Yarmouth, the City of St. Thomas, the Town of Aylmer, and the villages of Port Burwell, Port Stanley, Springfield, and Vienna.

THE ELECTORAL DISTRICT OF ESSEX NORTH—to consist of the townships of Maidstone, Rochester, Sandwich East, Sandwich South, Tilbury North, and Tilbury West, that part of the City of Windsor formerly comprising the City of East Windsor, the towns of Riverside and Tecumseh, and the villages of Belle River and St. Clair Beach.

THE ELECTORAL DISTRICT OF ESSEX SOUTH—to consist of the townships of Anderdon, Colchester North, Colchester South, Gosfield North, Gosfield South, Malden, Mersea and Pelee (including the islands forming part thereof), the towns of Amherstburg, Essex, Harrow, Kingsville and Leamington.

THE ELECTORAL DISTRICT OF FORT WILLIAM—to consist of all that portion of the Territorial District of Thunder Bay within the hereinafter described limits, that is to say: Commencing at a point on the International Boundary between Ontario and the United States of America where it is intersected by the boundary lines between the territorial districts of Thunder Bay and Rainy River; thence northerly along the said district boundary and continuing along the district boundary between the Territorial District of Kenora and the Territorial District of Thunder Bay; thence continuing north through the Patricia Portion of the District of Kenora, to the northern boundary of Ontario; thence in a north-easterly direction along the said northern boundary of Ontario to a point where it is intersected by a line drawn due north astronomically from the northwest angle of the Nipigon Forest Reserve to the middle thread of the Albany River; thence westerly following the middle thread of the Albany River to a point due north astronomically from the southeast angle of the Grand Trunk Pacific, Block I; thence south astronomically to the said southeast angle; thence east along the northern boundary of the Township of Forbes and the production thereof to the centre of Dog River; thence southerly down stream along the middle thread of Dog River to the northern limit of the Township of Oliver; thence east astronomically along the north boundary of the Township of Oliver to the northeast angle thereof; thence south astronomically along the east limit of the said Township of Oliver to the north limit of the Township of Paipooenge; thence east astronomically along the north limit of the Township of Paipooenge and along the north limit of the Township of Neebing to the west shore of Thunder Bay of Lake Superior; thence continuing due east astronomically 8 miles, more or less, to a point due north astronomically from the most easterly point on Pie Island in said Bay; thence due south astronomically 20 miles, more or less, to said International Boundary; thence southwesterly along said International Boundary to the mouth of the Pigeon River; thence continuing westerly along said International Boundary up Pigeon River to the west boundary of the Territorial District of Thunder Bay or place of beginning.

THE ELECTORAL DISTRICT OF FRONTENAC-ADDINGTON—to consist of the townships of Abinger, Anglesea, Ashby, Camden, Denbigh, Effingham, Kaladar, Sheffield, and the Village of Newburgh in the County of Lennox and Addington, and the townships of Barrie, Bedford, North Canonto, South Canonto, Clarendon, Hinchinbrook, Kennebec, Loughborough, Pittsburg, Miller, Olden, Oso, Palmerston, Portland, Kingston and Storrington in the County of Frontenac.

THE ELECTORAL DISTRICT OF GLENGARRY—to consist of the County of Glengarry, the Township of Caledonia and that part of East Hawkesbury Township and West Hawkesbury Township lying south of the original road allowance between Concessions four and five, and the Town of Vankleek Hill.

THE ELECTORAL DISTRICT OF GRENVILLE-DUNDAS—to consist of the County of Grenville and the County of Dundas.

THE ELECTORAL DISTRICT OF GREY NORTH—to consist of the townships of Collingwood, Derby, Keppel, Sarawak, St. Vincent, Sullivan and Sydenham, the City of Owen Sound, the towns of Meaford and Thornbury, and the Village of Shallow Lake.

- THE ELECTORAL DISTRICT OF GREY SOUTH—to consist of the townships of Artemesia, Bentinck, Egremont, Holland, Euphrasia, Glenelg, Normanby, Osprey, and Proton, the towns of Durham and Hanover, and the villages of Chatsworth, Dundalk, Markdale, Neustadt, and Flesherton.
- THE ELECTORAL DISTRICT OF HALDIMAND-NORFOLK—to consist of the County of Haldimand, the townships of Charlotteville, Houghton, Middleton, Walsingham North, Walsingham South (including Long Point), and Woodhouse, the towns of Port Dover and Simcoe, and the villages of Delhi and Port Rowan.
- THE ELECTORAL DISTRICT OF HALTON—to consist of the County of Halton.
- THE ELECTORAL DISTRICT OF HAMILTON CENTRE—to consist of that part of the City of Hamilton lying between the centre line of Dundurn Street on the west and the centre line of Wentworth Street on the east and continuing northerly to the north limits of the City and southerly to the brow of the Mountain.
- THE ELECTORAL DISTRICT OF HAMILTON EAST—to consist of that part of the City of Hamilton lying between the centre line of Wentworth Street on the west and the centre line of Kenilworth Avenue on the east and continuing northerly to the north limits of the City and southerly to the brow of the Mountain.
- THE ELECTORAL DISTRICT OF HAMILTON-WENTWORTH—to consist of that portion of the City of Hamilton lying west of the centre line of Dundurn Street, the townships of East Flamboro, West Flamboro, and Beverley, the Town of Dundas and the Village of Waterdown.
- THE ELECTORAL DISTRICT OF HASTINGS EAST—to consist of the townships of Hungerford, Huntingdon, Thurlow, Tyendinaga, Madoc, Wicklow, Bangor, Tudor, Limerick, Dungannon, Monteagle, Carlow, Mayo, Cashel, Grimsthorpe, and Elzevir, the Town of Deseronto, and the villages of Madoc and Tweed.
- THE ELECTORAL DISTRICT OF HASTINGS WEST—to consist of the townships of Sidney, Rawdon, Marmora, Lake, Wollaston, Faraday, Herschel, and McClure, the City of Belleville, the Town of Trenton, and the villages of Delora, Marmora, Frankford, Bancroft, and Stirling.
- THE ELECTORAL DISTRICT OF HURON—to consist of the townships of Goderich, Hay, Hullett, McKillop, Stanley, Stephen, Tuckersmith, and Osborne, the towns of Clinton, Exeter, Goderich, and Seaforth, and the Village of Hensall.
- THE ELECTORAL DISTRICT OF HURON-BRUCE—to consist of the townships of Ashfield, Carrick, Colborne, Culross, Grey, Howick, Huron, Kinloss, Morris, Turnberry, East Wawanosh, and West Wawanosh, the Town of Wingham, and the villages of Blyth, Brussels, Lucknow, Mildmay, Ripley, and Teeswater.
- THE ELECTORAL DISTRICT OF KENORA—to consist of the Territorial District of Kenora, including that part of the Patricia Portion lying west of the production in a northerly direction through the Patricia Portion of the boundary line between the Territorial District of Thunder Bay and the Territorial District of Kenora to the northern boundary of Ontario.
- THE ELECTORAL DISTRICT OF KENT EAST—to consist of the townships of Camden (not including Gore), Harwich, Howard, Orford, Zone, Aldborough, and Dunwich, the towns of Blenheim, Bothwell, and Ridgetown, and the villages of Eriau, Highgate, Thamesville, Dutton, Rodney, and West Lorne.

- THE ELECTORAL DISTRICT OF KENT WEST—to consist of the townships of Chatham, Dover, Raleigh, Romney, and Tilbury East, the City of Chatham, the towns of Tilbury and Wallaceburg, and the villages of Erie Beach and Wheatley.
- THE ELECTORAL DISTRICT OF KINGSTON—to consist of the City of Kingston, Amherst Island, Howe Island, and Wolfe Island (including Simcoe Island, Horseshoe Island and Mud Island).
- THE ELECTORAL DISTRICT OF LAMBTON EAST—to consist of the townships of Bosanquet, Brooke, Dawn, Enniskillen, Euphemia, Plympton, and Warwick, the Gore of Camden, the towns of Dresden, Forest, and Petrolea, and the villages of Alvinston, Arkona, Grand Bend, Oil Springs, Thedford, Watford, and Wyoming.
- THE ELECTORAL DISTRICT OF LAMBTON WEST—to consist of the townships of Moore, Sarnia, and Sombra (including Walpole Island, St. Anne's Island and the other islands at the mouth of the River St. Clair), the City of Sarnia and the villages of Courtwright and Point Edward.
- THE ELECTORAL DISTRICT OF LANARK—to consist of the townships of Beckwith, Bathurst, North Burgess, Dalhousie, Darling, Drummond, North Elmsley, Lanark, Lavant, Montague, Pakenham, Ramsay, North Sherbrooke, and South Sherbrooke, the towns of Almonte, Carleton Place, Perth, and Smith's Falls, and the Village of Lanark.
- THE ELECTORAL DISTRICT OF LEEDS—to consist of the County of Leeds and the towns of Brockville and Gananoque.
- THE ELECTORAL DISTRICT OF LINCOLN—to consist of the County of Lincoln and the City of St. Catharines.
- THE ELECTORAL DISTRICT OF LONDON NORTH—to consist of those portions of the City of London and the Township of London within the hereinafter described limits, that is to say: Commencing at the point of intersection of the centre line of Crumlin sideroad and the centre line of Dundas Street; thence northerly along the centre line of the Crumlin sideroad to the centre line of the road in front of the Third Concession of the Township of London; thence westerly along the production easterly of the centre line of the road in front of the Third Concession and the centre line of the road in front of the Third Concession and the production westerly of the centre line of the road in front of the Third Concession to the centre line of the Western Road; thence southerly along the centre line of the Western Road to the centre line of Platt's Lane; thence southerly along the centre line of Platt's Lane to the centre of Oxford Street; thence westerly along the centre line of Oxford Street to the easterly boundary of Mount Pleasant Cemetery; thence southerly along the easterly boundary of Mount Pleasant Cemetery to the city limit; thence southerly along the city limit to the centre line of the main stream of the River Thames; thence easterly along the centre line of the main stream of the River Thames and the north branch of the River Thames to a point where it is intersected by the centre line of Dundas Street projected westerly; thence easterly along the centre line of Dundas Street to the place of beginning.
- THE ELECTORAL DISTRICT OF LONDON SOUTH—to consist of those portions of the City of London and the Township of London within the hereinafter described limits, that is to say: Commencing at the easterly limit of the City of London where it crosses the centre line of the south branch of the River Thames; thence southeasterly along the centre line of the

south branch of the River Thames to the centre line of the Crumlin sideroad and the southerly production thereof; thence northerly along the southerly production of the centre line of the Crumlin sideroad and the centre line of the Crumlin sideroad to the point at which it is intersected by the centre line of Dundas Street; thence westerly along the centre line of Dundas Street to the centre line of the north branch of the River Thames; thence southerly and westerly along the centre line of the north branch of the River Thames and the main stream of the River Thames to a point where the said centre line of the main stream of the River Thames intersects the westerly limit of the City of London; thence along the westerly and southerly limits of the City of London to the place of beginning.

THE ELECTORAL DISTRICT OF MIDDLESEX NORTH—to consist of that portion of the Township of London not included in the Electoral Districts of London North and London South hereinbefore described, the townships of Biddulph, McGillivray, West Nissouri, East Williams, and West Williams; the Town of Parkhill, and the villages of Ailsa Craig and Lucan.

THE ELECTORAL DISTRICT OF MIDDLESEX SOUTH—to consist of the townships of Adelaide, Caradoc, Delaware, North Dorchester, Ekfrid, Lobo, Medcalfe, Mosa, and Westminster, the Town of Strathroy, and the villages of Glencoe, Newbury, and Wardsville.

THE ELECTORAL DISTRICT OF MUSKOKA—to consist of the Territorial District of Muskoka except the Township of Baxter.

THE ELECTORAL DISTRICT OF NIAGARA FALLS—to consist of the townships of Bertie, Stamford, and Willoughby, the City of Niagara Falls, the Town of Fort Erie and the villages of Chippawa and Crystal Beach.

THE ELECTORAL DISTRICT OF NICKEL BELT—to consist of those parts of the territorial districts of Sudbury and Algoma within the hereinafter described limits, that is to say: Commencing at the northeast angle of the Township of Zavitz in the Territorial District of Sudbury; thence southerly along the east boundaries of the townships of Zavitz, Hutt, Halliday, Mond, Natal, Macmurchy, Fawcett, Ogilvie, Browning, Unwin, Leask, McNamara, and Beaumont to the southeast angle of the last-named township; thence easterly along the north boundary of the Township of Creelman to the northeast angle of that township; thence southerly along the east boundary of the Township of Creelman to the southeast angle thereof; thence easterly along the north boundary of the townships of Parkin, Aylmer, Mackelcan, and McCarthy to the northeast angle of the last-named township; thence southerly along the east boundaries of the townships of McCarthy, Kelly, Davis, Loughrin, Hagar, and Appleby to the southeast angle of the last-named township; thence westerly along the south boundary of the Township of Appleby to the northeast angle of the Township of Jennings; thence southerly along the east boundaries of the townships of Jennings, Cherriman, Cosby, and Mason to the centre line of the channel of the French River being the southerly boundary of the Territorial District of Sudbury; thence southwesterly along the centre line of the channel of the French River that lies adjacent to the south boundaries of the townships of Mason, Bigwood, Allen and Struthers to the southerly production of the east boundary of the Township of Travers; thence north along the said production to the water's edge of the channel of the French River; thence southwesterly following the water's edge of the said channel and the water's edge of Georgian Bay to the west boundary

of the Township of Travers; thence northerly along the west boundaries of the townships of Travers and Kilpatrick to the northwest angle of the last-named township; thence westerly along the south boundary of the Township of Sale to the southwest angle of that township; thence northerly along the west boundary of the Township of Sale to the southeast angle of the Township of Goschen; thence westerly along the south boundaries of the townships of Goschen, Stalin, and Roosevelt to the southwest angle of the last-named township; thence northerly along the west boundary of the Township of Roosevelt to the northwest angle of that township; thence westerly along the south boundary of the Township of Foster to the southwest angle of that township; thence northerly along the west boundaries of the townships of Foster, Nairn, Hyman, and Totten to the northwest angle of the last-named township; thence westerly along the south boundary of Township 107 to the southwest angle of that township; thence northerly along the west boundary of Township 107 to the northwest angle of that township; thence westerly along the south boundary of Township 114 to the southwest angle of that township; thence northerly along the west boundaries of townships 114, 115, Gilbert, and Dennie to the northwest angle of the last-named township; thence westerly along the south boundary of the Township of LaFleche to the southwest angle of that township; thence northerly along the west boundary of the Township of LaFleche to the southeast angle of the Township of Alton; thence westerly along the south boundaries of the townships of Alton, Jasper, Durban, Ethel, and Comox to the southwest angle of the last-named township; thence northerly along the west boundaries of the townships of Comox, Fulton, and Iris to the northwest angle of the last-named township; thence westerly along the south boundaries of townships 8Z, 8A, 8B, 8C, 8D, 8E, 8F, 8G, and 8H to the southwest angle of the last-named township; thence continuing westerly along the south boundaries of townships 22, Range 15, and 23, Range 15 to the southwest angle of the last-named township; thence northerly along the west boundaries of townships 23, Range 15; 23, Range 16; 23, Range 17; 23, Range 18; 23, Range 19; 23, Range 20, Topham, and Cosens to the northwest angle of the last-named township; thence westerly along the south boundary of Township 23, Range 23 to the southwest angle of that township; thence northerly along the west boundaries of townships 23, Range 23, Hornell, Bader, 44, Stover, Rennie, Winget, Makawa, Mildred, Marjorie, Walls, and Roche to the northwest angle of the last-named township; thence easterly along the north boundaries of the townships of Roche, Pelletier, Doherty, Abbott, Opazatika, Bourinot, and Shanly to the northeast angle of the last-named township; thence southerly along the east boundaries of the townships of Shanly, Concoabar, Allenby, Buchan, Davin, and Lougheed to the southeast angle of the last-named township; thence easterly along the north boundaries of the townships of Shenango, Oates, Oswald, Melrose, and Frey to the northeast angle of the last-named township; thence southerly along the east boundaries of the townships of Frey, Sewell, and Kenogaming to the northwest angle of the Township of Crothers; thence easterly along the north boundaries of the townships of Crothers, McBride, Hassard, Beemer, English, and Zavitz to the northeast angle of that township, the point of commencement; excepting therefrom the Township of McKim, the City of Sudbury and the towns of Copper Cliff and Froid Mine.

THE ELECTORAL DISTRICT OF NIPISSING—to consist of those parts of the territorial districts of Sudbury and Nipissing within the hereinafter described limits, that is to say: Commencing at the northwest angle of the Township of McNish in the Terri-

torial District of Sudbury; thence easterly along the north boundaries of the townships of McNish, Pardo, Hobbs, McCallum, Sisk, Kenny, Gooderham, La Salle, McAuslan, and Wyse and the easterly production of the north boundary of the last-named township to the Interprovincial Boundary between Ontario and Quebec; thence southeasterly along the said Interprovincial Boundary to its intersection with the northerly production of the east boundary of the Township of Papineau; thence southeasterly along the east boundaries of the townships of Papineau, Boyd, Lister, Freswick, Bower, and Sproule to the southeast angle of the last-named township; thence southwesterly along the south boundaries of the townships of Sproule, Canisbay, Peck, and Finlayson to the southwest angle of the last-named township; thence northwesterly along the west boundary of the Township of Finlayson to the northwest angle of that township; thence northeasterly along the north boundary of the Township of Finlayson to the southwest angle of the Township of McCraney; thence northwesterly along the west boundaries of the townships of McCraney, Butt, Paxton, and Ballantyne to the northwest angle of the last-named township; thence northeasterly along the north boundary of the Township of Ballantyne to the southwest angle of the Township of Chisholm; thence northwesterly along the west boundaries of the townships of Chisholm and East Ferris to the south boundary of the Township of West Ferris being the boundary between the territorial districts of Nipissing and Parry Sound; thence westerly along the boundary between the territorial districts of Parry Sound and Nipissing and continuing westerly along the boundary between the territorial districts of Parry Sound and Sudbury to its intersection with the southerly production of the west boundary of the Township of Scollard in the Territorial District of Sudbury; thence northerly along the west boundaries of the townships of Scollard, Martland, Haddo, and Casimir to the northwest angle of the last-named township; thence easterly along the north boundary of the Township of Casimir to the southwest angle of the Township of Dunnet; thence northerly along the west boundaries of the townships of Dunnet, Ratter, Henry, Janes, and McNish to the northwest angle of the last-named township, the point of commencement.

THE ELECTORAL DISTRICT OF NORTHUMBERLAND—to consist of the County of Northumberland.

THE ELECTORAL DISTRICT OF ONTARIO—to consist of all of the County of Ontario not included in the Electoral District of Oshawa.

THE ELECTORAL DISTRICT OF OSHAWA—to consist of the City of Oshawa, the Improvement District of Ajax, and the parts of the Town of Whitby and the townships of Pickering and Whitby lying south of the line described as follows: Commencing at a point in the west boundary of the Township of Pickering where it intersects the centre line of the road between the fourth and fifth concessions of the Township of Pickering; thence easterly along the centre line of the said road to the westerly boundary of the Township of Whitby; thence southerly along the westerly boundary of the Township of Whitby to the centre line of King's Highway No. 401; thence easterly along the centre line of King's Highway No. 401 to the west boundary of the City of Oshawa.

THE ELECTORAL DISTRICT OF OTTAWA EAST—to consist of all that part of Ward 1 in the City of Ottawa formerly known as Rideau Ward, all of Wards 2 and 3, and those parts of Wards 4, 6 and 7 described as follows: Commencing at a point in the centre line of the Ottawa River where it is intersected by the

east boundary of Ward 4; thence southerly along the east boundary of Ward 4 to the centre line of Sparks Street; thence westerly along the centre line of Sparks Street to its intersection with the centre line of Wellington Street; thence southwesterly along the centre line of Wellington Street to its intersection with the centre line of Parkdale Avenue; thence northerly along the centre line of Parkdale Avenue to its intersection with the centre line of the Ottawa River; thence easterly following the centre line of the Ottawa River to the point of commencement.

THE ELECTORAL DISTRICT OF OTTAWA SOUTH—to consist of Ward 5 in the City of Ottawa and the parts of Wards 4 and 6 lying south of a line described as follows: Commencing at a point in the east boundary of Ward 4 where it is intersected by the centre line of Sparks Street; thence westerly along the centre line of Sparks Street to its intersection with the centre line of Wellington Street; thence southwesterly along the centre line of Wellington Street to its intersection with the west boundary of Ward 6.

THE ELECTORAL DISTRICT OF OTTAWA WEST—to consist of the parts of Wards 7, 8 and 9 in the City of Ottawa bounded as follows: Commencing at the intersection of the westerly limit of the City of Ottawa with the centre line of the Canadian National Railway line; thence northerly along the said westerly city limit to the centre line of the Ottawa River; thence easterly along the centre line of the Ottawa River to its intersection with the production northerly of the centre line of Parkdale Avenue; thence southerly along the production northerly of the centre line of Parkdale Avenue and along the centre line of Parkdale Avenue to its intersection with the centre line of Wellington Street; thence easterly along the centre line of Wellington Street to its intersection with the centre line of Preston Street; thence southerly along the centre line of Preston Street to its intersection with the centre line of Carling Avenue; thence westerly along the centre line of Carling Avenue to its intersection with the centre line of the Canadian National Railway line; thence continuing westerly along the centre line of the Canadian National Railway line to its intersection with the westerly limit of the City of Ottawa, the place of beginning.

THE ELECTORAL DISTRICT OF OXFORD—to consist of the townships of Blandford, East Nissouri, East Zorra, West Zorra, Dereham, North Norwich, South Norwich, East Oxford, West Oxford, and North Oxford, the City of Woodstock, the towns of Ingersoll and Tillsonburg and the villages of Embro, Tavistock, and Norwich.

THE ELECTORAL DISTRICT OF PARRY SOUND—to consist of the Territorial District of Parry Sound.

THE ELECTORAL DISTRICT OF PEEL—to consist of the County of Peel.

THE ELECTORAL DISTRICT OF PERTH—to consist of the County of Perth, the City of Stratford, and the towns of Palmerston and St. Marys.

THE ELECTORAL DISTRICT OF PETERBOROUGH—to consist of the County of Peterborough and the City of Peterborough.

THE ELECTORAL DISTRICT OF PORT ARTHUR—to consist of all that portion of the Territorial District of Thunder Bay within the hereinafter described limits, that is to say: Commencing at a point in Lake Superior on the International Boundary between Ontario and the United States of America where the said International Boundary is intersected by the boundary between the territorial districts of Thunder Bay and Algoma,

in longitude 85° 20' west; thence due north astronomically along said meridian line to the southeast angle of the Township of Bell, a distance of 176 miles, more or less; thence west astronomically along the south limit of the townships of Bell, Low, Klotz, Fernow, O'Meara, and Bain, 54 miles, more or less, to the southwest angle of the last-named township; thence north astronomically along the western limit of the townships of Bain and Raynar and the boundary between the territorial districts of Thunder Bay and Cochrane and the said boundary produced to the northern limit of the Patricia Portion of the Territorial District of Kenora; thence westerly and southwesterly following the said northern limit to a point due north astronomically from the northwest angle of the Nipigon Forest Reserve; thence due south to the centre line of the Albany River; thence following the middle thread of the Albany River to a point due north astronomically of the southeast angle of the Grand Trunk Pacific, Block I; thence south astronomically to the said southeast angle; thence east along the north boundary of the Township of Forbes and the production thereof to the centre of Dog River; thence southerly down stream along the middle thread of Dog River to the northern limit of the Township of Oliver; thence east astronomically along the northern limit of the Township of Oliver to the northeast angle thereof; thence south astronomically along the east limit of the Township of Oliver to the north limit of the Township of Paiponge; thence east astronomically along the northern limit of the Township of Paiponge and along the northern limit of the Township of Neebing to the west shore of Thunder Bay of Lake Superior; thence continuing due east astronomically 8 miles, more or less, to a point due north astronomically from the most easterly point of Pie Island in said Bay; thence due south astronomically 20 miles, more or less, to the said International Boundary; thence northeast and southeast along the said International Boundary to the place of beginning.

THE ELECTORAL DISTRICT OF PRESCOTT—to consist of the townships of Alfred, Clarence, Cambridge, Longueuil, North Plantagenet, South Plantagenet, that part of the townships of East Hawkesbury and West Hawkesbury lying north of the original road allowance between Concessions four and five, the towns of Hawkesbury and Rockland, and the villages of Alfred, L'Original and Casselman.

THE ELECTORAL DISTRICT OF PRINCE EDWARD-LENNOX—to consist of the County of Prince Edward, the townships of Adolphustown, North Fredericksburg, South Fredericksburg, Richmond and Ernestown, the Town of Napanee, and the Village of Bath.

THE ELECTORAL DISTRICT OF RAINY RIVER—to consist of the Territorial District of Rainy River.

THE ELECTORAL DISTRICT OF RENFREW NORTH—to consist of the townships of Airy, Anglin, North Algona, Alice, Bromley, Buchanan, Bronson, Barron, Clara, Cameron, Clancy, Dickens, Deacon, Dickson, Edgar, Fraser, Fitzgerald, Guthrie, Head, Lyell, Maria, McKay, Murchison, Master, Niven, Pembroke, Petawawa, Preston, Rolph, Ross, Stafford, Sabine, Stratton, Westmeath, Wilberforce, Wylie, and White, the Town of Pembroke, the villages of Cobden and Chalk River and that part of the Village of Eganville lying north of the Bonnechere River.

THE ELECTORAL DISTRICT OF RENFREW SOUTH—to consist of the townships of Admaston, South Algona, Bagot, Blithfield, Brougham, Brudenell, Burns, Grattan, Griffith, Hagarty, Horton, Jones, Lyndoch, Matawatchesan, McNab, Raglan, Radcliffe,

Richards, Sebastopol, and Sherwood, the towns of Arnprior and Renfrew, and the villages of Barry's Bay, Braeside, and Killaloe Station and that part of the Village of Eganville lying south of the Bonnechere River.

THE ELECTORAL DISTRICT OF RUSSELL—to consist of the townships of Cumberland, Gloucester, Osgoode, and Russell, the Town of Eastview, and the Village of Rockcliffe Park, and that portion of Ward 1 in the City of Ottawa not included in the Electoral District of Ottawa East.

THE ELECTORAL DISTRICT OF STORMONT—to consist of the County of Stormont and the City of Cornwall.

THE ELECTORAL DISTRICT OF SAULT STE. MARIE—to consist of that part of the Territorial District of Algoma described as follows: Commencing at the mouth of Echo River on the Garden River Indian Reserve; thence due west astronomically to the International Boundary between Ontario and the United States of America; thence northerly, westerly and north-westerly along the said International Boundary to where it is intersected by the boundary between the territorial districts of Thunder Bay and Algoma in longitude $85^{\circ} 20'$ west; thence due north astronomically following the said boundary to the southwest corner of the Township of Clavet; thence east astronomically along the south boundary of the townships of Clavet, Kohler, McCoig, McMillan, Gill, and Studholme 56 miles, more or less, to the southeast angle of the Township of Studholme; thence southerly in a straight line to the northwest angle of the Township of Templeton, a distance of 18 miles, more or less; thence continuing south along the west boundary of the townships of Templeton and Talbott, a distance of 18 miles, more or less, to the southwest angle of the latter; thence east astronomically along the south boundary of the Township of Talbott 2 miles 77 chains, more or less, to the northeast angle of the Township of Franz; thence south astronomically along the east boundary of the townships of Franz, Hawkins, Irving, Martin, and Moorehouse, and continuing southerly to a point on Niven's base line in latitude $48^{\circ} 27' 54''$ north, which point constitutes the northwest angle of the Territorial District of Sudbury, a distance of 51 miles, more or less; thence south along T. B. Speight's meridian line, which constitutes the boundary between the territorial districts of Sudbury and Algoma, to the northwest angle of the Mississauga Forest Reserve, a distance of 84 miles, more or less; thence continuing south astronomically along the west limit of townships No. 23, Ranges 14, 13, 12, 11 and 10, and the townships of Whitman and Chesley, to the north limit of the Township of Kehoe; thence easterly along said north limit to the northeast angle thereof; thence south along the east limit of said township to the southeast angle thereof; thence west along said south boundary and its production to the Echo River; thence down Echo River to the place of beginning.

THE ELECTORAL DISTRICT OF SIMCOE CENTRE—to consist of the townships of Floss, Innisfil, Sunnidale, Tiny, Vespra, and West Gwillimbury, the towns of Barrie and Penetanguishene, and the villages of Bradford, Elmvale, and Wasaga Beach.

THE ELECTORAL DISTRICT OF SIMCOE EAST—to consist of the townships of Baxter, Matchedash, Medonte, Orillia, Oro, and Tay, the towns of Midland and Orillia, and the villages of Coldwater, Port McNicoll and Victoria Harbour.

THE ELECTORAL DISTRICT OF SUDBURY—to consist of the Township of McKim, the City of Sudbury, and the towns of Copper Cliff, and Froid Mine.

THE ELECTORAL DISTRICT OF TIMISKAMING—to consist of all that portion of the territorial districts of Nipissing, Sudbury, and Timiskaming within the hereinafter described limits: Commencing at a point in the Interprovincial Boundary between Ontario and Quebec in the Ottawa River where the same is intersected by the easterly production of the north boundary of the Township of Wyse; thence due west astronomically $59\frac{3}{4}$ miles, more or less, to the northwest angle of the Township of McNish; thence north astronomically along the east limit of the Township of McCarthy 6 miles, more or less, to the northeast angle thereof; thence west astronomically along the north boundary of the townships of McCarthy, Mackelcan, Aylmer, and Parkin 25 miles, more or less, to the northwest angle thereof; thence north along the east boundary of the Township of Creelman to the northeast angle thereof; thence west astronomically along the north limit thereof 6 miles, more or less, to the southwest angle of the Township of Beresford; thence north along the west limits of the townships of Beresford, Cotton, Valin, Stull, Dufferin, North Williams, Leonard, Tyrell, Knight, Raymond, Midlothian, Montrose and Hincks 78 miles, more or less, to the northwest angle of the Township of Hincks; thence east along the south boundary of the townships of Cleaver, McNeil, Robertson, Sheba, Dunmore, Bompas, Grenfell, Teck, Lebel, and Gauthier; thence south along the west boundary of the Township of Hearst to the southwest angle thereof; thence east along the south boundary of the townships of Hearst and McFadden to the Interprovincial Boundary between Ontario and Quebec; thence south astronomically along the said Interprovincial Boundary to the head of Lake Timiskaming; thence southerly through Lake Timiskaming and the Ottawa River along the said Interprovincial Boundary to the place of beginning.

THE ELECTORAL DISTRICT OF VICTORIA—to consist of the County of Victoria and the Provisional County of Haliburton.

THE ELECTORAL DISTRICT OF WATERLOO NORTH—to consist of the townships of Wellesley and Woolwich and the north part of the Township of Waterloo, the cities of Kitchener and Waterloo, the Town of Elmira, and the Village of Bridgeport.

THE ELECTORAL DISTRICT OF WATERLOO SOUTH—to consist of the townships of North Dumfries and Wilmot and the south part of the Township of Waterloo, the City of Galt, the towns of Hespeler and Preston, and the villages of Ayr and New Hamburg.

THE ELECTORAL DISTRICT OF WELLAND—to consist of the townships of Crowland, Humberstone, Thorold, Wainfleet and Pelham, the City of Welland, the towns of Port Colborne and Thorold, and the Village of Fonthill.

THE ELECTORAL DISTRICT OF WELLINGTON-DUFFERIN—to consist of the townships of Arthur, Erin, Amaranth, East Garafraxa, Eramosa, West Garafraxa, East Luther, West Luther, Maryborough, Minto, Peel, and Melancthon, the towns of Harrison and Mount Forest, and the villages of Arthur, Clifford, Drayton, Erin, Grand Valley, and Shelburne.

THE ELECTORAL DISTRICT OF WELLINGTON SOUTH—to consist of the townships of Guelph, Nichol, Pilkington, and Puslinch, the City of Guelph, the Town of Fergus, and the Village of Elora.

THE ELECTORAL DISTRICT OF WENTWORTH—to consist of that portion of the City of Hamilton lying on the Mountain and bounded on the north by the brow of the Mountain and on the south by the southerly limits of the City of Hamilton, the townships of Ancaster, Barton, Binbrook, and Glanford.

THE ELECTORAL DISTRICT OF WENTWORTH EAST—to consist of that portion of the City of Hamilton lying east of the centre line of Kenilworth Avenue; the Township of Saltfleet, and the Village of Stoney Creek.

THE ELECTORAL DISTRICT OF WINDSOR-WALKERVILLE—to consist of all that part of the City of Windsor, and the whole of the former Town of Walkerville, within the following limits: Commencing at a point on the centre line of Ouellette Avenue, in the City of Windsor, at its northern terminus; thence southerly along the centre line of Ouellette Avenue to Giles Boulevard; thence easterly along the centre line of Giles Boulevard to Howard Avenue; thence southerly along the centre line of Howard Avenue and proceeding in a straight line to the south boundary of the City of Windsor; thence easterly along the south boundaries of the City of Windsor and the former Town of Walkerville to the easterly limit of the former Town of Walkerville; thence northerly along the said easterly limit to the Detroit River; thence westerly along the bank of the said River to the place of beginning.

THE ELECTORAL DISTRICT OF WINDSOR-SANDWICH—to consist of that part of the City of Windsor and the whole of the former Town of Sandwich within the following limits: Commencing at the northern terminus of the westerly limit of the former Town of Sandwich; thence in a southerly direction along the said limit to the southerly limit of the former Town of Sandwich; thence easterly along the southern boundaries of the former Town of Sandwich and the City of Windsor to a point from which a straight line may be drawn through the centre line of Howard Avenue in the City of Windsor; thence northerly in a straight line through the centre line of Howard Avenue to the intersection of Howard Avenue with Giles Boulevard; thence westerly along the centre line of Giles Boulevard to the centre line of Ouellette Avenue; thence northerly along the centre line of Ouellette Avenue to the Detroit River; thence westerly along the bank of the said River to the place of beginning; the Township of Sandwich West, and the towns of LaSalle and Ojibway.

THE ELECTORAL DISTRICT OF YORK CENTRE—to consist of that portion of the Township of North York lying west of the centre line of Yonge Street.

THE ELECTORAL DISTRICT OF YORK EAST—to consist of the Township of East York, and that portion of the Township of North York lying east of the centre line of Yonge Street, and the Town of Leaside.

THE ELECTORAL DISTRICT OF YORK-HUMBER—to consist of all that portion of the Township of Etobicoke lying east of a line drawn as follows: Commencing at the southwesterly corner of the Town of Mimico; thence northerly along the westerly boundary and boundary produced of the Town of Mimico to an intersection with the Queen Elizabeth Way; thence easterly along the Queen Elizabeth Way to the intersection of Royal York Road; thence northerly along Royal York Road to the intersection of the westerly production of Sunnydale Drive; thence easterly along said production of Sunnydale Drive and Sunnysdale Drive to the intersection of Prince Edward Drive; thence northerly along Prince Edward Drive to the intersection of Bloor Street West; thence easterly along Bloor Street West and Old Mill Road to the Humber River; together with the Town of Mimico and all that portion of the Township of York lying west of a line drawn as follows: Commencing at the Humber River at the south limit of the Town of Weston; thence easterly along said south limit to the southwesterly boundary of the Township of North York; thence southeasterly along the said southwesterly boundary

to the intersection of Jane Street; thence southerly along Jane Street to the intersection of Lambton Avenue; thence easterly along Lambton Avenue to the intersection of Weston Road; thence southeasterly along Weston Road to the Toronto city limit; thence westerly and southerly along the said city limit to the north limit of the Village of Swansea; thence westerly along the said north limit to the Humber River; together with the Village of Swansea and the Town of Weston and excluding therefrom Ellis Court Apartments.

THE ELECTORAL DISTRICT OF YORK NORTH—to consist of the townships of King, Whitchurch, Georgina, North Gwillimbury, East Gwillimbury, Markham, and Vaughan, the towns of Aurora and Newmarket and the villages of Markham, Richmond Hill, Stouffville, Sutton West and Woodbridge.

THE ELECTORAL DISTRICT OF YORK-SCARBOROUGH—to consist of the Township of Scarborough.

THE ELECTORAL DISTRICT OF YORK SOUTH—to consist of all that portion of the Township of York not included in the Electoral District of York-Humber; and the Village of Forest Hill.

THE ELECTORAL DISTRICT OF YORK WEST—to consist of that portion of the Township of Etobicoke not included in the Electoral District of York-Humber; the Town of New Toronto and the Village of Long Branch.

THE ELECTORAL DISTRICT OF BEACHES—to consist of that part of the City of Toronto bounded as follows: On the north by the north limit of the said city; on the south by the waters of Lake Ontario; on the east by the eastern limit of the said city, and on the west by the centre line of Woodbine Avenue and Woodbine Avenue produced southerly to the waters of Lake Ontario.

THE ELECTORAL DISTRICT OF BELLWOODS—to consist of that part of the City of Toronto bounded as follows: Commencing at a point where the western boundary of the Island intersects the centre line of Tecumseh Street, produced south; thence northerly along the centre line of Tecumseh Street to Palmerston Avenue; thence along the centre line of Palmerston Avenue to the centre line of Bloor Street; thence easterly along the centre line of Bloor Street to the centre line of Bathurst Street; thence north along the centre line of Bathurst Street to the centre line of the Canadian Pacific Railway tracks; thence easterly along the centre line of the Canadian Pacific Railway tracks to the centre line of Spadina Road; thence north along the centre line of Spadina Road and Spadina Road produced to the city limits; thence westerly along the city limits and southerly along the city limits and westerly along the city limits to intersection with the centre line of Christie Street, produced northerly; thence southerly and along the centre line of Christie Street to the centre line of Bloor Street; thence westerly along the centre line of Bloor Street to the centre line of Crawford Street; thence southerly along the centre line of Crawford Street to the centre line of King Street; thence easterly along the centre line of King Street to the centre line of Strachan Avenue; thence southerly along the centre line of Strachan Avenue and Strachan Avenue produced, to the waters of Lake Ontario; thence easterly along the waters of Lake Ontario to the place of beginning.

THE ELECTORAL DISTRICT OF BRACONDALE—to consist of that part of the City of Toronto bounded as follows: On the north by the city limits; on the south by the waters of Lake Ontario and on the east by an imaginary line drawn from the waters of Lake Ontario to the intersection of Strachan Avenue; thence along the centre line of Strachan Avenue to King Street;

thence west along the centre line of King Street to Crawford Street; thence along the centre line of Crawford Street to Bloor Street; thence easterly along the centre line of Bloor Street to the intersection of Christie Street; thence north along the centre line of Christie Street to the north city limits. It is bounded on the west by an imaginary line from Lake Ontario to Atlantic Avenue; thence north along the centre line of Atlantic Avenue to King Street; thence north from King Street to Dovercourt Road; thence north along the centre line of Dovercourt Road to Davenport Road; thence east on the centre line of Davenport Road to Oakwood Avenue; thence north on the centre line of Oakwood Avenue to the city limits.

THE ELECTORAL DISTRICT OF DOVERCOURT—to consist of that part of the City of Toronto bounded as follows: On the north by the city limits; on the south by the waters of Lake Ontario and on the east by an imaginary line running from the waters of Lake Ontario to the intersection of Atlantic Avenue; thence along the centre line of Atlantic Avenue to Dovercourt Road; thence along the centre line of Dovercourt Road to Davenport Road; thence easterly on the centre line of Davenport Road to Oakwood Avenue; thence along the centre line of Oakwood Avenue to the northern city limits. It is bounded on the west by an imaginary line drawn from the waters of Lake Ontario to the intersection of Spencer Avenue; thence along the centre line of Spencer Avenue to King Street; thence easterly along the centre line of King Street to Elm Grove Avenue; thence north along the centre line of Elm Grove Avenue to Queen Street; thence west along the centre line of Queen Street to Brock Avenue; thence north along the centre line of Brock Avenue to Wallace Avenue; thence west along the centre line of Wallace Avenue to Lansdowne Avenue; thence north along the centre line of Lansdowne Avenue to St. Clair Avenue; thence west along the centre line of St. Clair Avenue to the western limits of Prospect Cemetery; thence north to the city limits, not including McRoberts Avenue.

THE ELECTORAL DISTRICT OF EGLINTON—to consist of that part of the City of Toronto now known as Ward 9.

THE ELECTORAL DISTRICT OF HIGH PARK—to consist of that part of the City of Toronto now known as Ward 7, together with that part of Ward 6 of the said City described as follows: Commencing at the intersection of the centre line of Lansdowne Avenue with the Canadian Pacific Railway; thence northerly along the centre line of Lansdowne Avenue to St. Clair Avenue; thence westerly along the centre line of St. Clair Avenue to the westerly limit of Prospect Cemetery; thence northerly along the last-mentioned limit to the northerly limit of the said City; thence westerly along the last-mentioned limit to its intersection with the centre line of the Canadian Northern Railway, formerly the Northern Division of the Grand Trunk Railway System; thence southerly along the centre line of the said Railway to its intersection with the centre line of the Canadian Pacific Railway; thence easterly along the last-mentioned railway to the place of beginning.

THE ELECTORAL DISTRICT OF PARKDALE—to consist of that part of the City of Toronto bounded as follows: On the south by the waters of Lake Ontario; on the north by the centre line of Bloor Street from the intersection of Clendennan Avenue easterly to the boundary between Ward 6 and Ward 7; thence northerly along the centre line of the division between Ward 6 and Ward 7 to Humberside Avenue; thence east along the centre line of Humberside Avenue to the Canadian Pacific Railway; thence north on the Canadian Pacific Railway to the

intersection of the Canadian Pacific Railway line running east and west; thence easterly on the said Canadian Pacific Railway line to the intersection of Lansdowne Avenue. It is bounded on the east by an imaginary line from the waters of Lake Ontario to the intersection of Spencer Avenue; thence northerly along the centre line of Spencer Avenue to King Street; thence east along the centre line of King Street to Elm Grove Avenue; thence north along the centre line of Elm Grove Avenue to Queen Street; thence west on the centre line of Queen Street to Brock Avenue; thence north along the centre line of Brock Avenue to Wallace Avenue; thence west along the centre line of Wallace Avenue to Lansdowne Avenue; thence north along the centre line of Lansdowne Avenue to the Canadian Pacific Railway track. It is bounded on the west by the city limits from Lake Ontario to the intersection of Clendennan Avenue and Bloor Street.

THE ELECTORAL DISTRICT OF RIVERDALE—to consist of that part of the City of Toronto bounded as follows: On the east by a line drawn from the waters of Lake Ontario extending north along the centre line of Berkshire Avenue, produced southerly to a point at intersection with the southern boundary of Eastern Avenue; thence along the centre line of Berkshire Avenue to the centre line of Queen Street; thence easterly along the centre line of Queen Street to intersection with the centre line of Jones Avenue; thence north along the centre line of Jones Avenue to the centre line of Danforth Avenue; thence easterly along the centre line of Danforth Avenue to the centre line of Dewhurst Avenue; thence north along the centre line of Dewhurst Avenue to the city limits; bounded on the north by the limits of the said city; bounded on the west by the Don roadway and the said roadway produced southerly to intersection with the waters of Lake Ontario to a point intersecting the Don River; thence following the centre line of the Don River to the northern city limits; and bounded on the south by the waters of Lake Ontario.

THE ELECTORAL DISTRICT OF ST. ANDREW—to consist of that part of the City of Toronto bounded as follows: Commencing at a point on the northern boundary of the waters of Toronto Bay where the centre line of Peter Street produced southerly intersects said waters; thence westerly along the northern boundaries of the waters of said Toronto Bay to intersection with the northern boundary of the western channel; thence westerly along the said northern boundary to intersection with the western boundary of the Island; thence north-westerly along said western boundary to intersection with the centre line of Tecumseh Street produced southerly; thence north from the centre line of Tecumseh Street to Palmerston Avenue; thence along the centre line of Palmerston Avenue to the centre line of Bloor Street; thence east on the centre line of Bloor Street to the centre line of Bathurst Street; thence north on the centre line of Bathurst Street to the centre line of the Canadian Pacific Railway tracks; thence east on the centre line of the Canadian Pacific Railway tracks to the centre line of Spadina Road; thence southerly along the centre line of Spadina Road to the centre line of Bloor Street; thence easterly along the centre line of Bloor Street to the centre line of Huron Street; thence southerly along the centre line of Huron Street to the centre line of Phoebe Street; thence easterly along the centre line of Phoebe Street to the centre line of Soho Street; thence southerly along the centre line of Soho Street to the centre line of Queen Street; thence westerly along the centre line of Queen Street to the centre line of Peter Street; thence southerly along the centre line of Peter Street and Peter Street produced southerly to the place of beginning.

THE ELECTORAL DISTRICT OF ST. DAVID—to consist of that part of the City of Toronto bounded as follows: Commencing at a point where the Don roadway produced southerly intersects the waters of Lake Ontario; thence northerly along said Don roadway and Don roadway produced to intersection with the Don River; thence along the centre of the Don River to the northern city limits; thence westerly along the said northern city limits to intersection with the centre line of the belt line railway; thence northerly and northwesterly and westerly following the centre line of said belt line railway to intersection with the centre line of Yonge Street; thence southerly along the centre line of Yonge Street to the ravine crossing Yonge Street, nearly opposite Walmsley Boulevard; thence southeasterly following the centre of said ravine to intersection with the centre line of the Canadian Pacific Railway; thence easterly along the said centre line of the Canadian Pacific Railway to intersection with the centre line of MacLennan Avenue; thence southerly along the centre line of MacLennan Avenue to the centre line of Schofield Avenue; thence southerly along the centre line of Schofield Avenue to the centre line of Highland Avenue; thence southeasterly along the centre line of Highland Avenue to the centre line of Glen Road; thence southerly along the centre line of Glen Road to the centre line of South Drive; thence westerly along the centre line of South Drive to intersection with the centre line of Sherbourne Street; thence southerly along the centre line of Sherbourne Street and Sherbourne Street produced to the northern boundary of Toronto Bay; thence southeasterly in a straight line to the centre of the northerly end of the eastern channel; thence continuing southeasterly along the centre line of the eastern channel to the waters of Lake Ontario; thence easterly along the edge of the waters of Lake Ontario to the place of beginning.

THE ELECTORAL DISTRICT OF ST. GEORGE—to consist of that part of the City of Toronto bounded as follows: Commencing at a point where the northern boundary of the waters of Toronto Bay are intersected by the centre line of Sherbourne Street produced southerly; thence northerly along the said Sherbourne Street and Sherbourne Street produced southerly to intersection with the centre line of South Drive; thence easterly along the centre line of South Drive to intersection with the centre line of Glen Road; thence northerly along the centre line of Glen Road to intersection with the centre line of Highland Avenue; thence northwesterly along the centre line of Highland Avenue to the centre line of Schofield Avenue; thence northerly along the centre line of Schofield Avenue to intersection with the centre line of MacLennan Avenue; thence northerly along the centre line of MacLennan Avenue to the centre line of the Canadian Pacific Railway; thence westerly along the centre line of the Canadian Pacific Railway to intersection with the Ravine; thence northwesterly along the centre line of the Ravine to intersection with the centre line of Yonge Street; thence northerly along the centre line of Yonge Street to the centre line of the belt line railway; thence northwesterly along the centre line of the belt line railway to the city limits; thence southerly, easterly, southerly and westerly along the city limits to intersection with the centre line of Avenue Road produced northerly; thence southerly along the centre line of Avenue Road and Avenue Road produced northerly to the centre line of Davenport Road; thence easterly and southeasterly along the centre line of Davenport Road to intersection with the centre line of Bay Street; thence southerly along the centre line of Bay Street and Bay Street produced to the northern boundary of the waters of Toronto Bay; thence easterly along the northern boundary of the waters of Toronto Bay to the place of beginning.

THE ELECTORAL DISTRICT OF ST. PATRICK—to consist of that part of the City of Toronto bounded as follows: Commencing at a point where the waters of Lake Ontario are intersected by the centre line of the eastern channel; thence northwesterly along the centre line of the eastern channel to the centre at the north boundary of said channel; thence northwesterly in a straight line to a point on the northern boundary of the waters of Toronto Bay intersected by the centre line of Sherbourne Street produced southerly; thence westerly along the northern boundary of the waters of Toronto Bay to intersection with the centre line of Bay Street produced southerly; thence northerly along the centre line of Bay Street and Bay Street produced southerly to intersection with the centre line of Davenport Road; thence northwesterly along the centre line of Davenport Road to centre line of Avenue Road; thence northerly along the centre line of Avenue Road and Avenue Road produced to the city limit; thence westerly along the northern boundary of the city limit to intersection with the centre line of Spadina Road, produced northerly; thence southerly along the centre line of Spadina Road to the centre line of Bloor Street; thence easterly along the centre line of Bloor Street to the centre line of Huron Street; thence southerly along the centre line of Huron Street to the centre line of Phoebe Street; thence easterly along the centre line of Phoebe Street to the centre line of Soho Street; thence southerly along the centre line of Soho Street to the centre line of Queen Street; thence westerly along the centre line of Queen Street to the centre line of Peter Street; thence southerly along the centre line of Peter Street and Peter Street produced southerly to the northern boundary of the waters of Toronto Bay; thence westerly following the northern boundary of the waters of Toronto Bay and along the northern boundary of the western channel to intersection with the western boundary of Toronto Island; thence southerly across the western channel and along the western boundary of the said Island and along the waters of Lake Ontario and easterly along the southern boundary of the said Island and along the waters of Lake Ontario to the place of beginning.

THE ELECTORAL DISTRICT OF WOODBINE—to consist of that part of the City of Toronto bounded as follows: On the east by the centre line of Woodbine Avenue, said centre line produced southerly to the waters of Lake Ontario; on the south by the waters of Lake Ontario; on the west by a line drawn from the waters of Lake Ontario, extending north along the centre line of Berkshire Avenue produced southerly to a point at intersection with the southern boundary of Eastern Avenue; thence along the centre line of Berkshire Avenue to the centre line of Queen Street; thence easterly along the centre line of Queen Street to intersection with the centre line of Jones Avenue; thence along the centre line of Jones Avenue to intersection with the centre line of Danforth Avenue; thence easterly to intersection with the centre line of Dewhurst Avenue; thence north along the said centre line of Dewhurst Avenue to the city limits and bounded on the north by the city limits.

BILL

An Act respecting Representation of the
People in the Legislative Assembly

1st Reading

March 9th, 1954

2nd Reading

March 23rd, 1954

3rd Reading

April 6th, 1954

MR. FROST (Victoria)

No. 79

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
The Provincial Parks Act, 1954

MR. CHALLIES

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

EXPLANATORY NOTE

This Bill is a consolidation and revision of *The Provincial Parks Act*, *The Long Point Park Act* and *The Presqu'ile Park Act*. The revision will assist in the development of the provincial parks and will improve their administration.

The Bill brings Long Point Park and Presqu'ile Park into the provincial park system.

BILL

The Provincial Parks Act, 1954

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, "public lands" means lands belonging to Her Majesty in right of Ontario, whether or not covered by water. R.S.O. 1950, c. 300, s. 1, *amended*. ^{Interpretation}

2. All provincial parks are dedicated to the people of the Province of Ontario and others who may use them for their healthful enjoyment and education, and the provincial parks shall be maintained for the benefit of future generations in accordance with this Act and the regulations made under this Act. *New*. ^{Parks dedicated to public}

3.—(1) The lands reserved, set apart and known as Algonquin Provincial Park, Ipperwash Provincial Park, Lake Superior Provincial Park, Quetico Provincial Park, Rondeau Provincial Park and Sibley Provincial Park shall continue to be reserved, set apart and known as provincial parks. R.S.O. 1950, c. 300, s. 2 (1). ^{Existing provincial parks}

(2) The lands set apart and known as Presqu'île Park and Long Point Park shall continue to be set apart and shall be provincial parks. *New*. ^{Idem}

(3) Notwithstanding any general or special Act, the Lieutenant-Governor in Council may set apart as a provincial park any area in Ontario, may increase or decrease the area of any provincial park, and may delimit any provincial park. R.S.O. 1950, c. 300, s. 2 (2), *amended*. ^{New parks and additions}

(4) Land may be acquired under *The Public Works Act* for the purposes of this Act. *New*. ^{Acquisition of land Rev. Stat., c. 323}

(5) For municipal purposes, any land set apart as a provincial park or added thereto shall, so long as it remains part of the provincial park, be deemed to be separated from any ^{Municipal purposes}

municipality of which it formed a part immediately before it became a provincial park or a part thereof. R.S.O. 1950, c. 300, s. 3, *amended*.

Judicial purposes

(6) For judicial purposes, any land set apart as a provincial park or added thereto shall continue to form part of the county, if any, of which it formed a part immediately before it became a provincial park or a part thereof. *New*.

Designation of parks for administrative purposes

4. The Lieutenant-Governor in Council shall designate each provincial park as being under Part I, Part II or Part III for the purposes of administration and may change the designation of any provincial park at any time. *New*.

PART I

Administration of parks Part I parks

5. Each provincial park designated as being under this Part shall be under the control and management of the Minister of Lands and Forests and shall be under the charge of a district forester or a superintendent designated by the Minister. R.S.O. 1950, c. 300, ss. 6, 7, *amended*.

PART II

Interpretation

6. In this Part, "Minister" means the member of the Executive Council to whom the administration of the provincial parks under this Part is assigned by the Lieutenant-Governor in Council. *New*.

Administration of parks Part II parks

7.—(1) Each provincial park designated as being under this Part shall be under the control and management of the Minister and shall be under the charge of a commission appointed by the Lieutenant-Governor in Council and composed of such number of persons as the Lieutenant-Governor in Council may determine.

Chairman and vice-chairman

(2) The Lieutenant-Governor in Council shall designate one of the members as chairman and another as vice-chairman.

Corporation

(3) The commission shall be a body corporate by the name of The Provincial Park Commission (*inserting the name of the park*). R.S.O. 1950, c. 217, s. 1 (1); c. 286, s. 1 (1); *amended*.

Tenure of office and compensation

(4) The members of the commission shall hold office during the pleasure of the Lieutenant-Governor in Council and shall receive such compensation as is fixed by the Lieutenant-Governor in Council. R.S.O. 1950, c. 217, s. 1 (2, 3); c. 286, s. 1 (2, 3).

(5) The chairman, or during the absence of the chairman ^{Chairman} through illness or otherwise or if the office of chairman is vacant, the vice-chairman, for the purposes of this Part, has all the rights and powers and shall perform all the duties that pertain to the office of mayor of a town.

(6) The commission shall appoint a secretary who is not ^{Secretary} a member of the commission and who, for the purposes of this Part, has all the powers and shall perform all the duties that pertain to the offices of clerk and treasurer of a town. R.S.O. 1950, c. 217, s. 1 (4); c. 286, s. 1 (4, 5); *amended*.

8. With respect to property of a commission and the public ^{Collection of revenues, etc.} lands in the park under its charge, the commission shall demand, collect and recover from any person having the occupation or use thereof any money due for rent or otherwise. R.S.O. 1950, c. 217, s. 4; c. 286, s. 4; *amended*.

9.—(1) Subject to the approval of the Minister, a commis- ^{Powers of commission} sion may, in respect of the park under its charge, exercise any of the powers that are conferred by any Act on the council of a town. R.S.O. 1950, c. 217, ss. 6-10, 19; c. 286, ss. 6-10, 19; *amended*.

(2) Without limiting the generality of subsection 1 and ^{Idem} subject to the approval of the Minister, a commission may pass by-laws in respect of the park under its charge,

- (a) to lay out, improve, develop and enclose the park;
- (b) to construct or pull down buildings, wharves and other structures on public lands, and to dispose of materials obtained from any structures so pulled down;
- (c) to construct and operate on public lands restaurants, refreshment booths and stands for the sale of souvenirs and other wares;
- (d) to construct and operate on public lands toilet, dressing room, picnic, camping, cooking, bathing and other facilities for the convenience of the public;
- (e) to construct and operate on public lands picnic grounds, camping grounds, trailer parks, parking lots, cabins and other sleeping accommodation;
- (f) to acquire and operate boats, vessels, motor vehicles and other means of transportation to be used in connection with the park;

- (g) to make agreements with persons with respect to the establishment or operation by them of any works, facilities or services on public lands;
- (h) to lease any land, building or structure upon such terms and conditions as it deems expedient;
- (i) to demand and collect admission fees for entrance into the park of persons or vehicles;
- (j) to demand and collect fees, tolls, rents, taxes or other charges for the use of the lands, buildings, wharves, structures, means of transportation or works owned or controlled by the commission, and for services rendered and for the use of facilities provided by the commission;
- (k) to do any other thing it deems necessary or advisable to improve the park. R.S.O. 1950, c. 217, ss. 5 *part*, 17; c. 286, ss. 5 *part*, 17; *amended*.

**Authenti-
cation of
by-laws**

(3) By-laws passed by a commission shall be authenticated by the signature of the chairman and secretary and the seal of the commission, and a copy of a by-law so authenticated shall have the same effect as a copy of a municipal by-law certified in the manner provided in *The Municipal Act*. R.S.O. 1950, c. 217, s. 12; c. 286, s. 12; *amended*.

**Rev. Stat.,
c. 243**

Highways

10. A commission shall keep the highways in the park under its charge in proper repair and has in respect of the highways all the powers and privileges conferred and is subject to all the liabilities imposed as if it were the council and corporation of a town, and no action is maintainable against any municipality by reason of the non-repair of the highways, streets, sidewalks or bridges in the park or by reason of any misfeasance or non-feasance in relation to them. R.S.O. 1950, c. 217, s. 15; c. 286, s. 15; *amended*.

**Application
of Rev. Stat.,
c. 1320**

11. The provisions of *The Public Utilities Act*, except where inconsistent with this Part, apply to a commission. R.S.O. 1950, c. 217, s. 11; c. 286, s. 11.

**Rates and
taxes**

12.—(1) Subject to the approval of the Minister, a commission may levy rates as if it were the council of a town and for that purpose the commission has and shall perform all the powers and duties of the council, clerk and collector of a town.

Assessment

(2) For the purpose of subsection 1, the Department of Municipal Affairs has and shall perform all the powers and duties of the assessor of a town, and the provisions of *The Assessment Act* shall apply. R.S.O. 1950, c. 217, s. 18; c. 286, s. 18, *amended*.

**Rev. Stat.,
c. 24**

13.—(1) All moneys received by a commission shall be applied for the purposes of the park under its charge and in discharge of its duties and obligations. Application of revenues

(2) Any surplus moneys shall, on the order of the Lieutenant-Governor in Council, be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. Idem
R.S.O. 1950, c. 217, s. 5, *part*; c. 286, s. 5, *part*; *amended*.

14. A commission shall be deemed to be the council of a municipality for the purposes of sections 245 to 249 of *The Municipal Act*. Audit of accounts
R.S.O. 1950, c. 217, s. 20 (2); c. 286, s. 20 (2); *amended*. Rev. Stat., c. 243

15.—(1) A commission shall, after the close of each year, make an annual report upon the affairs of the commission to the Minister who shall file it with the Provincial Secretary. Annual report

(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. Tabling
R.S.O. 1950, c. 217, s. 21; c. 286, s. 21; *amended*.

16. Without the authority of the Lieutenant-Governor in Council, no action shall be brought against the members of a commission personally for anything done or omitted to be done under this Act. Actions against members
R.S.O. 1950, c. 217, s. 22; c. 286, s. 22; *amended*.

17. Nothing in this Act shall be deemed to confer any power to interfere with the rights of the owners of the property of the Long Point Company or the Toronto Big Creek Shooting Club, Limited. Certain rights preserved
R.S.O. 1950, c. 217, s. 25.

18. All lands now vested in The Long Point Park Commission and The Presqu'ile Park Commission are vested in the Crown. Lands in certain parks vested in Crown
New.

19.—(1) Subject to this Act, The Long Point Park Commission is continued and shall be known as The Long Point Provincial Park Commission and Long Point Provincial Park is under this Part. Long Point Provincial Park

(2) Subject to this Act, The Presqu'ile Park Commission is continued and shall be known as The Presqu'ile Provincial Park Commission and Presqu'ile Provincial Park is under this Part. Presqu'ile Provincial Park
New.

20. Where a provincial park that is under this Part is designated as being under Part I or Part III, the Lieutenant-Governor, upon the recommendation of the Minister, may Dissolution of commission

dissolve the commission on such date as the order may fix and, upon the dissolution of a commission, its property vests in the Crown to be held and disposed of in such manner as the Lieutenant-Governor in Council determines. *New.*

PART III

Administra-
tion of
Part III
parks

21. Each provincial park designated as being under this Part shall be under the control and management of the member of the Executive Council to whom the administration of the provincial parks under this Part is assigned by the Lieutenant-Governor in Council and shall be under the charge of a superintendent or a person designated by the Minister. *New.*

PART IV

GENERAL

Inquiry
into
leases, etc.

22.—(1) A Minister having control and management of a provincial park may inquire into and ascertain all the facts concerning all leases and other agreements in respect of any lands in the provincial park. R.S.O. 1950, c. 217, s. 3; c. 286, s. 3; *amended.*

Minister
to decide
rights

(2) The Minister shall determine all questions that arise as to the rights of persons claiming to be entitled to any rights in respect of public lands in the provincial park.

Cancellat-
ion of
leases

(3) If the Minister is satisfied that any such person, or any person claiming under or through him, has been guilty of fraud or imposition, or has violated any of the conditions of his lease or other agreement, he may cancel such lease or other agreement and resume the land and dispose of it as if the same had never been made and upon such cancellation all moneys paid in respect of such sale, location or lease shall remain the property of the Crown and the improvements, if any, on the land shall be forfeited to the Crown.

Power to
acquire
possession

Rev. Stat.,
c. 309

(4) Where a person refuses to deliver up land or where a trespasser is in possession, the Minister may obtain possession in a manner similar to that provided in section 19 of *The Public Lands Act*. *New.*

Police
powers

23. In a provincial park, the district forester, superintendent or other person in charge and every forest ranger has all the power and authority of a member of the Ontario Provincial Police Force. R.S.O. 1950, c. 300, s. 8, *amended.*

Sale of
liquor
Rev. Stat.,
c. 210

24. No licence or other authority shall be issued for the sale of liquor as defined in *The Liquor Control Act* within any provincial park. R.S.O. 1950, c. 300, s. 9.

25. *The Crown Timber Act, 1952* and *The Public Lands Act* 1952, c. 15, do not apply in any provincial park under Part II or Part III. Rev. Stat., c. 309, not to apply to Part II, III parks

26. Subject to *The Game and Fisheries Act* and the regulations thereunder, the Minister having control and management of a provincial park may take such measures as he deems proper for the protection of fish, animals and birds and any property or interest of the Crown. Conservation of wild life, etc. Rev. Stat., c. 153 R.S.O. 1950, c. 300, s. 10, *amended*.

27.—(1) The Lieutenant-Governor in Council may make Regulations regulations,

- (a) for the care, preservation, improvement, control and management of the provincial parks;
- (b) prohibiting or regulating and controlling prospecting or the staking out of mining claims or the development of mineral interests or the working of mines in provincial parks;
- (c) prohibiting or regulating and controlling the occupation of public lands in provincial parks or designating areas therein in which land may be leased or occupied under licence of occupation and describing such areas by metes and bounds, or in relation to highways, lakes, rivers or railways;
- (d) regulating and controlling the use of lands in provincial parks;
- (e) prohibiting the erection of buildings or structures in provincial parks, or regulating and controlling the nature, cost, type of construction or the location of buildings or structures which may be erected therein;
- (f) governing the granting, issue, form, renewal, transfer and cancellation of leases, licences of occupation and other rights to public lands in provincial parks and prescribing terms and conditions in connection therewith;
- (g) for prohibiting or regulating and controlling the use or keeping of horses, dogs and other animals in provincial parks;
- (h) for prohibiting or regulating and controlling the erection, posting or other display of notices, signs, sign-boards and other advertising devices in provincial parks;

- (i) for prohibiting or regulating and controlling the use, setting out and extinguishment of fires in provincial parks;
- (j) for prohibiting or regulating and controlling pedestrian, vehicular or air traffic in provincial parks;
- (k) for prohibiting or regulating and controlling and issuing permits for the use of vehicles, boats or aircraft or any defined class thereof in provincial parks;
- (l) for issuing permits to persons to enter and travel in provincial parks;
- (m) for prohibiting or regulating, controlling and licensing trades, businesses, amusements, sports, occupations and other activities or undertakings in provincial parks;
- (n) for regulating, controlling and licensing guides in provincial parks;
- (o) prescribing the fees or rentals payable for any licence, permit, lease or other right issued, made or given in respect of a provincial park;
- (p) respecting any matter mentioned in subsection 2 of section 9;
- (q) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 300, s. 11 (1), *amended*.

Application (2) Any regulation under subsection 1 may be made applicable to all provincial parks, to any designated class of provincial parks, to any provincial park or to any part of a provincial park. R.S.O. 1950, c. 300, s. 11 (2), *amended*.

Conflict (3) In the event of conflict between any regulation applicable to a provincial park that is under Part II and a by-law of the commission in charge of the park, the regulation prevails to the extent of the conflict, but in all other respects the by-law remains in full force and effect.

Penalty **28.**—(1) Every person who fails to comply with or contravenes any provision of this Act or of the regulations made or any by-law passed under this Act is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. R.S.O. 1950, c. 300, s. 12; c. 217, s. 13; c. 286, s. 13; *amended*.

(2) All penalties recovered for contraventions of by-laws of a commission shall be paid over to the commission. R.S.O. 1950, c. 217, s. 14; c. 286, s. 14; *amended*. Application
of penalties

(3) Where any regulation made or by-law passed under this Act is contravened, in addition to any other remedy and to any penalty imposed, the contravention may be restrained by action at the instance of the Minister having control and management of the provincial park in which the contravention takes place. *New*. Restraint
by action

29. The south boundary and part of the east boundary of the Village of Brighton extending from the southwesterly angle of Lot No. 5 in the Broken Front Concession of the Township of Brighton, now in the Village of Brighton, to the westerly limit of the unopened road allowance between Lots Nos. 32 and 33, Concession C, Township of Brighton, shall be as described in the Schedule. Boundary
of Village
of Brighton

30. *The Long Point Park Act, The Presqu'ile Park Act, The Provincial Parks Act and The Provincial Parks Amendment Act, 1952* are repealed. Rev. Stat.,
cc. 217, 286,
300: 1952,
c. 82,
repealed

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

32. This Act may be cited as *The Provincial Parks Act, 1954*. Short title

SCHEDULE

Premising that the bearings hereinafter mentioned are astronomic and are referred to the meridian through the northeast angle of Lot No. 1 on the south side of Water Street as shown on Plan No. 135 (Newcastle Townsite) as entered in the Registry Office for the Registry Division of the East Riding of the County of Northumberland at Colborne, Ontario.

COMMENCING at the southwesterly angle of Lot No. 5 in the Broken Front Concession of the Township of Brighton now in the Village of Brighton as the said southwesterly angle is shown on and established by Plan No. 140 as entered in the Registry Office for the Registry Division of the East Riding of the County of Northumberland at Colborne, Ontario, and which said southwesterly angle of the said Lot No. 5 marks the intersection of the westerly limit of the said Lot No. 5 with the highwater mark on the northerly shore of Lake Ontario; thence in a general southeasterly direction and following the said highwater mark in all its windings to the most southerly angle of the said Lot No. 5 as shown on the said Plan No. 140; thence north $25^{\circ} 28'$ east 252.73 feet along the southeasterly limit of the said Lot No. 5 as established by the said Plan No. 140; thence north $9^{\circ} 53'$ east 136.45 feet along the southeasterly limit of the said Lot No. 5 as established by the said Plan No. 140; thence north $15^{\circ} 23'$ west 232.39 feet along the said southeasterly limit of the said Lot No. 5 as established by the said Plan No. 140; thence north $52^{\circ} 7'$ west 407.73 feet along the easterly limit of the said Lot No. 5 and along the southwesterly limit of Lake Street as shown on Plan No. 28 as entered in the Registry Office for the Registry Division of the East Riding of the County of Northumberland at Colborne, Ontario; thence north $33^{\circ} 9'$ west along the said southwesterly limit of Lake Street 60.08 feet to a point where the said limit of Lake Street is intersected by the westerly production of the northerly limit of a development road; thence $68^{\circ} 1'$ east along the said westerly production of the northerly limit of a development road and along the northerly limit of the development road 851.34 feet; thence on a curve to the left along the northerly limit of the said development road to which curve the last-mentioned course is tangent and which said curve has a radius of 2,821.79 feet for an arc distance of 881.16 feet; thence north $50^{\circ} 7' 30''$ east along the said northerly limit of the development road and tangent to the last-mentioned curve for a distance of 909 feet more or less to a point in the south limit of Lot No. 3 in the Broken Front Concession of the Township of Brighton now in the Village of Brighton as said southerly limit was established by and shown on said Plan No. 140; thence in a general southeasterly direction and following the said south limit of the said Lot No. 3 as shown on the said Plan No. 140 to the southeasterly angle of the said Lot No. 3; thence south $47^{\circ} 12' 10''$ east 864.48 feet more or less to a point in a straight line joining the easterly tip of Gilead Point in Presqu'île Bay of Lake Ontario with the most southerly point of Gosport as shown on said Plan No. 28; thence north $58^{\circ} 42' 25''$ east along the said line joining the easterly tip of Gilead Point with the most southerly point of Gosport 4,155.49 feet to the said most southerly point of Gosport which said southerly point of Gosport for the purposes of this description is distant 80 feet measured on a course bearing south $12'$ east from the southerly termination of the line between Lots Nos. 11 and 12 on the north side of Bay Street as shown on the said Plan No. 28; thence north $66^{\circ} 30'$ east 1,000 feet; thence north $42^{\circ} 30'$ east 2,100 feet; thence in a northwesterly direction in a straight line to the southwesterly angle of that portion of Lot No. 32, Concession C of the Township of Brighton which was conveyed by quit-claim deed dated 28th September, 1932, to the St. Mary's Cement Company Limited and which said southwesterly angle is distant 3,000 feet measured southerly along the easterly limit of an unopened road allowance between Lots Nos. 32 and 33 through Concessions B and C in the said Township of Brighton from the intersection of the said easterly limit of an unopened road allowance with the southerly limit of Harbour Street as shown on the said Plan No. 28; thence westerly and at right angles to the said easterly limit of the said unopened road allowance 66 feet to a point in the westerly limit of the said unopened road allowance.



The Provincial Parks Act, 1954

1st Reading

March 9th, 1954

2nd Reading

3rd Reading

MR. CHALLIES

No. 79

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
The Provincial Parks Act, 1954

MR. CHALLIES

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



BILL

The Provincial Parks Act, 1954

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, "public lands" means lands belonging to Her Majesty in right of Ontario, whether or not covered by water. R.S.O. 1950, c. 300, s. 1, *amended*. Interpretation

2. All provincial parks are dedicated to the people of the Province of Ontario and others who may use them for their healthful enjoyment and education, and the provincial parks shall be maintained for the benefit of future generations in accordance with this Act and the regulations made under this Act. *New*. Parks dedicated to public

3.—(1) The lands reserved, set apart and known as Algonquin Provincial Park, Ipperwash Provincial Park, Lake Superior Provincial Park, Quetico Provincial Park, Rondeau Provincial Park and Sibley Provincial Park shall continue to be reserved, set apart and known as provincial parks. R.S.O. 1950, c. 300, s. 2 (1). Existing provincial parks

(2) The lands set apart and known as Presqu'île Park and Long Point Park shall continue to be set apart and shall be provincial parks. *New*. Idem

(3) Notwithstanding any general or special Act, the Lieutenant-Governor in Council may set apart as a provincial park any area in Ontario, may increase or decrease the area of any provincial park, and may delimit any provincial park. R.S.O. 1950, c. 300, s. 2 (2), *amended*. New parks and additions

(4) Land may be acquired under *The Public Works Act* for the purposes of this Act. *New*. Acquisition of land Rev. Stat., c. 323

(5) For municipal purposes, any land set apart as a provincial park or added thereto shall, so long as it remains part of the provincial park, be deemed to be separated from any Municipal purposes

municipality of which it formed a part immediately before it became a provincial park or a part thereof. R.S.O. 1950, c. 300, s. 3, *amended*.

Judicial purposes

(6) For judicial purposes, any land set apart as a provincial park or added thereto shall continue to form part of the county, if any, of which it formed a part immediately before it became a provincial park or a part thereof. *New*.

Designation of parks for administrative purposes

4. The Lieutenant-Governor in Council shall designate each provincial park as being under Part I, Part II or Part III for the purposes of administration and may change the designation of any provincial park at any time. *New*.

PART I

Administration of Part I parks

5. Each provincial park designated as being under this Part shall be under the control and management of the Minister of Lands and Forests and shall be under the charge of a district forester or a superintendent designated by the Minister. R.S.O. 1950, c. 300, ss. 6, 7, *amended*.

PART II

Interpretation

6. In this Part, "Minister" means the member of the Executive Council to whom the administration of the provincial parks under this Part is assigned by the Lieutenant-Governor in Council. *New*.

Administration of Part II parks

7.—(1) Each provincial park designated as being under this Part shall be under the control and management of the Minister and shall be under the charge of a commission appointed by the Lieutenant-Governor in Council and composed of such number of persons as the Lieutenant-Governor in Council may determine.

Chairman and vice-chairman

(2) The Lieutenant-Governor in Council shall designate one of the members as chairman and another as vice-chairman.

Corporation

(3) The commission shall be a body corporate by the name of The Provincial Park Commission (*inserting the name of the park*). R.S.O. 1950, c. 217, s. 1 (1); c. 286, s. 1 (1); *amended*.

Tenure of office and compensation

(4) The members of the commission shall hold office during the pleasure of the Lieutenant-Governor in Council and shall receive such compensation as is fixed by the Lieutenant-Governor in Council. R.S.O. 1950, c. 217, s. 1 (2, 3); c. 286, s. 1 (2, 3).

(5) The chairman, or during the absence of the chairman ^{Chairman} through illness or otherwise or if the office of chairman is vacant, the vice-chairman, for the purposes of this Part, has all the rights and powers and shall perform all the duties that pertain to the office of mayor of a town.

(6) The commission shall appoint a secretary who is not ^{Secretary} a member of the commission and who, for the purposes of this Part, has all the powers and shall perform all the duties that pertain to the offices of clerk and treasurer of a town. R.S.O. 1950, c. 217, s. 1 (4); c. 286, s. 1 (4, 5); *amended*.

8. With respect to property of a commission and the public ^{Collection of revenues, etc.} lands in the park under its charge, the commission shall demand, collect and recover from any person having the occupation or use thereof any money due for rent or otherwise. R.S.O. 1950, c. 217, s. 4; c. 286, s. 4; *amended*.

9.—(1) Subject to the approval of the Minister, a commis- ^{Powers of commission} sion may, in respect of the park under its charge, exercise any of the powers that are conferred by any Act on the council of a town. R.S.O. 1950, c. 217, ss. 6-10, 19; c. 286, ss. 6-10, 19; *amended*.

(2) Without limiting the generality of subsection 1 and ^{Idem} subject to the approval of the Minister, a commission may pass by-laws in respect of the park under its charge,

- (a) to lay out, improve, develop and enclose the park;
- (b) to construct or pull down buildings, wharves and other structures on public lands, and to dispose of materials obtained from any structures so pulled down;
- (c) to construct and operate on public lands restaurants, refreshment booths and stands for the sale of souvenirs and other wares;
- (d) to construct and operate on public lands toilet, dressing room, picnic, camping, cooking, bathing and other facilities for the convenience of the public;
- (e) to construct and operate on public lands picnic grounds, camping grounds, trailer parks, parking lots, cabins and other sleeping accommodation;
- (f) to acquire and operate boats, vessels, motor vehicles and other means of transportation to be used in connection with the park;

- (g) to make agreements with persons with respect to the establishment or operation by them of any works, facilities or services on public lands;
- (h) to lease any land, building or structure upon such terms and conditions as it deems expedient;
- (i) to demand and collect admission fees for entrance into the park of persons or vehicles;
- (j) to demand and collect fees, tolls, rents, taxes or other charges for the use of the lands, buildings, wharves, structures, means of transportation or works owned or controlled by the commission, and for services rendered and for the use of facilities provided by the commission;
- (k) to do any other thing it deems necessary or advisable to improve the park. R.S.O. 1950, c. 217, ss. 5 *part*, 17; c. 286, ss. 5 *part*, 17; *amended*.

Authenti-
cation of
by-laws

(3) By-laws passed by a commission shall be authenticated by the signature of the chairman and secretary and the seal of the commission, and a copy of a by-law so authenticated shall have the same effect as a copy of a municipal by-law certified in the manner provided in *The Municipal Act*. R.S.O. 1950, c. 217, s. 12; c. 286, s. 12; *amended*.

Rev. Stat.,
c. 243

Highways

10. A commission shall keep the highways in the park under its charge in proper repair and has in respect of the highways all the powers and privileges conferred and is subject to all the liabilities imposed as if it were the council and corporation of a town, and no action is maintainable against any municipality by reason of the non-repair of the highways, streets, sidewalks or bridges in the park or by reason of any misfeasance or non-feasance in relation to them. R.S.O. 1950, c. 217, s. 15; c. 286, s. 15; *amended*.

Application
of Rev.
Stat., c. 320

11. The provisions of *The Public Utilities Act*, except where inconsistent with this Part, apply to a commission. R.S.O. 1950, c. 217, s. 11; c. 286, s. 11.

Rates and
taxes

12.—(1) Subject to the approval of the Minister, a commission may levy rates as if it were the council of a town and for that purpose the commission has and shall perform all the powers and duties of the council, clerk and collector of a town.

Assessment

(2) For the purpose of subsection 1, the Department of Municipal Affairs has and shall perform all the powers and duties of the assessor of a town, and the provisions of *The Assessment Act* shall apply. R.S.O. 1950, c. 217, s. 18; c. 286, s. 18, *amended*.

Rev. Stat.,
c. 24

13.—(1) All moneys received by a commission shall be applied for the purposes of the park under its charge and in discharge of its duties and obligations. Application of revenues

(2) Any surplus moneys shall, on the order of the Lieutenant-Governor in Council, be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1950, c. 217, s. 5, *part*; c. 286, s. 5, *part*; *amended*. Idem

14. A commission shall be deemed to be the council of a municipality for the purposes of sections 245 to 249 of *The Municipal Act*. R.S.O. 1950, c. 217, s. 20 (2); c. 286, s. 20 (2); *amended*. Audit of accounts
Rev. Stat.,
c. 243

15.—(1) A commission shall, after the close of each year, make an annual report upon the affairs of the commission to the Minister who shall file it with the Provincial Secretary. Annual report

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session. R.S.O. 1950, c. 217, s. 21; c. 286, s. 21; *amended*. Tabling

16. Without the authority of the Lieutenant-Governor in Council, no action shall be brought against the members of a commission personally for anything done or omitted to be done under this Act. R.S.O. 1950, c. 217, s. 22; c. 286, s. 22; *amended*. Actions against members

17. Nothing in this Act shall be deemed to confer any power to interfere with the rights of the owners of the property of the Long Point Company or the Toronto Big Creek Shooting Club, Limited. R.S.O. 1950, c. 217, s. 25. Certain rights preserved

18. All lands now vested in The Long Point Park Commission and The Presqu'ile Park Commission are vested in the Crown. *New*. Lands in certain parks vested in Crown

19.—(1) Subject to this Act, The Long Point Park Commission is continued and shall be known as The Long Point Provincial Park Commission and Long Point Provincial Park is under this Part. Long Point Provincial Park

(2) Subject to this Act, The Presqu'ile Park Commission is continued and shall be known as The Presqu'ile Provincial Park Commission and Presqu'ile Provincial Park is under this Part. *New*. Presqu'ile Provincial Park

20. Where a provincial park that is under this Part is designated as being under Part I or Part III, the Lieutenant-Governor, upon the recommendation of the Minister, may Dissolution of commission

dissolve the commission on such date as the order may fix and, upon the dissolution of a commission, its property vests in the Crown to be held and disposed of in such manner as the Lieutenant-Governor in Council determines. *New.*

PART III

Administra-
tion of
Part III
parks

21. Each provincial park designated as being under this Part shall be under the control and management of the member of the Executive Council to whom the administration of the provincial parks under this Part is assigned by the Lieutenant-Governor in Council and shall be under the charge of a superintendent or a person designated by the Minister. *New.*

PART IV

GENERAL

Inquiry
into
leases, etc.

22.—(1) A Minister having control and management of a provincial park may inquire into and ascertain all the facts concerning all leases and other agreements in respect of any lands in the provincial park. R.S.O. 1950, c. 217, s. 3; c. 286, s. 3; *amended.*

Minister
to decide
rights

(2) The Minister shall determine all questions that arise as to the rights of persons claiming to be entitled to any rights in respect of public lands in the provincial park.

Cancellat-
ion of
leases

(3) If the Minister is satisfied that any such person, or any person claiming under or through him, has been guilty of fraud or imposition, or has violated any of the conditions of his lease or other agreement, he may cancel such lease or other agreement and resume the land and dispose of it as if the same had never been made and upon such cancellation all moneys paid in respect of such sale, location or lease shall remain the property of the Crown and the improvements, if any, on the land shall be forfeited to the Crown.

Power to
acquire
possession

Rev. Stat.,
c. 309

(4) Where a person refuses to deliver up land or where a trespasser is in possession, the Minister may obtain possession in a manner similar to that provided in section 19 of *The Public Lands Act*. *New.*

Police
powers

23. In a provincial park, the district forester, superintendent or other person in charge and every forest ranger has all the power and authority of a member of the Ontario Provincial Police Force. R.S.O. 1950, c. 300, s. 8, *amended.*

Sale of
liquor
Rev. Stat.,
c. 210

24. No licence or other authority shall be issued for the sale of liquor as defined in *The Liquor Control Act* within any provincial park. R.S.O. 1950, c. 300, s. 9.

25. *The Crown Timber Act, 1952* and *The Public Lands Act* 1952, c. 15, Rev. Stat., c. 309, not to apply to Part II, III parks
do not apply in any provincial park under Part II or Part III.

26. Subject to *The Game and Fisheries Act* and the regulations thereunder, the Minister having control and management of a provincial park may take such measures as he deems proper for the protection of fish, animals and birds and any property or interest of the Crown. R.S.O. 1950, c. 300, s. 10, *amended*.
Conservation of wild life, etc. Rev. Stat., c. 153

27.—(1) The Lieutenant-Governor in Council may make Regulations regulations,

- (a) for the care, preservation, improvement, control and management of the provincial parks;
- (b) prohibiting or regulating and controlling prospecting or the staking out of mining claims or the development of mineral interests or the working of mines in provincial parks;
- (c) prohibiting or regulating and controlling the occupation of public lands in provincial parks or designating areas therein in which land may be leased or occupied under licence of occupation and describing such areas by metes and bounds, or in relation to highways, lakes, rivers or railways;
- (d) regulating and controlling the use of lands in provincial parks;
- (e) prohibiting the erection of buildings or structures in provincial parks, or regulating and controlling the nature, cost, type of construction or the location of buildings or structures which may be erected therein;
- (f) governing the granting, issue, form, renewal, transfer and cancellation of leases, licences of occupation and other rights to public lands in provincial parks and prescribing terms and conditions in connection therewith;
- (g) for prohibiting or regulating and controlling the use or keeping of horses, dogs and other animals in provincial parks;
- (h) for prohibiting or regulating and controlling the erection, posting or other display of notices, signs, sign-boards and other advertising devices in provincial parks;

- (i) for prohibiting or regulating and controlling the use, setting out and extinguishment of fires in provincial parks;
- (j) for prohibiting or regulating and controlling pedestrian, vehicular or air traffic in provincial parks;
- (k) for prohibiting or regulating and controlling and issuing permits for the use of vehicles, boats or aircraft or any defined class thereof in provincial parks;
- (l) for issuing permits to persons to enter and travel in provincial parks;
- (m) for prohibiting or regulating, controlling and licensing trades, businesses, amusements, sports, occupations and other activities or undertakings in provincial parks;
- (n) for regulating, controlling and licensing guides in provincial parks;
- (o) prescribing the fees or rentals payable for any licence, permit, lease or other right issued, made or given in respect of a provincial park;
- (p) respecting any matter mentioned in subsection 2 of section 9;
- (q) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 300, s. 11 (1), *amended*.

Application (2) Any regulation under subsection 1 may be made applicable to all provincial parks, to any designated class of provincial parks, to any provincial park or to any part of a provincial park. R.S.O. 1950, c. 300, s. 11 (2), *amended*.

Conflict (3) In the event of conflict between any regulation applicable to a provincial park that is under Part II and a by-law of the commission in charge of the park, the regulation prevails to the extent of the conflict, but in all other respects the by-law remains in full force and effect.

Penalty **28.**—(1) Every person who fails to comply with or contravenes any provision of this Act or of the regulations made or any by-law passed under this Act is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. R.S.O. 1950, c. 300, s. 12; c. 217, s. 13; c. 286, s. 13; *amended*.

(2) All penalties recovered for contraventions of by-laws of a commission shall be paid over to the commission. R.S.O. 1950, c. 217, s. 14; c. 286, s. 14; *amended*. Application
of penalties

(3) Where any regulation made or by-law passed under this Act is contravened, in addition to any other remedy and to any penalty imposed, the contravention may be restrained by action at the instance of the Minister having control and management of the provincial park in which the contravention takes place. *New*. Restraint
by action

29. The south boundary and part of the east boundary of the Village of Brighton extending from the southwesterly angle of Lot No. 5 in the Broken Front Concession of the Township of Brighton, now in the Village of Brighton, to the westerly limit of the unopened road allowance between Lots Nos. 32 and 33, Concession C, Township of Brighton, shall be as described in the Schedule. Boundary
of Village
of Brighton

30. *The Long Point Park Act, The Presqu'ile Park Act, The Provincial Parks Act and The Provincial Parks Amendment Act, 1952* are repealed. Rev. Stat.,
cc. 217, 286,
300; 1952,
c. 82,
repealed

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

32. This Act may be cited as *The Provincial Parks Act, 1954*. Short title

SCHEDULE

Premising that the bearings hereinafter mentioned are astronomic and are referred to the meridian through the northeast angle of Lot No. 1 on the south side of Water Street as shown on Plan No. 135 (Newcastle Townsite) as entered in the Registry Office for the Registry Division of the East Riding of the County of Northumberland at Colborne, Ontario.

COMMENCING at the southwesterly angle of Lot No. 5 in the Broken Front Concession of the Township of Brighton now in the Village of Brighton as the said southwesterly angle is shown on and established by Plan No. 140 as entered in the Registry Office for the Registry Division of the East Riding of the County of Northumberland at Colborne, Ontario, and which said southwesterly angle of the said Lot No. 5 marks the intersection of the westerly limit of the said Lot No. 5 with the highwater mark on the northerly shore of Lake Ontario; thence in a general southeasterly direction and following the said highwater mark in all its windings to the most southerly angle of the said Lot No. 5 as shown on the said Plan No. 140; thence north $25^{\circ} 28'$ east 252.73 feet along the southeasterly limit of the said Lot No. 5 as established by the said Plan No. 140; thence north $9^{\circ} 53'$ east 136.45 feet along the southeasterly limit of the said Lot No. 5 as established by the said Plan No. 140; thence north $15^{\circ} 23'$ west 232.39 feet along the said southeasterly limit of the said Lot No. 5 as established by the said Plan No. 140; thence north $52^{\circ} 7'$ west 407.73 feet along the easterly limit of the said Lot No. 5 and along the southwesterly limit of Lake Street as shown on Plan No. 28 as entered in the Registry Office for the Registry Division of the East Riding of the County of Northumberland at Colborne, Ontario; thence north $33^{\circ} 9'$ west along the said southwesterly limit of Lake Street 60.08 feet to a point where the said limit of Lake Street is intersected by the westerly production of the northerly limit of a development road; thence $68^{\circ} 1'$ east along the said westerly production of the northerly limit of a development road and along the northerly limit of the development road 851.34 feet; thence on a curve to the left along the northerly limit of the said development road to which curve the last-mentioned course is tangent and which said curve has a radius of 2,821.79 feet for an arc distance of 881.16 feet; thence north $50^{\circ} 7' 30''$ east along the said northerly limit of the development road and tangent to the last-mentioned curve for a distance of 909 feet more or less to a point in the south limit of Lot No. 3 in the Broken Front Concession of the Township of Brighton now in the Village of Brighton as said southerly limit was established by and shown on said Plan No. 140; thence in a general southeasterly direction and following the said south limit of the said Lot No. 3 as shown on the said Plan No. 140 to the southeasterly angle of the said Lot No. 3; thence south $47^{\circ} 12' 10''$ east 864.48 feet more or less to a point in a straight line joining the easterly tip of Gilead Point in Presqu'île Bay of Lake Ontario with the most southerly point of Gosport as shown on said Plan No. 28; thence north $58^{\circ} 42' 25''$ east along the said line joining the easterly tip of Gilead Point with the most southerly point of Gosport 4,155.49 feet to the said most southerly point of Gosport which said southerly point of Gosport for the purposes of this description is distant 80 feet measured on a course bearing south $12'$ east from the southerly termination of the line between Lots Nos. 11 and 12 on the north side of Bay Street as shown on the said Plan No. 28; thence north $66^{\circ} 30'$ east 1,000 feet; thence north $42^{\circ} 30'$ east 2,100 feet; thence in a northwesterly direction in a straight line to the southwesterly angle of that portion of Lot No. 32, Concession C of the Township of Brighton which was conveyed by quit-claim deed dated 28th September, 1932, to the St. Mary's Cement Company Limited and which said southwesterly angle is distant 3,000 feet measured southerly along the easterly limit of an unopened road allowance between Lots Nos. 32 and 33 through Concessions B and C in the said Township of Brighton from the intersection of the said easterly limit of an unopened road allowance with the southerly limit of Harbour Street as shown on the said Plan No. 28; thence westerly and at right angles to the said easterly limit of the said unopened road allowance 66 feet to a point in the westerly limit of the said unopened road allowance.



BILL

The Provincial Parks Act, 1954

1st Reading

March 9th, 1954

2nd Reading

March 15th, 1954

3rd Reading

March 23rd, 1954

MR. CHALMERS

No. 80

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
The Provincial Aid to Drainage Act, 1954

MR. DOUCETT

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

EXPLANATORY NOTES

This Bill is a revision of the present Act and is designed to simplify the procedures with respect to applications for aid to drainage works.

The Act will henceforth apply to all the channels of a drainage work. This will simplify procedures because, while at present only trunk channels are included, most branch drains are in themselves trunks and separate applications have been required in respect of these in the past. Now one application only will be required in respect of the whole drainage work. (Section 2 (1).)

The Act will not in future apply to either open or covered drains, or to sections of a drainage work, into which domestic sewage is discharged. (Section 2 (2).)

Where a drainage work on which a grant is paid includes a work toward which a grant is payable under another Act, the latter grant will be reduced accordingly. (Section 3.)

The application procedure is simplified from the standpoint of the municipalities in that they will be enabled to apply after passing the by-law for undertaking the work. The present Act requires the application before the passing of the by-law and compliance was often difficult. In addition a special provision is made for applications where emergency work is required to be performed and the work is commenced before the application is made.

No other change in principle is made except that in cases where the grant does not exceed \$5,000 the Minister, rather than the Lieutenant-Governor in Council, may make the payment.

No. 80

1954

BILL

The Provincial Aid to Drainage Act, 1954

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

1. In this Act,

Interpreta-
tion

- (a) "drainage work" means a drainage work to which *The Municipal Drainage Act* applies, in respect of which a report of an engineer or surveyor is made under that Act; Rev. Stat., c. 246
- (b) "Minister" means Minister of Public Works. R.S.O. 1950, c. 295, s. 1, *amended*.

2.—(1) Subject to subsection 2, this Act applies to,

Application
of Act

- (a) any work in respect of the channels of a drainage work the main purpose of which is to drain agricultural lands;
- (b) any work for the purpose of rendering a drainage work more effective by embanking or pumping or other mechanical means, and in computing the cost thereof for the purpose of grants, the cost of all pumping machinery installed shall be included. R.S.O. 1950, c. 295, s. 2 (1), *amended*.

(2) This Act does not apply to covered drains such as storm sewers, sanitary sewers or sewer outlets, or to lateral drains, or to open or covered drains in those sections of a drainage work into which domestic sewage is discharged. R.S.O. 1950, c. 295, s. 2 (2), *amended*.

(3) For the purposes of this Act, any contribution in cash toward the cost of the work received by the municipality initiating the work shall be deducted from such cost. R.S.O. 1950, c. 295, s. 2 (3).

Cash con-
tributions
to be
excluded
from cost

Where another provincial grant payable

3. Where a grant is paid under this Act in respect of the cost of a drainage work which includes the cost of a work upon which a grant is payable under another Act of the Legislature, the grant payable under such other Act shall be reduced by an amount equal to that portion of the grant that was paid under this Act in respect of the cost of the part of the work upon which the grant is payable under the other Act. *New.*

Application by petition

4.—(1) Where the council of a municipality initiates a drainage work, which is or includes a work to which this Act applies, and wishes aid under this Act, it shall, within three months after passing a by-law for undertaking the work and before commencing the work, apply for aid by forwarding to the Minister a petition verified by statutory declaration of the engineer or surveyor and accompanied by a verified copy of the report, field plan and profile of the proposed work, and the engineer's or surveyor's assessment of the land. R.S.O. 1950, c. 295, s. 3, *amended.*

Disqualified work to be shown

(2) The engineer or surveyor shall indicate on his plan and in his report any section of the work that is referred in subsection 2 of section 2.

Emergency work
Rev. Stat., c. 246

(3) Notwithstanding subsection 1, where the council of a municipality must perform emergency work under *The Municipal Drainage Act* before it is possible to obtain and adopt an engineer's report, it may submit a petition for aid in accordance with subsection 1 after the commencement of the work if it has notified the Minister within ten days after the commencement of the work. *New.*

Examination of work, etc.

5.—(1) Upon receipt of a petition forwarded in the manner and within the time specified in section 4, the Minister, if it appears to him that the drainage work is or includes a work to which this Act applies, may cause an examination thereof to be made by an engineer of the Department of Public Works, who shall report fully thereon and upon all the matters alleged in the petition.

Payments

(2) Upon receipt by the Minister of a report mentioned in subsection 1 and upon the practical completion of the work, the Minister, where the grant does not exceed \$5,000, and the Lieutenant-Governor in Council in other cases, may pay out of the Consolidated Revenue Fund to the treasurer of the initiating municipality,

(a) where the work is in a county, $33\frac{1}{3}$ per cent of the cost of the work as described and limited in section 2; or

(b) where the work is in a municipality in a territorial district or a provisional county, $66\frac{2}{3}$ per cent of the cost of the work as described and limited in section 2. R.S.O. 1950, c. 295, s. 4 (1), *amended*.

(3) The grant shall be distributed by the initiating municipality to other interested municipalities on a *pro rata* basis, according to the engineer's assessment, and in each municipality the amount of the grant shall be applied to reduce the annual assessment on each property benefitting by the portions of the drainage work in respect of which the grant has been allowed, during the life of the by-law imposing the assessments. R.S.O. 1950, c. 295, s. 4 (2), *amended*. Distribution and application of grant

6.—(1) The Minister, where the grant does not exceed \$5,000, and the Lieutenant-Governor in Council in other cases, may pay out of the Consolidated Revenue Fund an amount not exceeding 80 per cent of the cost of a drainage work as described and limited in section 2, where the work is in a territorial district but not in a municipality. Grants in unorganized territory

(2) The Lieutenant-Governor in Council may make regulations prescribing the manner in which, and the terms and conditions under which, grants may be paid under subsection 1. R.S.O. 1950, c. 295, s. 5. Regulations

7. *The Provincial Aid to Drainage Act* is repealed. Rev. Stat., c. 295, repealed

8. This Act comes into force on the 1st day of April, 1954. Commencement

9. This Act may be cited as *The Provincial Aid to Drainage Act, 1954*. Short title



BILL

The Provincial Aid to Drainage
Act, 1954

1st Reading

March 9th, 1954

2nd Reading

3rd Reading

MR. DOUCETT

No. 80

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
The Provincial Aid to Drainage Act, 1954

MR. DOUCETT

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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BILL

The Provincial Aid to Drainage Act, 1954

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1. In this Act,

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(b) "Minister" means Minister of Public Works. R.S.O. 1950, c. 295, s. 1, *amended*.

2.—(1) Subject to subsection 2, this Act applies to,

Application
of Act

(a) any work in respect of the channels of a drainage work the main purpose of which is to drain agricultural lands;

(b) any work for the purpose of rendering a drainage work more effective by embanking or pumping or other mechanical means, and in computing the cost thereof for the purpose of grants, the cost of all pumping machinery installed shall be included. R.S.O. 1950, c. 295, s. 2 (1), *amended*.

(2) This Act does not apply to covered drains such as storm sewers, sanitary sewers or sewer outlets, or to lateral drains, or to open or covered drains in those sections of a drainage work into which domestic sewage is discharged. R.S.O. 1950, c. 295, s. 2 (2), *amended*. Exceptions

(3) For the purposes of this Act, any contribution in cash toward the cost of the work received by the municipality initiating the work shall be deducted from such cost. R.S.O. 1950, c. 295, s. 2 (3). Cash contributions to be excluded from cost

Where
another
provincial
grant
payable

3. Where a grant is paid under this Act in respect of the cost of a drainage work which includes the cost of a work upon which a grant is payable under another Act of the Legislature, the grant payable under such other Act shall be reduced by an amount equal to that portion of the grant that was paid under this Act in respect of the cost of the part of the work upon which the grant is payable under the other Act. *New.*

Application
by petition

4.—(1) Where the council of a municipality initiates a drainage work, which is or includes a work to which this Act applies, and wishes aid under this Act, it shall, within three months after passing a by-law for undertaking the work and before commencing the work, apply for aid by forwarding to the Minister a petition verified by statutory declaration of the engineer or surveyor and accompanied by a verified copy of the report, field plan and profile of the proposed work, and the engineer's or surveyor's assessment of the land. R.S.O. 1950, c. 295, s. 3, *amended.*

Disqualified
work to be
shown

(2) The engineer or surveyor shall indicate on his plan and in his report any section of the work that is referred in subsection 2 of section 2.

Emergency
work
Rev. Stat.,
c. 246

(3) Notwithstanding subsection 1, where the council of a municipality must perform emergency work under *The Municipal Drainage Act* before it is possible to obtain and adopt an engineer's report, it may submit a petition for aid in accordance with subsection 1 after the commencement of the work if it has notified the Minister within ten days after the commencement of the work. *New.*

Examination
of work, etc.

5.—(1) Upon receipt of a petition forwarded in the manner and within the time specified in section 4, the Minister, if it appears to him that the drainage work is or includes a work to which this Act applies, may cause an examination thereof to be made by an engineer of the Department of Public Works, who shall report fully thereon and upon all the matters alleged in the petition.

Payments

(2) Upon receipt by the Minister of a report mentioned in subsection 1 and upon the practical completion of the work, the Minister, where the grant does not exceed \$5,000, and the Lieutenant-Governor in Council in other cases, may pay out of the Consolidated Revenue Fund to the treasurer of the initiating municipality,

(a) where the work is in a county, $33\frac{1}{3}$ per cent of the cost of the work as described and limited in section 2; or

(b) where the work is in a municipality in a territorial district or a provisional county, $66\frac{2}{3}$ per cent of the cost of the work as described and limited in section 2. R.S.O. 1950, c. 295, s. 4 (1), *amended*.

(3) The grant shall be distributed by the initiating municipality to other interested municipalities on a *pro rata* basis, according to the engineer's assessment, and in each municipality the amount of the grant shall be applied to reduce the annual assessment on each property benefitting by the portions of the drainage work in respect of which the grant has been allowed, during the life of the by-law imposing the assessments. R.S.O. 1950, c. 295, s. 4 (2), *amended*. Distribution and application of grant

6.—(1) The Minister, where the grant does not exceed \$5,000, and the Lieutenant-Governor in Council in other cases, may pay out of the Consolidated Revenue Fund an amount not exceeding 80 per cent of the cost of a drainage work as described and limited in section 2, where the work is in a territorial district but not in a municipality. Grants in unorganized territory

(2) The Lieutenant-Governor in Council may make regulations prescribing the manner in which, and the terms and conditions under which, grants may be paid under subsection 1. R.S.O. 1950, c. 295, s. 5. Regulations

7. *The Provincial Aid to Drainage Act* is repealed. Rev. Stat., c. 295, repealed

8. This Act comes into force on the 1st day of April, 1954. Commencement

9. This Act may be cited as *The Provincial Aid to Drainage Act, 1954*. Short title



BILL

The Provincial Aid to Drainage
Act, 1954

1st Reading

March 9th, 1954

2nd Reading

March 15th, 1954

3rd Reading

March 23rd, 1954

MR. DOUGHERT

No. 81

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend
The Highway Improvement Act

MR. DOUCETT

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

EXPLANATORY NOTES

SECTION 1. After a number of amending by-laws have been passed adding roads to or removing roads from a county road system the records become unwieldy and tend to be confusing. It is therefore desirable that all such by-laws be consolidated from time to time. The amendment makes it clear that a county council may pass such consolidating by-laws. All such by-laws are subject to the approval of the Lieutenant-Governor in Council.

SECTION 2. At present the council of local municipalities have power, subject to the approval of the Municipal Board, to pass by-laws regulating the use of land abutting on any defined highway or part of a highway. The amendment confers the same power on county councils with respect to land lying within 150 feet of any limit of a county road, thus giving a necessary degree of control over such land.

SECTION 3. These amendments, which are designed to ensure that the free movement of traffic on controlled-access highways will not be impeded, will prohibit persons from erecting race tracks, drive-in theatres, etc., on land within one-half mile of a controlled-access highway without a permit from the Minister of Highways. Any land now used for the purposes mentioned will not be affected.

BILL

An Act to amend The Highway Improvement Act

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

1. Section 11 of *The Highway Improvement Act* is amended by adding thereto the following subsection: Rev. Stat., c. 166, s. 11, amended

(19) Subject to the approval of the Lieutenant-Governor in Council, the council of a county may from time to time pass a by-law consolidating the by-law establishing its county road system and all by-laws amending such by-law. Consolidating by-law

2. *The Highway Improvement Act* is amended by adding thereto the following section: Rev. Stat., c. 166, amended

30a.—(1) The council of a county in which a county road system has been established shall have, with respect to land lying within a distance of 150 feet from any limit of a county road, all the powers conferred on the council of a local municipality by section 390 of *The Municipal Act*. Restrictions

(2) In the event of conflict between a by-law passed under subsection 1 by a county council and a by-law passed under section 390 of *The Municipal Act* by the council of the local municipality in which the land is situate, the by-law of the county council shall prevail to the extent of such conflict, but in all other respects the by-law passed by the council of the local municipality shall remain in full force and effect. Conflict with local by-law

3.—(1) Subsection 1 of section 93 of *The Highway Improvement Act* is amended by adding thereto the following clause: Rev. Stat., c. 166, s. 93, subs. 1, amended

(*dd*) use any land, any part of which lies within one-half mile from any limit of a controlled-access highway, for the purposes of a stadium, fair ground, race track, drive-in theatre or any other purpose that causes persons to congregate in large numbers.

Rev. Stat.,
c. 166, s. 93,
amended (2) The said section 93 is amended by adding thereto the following subsection:

Idem (4a) Where an owner or occupant of any land, any part of which lies within one-half mile from any limit of a controlled-access highway, uses the land for any purpose mentioned in clause *dd* of subsection 1 without a permit therefor or in contravention of any condition of a permit therefor and the land was not used for such purpose before the 1st day of April, 1954, the Minister in his discretion may give notice to such owner or occupant requiring him to cease such use.

Rev. Stat.,
c. 166, s. 93,
subs. 5,
amended (3) Subsection 5 of the said section 93 is amended by striking out the word and figure "or 4" in the first line and inserting in lieu thereof the figures, word and letter "4 or 4a", so that the subsection shall read as follows:

Notice to
be sent by
registered
mail (5) Every notice under subsection 3, 4 or 4a shall be in writing and sent by registered mail addressed to the owner or occupant of the land, and it shall be deemed conclusively to have been received on the second day following the mailing thereof.

Rev. Stat.,
c. 166, s. 93,
subs. 9,
amended (4) Subsection 9 of the said section 93 is amended by striking out the word and figure "or 4" in the third line and inserting in lieu thereof the figures, word and letter "4 or 4a", so that the subsection shall read as follows:

Offences and
penalties (9) Every person who violates any of the provisions of subsection 1 or who fails to comply with a notice given under subsection 3, 4 or 4a shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence, and the continuance of the condition constituting an offence for each week after conviction therefor shall constitute a new offence.

Rev. Stat.,
c. 166,
amended 4. *The Highway Improvement Act* is amended by adding thereto the following sections:

SECTION 4. In order to provide proper facilities for the free movement of traffic, various planning boards throughout the Province recommend the establishment of controlled-access roads in any municipality where the need exists. These amendments give effect to this recommendation by permitting any municipality to pass by-laws, subject to the approval of the Municipal Board,

- (a) to designate any new road established under section 469 of *The Municipal Act* as a controlled-access road;
- (b) to close any municipal road that intersects or runs into such controlled-access road; and
- (c) to prohibit or regulate the construction or use of any private road, entranceway or gate that is connected with or opens upon such controlled-access road.



- 95a.—(1) Subject to the approval of the Ontario Municipal Board, referred to in this section as “the Board”, the council of any municipality may by by-law designate any new road established under section 469 of *The Municipal Act*, or any portion thereof, as a controlled-access road. Controlled-access roads
Rev. Stat.,
c. 243
- (2) Subject to the approval of the Board, the municipality may by by-law close any municipal road that intersects or runs into a controlled-access road designated under this section. Closing municipal roads
- (3) The Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such times, in such manner and to such persons as the Board may determine, and may further direct that particulars of claims in respect of land injuriously affected by the closing of the road shall be filed with the Board and the municipality within such time as the Board shall direct. Notice of application for approval of closing road
- (4) No claim by or on behalf of any person who has not filed the particulars of claim within the time directed by the Board shall be allowed except by leave of the Board. Claim, when not to be allowed
- (5) Upon the hearing of the application for approval of the closing of a road, the Board may make such order as it deems proper refusing its approval or granting its approval upon such terms and conditions as it deems proper, and any order of the Board approving of the closing of a road may contain provisions, Order of Board
- (a) determining the portion or portions of the road that shall be closed;
 - (b) providing that the approval shall be subject to the making of compensation to persons whose land is injuriously affected by the closing of the road,
 - (i) by the payment by the municipality to any of such persons of such damages as may be fixed by the Board,
 - (ii) by the providing of another road for the use of any of such persons,
 - (iii) by the vesting of any portion of the road allowance so closed in any of such persons notwithstanding any other Act, and

(iv) in such other manner as the Board may deem proper;

(c) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and

(d) providing for the doing of such other acts as in the circumstances it deems proper.

Closing
road

(6) Upon the approval of the Board being so obtained but subject to the order of the Board made on the application for such approval, the municipality may do all such acts as may be necessary to close the road in respect of which the application is made.

Idem

(7) Where, at any time after making application for the approval of the Board of the closing of a road, the municipality discontinues its application or, having obtained such approval, does not proceed with the closing of the road and does not pay the compensation provided for in the order of the Board, the Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the municipality as it deems proper and may fix the amount of such costs.

Appeal

(8) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Board approving the closing of such road, and the municipality may, upon like leave, appeal from any order of the Board made on an application under this section.

Leave to
appeal

(9) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may deem just.

Practice
and pro-
cedure on
appeal

(10) The practice and procedure as to the appeal and incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court and the decision of the Court of Appeal is final.

Rev. Stat.,
c. 262, s. 98
not to
apply

(11) Section 98 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private
roads, etc.,
opening
upon con-
trolled-
access road

95b.—(1) No person shall, except under the authority of and in accordance with a by-law of the municipality, construct, use or allow the use of any private

road, entranceway or gate which, or any part of which, is connected with or opens upon a controlled-access road designated under section 95a.

- (2) The municipality may give notice to the owner or occupant of any land requiring him to close up any private road, entranceway or gate that does not comply with subsection 1 or with any by-law passed thereunder. ^{Notice}
- (3) The notice shall be in writing and sent by registered letter addressed to the owner or occupant of the land and it shall be deemed conclusively to have been received on the second day following the mailing thereof. ^{Idem}
- (4) If the person to whom the notice is given fails to comply with it within thirty days after its receipt, the council of the municipality may by resolution direct any officer, employee or agent of the municipality to enter upon the land and do or cause to be done whatever may be necessary to close up the private road, entranceway or gate. ^{Failure to obey notice}
- (5) Every person who violates subsection 1 or fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence, and the continuance of the condition constituting an offence for each week after conviction therefor shall constitute a new offence. ^{Offence and penalties}
- (6) Where a person to whom a notice has been given under subsection 2 complies therewith, the owner of the land is entitled to such compensation as may be agreed upon between him and the municipality or he may give notice to the clerk of the municipality in writing that he requires the amount of the compensation to be determined by the Ontario Municipal Board, referred to in this section as "the Board". ^{Compensation}
- (7) Upon receipt of the notice, the clerk of the municipality shall send a copy of the notice to the secretary of the Board. ^{Notice to Board}
- (8) Upon receipt of the notice, the secretary of the Board shall arrange a time and place for the determination of the matter and shall send notice thereof. ^{Notice of hearing}

by registered letter to the owner of the land and to the clerk of the municipality at least fourteen days before the hearing.

Compensa-
tion

- (9) Any increase in the value of the land due to the establishment of the controlled-access road shall be disregarded in determining the amount of compensation.

Idem

- (10) No compensation shall be allowed in respect of a private road, entranceway or gate constructed after the effective date of the by-law of the municipality designating the road as a controlled-access road.

Board's
decision
final

- (11) The decision of the Board is final and is not open to appeal except that an appeal lies 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* which section applies *mutatis mutandis*.

Rev. Stat.,
c. 262

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 Highway Improvement Amendment Act, 1954*.

BILL

An Act to amend The Highway
Improvement Act

1st Reading

March 9th, 1954

2nd Reading

3rd Reading

MR. DOUCETT

No. 81

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend
The Highway Improvement Act

MR. DOUCETT

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



BILL

An Act to amend The Highway Improvement Act

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

1. Section 11 of *The Highway Improvement Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 166, s. 11,
amended

(19) Subject to the approval of the Lieutenant-Governor in Council, the council of a county may from time to time pass a by-law consolidating the by-law establishing its county road system and all by-laws amending such by-law. Consoli-
dating
by-law

2. *The Highway Improvement Act* is amended by adding thereto the following section: Rev. Stat.,
c. 166,
amended

30a.—(1) The council of a county in which a county road system has been established shall have, with respect to land lying within a distance of 150 feet from any limit of a county road, all the powers conferred on the council of a local municipality by section 390 of *The Municipal Act*. Restrictions
Rev. Stat.,
c. 243

(2) In the event of conflict between a by-law passed under subsection 1 by a county council and a by-law passed under section 390 of *The Municipal Act* by the council of the local municipality in which the land is situate, the by-law of the county council shall prevail to the extent of such conflict, but in all other respects the by-law passed by the council of the local municipality shall remain in full force and effect. Conflict
with local
by-law

3.—(1) Subsection 1 of section 93 of *The Highway Improvement Act* is amended by adding thereto the following clause: Rev. Stat.,
c. 166, s. 93,
subs. 1,
amended

(*dd*) use any land, any part of which lies within one-half mile from any limit of a controlled-access highway, for the purposes of a stadium, fair ground, race track, drive-in theatre or any other purpose that causes persons to congregate in large numbers.

Rev. Stat.,
c. 166, s. 93,
amended (2) The said section 93 is amended by adding thereto the following subsection:

Idem (4*a*) Where an owner or occupant of any land, any part of which lies within one-half mile from any limit of a controlled-access highway, uses the land for any purpose mentioned in clause *dd* of subsection 1 without a permit therefor or in contravention of any condition of a permit therefor and the land was not used for such purpose before the 1st day of April, 1954, the Minister in his discretion may give notice to such owner or occupant requiring him to cease such use.

Rev. Stat.,
c. 166, s. 93,
subs. 5,
amended (3) Subsection 5 of the said section 93 is amended by striking out the word and figure "or 4" in the first line and inserting in lieu thereof the figures, word and letter "4 or 4*a*", so that the subsection shall read as follows:

Notice to
be sent by
registered
mail (5) Every notice under subsection 3, 4 or 4*a* shall be in writing and sent by registered mail addressed to the owner or occupant of the land, and it shall be deemed conclusively to have been received on the second day following the mailing thereof.

Rev. Stat.,
c. 166, s. 93,
subs. 9,
amended (4) Subsection 9 of the said section 93 is amended by striking out the word and figure "or 4" in the third line and inserting in lieu thereof the figures, word and letter "4 or 4*a*", so that the subsection shall read as follows:

Offences and
penalties (9) Every person who violates any of the provisions of subsection 1 or who fails to comply with a notice given under subsection 3, 4 or 4*a* shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence, and the continuance of the condition constituting an offence for each week after conviction therefor shall constitute a new offence.

Rev. Stat.,
c. 166,
amended 4. *The Highway Improvement Act* is amended by adding thereto the following sections:

- 95a.—(1) Subject to the approval of the Ontario Municipal Board, referred to in this section as “the Board”, the council of any municipality may by by-law designate any new road established under section 469 of *The Municipal Act*, or any portion thereof, as a controlled-access road. ^{Controlled-access roads} ^{Rev. Stat., c. 243}
- (2) Subject to the approval of the Board, the municipality may by by-law close any municipal road that intersects or runs into a controlled-access road designated under this section. ^{Closing municipal roads}
- (3) The Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such times, in such manner and to such persons as the Board may determine, and may further direct that particulars of claims in respect of land injuriously affected by the closing of the road shall be filed with the Board and the municipality within such time as the Board shall direct. ^{Notice of application for approval of closing road}
- (4) No claim by or on behalf of any person who has not filed the particulars of claim within the time directed by the Board shall be allowed except by leave of the Board. ^{Claim, when not to be allowed}
- (5) Upon the hearing of the application for approval of the closing of a road, the Board may make such order as it deems proper refusing its approval or granting its approval upon such terms and conditions as it deems proper, and any order of the Board approving of the closing of a road may contain provisions, ^{Order of Board}
- (a) determining the portion or portions of the road that shall be closed;
 - (b) providing that the approval shall be subject to the making of compensation to persons whose land is injuriously affected by the closing of the road,
 - (i) by the payment by the municipality to any of such persons of such damages as may be fixed by the Board,
 - (ii) by the providing of another road for the use of any of such persons,
 - (iii) by the vesting of any portion of the road allowance so closed in any of such persons notwithstanding any other Act, and

- (iv) in such other manner as the Board may deem proper;
- (c) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (d) providing for the doing of such other acts as in the circumstances it deems proper.
- Closing road (6) Upon the approval of the Board being so obtained but subject to the order of the Board made on the application for such approval, the municipality may do all such acts as may be necessary to close the road in respect of which the application is made.
- Idem (7) Where, at any time after making application for the approval of the Board of the closing of a road, the municipality discontinues its application or, having obtained such approval, does not proceed with the closing of the road and does not pay the compensation provided for in the order of the Board, the Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the municipality as it deems proper and may fix the amount of such costs.
- Appeal (8) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Board approving the closing of such road, and the municipality may, upon like leave, appeal from any order of the Board made on an application under this section.
- Leave to appeal (9) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may deem just.
- Practice and procedure on appeal (10) The practice and procedure as to the appeal and incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court and the decision of the Court of Appeal is final.
- Rev. Stat., c. 262, s. 98 not to apply (11) Section 98 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.
- Private roads, etc., opening upon controlled-access road 95b.—(1) No person shall, except under the authority of and in accordance with a by-law of the municipality, construct, use or allow the use of any private

- road, entranceway or gate which, or any part of which, is connected with or opens upon a controlled-access road designated under section 95a.
- (2) The municipality may give notice to the owner or occupant of any land requiring him to close up any private road, entranceway or gate that does not comply with subsection 1 or with any by-law passed thereunder. Notice
 - (3) The notice shall be in writing and sent by registered letter addressed to the owner or occupant of the land and it shall be deemed conclusively to have been received on the second day following the mailing thereof. Idem
 - (4) If the person to whom the notice is given fails to comply with it within thirty days after its receipt, the council of the municipality may by resolution direct any officer, employee or agent of the municipality to enter upon the land and do or cause to be done whatever may be necessary to close up the private road, entranceway or gate. Failure to obey notice
 - (5) Every person who violates subsection 1 or fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence, and the continuance of the condition constituting an offence for each week after conviction therefor shall constitute a new offence. Offence and penalties
 - (6) Where a person to whom a notice has been given under subsection 2 complies therewith, the owner of the land is entitled to such compensation as may be agreed upon between him and the municipality or he may give notice to the clerk of the municipality in writing that he requires the amount of the compensation to be determined by the Ontario Municipal Board, referred to in this section as "the Board". Compensation
 - (7) Upon receipt of the notice, the clerk of the municipality shall send a copy of the notice to the secretary of the Board. Notice to Board
 - (8) Upon receipt of the notice, the secretary of the Board shall arrange a time and place for the determination of the matter and shall send notice thereof. Notice of hearing

by registered letter to the owner of the land and to the clerk of the municipality at least fourteen days before the hearing.

Compensation

(9) Any increase in the value of the land due to the establishment of the controlled-access road shall be disregarded in determining the amount of compensation.

Idem

(10) No compensation shall be allowed in respect of a private road, entranceway or gate constructed after the effective date of the by-law of the municipality designating the road as a controlled-access road.

Board's decision final

(11) The decision of the Board is final and is not open to appeal except that an appeal lies 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* which section applies *mutatis mutandis*.

Rev. Stat., c. 262

Commencement

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

Short title

6. This Act may be cited as *The Highway Improvement Amendment Act, 1954*.



BILL

An Act to amend The Highway
Improvement Act

1st Reading

March 9th, 1954

2nd Reading

March 15th, 1954

3rd Reading

March 30th, 1954

MR. DOUCETT

No. 82

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Trees Act

MR. GEMMELL

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

EXPLANATORY NOTE

The power to pass such by-laws is now limited to townships in territorial districts and counties. This bill extends the power to all municipalities in territorial districts and to municipalities not forming part of a county for municipal purposes.

Such by-laws may now restrict and regulate the "cutting" of trees. This bill extends the power so that the destruction of trees by cutting, burning or other means may be restricted and regulated.

No. 82

1954

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. Section 3 of *The Trees Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 399, s. 3,
re-enacted
3. Subject to the approval of the Minister of Lands and Forests, the council of any county, or any municipality separated from the county for municipal purposes, or any municipality in a territorial district, may pass by-laws, By-law
restricting
cutting of
trees
 - (a) restricting and regulating the destruction of trees by cutting, burning or other means; and
 - (b) providing for the appointment of officers to enforce the provisions of any by-law passed under this section.
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Trees Amendment Act*, Short title 1954.

BILL

An Act to amend The Trees Act

1st Reading

March 9th, 1954

2nd Reading

3rd Reading

MR. GEMMELL

No. 82

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Trees Act

MR. GEMMELL

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



No. 82

1954

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. Section 3 of *The Trees Act* is repealed and the following substituted therefor:

| | |
|---|---|
| <ol style="list-style-type: none"> 3. Subject to the approval of the Minister of Lands and Forests, the council of any county, or any municipality separated from the county for municipal purposes, or any municipality in a territorial district, may pass by-laws, <ol style="list-style-type: none"> (a) restricting and regulating the destruction of trees by cutting, burning or other means; and (b) providing for the appointment of officers to enforce the provisions of any by-law passed under this section. | <small>Rev. Stat., c. 399, s. 3, re-enacted</small> |
|---|---|

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

| |
|-----------------------------------|
| <small>Commence- ment</small> |
|-----------------------------------|

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

| |
|----------------------------|
| <small>Short title</small> |
|----------------------------|

 1954.

BILL

An Act to amend The Trees Act

1st Reading

March 9th, 1954

2nd Reading

March 12th, 1954

3rd Reading

March 23rd, 1954

MR. GEMMELL

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Highway Traffic Act

MR. DOUCETT

EXPLANATORY NOTES

SECTION 1. The amendment is to make it clear that a built-up area may include not only dwellings and buildings used for business purposes but also schools and churches.

SECTION 2. At present it is an offence under subsection 1 of section 4 of the Act to make a false statement in an application or other paper-writing made in order to procure a licence, permit or certificate of registration. The amendment provides that it is an offence to make a false statement in any application or paper-writing required under the Act for any purpose.

BILL

An Act to amend The Highway Traffic Act

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

1.—(1) Subclause i of clause *a* of subsection 1 of section 1 of *The Highway Traffic Act* is amended by striking out the words “or dwellings and buildings used for business purposes” in the third and fourth lines and inserting in lieu thereof the words “buildings used for business purposes, schools or churches”, so that the subclause shall read as follows:

Rev. Stat.,
c. 167, s. 1,
subs. 1, cl. a,
subcl. i,
amended

- (i) not less than fifty per cent of the frontage upon one side of the highway for a distance of not less than 600 feet is occupied by dwellings, buildings used for business purposes, schools or churches, or

.

(2) Subclause ii of clause *a* of subsection 1 of the said section 1, as amended by section 1 of *The Highway Traffic Amendment Act, 1953*, is further amended by striking out the words “or dwellings and buildings used for business purposes” in the third and fourth lines and inserting in lieu thereof the words “buildings used for business purposes, schools or churches”, so that the subclause shall read as follows:

Rev. Stat.,
c. 167, s. 1,
subs. 1, cl. a,
subcl. ii,
amended

- (ii) not less than fifty per cent of the frontage upon both sides of the highway for a distance of not less than 300 feet is occupied by dwellings, buildings used for business purposes, schools or churches, or

.

2. Subsection 1 of section 4 of *The Highway Traffic Act* is amended by striking out the words “in order to procure the issuance to him of a licence, permit or certificate of registration” in the fourth and fifth lines, so that the subsection shall read as follows:

Rev. Stat.,
c. 167,
s. 4, subs. 1,
amended

Penalty for false statement

- (1) Any person who knowingly makes any false statement of fact in any application, declaration, affidavit or paper-writing required by this Act or by the regulations or by the Department, in addition to any other penalty or punishment to which he may be liable, shall be liable for the first offence to a penalty of not less than \$20 and not more than \$100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence shall be liable to a penalty of not less than \$50 and not more than \$200, and shall also be liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months.

Rev. Stat., c. 167, s. 19, subs. 4, amended

3. Subsection 4 of section 19 of *The Highway Traffic Act* is amended by inserting after the word "vehicle" in the second line the words "or farm tractor", so that the subsection shall read as follows:

Trailers

- (4) No trailer or other object or device shall be drawn by a motor vehicle or farm tractor on a highway unless the trailer, object or device has two separate means of attachment so constructed and attached that the failure of one such means will not permit the trailer, object or device to become detached; but this subsection shall not apply to a trailer so designed and used that part of its own weight and of its own load rests upon or is carried by another vehicle.

Rev. Stat., c. 167, amended

4. *The Highway Traffic Act* is amended by adding thereto the following section:

Regulations

19a. The Lieutenant-Governor in Council may make regulations requiring any type or class of commercial motor vehicle or trailer to be equipped with rear bumpers and prescribing the location and means of attachment of such bumpers and prescribing the specifications for such bumpers.

Rev. Stat., c. 167, s. 28, subs. 1, amended

5.—(1) Subsection 1 of section 28 of *The Highway Traffic Act* is amended by striking out the words "motor vehicle shall be operated" in the first line and inserting in lieu thereof the words "person shall drive a motor vehicle" so that the subsection, exclusive of the clauses, shall read as follows:

Rate of speed

- (1) No person shall drive a motor vehicle at a greater rate of speed than,

.

SECTION 3. At present two separate means of attachment are required when a motor vehicle is drawing a trailer or other device upon a highway. The amendment makes such provisions applicable to farm tractors drawing trailers or other devices upon a highway.

SECTION 4. Self-explanatory.

SECTION 5. The amendments provide that the council of a city, town or village and the trustees of a police village may prescribe a speed limit of twenty-five miles per hour within the municipality and that the council of a city, town or village, the council of The Municipality of Metropolitan Toronto and the trustees of a police village may authorize a speed limit up to fifty miles per hour on any highways under its jurisdiction.

SECTION 6—Subsection 1. The amendment makes it clear that when two vehicles approach a crossroad or intersection the person in charge of the vehicle to the left is under a duty to yield the right of way to the person on the right.

(2) Subsections 2 and 3 of the said section 28 are repealed and the following substituted therefor: Rev. Stat., c. 167, s. 28, subss. 2, 3, re-enacted

(1a) The council of any city, town or village and the trustees of a police village may by by-law prescribe a speed limit of 25 miles per hour for motor vehicles driven upon highways, applicable to all highways under its jurisdiction, and the council of a township may by by-law prescribe a speed limit of 25 miles per hour for motor vehicles driven upon highways under its jurisdiction in any built-up area within the municipality. decrease by by-law

(2) The council of a city, town or village and the trustees of a police village may by by-law prescribe a lower rate of speed for motor vehicles driven in any public park or exhibition ground than is prescribed in subsection 1, but such lower rate of speed shall not be less than 15 miles per hour. in public parks

(2a) The council of a city, town or village, the council of The Municipality of Metropolitan Toronto and the trustees of a police village may by by-law authorize a higher rate of speed for motor vehicles driven upon any highway or portion of a highway under its jurisdiction than is prescribed in subsection 1, but such increased rate of speed shall not be more than 50 miles per hour. increase by by-law

(2b) No by-law passed under subsection 1a or 2a shall become effective until approved by the Department and the highways or portions thereof affected by the by-law shall be marked to comply with the regulations of the Department. approval of by-laws

(3) Subsections 1, 1a, 2 and 2a shall not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call. fire department vehicles

6.—(1) Subsection 1 of section 41 of *The Highway Traffic Act* is amended by striking out the words “to the right hand of the other vehicles or horseman shall have the right-of-way” in the third and fourth lines and inserting in lieu thereof the words “on the left of the other vehicle or horseman shall yield the right-of-way to the person on the right”, so that the subsection, exclusive of the clauses, shall read as follows: Rev. Stat., c. 167, s. 41, subss. 1, amended

(1) Where two persons in charge of vehicles or on horseback approach a crossroad or intersection, or enter an intersection, at the same time, the person on the left of the other vehicle or horseman shall yield the right-of-way to the person on the right. Right-of-way

Rev. Stat.,
c. 167, s. 41,
subs. 1,
cl. d,
amended

(2) Clause *d* of subsection 1 of the said section 41 is amended by inserting after the word "left" in the second line the words "or right", so that the clause shall read as follows:

Signal
for turn

(*d*) The driver or operator of a vehicle upon a highway before turning to the left or right from a direct line shall first see that such movement can be made in safety, and if the operation of any other vehicle may be affected by such movement shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to make such movement.

Rev. Stat.,
c. 167, s. 41,
subs. 1,
cl. f, re-
enacted

(3) Clause *f* of subsection 1 of the said section 41 is repealed and the following substituted therefor:

How to
signal
manually

(*f*) When the signal is given by means of the hand and arm, the driver or operator shall indicate his intention to turn,

(i) to the left, by extending the hand and arm horizontally and beyond the left side of the vehicle, or

(ii) to the right, by extending the hand and arm upward and beyond the left side of the vehicle.

Rev. Stat.,
c. 167, s. 41,
subs. 1,
amended

(4) Subsection 1 of the said section 41, as amended by subsections 1 and 2 of section 7 of *The Highway Traffic Amendment Act, 1951* and section 10 of *The Highway Traffic Amendment Act, 1953*, is further amended by adding thereto the following clause:

Signal for
stop

(*h*) The driver or operator of a vehicle upon a highway before stopping or suddenly decreasing the speed of the vehicle, if the operation of any other vehicle may be affected by such stopping or decreasing of speed, shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to stop or decrease speed,

Manually

(i) by means of the hand and arm extended downward beyond the left side of the vehicle, or

Signalling
device

(ii) by means of a stop lamp or lamps on the rear of the vehicle which shall emit a red or yellow light and which shall be actuated upon application of the service or foot brake and which may or may not be incorporated with one or more rear lamps.

Subsections 2, 3 and 4. At present under section 41 of the Act signals are required only for left turns and the amendments provide for signals for right turns and stopping.

Subsection 5. At present it is provided that traffic, before entering a through highway, shall stop immediately before entering the nearest crosswalk. The amendment provides for stopping before entering an intersection where there is no crosswalk.

SECTION 7. Self-explanatory.

SECTION 8. At present the depositing on highways of nails, glass, etc., which may be injurious to tires on motor vehicles is prohibited. The amendment enlarges these provisions to include the prohibition of depositing rubbish of any kind on highways other than in receptacles provided for the purpose.

SECTION 9. The amendment provides a greater penalty for a first offence of failing to remain at the scene of an accident.

SECTION 10. At present a penalty collected for an offence on the King's Highway is paid to the Department of Highways and a penalty collected for an offence committed on a county highway is paid to the treasurer of the county. The amendment provides that a penalty collected for an offence committed on a King's Highway within the limits of a city, town or village or on a county highway shall be paid to the local municipality, in which the offence was committed.

(5) Subsection 3 of the said section 41 is amended by striking out the first four lines and inserting in lieu thereof the following: Rev. Stat., c. 167, s. 41, subs. 3, amended

(3) The driver or operator of every vehicle or car of an electric railway shall before entering or crossing a through highway bring the vehicle or car to a full stop immediately before entering the nearest cross-walk or if none at a clearly marked stop-line or if there is no crosswalk or stop-line then immediately before entering the travelled portion of the through highway. Full stop at through highway

7. *The Highway Traffic Act* is amended by adding thereto the following section: Rev. Stat., c. 167, amended

41a.—(1) The Lieutenant-Governor in Council may make regulations providing for the erection of signs on any highways and prescribing the types of signs to be erected and the location of each type of sign. Signs

(2) Every driver or operator of a vehicle shall obey the instructions or directions indicated on any sign so erected. Signs to be obeyed

8. Subsection 1 of section 47 of *The Highway Traffic Act* is repealed and the following substituted therefor: Rev. Stat., c. 167, s. 47, subs. 1, re-enacted

(1) No person shall throw or deposit or cause to be deposited on any highway other than in receptacles provided for the purpose any glass, nails, tacks, scraps of metal or rubbish of any kind. Depositing rubbish on highways prohibited

9. Subsection 2 of section 48 of *The Highway Traffic Act* is amended by striking out the words "for the first offence to a penalty of not less than \$25 and not more than \$100, and shall also be liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than sixty days; and for any subsequent offence shall be liable" in the second to seventh lines, so that the subsection shall read as follows: Rev. Stat., c. 167, s. 48, subs. 2, amended

(2) Any person who violates any of the provisions of subsection 1 shall be liable to a penalty of not less than \$100 and not more than \$500 and shall also be liable to imprisonment for a term of not more than six months, and in addition his licence or permit may be suspended for a period of not more than one year. Penalty

10. Section 64 of *The Highway Traffic Act* is repealed and the following substituted therefor: Rev. Stat., c. 167, s. 64, re-enacted

Applica-
tion of
penalties

64. Every penalty collected for an offence committed on the King's Highway outside a city, town or village shall be paid to the Department and every penalty collected for an offence committed on any other highway, including any portion of the King's Highway within a city, town or village, shall be paid to the local municipality in which the offence was committed.

Rev. Stat.,
c. 167, s. 98,
subs. 4,
amended

11.—(1) Subsection 4 of section 98 of *The Highway Traffic Act*, as amended by subsections 2 and 3 of section 20 of *The Highway Traffic Amendment Act, 1953*, is further amended by striking out the word, figure and letter "and 5b" in the amendment of 1953 and inserting in lieu thereof the word, figure and letters "5b and 5c".

Rev. Stat.,
c. 167, s. 98,
amended

(2) The said section 98, as amended by section 20 of *The Highway Traffic Amendment Act, 1953*, is further amended by adding thereto the following subsection:

No pay-
ments re-
compensa-
tion received
from person
other than
driver or
owner

- (5c) The Minister shall not pay out of the Fund any amount for compensation or indemnity for damages in respect of which the applicant has received or is entitled to receive compensation or indemnity from any person other than the driver or owner of the motor vehicle which occasioned the injury, death or property damage.

Application

(3) Subsection 5c of section 98 of *The Highway Traffic Act*, as enacted by subsection 2, applies only in respect of judgments obtained after the date this Act comes into force.

Rev. Stat.,
c. 167,
amended

12.—(1) *The Highway Traffic Act* is amended by adding thereto the following section:

Actions
by non-
residents

- 102a. No action may be brought against the Registrar by or on behalf of any person who ordinarily resides outside of Ontario unless such person resides in a jurisdiction in which recourse of a substantially similar character to that provided by this Part is afforded to residents of Ontario.

Application

(2) Section 102a of *The Highway Traffic Act*, as enacted by subsection 1, applies in respect of motor vehicle accidents occurring before or after the date this Act comes into force but does not affect any action brought before this Act comes into force.

Rev. Stat.,
c. 167, s. 107,
amended

13.—(1) Section 107 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

SECTION 11. Self-explanatory.

SECTION 12. Self-explanatory.

SECTION 13. Self-explanatory.

SECTION 14. At present a person in charge of a motor vehicle involved in an accident must report the accident if the damage exceeds \$50. This amount is increased to \$100.

- (4) The Minister shall not pay out of the Fund any Interest amount for interest on a judgment or interest on costs.

(2) Subsection 4 of section 107 of *The Highway Traffic Act*,^{Application} as enacted by subsection 1, applies only in respect of judgments obtained after the date this Act comes into force.

14. Subsection 1 of section 110 of *The Highway Traffic Act*^{Rev. Stat., c. 167, s. 110, subs. 1, amended} is amended by striking out the symbol and figures "\$50" in the fourth line and inserting in lieu thereof the symbol and figures "\$100", so that the subsection shall read as follows:

- (1) Every person in charge of a motor vehicle who is^{Duty to report accident} directly or indirectly involved in an accident shall, if the accident results in personal injuries, or in damage to property apparently exceeding \$100, report the accident forthwith to the nearest provincial or municipal police officer, and furnish him with such information or written statement concerning the accident as may be required by the officer or by the Registrar.

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

16. This Act may be cited as *The Highway Traffic Amend-*^{Short title} *ment Act, 1954.*

BILL

An Act to amend The Highway
Traffic Act

1st Reading

March 9th, 1954

2nd Reading

3rd Reading

MR. DOUCETT

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Highway Traffic Act

MR. DOUCETT

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

EXPLANATORY NOTES

SECTION 1. The amendment is to make it clear that a built-up area may include not only dwellings and buildings used for business purposes but also schools and churches.

SECTION 2. At present it is an offence under subsection 1 of section 4 of the Act to make a false statement in an application or other paper-writing made in order to procure a licence, permit or certificate of registration. The amendment provides that it is an offence to make a false statement in any application or paper-writing required under the Act for any purpose.

BILL

An Act to amend The Highway Traffic Act

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

1.—(1) Subclause i of clause a of subsection 1 of section 1 of *The Highway Traffic Act* is amended by striking out the words “or dwellings and buildings used for business purposes” in the third and fourth lines and inserting in lieu thereof the words “buildings used for business purposes, schools or churches”, so that the subclause shall read as follows:

Rev. Stat.,
c. 167, s. 1,
subs. 1, cl. a,
subcl. i,
amended

- (i) not less than fifty per cent of the frontage upon one side of the highway for a distance of not less than 600 feet is occupied by dwellings, buildings used for business purposes, schools or churches, or

.

(2) Subclause ii of clause a of subsection 1 of the said section 1, as amended by section 1 of *The Highway Traffic Amendment Act, 1953*, is further amended by striking out the words “or dwellings and buildings used for business purposes” in the third and fourth lines and inserting in lieu thereof the words “buildings used for business purposes, schools or churches”, so that the subclause shall read as follows:

Rev. Stat.,
c. 167, s. 1,
subs. 1, cl. a,
subcl. ii,
amended

- (ii) not less than fifty per cent of the frontage upon both sides of the highway for a distance of not less than 300 feet is occupied by dwellings, buildings used for business purposes, schools or churches, or

.

2. Subsection 1 of section 4 of *The Highway Traffic Act* is amended by striking out the words “in order to procure the issuance to him of a licence, permit or certificate of registration” in the fourth and fifth lines, so that the subsection shall read as follows:

Rev. Stat.,
c. 167,
s. 4, subs. 1,
amended

Penalty
for false
statement

- (1) Any person who knowingly makes any false statement of fact in any application, declaration, affidavit or paper-writing required by this Act or by the regulations or by the Department, in addition to any other penalty or punishment to which he may be liable, shall be liable for the first offence to a penalty of not less than \$20 and not more than \$100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence shall be liable to a penalty of not less than \$50 and not more than \$200, and shall also be liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months.

Rev. Stat.,
c. 167,
s. 19, subs. 4,
amended

3. Subsection 4 of section 19 of *The Highway Traffic Act* is amended by inserting after the word "vehicle" in the second line the words "or farm tractor" and by adding at the end thereof the words "or to a trailer or other object or device when drawn directly across a highway by a farm tractor", so that the subsection shall read as follows:

Trailers

- (4) No trailer or other object or device shall be drawn by a motor vehicle or farm tractor on a highway unless the trailer, object or device has two separate means of attachment so constructed and attached that the failure of one such means will not permit the trailer, object or device to become detached; but this subsection shall not apply to a trailer so designed and used that part of its own weight and of its own load rests upon or is carried by another vehicle or to a trailer or other object or device when drawn directly across a highway by a farm tractor.

Rev. Stat.,
c. 167,
amended

4. *The Highway Traffic Act* is amended by adding thereto the following section:

Regulations

- 19a. The Lieutenant-Governor in Council may make regulations requiring any type or class of commercial motor vehicle or trailer to be equipped with rear bumpers and prescribing the location and means of attachment of such bumpers and prescribing the specifications for such bumpers.

Rev. Stat.,
c. 167, s. 28,
subs. 1,
amended

5.—(1) Subsection 1 of section 28 of *The Highway Traffic Act* is amended by striking out the words "motor vehicle shall be operated" in the first line and inserting in lieu thereof the words "person shall drive a motor vehicle" so that the subsection, exclusive of the clauses, shall read as follows:

SECTION 3. At present two separate means of attachment are required when a motor vehicle is drawing a trailer or other device upon a highway. The amendment makes such provisions applicable to farm tractors drawing trailers or other devices upon a highway.

SECTION 4. Self-explanatory.

SECTION 5. The amendments provide that the council of a city, town or village and the trustees of a police village may prescribe a speed limit of twenty-five miles per hour within the municipality and that the council of a city, town or village, the council of The Municipality of Metropolitan Toronto and the trustees of a police village may authorize a speed limit up to fifty miles per hour on any highways under its jurisdiction.

SECTION 6—Subsection 1. The amendment makes it clear that when two vehicles approach a crossroad or intersection the person in charge of the vehicle to the left is under a duty to yield the right of way to the person on the right.

(1) No person shall drive a motor vehicle at a greater ^{Rate of speed} rate of speed than,

(2) Subsections 2 and 3 of the said section 28 are repealed and the following substituted therefor: ^{Rev. Stat., c. 167, s. 28, subs. 2, 3, re-enacted}

(1a) The council of a city, town or village and the trustees of a police village may by by-law prescribe a speed limit of 25 miles per hour for motor vehicles driven upon any highway or portion of a highway under its jurisdiction, and the council of a township may by by-law prescribe a speed limit of 25 miles per hour for motor vehicles driven upon highways under its jurisdiction in any built-up area within the municipality. ^{decrease by by-law}

(2) The council of a city, town or village and the trustees of a police village may by by-law prescribe a lower rate of speed for motor vehicles driven in any public park or exhibition ground than is prescribed in subsection 1, but such lower rate of speed shall not be less than 15 miles per hour. ^{in public parks}

(2a) The council of a city, town or village and the trustees of a police village may by by-law authorize a higher rate of speed for motor vehicles driven upon any highway or portion of a highway under its jurisdiction than is prescribed in subsection 1, but such increased rate of speed shall not be more than 50 miles per hour. ^{increase by by-law}

(2b) No by-law passed under subsection 1a or 2a shall become effective until approved by the Department and the highways or portions thereof affected by the by-law shall be marked to comply with the regulations of the Department. ^{approval of by-laws}

(3) Subsections 1, 1a, 2 and 2a shall not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call. ^{fire department vehicles}

6.—(1) Subsection 1 of section 41 of *The Highway Traffic Act* is amended by striking out the words “to the right hand of the other vehicles or horseman shall have the right-of-way” in the third and fourth lines and inserting in lieu thereof the words “on the left of the other vehicle or horseman shall yield the right-of-way to the person on the right”, so that the subsection, exclusive of the clauses, shall read as follows: ^{Rev. Stat., c. 167, s. 41, subs. 1, amended}

(1) Where two persons in charge of vehicles or on horse-back approach a crossroad or intersection, or enter an intersection, at the same time, the person on the left of the other vehicle or horseman shall yield the right-of-way to the person on the right. ^{Right-of-way}

Rev. Stat.,
c. 167, s. 41,
subs. 1,
cl. d,
amended

(2) Clause *d* of subsection 1 of the said section 41 is amended by inserting after the word "left" in the second line the words "or right", so that the clause shall read as follows:

Signal
for turn

(d) The driver or operator of a vehicle upon a highway before turning to the left or right from a direct line shall first see that such movement can be made in safety, and if the operation of any other vehicle may be affected by such movement shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to make such movement.

Rev. Stat.,
c. 167, s. 41,
subs. 1,
cl. f, re-
enacted

(3) Clause *f* of subsection 1 of the said section 41 is repealed and the following substituted therefor:

How to
signal
manually

(f) When the signal is given by means of the hand and arm, the driver or operator shall indicate his intention to turn,

(i) to the left, by extending the hand and arm horizontally and beyond the left side of the vehicle, or

(ii) to the right, by extending the hand and arm upward and beyond the left side of the vehicle.

Rev. Stat.,
c. 167, s. 41,
subs. 1,
amended

(4) Subsection 1 of the said section 41, as amended by subsections 1 and 2 of section 7 of *The Highway Traffic Amendment Act, 1951* and section 10 of *The Highway Traffic Amendment Act, 1953*, is further amended by adding thereto the following clause:

Signal for
stop

(h) The driver or operator of a vehicle upon a highway before stopping or suddenly decreasing the speed of the vehicle, if the operation of any other vehicle may be affected by such stopping or decreasing of speed, shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to stop or decrease speed,

Manually

(i) by means of the hand and arm extended downward beyond the left side of the vehicle, or

Signalling
device

(ii) by means of a stop lamp or lamps on the rear of the vehicle which shall emit a red or yellow light and which shall be actuated upon application of the service or foot brake and which may or may not be incorporated with one or more rear lamps.

Subsections 2, 3 and 4. At present under section 41 of the Act signals are required only for left turns and the amendments provide for signals for right turns and stopping.

Subsection 5. At present it is provided that traffic, before entering a through highway, shall stop immediately before entering the nearest crosswalk. The amendment provides for stopping before entering an intersection where there is no crosswalk.

SECTION 7. Self-explanatory.

SECTION 8. At present the depositing on highways of nails, glass, etc., which may be injurious to tires on motor vehicles is prohibited. The amendment enlarges these provisions to include the prohibition of depositing rubbish of any kind on highways other than in receptacles provided for the purpose.

SECTION 9. The amendment provides a greater penalty for a first offence of failing to remain at the scene of an accident.

SECTION 10. At present a penalty collected for an offence on the King's Highway is paid to the Department of Highways and a penalty collected for an offence committed on a county highway is paid to the treasurer of the county. The amendment provides that a penalty collected for an offence committed on a King's Highway except such portion as is designated as a controlled-access highway within the limits of a city, town or village or on a county highway shall be paid to the local municipality, in which the offence was committed.

(5) Subsection 3 of the said section 41 is amended by Rev. Stat.,
striking out the first four lines and inserting in lieu thereof subs. 3,
the following: amended

(3) The driver or operator of every vehicle or car of an electric railway shall before entering or crossing a Full stop at through highway through highway bring the vehicle or car to a full stop immediately before entering the nearest crosswalk or if none at a clearly marked stop-line or if there is no crosswalk or stop-line then immediately before entering the travelled portion of the through highway.

7. *The Highway Traffic Act* is amended by adding thereto the following section: Rev. Stat., c. 167, s. 41, amended

41a.—(1) The Lieutenant-Governor in Council may make Signs regulations providing for the erection of signs on any highways and prescribing the types of signs to be erected and the location of each type of sign.

(2) Every driver or operator of a vehicle shall obey the instructions or directions indicated on any sign so Signs to be obeyed erected.

8. Subsection 1 of section 47 of *The Highway Traffic Act* is repealed and the following substituted therefor: Rev. Stat., c. 167, s. 47, subs. 1, re-enacted

(1) No person shall throw or deposit or cause to be deposited on any highway other than in receptacles provided for the purpose any glass, nails, tacks, scraps of metal or rubbish of any kind. Depositing rubbish on highways prohibited

9. Subsection 2 of section 48 of *The Highway Traffic Act* is amended by striking out the words "for the first offence to a penalty of not less than \$25 and not more than \$100, and shall also be liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than sixty days; and for any subsequent offence shall be liable" in the second to seventh lines, so that the subsection shall read as follows: Rev. Stat., c. 167, s. 48, subs. 2, amended

(2) Any person who violates any of the provisions of subsection 1 shall be liable to a penalty of not less than \$100 and not more than \$500 and shall also be liable to imprisonment for a term of not more than six months, and in addition his licence or permit may be suspended for a period of not more than one year. Penalty

10. Section 64 of *The Highway Traffic Act* is repealed and the following substituted therefor: Rev. Stat., c. 167, s. 64, re-enacted

Application of penalties

64. Every penalty collected for an offence committed on the King's Highway outside a city, town or village and on any portion of the King's Highway that is designated as a controlled-access highway shall be paid to the Department and every penalty collected for an offence committed on any other highway, including any portion of the King's Highway that is not designated as a controlled-access highway within a city, town or village, shall be paid to the local municipality in which the offence was committed.

Rev. Stat., c. 167, amended

11.—(1) *The Highway Traffic Act* is amended by adding thereto the following section:

Actions by non-residents

102a. No action may be brought against the Registrar by or on behalf of any person who ordinarily resides outside of Ontario unless such person resides in a jurisdiction in which recourse of a substantially similar character to that provided by this Part is afforded to residents of Ontario.

Application

(2) Section 102a of *The Highway Traffic Act*, as enacted by subsection 1, applies in respect of motor vehicle accidents occurring before or after the date this Act comes into force but does not affect any action brought before this Act comes into force.

Rev. Stat., c. 167, s. 106, repealed

12. Section 106 of *The Highway Traffic Act* is repealed.

Rev. Stat., c. 167, s. 107, amended

13.—(1) Section 107 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Interest

(4) The Minister shall not pay out of the Fund any amount for interest on a judgment or interest on costs.

Application

(2) Subsection 4 of section 107 of *The Highway Traffic Act*, as enacted by subsection 1, applies only in respect of judgments obtained after the date this Act comes into force.

Rev. Stat., c. 167, s. 110, subs. 1, amended

14. Subsection 1 of section 110 of *The Highway Traffic Act* is amended by striking out the symbol and figures "\$50" in the fourth line and inserting in lieu thereof the symbol and figures "\$100", so that the subsection shall read as follows:

SECTION 11. Self-explanatory.

SECTION 12. The section repealed reads as follows:

106. A judgment against the Registrar shall not include any amount for compensation or indemnity for damages in respect of which the plaintiff has received or is entitled to receive compensation or indemnity from any person other than the driver or owner of the motor vehicle which occasioned the personal injury or death.

SECTION 13. Self-explanatory.

SECTION 14. At present a person in charge of a motor vehicle involved in an accident must report the accident if the damage exceeds \$50. This amount is increased to \$100.



- (1) Every person in charge of a motor vehicle who is directly or indirectly involved in an accident shall, if the accident results in personal injuries, or in damage to property apparently exceeding \$100, report the accident forthwith to the nearest provincial or municipal police officer, and furnish him with such information or written statement concerning the accident as may be required by the officer or by the Registrar.

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

Duty to report accident
Commencement

16. This Act may be cited as *The Highway Traffic Amendment Act, 1954*.

Short title

BILL

An Act to amend The Highway
Traffic Act

1st Reading

March 9th, 1954

2nd Reading

March 15th, 1954

3rd Reading

MR. DOUGETT

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

No. 83

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Highway Traffic Act

MR. DOUCETT

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



BILL

An Act to amend The Highway Traffic Act

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

1.—(1) Subclause i of clause *a* of subsection 1 of section 1 of *The Highway Traffic Act* is amended by striking out the words “or dwellings and buildings used for business purposes” in the third and fourth lines and inserting in lieu thereof the words “buildings used for business purposes, schools or churches”, so that the subclause shall read as follows:

Rev. Stat.,
c. 167, s. 1,
subs. 1, cl. a,
subcl. i,
amended

- (i) not less than fifty per cent of the frontage upon one side of the highway for a distance of not less than 600 feet is occupied by dwellings, buildings used for business purposes, schools or churches, or

.

(2) Subclause ii of clause *a* of subsection 1 of the said section 1, as amended by section 1 of *The Highway Traffic Amendment Act, 1953*, is further amended by striking out the words “or dwellings and buildings used for business purposes” in the third and fourth lines and inserting in lieu thereof the words “buildings used for business purposes, schools or churches”, so that the subclause shall read as follows:

Rev. Stat.,
c. 167, s. 1,
subs. 1, cl. a,
subcl. ii,
amended

- (ii) not less than fifty per cent of the frontage upon both sides of the highway for a distance of not less than 300 feet is occupied by dwellings, buildings used for business purposes, schools or churches, or

.

2. Subsection 1 of section 4 of *The Highway Traffic Act* is amended by striking out the words “in order to procure the issuance to him of a licence, permit or certificate of registration” in the fourth and fifth lines, so that the subsection shall read as follows:

Rev. Stat.,
c. 167,
s. 4, subs. 1,
amended

Penalty
for false
statement

- (1) Any person who knowingly makes any false statement of fact in any application, declaration, affidavit or paper-writing required by this Act or by the regulations or by the Department, in addition to any other penalty or punishment to which he may be liable, shall be liable for the first offence to a penalty of not less than \$20 and not more than \$100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence shall be liable to a penalty of not less than \$50 and not more than \$200, and shall also be liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months.

Rev. Stat.,
c. 167,
s. 19, subs. 4,
amended

3. Subsection 4 of section 19 of *The Highway Traffic Act* is amended by inserting after the word "vehicle" in the second line the words "or farm tractor" and by adding at the end thereof the words "or to a trailer or other object or device when drawn directly across a highway by a farm tractor", so that the subsection shall read as follows:

Trailers

- (4) No trailer or other object or device shall be drawn by a motor vehicle or farm tractor on a highway unless the trailer, object or device has two separate means of attachment so constructed and attached that the failure of one such means will not permit the trailer, object or device to become detached; but this subsection shall not apply to a trailer so designed and used that part of its own weight and of its own load rests upon or is carried by another vehicle or to a trailer or other object or device when drawn directly across a highway by a farm tractor.

Rev. Stat.,
c. 167,
amended

4. *The Highway Traffic Act* is amended by adding thereto the following section:

Regulations

- 19a. The Lieutenant-Governor in Council may make regulations requiring any type or class of commercial motor vehicle or trailer to be equipped with rear bumpers and prescribing the location and means of attachment of such bumpers and prescribing the specifications for such bumpers.

Rev. Stat.,
c. 167, s. 28,
subs. 1,
amended

5.—(1) Subsection 1 of section 28 of *The Highway Traffic Act* is amended by striking out the words "motor vehicle shall be operated" in the first line and inserting in lieu thereof the words "person shall drive a motor vehicle" so that the subsection, exclusive of the clauses, shall read as follows:

- (1) No person shall drive a motor vehicle at a greater ^{Rate of speed} rate of speed than,
- (2) Subsections 2 and 3 of the said section 28 are repealed ^{Rev. Stat., c. 167, s. 28, subss. 2, 3, re-enacted} and the following substituted therefor:
- (1a) The council of a city, town or village and the trustees ^{decrease by by-law} of a police village may by by-law prescribe a speed limit of 25 miles per hour for motor vehicles driven upon any highway or portion of a highway under its jurisdiction, and the council of a township may by by-law prescribe a speed limit of 25 miles per hour for motor vehicles driven upon highways under its jurisdiction in any built-up area within the municipality.
- (2) The council of a city, town or village and the trustees ^{in public parks} of a police village may by by-law prescribe a lower rate of speed for motor vehicles driven in any public park or exhibition ground than is prescribed in subsection 1, but such lower rate of speed shall not be less than 15 miles per hour.
- (2a) The council of a city, town or village and the trustees ^{increase by by-law} of a police village may by by-law authorize a higher rate of speed for motor vehicles driven upon any highway or portion of a highway under its jurisdiction than is prescribed in subsection 1, but such increased rate of speed shall not be more than 50 miles per hour.
- (2b) No by-law passed under subsection 1a or 2a shall ^{approval of by-laws} become effective until approved by the Department and the highways or portions thereof affected by the by-law shall be marked to comply with the regulations of the Department.
- (3) Subsections 1, 1a, 2 and 2a shall not apply to a ^{fire department vehicles} motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call.

6.—(1) Subsection 1 of section 41 of *The Highway Traffic Act* is amended by striking out the words “to the right hand of the other vehicles or horseman shall have the right-of-way” ^{Rev. Stat., c. 167, s. 41, subss. 1, amended} in the third and fourth lines and inserting in lieu thereof the words “on the left of the other vehicle or horseman shall yield the right-of-way to the person on the right”, so that the subsection, exclusive of the clauses, shall read as follows:

- (1) Where two persons in charge of vehicles or on horse- ^{Right-of-way} back approach a crossroad or intersection, or enter an intersection, at the same time, the person on the left of the other vehicle or horseman shall yield the right-of-way to the person on the right.

Rev. Stat.,
c. 167, s. 41,
subs. 1,
cl. d,
amended

(2) Clause *d* of subsection 1 of the said section 41 is amended by inserting after the word "left" in the second line the words "or right", so that the clause shall read as follows:

Signal
for turn

(d) The driver or operator of a vehicle upon a highway before turning to the left or right from a direct line shall first see that such movement can be made in safety, and if the operation of any other vehicle may be affected by such movement shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to make such movement.

Rev. Stat.,
c. 167, s. 41,
subs. 1,
cl. f, re-
enacted

(3) Clause *f* of subsection 1 of the said section 41 is repealed and the following substituted therefor:

How to
signal
manually

(f) When the signal is given by means of the hand and arm, the driver or operator shall indicate his intention to turn,

(i) to the left, by extending the hand and arm horizontally and beyond the left side of the vehicle, or

(ii) to the right, by extending the hand and arm upward and beyond the left side of the vehicle.

Rev. Stat.,
c. 167, s. 41,
subs. 1,
amended

(4) Subsection 1 of the said section 41, as amended by subsections 1 and 2 of section 7 of *The Highway Traffic Amendment Act, 1951* and section 10 of *The Highway Traffic Amendment Act, 1953*, is further amended by adding thereto the following clause:

Signal for
stop

(h) The driver or operator of a vehicle upon a highway before stopping or suddenly decreasing the speed of the vehicle, if the operation of any other vehicle may be affected by such stopping or decreasing of speed, shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to stop or decrease speed,

Manually

(i) by means of the hand and arm extended downward beyond the left side of the vehicle, or

Signalling
device

(ii) by means of a stop lamp or lamps on the rear of the vehicle which shall emit a red or yellow light and which shall be actuated upon application of the service or foot brake and which may or may not be incorporated with one or more rear lamps.

(5) Subsection 3 of the said section 41 is amended by striking out the first four lines and inserting in lieu thereof the following: Rev. Stat., c. 167, s. 41, subs. 3, amended

- (3) The driver or operator of every vehicle or car of an electric railway shall before entering or crossing a through highway bring the vehicle or car to a full stop immediately before entering the nearest crosswalk or if none at a clearly marked stop-line or if there is no crosswalk or stop-line then immediately before entering the travelled portion of the through highway. Full stop at through highway

7. *The Highway Traffic Act* is amended by adding thereto the following section: Rev. Stat., c. 167, amended

41a.—(1) The Lieutenant-Governor in Council may make regulations providing for the erection of signs on any highways and prescribing the types of signs to be erected and the location of each type of sign. Signs

- (2) Every driver or operator of a vehicle shall obey the instructions or directions indicated on any sign so erected. Signs to be obeyed

8. Subsection 1 of section 47 of *The Highway Traffic Act* is repealed and the following substituted therefor: Rev. Stat., c. 167, s. 47, subs. 1, re-enacted

- (1) No person shall throw or deposit or cause to be deposited on any highway other than in receptacles provided for the purpose any glass, nails, tacks, scraps of metal or rubbish of any kind. Depositing rubbish on highways prohibited

9. Subsection 2 of section 48 of *The Highway Traffic Act* is amended by striking out the words "for the first offence to a penalty of not less than \$25 and not more than \$100, and shall also be liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than sixty days; and for any subsequent offence shall be liable" in the second to seventh lines, so that the subsection shall read as follows: Rev. Stat., c. 167, s. 48, subs. 2, amended

- (2) Any person who violates any of the provisions of subsection 1 shall be liable to a penalty of not less than \$100 and not more than \$500 and shall also be liable to imprisonment for a term of not more than six months, and in addition his licence or permit may be suspended for a period of not more than one year. Penalty

10. Section 64 of *The Highway Traffic Act* is repealed and the following substituted therefor: Rev. Stat., c. 167, s. 64, re-enacted

Applica-
tion of
penalties

64. Every penalty collected for an offence committed on the King's Highway outside a city, town or village and on any portion of the King's Highway that is designated as a controlled-access highway shall be paid to the Department and every penalty collected for an offence committed on any other highway, including any portion of the King's Highway that is not designated as a controlled-access highway within a city, town or village, shall be paid to the local municipality in which the offence was committed.

Rev. Stat.,
c. 167,
amended

11.—(1) *The Highway Traffic Act* is amended by adding thereto the following section:

Actions
by non-
residents

102a. No action may be brought against the Registrar by or on behalf of any person who ordinarily resides outside of Ontario unless such person resides in a jurisdiction in which recourse of a substantially similar character to that provided by this Part is afforded to residents of Ontario.

Application

(2) Section 102a of *The Highway Traffic Act*, as enacted by subsection 1, applies in respect of motor vehicle accidents occurring before or after the date this Act comes into force but does not affect any action brought before this Act comes into force.

Rev. Stat.,
c. 167, s. 106,
repealed

12. Section 106 of *The Highway Traffic Act* is repealed.

Rev. Stat.,
c. 167, s. 107,
amended

13.—(1) Section 107 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Interest

(4) The Minister shall not pay out of the Fund any amount for interest on a judgment or interest on costs.

Application

(2) Subsection 4 of section 107 of *The Highway Traffic Act*, as enacted by subsection 1, applies only in respect of judgments obtained after the date this Act comes into force.

Rev. Stat.,
c. 167, s. 110,
subs. 1,
amended

14. Subsection 1 of section 110 of *The Highway Traffic Act* is amended by striking out the symbol and figures "\$50" in the fourth line and inserting in lieu thereof the symbol and figures "\$100", so that the subsection shall read as follows:

- (1) Every person in charge of a motor vehicle who is directly or indirectly involved in an accident shall, ^{Duty to report accident} if the accident results in personal injuries, or in damage to property apparently exceeding \$100, report the accident forthwith to the nearest provincial or municipal police officer, and furnish him with such information or written statement concerning the accident as may be required by the officer or by the Registrar.

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

16. This Act may be cited as *The Highway Traffic Amend-* ^{Short title} *ment Act, 1954.*



BILL

An Act to amend The Highway
Traffic Act

1st Reading

March 9th, 1954

2nd Reading

March 15th, 1954

3rd Reading

April 5th, 1954

MR. DOUCETT

No. 84

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
The Schools Administration Act, 1954

MR. DUNLOP

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

EXPLANATORY NOTES

This is the third and last of a group of Bills in which eleven Acts administered by the Minister of Education are combined into three new Acts. This Bill, which contains very few changes in principle, incorporates most of the provisions of *The Continuation Schools Act*, *The High Schools Act*, *The Vocational Education Act* and *The Boards of Education Act* which were not included in *The Department of Education Act, 1954* (Bill No. 33) or *The Secondary Schools and Boards of Education Act, 1954* (Bill No. 63). In addition, a number of other Acts which apply to all elementary and secondary schools are included, as are some provisions of *The Public Schools Act* and *The Separate Schools Act*. The Bill is divided into eight Parts.

PART I

SCHOOL TERMS AND COMPULSORY ATTENDANCE

Sections 3 to 5 incorporate, with no change in principle, the existing provisions of *The Public Schools Act*, *The Separate Schools Act* and *The High Schools Act* respecting school terms and holidays.

The remaining sections in this Part constitute a revision of *The Adolescent School Attendance Act* and *The School Attendance Act*. The important change in principle in these sections is in relation to the age of compulsory attendance. The present Acts require attendance between the ages of 8 and 16 years. The revision requires attendance from the first day of the school year commencing after the child's sixth birthday until the last school day in June in the year in which he has his sixteenth birthday. The other change in principle is the removal of the requirement that children between the ages of 16 and 18 shall attend part-time courses of instruction. This requirement has not been generally complied with. This change involves the omission from the revision of several provisions of *The Adolescent School Attendance Act*.

The other changes in this Part are chiefly matters of clarification and to facilitate administration.

PART II

TEACHERS

This Part incorporates, with no major change in principle, certain provisions of *The Public Schools Act*, *The Separate Schools Act* and *The High Schools Act* respecting teachers and their rights and duties, particularly the provisions as to qualifications and as to matters relating to teachers' contracts.

PART III

SCHOOL TRUSTEES' AND TEACHERS' BOARDS OF REFERENCE

This Part incorporates, with no change in principle, the provisions of *The School Trustees' and Teachers' Boards of Reference Act, 1953*.

PART IV

SCHOOL BOARDS AND TRUSTEES

This Part contains provisions now appearing in *The Public Schools Act*, *The Separate Schools Act* and *The High Schools Act* respecting the powers and duties of boards, meetings of boards, the duties of secretaries and treasurers and provisions relating to the disqualification of trustees. Very little change in principle is incorporated in this Part.

The provision formerly appearing in *The Department of Education Act* which provided for regulations authorizing boards to purchase milk is

brought forward into this Bill as an authority without regulations to purchase milk but subject to any terms and conditions prescribed by the regulations. (Section 33 (g).)

The present authority of boards to contribute towards providing life insurance for employees is enlarged to authorize sickness and accident insurance, hospitalization, surgical benefits, etc. (Section 37.)

The limit on expenditures for athletes, school games, cadet corps, etc., is removed. (Section 33 (u, v).)

The power of elementary school boards to appoint guidance officers, heretofore authorized by regulations, becomes statutory. (Section 33 (w).)

The power of boards to provide pensions and sick leave credits is amended so that they may be provided only in the manner authorized for municipalities under *The Municipal Act*. (Sections 34, 35.)

The power of boards to grant retirement allowances, either to supplement pensions or for employees for whom no pension is provided, is revised to conform with similar provisions in *The Municipal Act* and, therefore, is limited to persons who have been in the service of the board concerned for at least twenty years and is limited as to amount, and retirement allowances under this provision may be granted only to employees entering the service of the board before July 1st, 1954, if a pension plan is in operation and in any event only to persons entering the service by July 1st, 1956. (Section 36.)

The provisions of *The Public Schools Act* and *The Separate Schools Act* authorizing an application to a judge to declare a vacancy on a board are made applicable generally to all school boards. (Sections 43 (5), 45.)

PART V

AUXILIARY CLASSES

This Part incorporates, with only two changes in principle, the provisions of *The Auxiliary Classes Act*.

The first change is that classes for deaf children will no longer be limited to the accommodation of persons whose mental capacity is capable of development beyond that of children of normal mentality at eight years of age. The other change is that the authority to establish residences for the pupils is removed. Although this power has been in the Act for many years, no board has exercised it.

PART VI

SCHOOL SITES

This Part incorporates, with no change in principle, the provisions of *The School Sites Act*.

PART VII

OFFENCES AND PENALTIES

This Part incorporates practically all of the offences and penalties provided under *The Department of Education Act*, *The Public Schools Act*, *The Separate Schools Act* and *The High Schools Act*. Very little change in principle is involved except such changes in detail as are necessary where provisions are made applicable to all boards.

The penalties are in some instances increased so that the general penalty throughout the Part is a penalty of not more than \$25. Some of the provisions in the existing Acts provide minimum penalties and others provide a maximum penalty of \$20.

A new offence is created where a county clerk neglects or refuses to prepare the county map showing the high school district boundaries as required by *The Secondary Schools and Boards of Education Act, 1954*.

PART VIII

MISCELLANEOUS

Section 83 of the Bill protects existing pension plans and sick leave credit plans now in existence under the present Acts and retirement allowances that have been granted under the present Acts.

BILL

The Schools Administration Act, 1954

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

INTERPRETATION

Interpreta-
tion

1. In this Act,

- (a) "board", except in Part VI, means public school board, separate school board, continuation school board, high school board or board of education;
- (b) "Department" means Department of Education;
- (c) "elementary school" means public or separate school;
- (d) "high school" includes collegiate institute;
- (e) "Minister" means Minister of Education;
- (f) "municipality" means city, town, village or township, but does not include county; *New.*
- (g) "occasional teacher" means a teacher employed to teach on a daily basis as a substitute for a permanent probationary or temporary teacher;
- (h) "permanent teacher" means a teacher employed on a continuing basis, but does not include a temporary teacher or an occasional teacher; 1952, c. 36, s. 1 (2), *part.*; 1953, c. 90, s. 1, *part.*
- (i) "prescribed" means prescribed by the regulations; *New.*
- (j) "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; 1952, c. 36, s. 1 (2), *part*; 1953, c. 90, s. 1, *part*.

1954, c. . . .

- (k) "regulations" means regulations made under *The Department of Education Act, 1954*;
- (l) "secondary school" means continuation, high or vocational school;
- (m) "secondary school district" means continuation or high school district;
- (n) "secretary" and "treasurer" include a secretary-treasurer; *New*.
- (o) "temporary teacher" means a teacher employed to teach on a monthly basis for a period not exceeding one year. 1952, c. 36, s. 1 (2), *part*; 1953, c. 90, s. 1, *part*.
- (p) "urban municipality" means city, town or village. *New*.

PART I

SCHOOL TERMS AND COMPULSORY ATTENDANCE

Interpretation

2. In this Part, "guardian", in addition to having the meaning ascribed in law, includes any person who has received into his home another person's child who is of a compulsory school age and is resident with him or in his care or legal custody. R.S.O. 1950, c. 6, s. 1, cl. (b); c. 347, s. 1, cl. (a); *amended*.

School year

3.—(1) The school year for elementary and secondary schools consists of two terms.

First term

(2) The first term begins on the day next following Labour Day and ends on the 22nd day of December, but when the 22nd day of December is a Monday, the first term ends on the 19th day of December.

(3) The second term begins on the 3rd day of January and Second term ends on the 29th day of June, but when the 3rd day of January is a Friday, the second term begins on the 6th day of January, and when the 29th day of June is a Monday, the second term ends on the 26th day of June. R.S.O. 1950, c. 165, s. 61 (1, 2); c. 316, s. 6 (1, 2); c. 356, s. 85 (1, 2); *amended*.

4. The following are school holidays:

School
holidays

1. Every Saturday and Sunday.
2. Good Friday.
3. The week next following Good Friday.
4. Victoria Day.
5. The birthday or the day fixed by proclamation of the Governor-General for the celebration of the birthday of the reigning Sovereign.
6. Dominion Day.
7. Labour Day.
8. Any day appointed by proclamation of the Governor-General or the Lieutenant-Governor as a public holiday or for a general fast or thanksgiving.
9. Remembrance Day.
10. Every day proclaimed a holiday by the authorities of the municipality in which the school is situated.
11. Every day upon which the school is closed under *The Public Health Act* or under *The Department of Education Act, 1954*, or the regulations. R.S.O. 1950, c. 165, s. 61 (3); 1953, c. 44, s. 2; R.S.O. 1950, c. 316, s. 6 (3); 1953, c. 90, s. 2; R.S.O. 1950, c. 356, s. 85 (3); 1953, c. 98, s. 1, *amended*. Rev. Stat.,
c. 306
1954, c. ...

5.—(1) With the approval of the inspector, a rural elementary school board may substitute holidays in some other part Rural areas of the year for part of the time allowed for Easter and summer holidays to suit the convenience of pupils and teachers, but the same number of holidays shall be allowed in each year. R.S.O. 1950, c. 316, s. 6 (4); c. 356, s. 85 (4).

(2) In a territorial district, the inspector, subject to an appeal to the Minister, may determine the length of time, School terms in districts which shall not be less than six months, during which an elementary school shall be kept open in each year, and the board of the school concerned shall keep the school open during the whole of the time so determined. R.S.O. 1950, c. 316, s. 6 (5), *amended*.

Compulsory
attendance

- 6.—(1) Unless excused under this section,
- (a) every child who attains the age of six years on or before the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in that year until the last school day in June in the year in which he attains the age of sixteen years; and
 - (b) every child who attains the age of six years after the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in the next succeeding year until the last school day in June in the year in which he attains the age of sixteen years.

When
attendance
excused

- (2) A child is excused from attendance at school,
- (a) if, in the opinion of the Minister, he is receiving satisfactory instruction at home or elsewhere;
 - (b) if he is unable to attend school by reason of sickness or other unavoidable cause;
 - (c) if, in the case of a child who has attained the age of fourteen years, his parent or guardian resides on and operates a farm and the child's services are required in the farm household or on the farm;
 - (d) if he is employed under the authority of a home permit or an employment certificate;
 - (e) if transportation is not provided by a board for the child and there is no school which he has a right to attend situated,
 - (i) within one mile from his residence measured by the nearest highway if he has not attained the age of seven years on or before the first school day in September in the year in question, or
 - (ii) within two miles from his residence measured by the nearest highway if he has attained the age of seven years but not the age of ten years on or before the first school day in September in the year in question, or
 - (iii) within three miles from his residence measured by the nearest highway if he has attained the age of ten years on or before the first school day in September in the year in question;

- (f) if he has obtained a secondary school graduation diploma or has completed a course which gives him equivalent standing;
- (g) if he is absent from school for the purpose of receiving instruction in music and the period of absence does not exceed one-half day in any week;
- (h) if he is excluded from attendance at school under any Act or under the regulations;
- (i) if he is absent on a day regarded as a holy day by the church or religious denomination to which he belongs;
- (j) if he is absent temporarily as authorized under the regulations. R.S.O. 1950, c. 347, ss. 2, 4 (1), 19 (2), *amended*; c. 6, ss. 2, 18, *amended*.

(3) The fact that a child is blind or deaf is not an un-avoidable cause under clause *b* of subsection 2 if the child is eligible for admission to The Ontario School for the Blind or The Ontario School for the Deaf. R.S.O. 1950, c. 347, s. 4 (2), *amended*. Blind or deaf children

(4) Where a child under compulsory school age has been enrolled as a pupil in an elementary school, this section applies during the school term for which the child is enrolled as if he were of compulsory school age. R.S.O. 1950, c. 347, s. 4 (4), *amended*. Child under compulsory age

(5) The parent or guardian of a child who is required to attend school under this section shall cause the child to attend school as required by this section. R.S.O. 1950, c. 347, s. 3, *amended*. Duty of parent, etc.

(6) Nothing in this section requires the child of a Roman Catholic separate school supporter to attend a public school or requires the child of a public school supporter to attend a Roman Catholic separate school. R.S.O. 1950, c. 347, s. 19 (1). Separate school supporters

7.—(1) The Lieutenant-Governor in Council may appoint an officer, to be known as the provincial school attendance officer, who shall, under the direction of the Minister and subject to the regulations, superintend and direct the enforcement of compulsory school attendance. R.S.O. 1950, c. 347, s. 6, *amended*. Provincial school attendance officer

(2) Where a child or his parent or guardian considers that the child is excused from attendance at school under clause *a* of subsection 2 of section 6, the Minister may inquire as to Inquiry, by Minister

the instruction being given to the child and as to the general educational proficiency of the child and the other circumstances of the case, and may by order in writing signed by him determine whether or not the child is receiving satisfactory instruction and, if he deems that the child is not receiving satisfactory instruction, he may by his order direct that the child shall attend school.

by provincial
officer

(3) Where a child or his parent or guardian considers that the child is excused from attendance at school under any one of clauses *b* to *j* of subsection 2 of section 6, the provincial school attendance officer may inquire as to the reason or excuse for non-attendance, and as to the general educational proficiency of the child and the other circumstances of the case, and may by order in writing signed by him determine whether or not the child is excused under the clause and, if he deems that there is no valid reason why the child should not attend school, he may by his order direct that the child shall attend school. R.S.O. 1950, c. 347, s. 4 (3), *amended*.

Powers of
provincial
officer

(4) The provincial school attendance officer shall have all the powers of a school attendance officer and may exercise such powers anywhere in Ontario. *New*.

Appointment
of school
attendance
officers

S.—(1) Every elementary school board in an urban municipality and every board of education and high school board shall appoint one or more school attendance officers.

Idem

(2) The council of every township shall appoint one or more school attendance officers, except where all the children in the township are subject to the jurisdiction of one or more school attendance officers appointed by one or more school boards.

Idem

(3) If an elementary school board in a township employs five or more teachers, the board may appoint one or more school attendance officers.

Idem

(4) Every elementary and secondary school board in unorganized territory shall appoint one or more school attendance officers.

Idem

(5) Two or more boards or councils may appoint the same attendance officer or officers.

Vacancies

(6) Where the office of a school attendance officer becomes vacant, it shall be filled by the appointing body forthwith.

Notice of
appoint-
ment

(7) Notice of the appointment of a school attendance officer by a school board shall be given in writing by the board to the provincial school attendance officer and to the

elementary school inspector or inspectors concerned and, if the board has jurisdiction in a township, to the council of the township.

(8) Notice of the appointment of a school attendance officer by the council of a township shall be given in writing by the council to the provincial school attendance officer, to each elementary school board in the township, and to the elementary school inspectors concerned. R.S.O. 1950, c. 347, s. 8 (1, 2, 4-6, 10), *amended*.

9.—(1) A school attendance officer appointed by the council of a township has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in the township, except children who are subject to the jurisdiction of a school attendance officer appointed by a school board. Jurisdiction and responsibility of officers appointed, by township council

(2) A school attendance officer appointed by a public school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in the area in which the board that appointed him has jurisdiction, except children who are subject to the jurisdiction of a school attendance officer appointed by a high or separate school board. by public school board

(3) A school attendance officer appointed by a separate school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age whose parents or guardians are supporters of a school operated by the board, except children who are subject to the jurisdiction of a school attendance officer appointed by a high school board. by separate school board

(4) A school attendance officer appointed by a high school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age who are resident pupils of the high school district and are or have been enrolled in a secondary school. by high school board

(5) A school attendance officer appointed by a board of education has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in the area in which the board has jurisdiction, except children who are subject to the jurisdiction of a school attendance officer appointed by a separate school board. R.S.O. 1950, c. 347, s. 8 (7, 8), *amended*. by board of education

Powers of officers

10.—(1) A school attendance officer may,

- (a) enter without warrant any place where children may be employed or congregated;
- (b) at the request of the parent or guardian apprehend and deliver to the school from which he is absent or to his parent or guardian, without warrant, any child found illegally absent from school. R.S.O. 1950, c. 347, s. 8 (3), *amended*.

Reports

(2) A school attendance officer shall report monthly to the body that appointed him, and annually to the provincial school attendance officer, on the prescribed forms.

To act under inspector and provincial officer

(3) A school attendance officer shall perform his duties under the direction of the inspector or inspectors concerned, and shall carry out the instructions and directions of the provincial school attendance officer. R.S.O. 1950, c. 347, s. 8 (12, 13), *amended*.

Inquiry by officer and notice

(4) A school attendance officer shall inquire into every case of failure to attend school within his knowledge or when requested so to do by the inspector or principal of a school or a ratepayer, and shall give written warning of the consequences of such failure to the parent or guardian of a child who is not attending school as required, and shall also give written notice to the parent or guardian to cause the child to attend school forthwith. R.S.O. 1950, c. 347, s. 10, *amended*.

Census

11. A school board may make a complete census of all children in the area in which the board has jurisdiction who have not attained the age of twenty-one years. R.S.O. 1950, c. 347, s. 9, *amended*.

Reports and information

12.—(1) The principal of every elementary or secondary school shall,

- (a) report in accordance with the regulations to the proper school attendance officer, and in the case of an elementary school also to the inspector concerned, the names, ages and residences of all pupils of compulsory school age who have not attended school as required;
- (b) furnish the school attendance officer with such other information as the officer requires for the enforcement of compulsory school attendance;
- (c) report to the school attendance officer every case of suspension or expulsion.

(2) Where a child of compulsory school age has not attended school as required and there is no school attendance officer having jurisdiction in respect of the child, the inspector concerned shall notify the parent or guardian of the child of the requirements of section 6. R.S.O. 1950, c. 347, s. 13 (1-3), *amended*. Where no school attendance officer

13.—(1) Where, in the opinion of the school attendance officer, the services of a child under fourteen years of age are required, Home permits and employment certificates, under 14

- (a) in farm work on a farm operated by his parent or guardian;
- (b) in some occupation in or about the home of his parent or guardian; or
- (c) in some gainful occupation for the child's own maintenance or the maintenance of some person who is dependent upon him,

the school attendance officer may issue, on the written application of the parent or guardian, a home permit or employment certificate, as the case requires, exempting the child from attendance at school for a period of not more than six weeks in a term and permitting him to engage in such occupation during such period. R.S.O. 1950, c. 347, s. 5 (2), *amended*.

(2) Where, in the opinion of the school attendance officer, the services of a child of compulsory school age who has attained the age of fourteen years are required, between 14 and 16

- (a) in some occupation in or about the home of his parent or guardian; or
- (b) in some gainful occupation for the child's own maintenance or the maintenance of some person who is dependent upon him,

the school attendance officer may issue, on the application of the parent or guardian, a home permit or an employment certificate, as the case requires, exempting the child from attendance at school and permitting him to engage in such occupation. R.S.O. 1950, c. 6, s. 3, *amended*.

(3) A school attendance officer may revoke any home permit or employment certificate issued by him if in his opinion the conditions under which he issued the permit have ceased to exist. R.S.O. 1950, c. 6, s. 16, *amended*. Revocation

14. Where it appears to the Minister that in any unorganized territory school trustees are not providing accom- Provincial officer as trustee

Rev. Stat.,
c. 316

modation for the children entitled to attend school, or have neglected or failed to raise the necessary funds for the establishment and maintenance of a school, or have in other respects failed to comply with *The Public Schools Act* and the regulations, or that the election of trustees has been neglected and no regular board of trustees is in existence, the Minister may by commission under his hand authorize and direct the provincial school attendance officer to do all things and exercise all powers which may be necessary for the establishment and maintenance of a school, the erection of school buildings and providing accommodations, the opening and conducting of a school, the assessing and levying of all sums of money required for school purposes, and generally whatever may be required for the purpose of establishing, maintaining and conducting a school in accordance with *The Public Schools Act* and the regulations, and thereupon the provincial school attendance officer shall have and may exercise and perform with regard to all matters set forth in the commission, all the authority, powers and duties vested in, and to be performed by, a board of school trustees under *The Public Schools Act* and the regulations. R.S.O. 1950, c. 347, s. 7.

Liability
of parent
or guardian

15.—(1) A parent or guardian of a child of compulsory school age, who neglects or refuses to cause the child to attend school, is, unless the child is legally excused from attendance, guilty of an offence and on summary conviction is liable to a penalty of not more than \$25.

Bond for
attendance

(2) The judge or magistrate may, instead of imposing a penalty, require a person convicted of an offence under subsection 1 to give a bond in the penal sum of \$100, with one or more sureties to be approved by the judge or magistrate, conditioned that the person shall, after the expiration of five days, cause the child to attend school as required. R.S.O. 1950, c. 347, s. 11, *amended*.

Employment
during
school hours

(3) A person who employs a child of compulsory school age during school hours is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25 unless the child,

(a) holds a home permit or employment certificate authorizing the employment; or

(b) is excused from attendance at school under clause *c* of subsection 2 of section 6. R.S.O. 1950, c. 6, ss. 4, 15 (1) *part*; c. 347, s. 5 (1), *amended*.

Offences by
corporations

(4) If a corporation contravenes subsection 1 or 3, in addition to the corporation, every director and officer of the corporation who authorizes, permits or acquiesces in the

contravention is guilty of an offence and on summary conviction is liable to the same penalty as the corporation. R.S.O. 1950, c. 347, s. 14, *amended*.

16.—(1) Prosecutions under section 15 shall be instituted by the school attendance officer concerned and, where there is a juvenile and family court with jurisdiction, such prosecutions shall be tried in that court. R.S.O. 1950, c. 347, s. 12, *amended*. Proceedings to be taken by attendance officers

(2) In prosecutions under section 15, a certificate as to the attendance or non-attendance at school of any child, signed or purporting to be signed by the principal of the school, is *prima facie* evidence of the facts stated therein without any proof of the signature or appointment of the principal. R.S.O. 1950, c. 347, s. 16 (2); c. 6, s. 15 (2), *amended*. Certificate of principal as evidence

(3) Where a person is charged under section 15 in respect of a child who is alleged to be of compulsory school age and the child appears to the judge or magistrate to be of compulsory school age, the child shall, for the purposes of such prosecution, be deemed to be of compulsory school age unless the contrary is proved. R.S.O. 1950, c. 347, s. 18, *amended*. Proof of age

PART II

TEACHERS

17.—(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. R.S.O. 1950, c. 356, s. 48, *part, amended*; 1952, c. 36, s. 7 (1); 1953, c. 90, s. 13 (1). Memo-randum of contract

(2) The contract may, in the case of a separate school board, include a stipulation to provide the teacher with board and lodging. R.S.O. 1950, c. 356, s. 48, *part*. Board and lodging

(3) Unless otherwise expressly agreed, a teacher shall be entitled to be paid his salary in the proportion which the total number of days during which he teaches bears to the whole number of teaching days in the year. R.S.O. 1950, c. 165, s. 59 (2); c. 316, s. 111 (3); c. 356, s. 52. Salary of teacher

Payment for
absence due
to illness
or dental
condition

(4) 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; 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. R.S.O. 1950, c. 356, s. 53 (1), *amended*; 1952, c. 36, s. 7 (2); 1953, c. 90, s. 13 (2).

Absence of
teacher in
quarantine

(5) Every teacher shall be entitled to his salary notwithstanding his absence from duty in any case where, because of exposure to a communicable disease, he is quarantined or otherwise prevented by the order of the medical health authorities from attending upon his duties. R.S.O. 1950, c. 165, s. 59 (4); c. 316, s. 111 (6).

Appearing
as witness
in court

(6) Every teacher shall be entitled to his salary notwithstanding his absence from duty as a witness in any court to which he has been summoned in any proceedings to which he is not a party or one of the persons charged. R.S.O. 1950, c. 165, s. 59 (5); c. 316, s. 111 (5); c. 356, s. 53 (2).

Disputes
between
teachers and
trustees

(7) All matters of difference between boards and teachers in regard to salary or other remuneration, whatever may be the amount in dispute, shall be determined in the division court of the division in which the cause of action arose, subject to appeal as provided in section 18. R.S.O. 1950, c. 165, s. 59 (7); c. 316, s. 111 (7); c. 356, s. 55 (1).

Award of
salary by
way of
penalty

(8) If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was not reasonable ground for the board disputing its liability or that the failure of the board to pay was from an improper motive, he may award as a penalty a sum not exceeding three months' salary. R.S.O. 1950, c. 165, s. 59 (8); c. 316, s. 111 (8); c. 356, ss. 54, 55 (2), *amended*.

Failure of
board to pay
salary when
no written
agreement

(9) For the purposes of subsection 8, the failure of a board to pay a teacher's salary may be extended by a judge to include failure to pay a teacher's salary when an agreement for his employment has been made by the board but no written memorandum has been made and executed as required by subsection 1, if the judge is satisfied upon the evidence that the refusal of the board to pay the salary by reason of the absence of a memorandum in writing is without merit. R.S.O. 1950, c. 165, s. 59 (9); c. 316, s. 111 (9).

Appeals
from division
court judg-
ment

18.—(1) In an action between a teacher and a board under section 17, the judge of the division court in which the action

is tried may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister to appeal.

(2) The Minister may, within one month after the rendering of judgment, appeal from the decision of the judge to the Court of Appeal, by serving notice in writing of such appeal upon the clerk of the division court appealed from, which appeal may be entitled "The Minister of Education of Ontario, Appellant, in the matter between (*naming the parties*)". Appeal by Minister

(3) The judge shall thereupon transmit to the office of the Registrar of the Supreme Court at Toronto, certified under his hand, the summons and other proceedings in the action, together with the evidence and his judgment thereon, and all objections made thereto, and he shall also certify under his hand to the Minister a true copy of the summons, proceedings, evidence, judgment and objections. Transmission of papers to Supreme Court

(4) After service of the notice of appeal no further proceedings shall be had until the appeal has been determined. Stay of proceedings

(5) The Court of Appeal shall give such order or direction to the court below touching the judgment to be given as the circumstances require, and upon receipt of such order or direction the judge shall proceed in accordance therewith. Direction to the court below

(6) The Court of Appeal may also in its discretion award costs against the party on whose behalf an unsuccessful appeal is taken which shall be certified to and form part of of the judgment of the court below, and such costs and any costs incurred by such party may be paid by the Minister and charged as contingent expenses of his office. Costs

(7) Notwithstanding anything herein contained, any party to an action in which the plaintiff claims more than \$100 shall have the same right of appeal as in an action in the division court. R.S.O. 1950, c. 316, s. 127. Right of appeal

19.—(1) Subject to *The Department of Education Act, 1954*, no person shall be employed or act as a teacher in an elementary or secondary school unless he is qualified as prescribed by the regulations. R.S.O. 1950, c. 165, s. 58 (1); c. 316, s. 111 (2); *amended*. Teachers to be qualified 1954, o. . .

(2) Subject to the provisions of *An Act respecting the Qualifications of Certain Teachers*, being chapter 52 of the Statutes of Ontario, 1907, and amendments thereto, separate school teachers shall be subject to the same examinations and receive their certificates of qualification in the same manner as public school teachers. R.S.O. 1950, c. 356, s. 51. Separate school teachers

Certificates 1954, c. ... (3) Subject to *The Department of Education Act, 1954*, a certificate of qualification as a teacher may be awarded only to a British subject of good moral character and physically fit to perform the duties of a teacher, who passes the examinations prescribed by, and otherwise complies with, the regulations.

Idem (4) All certificates shall be valid for such periods as the regulations prescribe. R.S.O. 1950, c. 316, s. 112 (1, 2), *amended*.

Use of unapproved text-books **20.**—(1) A teacher shall not use or permit to be used as a text-book in an elementary or secondary school any book that is not approved by the Minister or the regulations, and the Minister, upon the report of the inspector concerned, may withhold the whole or any part of the legislative grants in respect of any school in which an unapproved book is so used.

Idem (2) Where a teacher uses as a text-book, or negligently or wilfully permits to be used as a text-book by the pupils of his school, a book that is not approved by the Minister or the regulations, the Minister, on the report of the inspector of the school, may suspend the teacher and the board which operates the school may deduct from the teacher's salary a sum equal to so much of the legislative grants as has been withheld on account of the use of the book or any less sum at its discretion.

Change of text-book (3) Subject to the written approval of the board which operates the school, a teacher may replace any approved text-book which is in actual use in an elementary or secondary school by any other approved text-book on the same subject. R.S.O. 1950, c. 165, ss. 62, 68; c. 316, ss. 110, 133; c. 356, ss. 50, 86; *amended*.

Refusal to give up school property **21.** A teacher who refuses, on demand or order of the board which operates the school concerned, to deliver to the board any visitors' book, school register, schoolhouse key or any other school property in his possession shall not be a qualified teacher until restitution is made and he shall also forfeit any claim which he may have against the board. R.S.O. 1950, c. 316, s. 109; c. 356, s. 49, cl. (f); *amended*.

PART III

SCHOOL TRUSTEES' AND TEACHERS' BOARDS OF REFERENCE

Interpretation **22.** In this Part,

(a) "contract" means a contract of employment between a teacher and a board in accordance with Part II and the regulations;

- (b) "employed" means engaged as a permanent teacher by a board;
- (c) "judge" means judge of a county or district court;
- (d) "teacher" means a person qualified to teach in an elementary or secondary school, and employed as a permanent teacher by a board, in accordance with Part II and the regulations. 1953, c. 96, s. 1, *amended*.

23.—(1) The dismissal of a teacher, or the termination of the contract of a teacher, by a board shall be by notice in writing, which shall state the reasons therefor, in accordance with the terms of the contract. 1953, c. 96, s. 2 (1), *amended*. Termination of employment, by school board

(2) Where a teacher is employed by a board, the termination of such employment by the teacher shall be by notice in writing in accordance with the terms of the contract. by teacher

(3) Notwithstanding anything in this or any other Act, where a teacher is dismissed or the engagement of a teacher is terminated by the board or teacher in a manner not mutually agreeable, the teacher or board may at any time within fifteen days after receiving the notice referred to in subsection 1 or 2, as the case may be, apply in writing by registered letter to the Minister for a Board of Reference, stating the disagreement. Application for board

(4) The applicant shall send a copy of the application by registered letter to the other party to the disagreement on the same day as the application is sent to the Minister. 1953, c. 96, s. 2 (2-4). Service of notice

24.—(1) A board shall not make a permanent appointment to take the place of a teacher who is dismissed or whose appointment has been terminated in a manner not agreeable to the teacher until, Appointment in place of teacher dismissed

- (a) the time prescribed for applying for a Board of Reference has elapsed and the teacher has not applied for a Board of Reference and sent a copy of the application to the board, as provided in section 23;
- (b) the board has received from the teacher notice in writing that no application will be made under section 23;
- (c) the board has received from the Minister notice in writing that an application made by the teacher under section 23 has been withdrawn;

- (d) the board has received from the Minister notice in writing that he has refused an application made by the teacher under section 23;
- (e) the board has received from the Minister notice in writing that the teacher, being the applicant, has failed to comply with the requirements of subsection 3 of section 25; or
- (f) the board has received from the Minister a direction under section 28 directing the discontinuance of the contract,

whichever first occurs.

Contract
after ter-
mination of
engagement
of teacher

(2) A teacher who terminates an engagement in a manner not agreeable to the board shall not enter into a contract of employment with another board after the teacher has received notice of the application of the school board for a Board of Reference until,

- (a) the teacher has received from the Minister notice in writing that an application made by the board under section 23 has been withdrawn;
- (b) the teacher has received from the Minister notice in writing that he has refused an application made by the board under section 23;
- (c) the teacher has received from the Minister notice in writing that the board, being the applicant, has failed to comply with the requirements of subsection 3 of section 25; or
- (d) the teacher has received from the Minister a direction under section 28 directing the discontinuance of the contract,

whichever first occurs. 1953, c. 96, s. 3.

Application
for Board
of Reference

25.—(1) Upon receipt of an application for a Board of Reference, the Minister shall send notice of the application by registered letter to the other party to the disagreement and shall within thirty days thereof inquire into the disagreement and shall, within the same time,

- (a) refuse to grant the Board of Reference;
- (b) grant the Board of Reference and direct a judge to act as chairman thereof.

(2) Before directing a judge to act as chairman of a Board of Reference, the Minister may require the applicant to furnish security for costs in such amount and in such form as he may deem advisable. Security for costs

(3) Upon directing a judge to act as chairman of a Board of Reference, the Minister shall cause notice thereof to be sent by registered letter to the board and teacher involved in the disagreement and the notice shall require each of them to name a representative to the Board of Reference and to notify the Minister of such nomination by registered letter within ten days of the sending of the notice by the Minister. Naming of representatives

(4) If the applicant fails to comply with the requirements of subsection 3, the application shall be deemed to be abandoned and the Minister shall cause notice thereof to be sent by registered letter to the other party to the disagreement. Failure to name representatives

(5) If the respondent fails to comply with the requirements of subsection 3, the Minister shall direct the continuance of the contract. Idem

(6) If the representative of the board or the teacher, having been named, fails to appear at the hearing, the chairman of the Board of Reference shall name a representative for the board or teacher, as the case may be. 1953, c. 96, s. 4. Failure of representatives to appear

26. The chairman of the Board of Reference shall, within thirty days of his appointment, and upon reasonable notice thereof to the parties, convene the Board of Reference in any appropriate and convenient court house or municipal or school building and at such time as he may appoint. 1953, c. 96, s. 5. Place and time of hearing

27.—(1) The Board of Reference shall inquire into the matter in dispute and for such purpose the chairman shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Duty to inquire and powers of judge
Rev. Stat., c. 308

(2) The meetings of the Board of Reference shall be held *in camera*. 1953, c. 96, s. 6. Meetings in camera

28.—(1) Upon the completion of the hearing, the Board of Reference shall report to the Minister within seven days and direct the continuance of the contract or the discontinuance thereof, and may also make such recommendations as it deems advisable. Board of Reference to report

(2) The Minister shall cause a copy of the direction of the Board of Reference and of its report, including recommendations, if any, to be sent by registered letter to the board and Notice of direction

the teacher within seven days of the receipt of the report, and shall direct the implementation of the direction of the Board of Reference. 1953, c. 96, s. 7.

Direction
of Board

29.—(1) The direction of the Board of Reference under section 28 shall be binding upon the board and the teacher.

Failure to
comply with
direction
of Board

(2) If a board fails to comply with the direction of the Board of Reference under section 28, any amounts then or thereafter payable to the board under the authority of any Act of the Legislature shall not be paid to the board until it has complied with the direction.

Idem

(3) If a teacher fails to comply with the direction of the Board of Reference under section 28, the Minister shall suspend the certificate of qualification of the teacher for such period as he may deem advisable. 1953, c. 96, s. 8.

Payment
of costs

30. Subject to the regulations made under section 31, the chairman of the Board of Reference shall determine and direct the costs to be paid by either or both parties in the disagreement, and every such order may be enforced in the same manner as an order as to costs made in an action in a county or district court. 1953, c. 96, s. 9.

Regulations

31. The Lieutenant-Governor in Council may make regulations,

- (a) fixing the remuneration of chairmen and members of Boards of Reference and defining, prescribing and limiting other items of expense, including travelling and living expenses, which shall be included in the costs of a Board of Reference;
- (b) regulating the practice and procedure to be followed upon any reference; and
- (c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Part. 1953, c. 96, s. 10.

PART IV

BOARDS AND TRUSTEES

Duties of
boards

32. Every board shall,

- (a) ensure that every school under its charge is conducted in accordance with this Act, the Act under which it is operated, and the regulations; R.S.O. 1950, c. 165, s. 28, cl. (b); c. 316, s. 93, *part*; c. 356, s. 46, cl. (n).

- (b) appoint a secretary and a treasurer or a secretary-treasurer, who, in the case of an elementary school board, may be a member of the board; R.S.O. 1950, c. 165, s. 28, cl. (j), *part*; c. 316, s. 93, cl. (a), *part*; c. 356, s. 46, cl. (a), *part*.
- (c) fix the times and places for the meetings of the board and the mode of calling and conducting them, and ensure that a full and correct account of the proceedings thereat is kept; R.S.O. 1950, c. 165, s. 28, cl. (a); c. 316, s. 93, cl. (b), *part*.
- (d) transmit to the Minister all reports and returns required by the regulations; R.S.O. 1950, c. 165, s. 29 (1), cl. (q), *amended*; c. 316, s. 93, cl. (b), *part*; c. 356, s. 46, cl. (l), *amended*.
- (e) make provision for insuring adequately the school buildings and equipment; R.S.O. 1950, c. 165, s. 28, cl. (g); c. 316, s. 93, cl. (f), *part*; c. 356, s. 46, cl. (e), *part*.
- (f) take proper security from the treasurer or secretary-treasurer; R.S.O. 1950, c. 165, s. 28, cl. (k).
- (g) keep the school buildings, fences and premises in proper repair and in a proper sanitary condition, provide suitable furniture and equipment and keep it in proper repair, and protect the property of the board. R.S.O. 1950, c. 165, s. 28, cl. (f); c. 316, s. 93, cl. (f), *part*; c. 356, s. 46, cl. (e), *part*.

33. A board may,

Powers of
boards

- (a) appoint such committees as it may deem expedient; R.S.O. 1950, c. 165, s. 28, cl. (j), *part*; c. 316, s. 93, cl. (a), *part*.
- (b) subject to Part III, appoint and remove such teachers, officers and servants as it may deem expedient, determine the terms on which they are to be employed, and fix their salaries and prescribe their duties; R.S.O. 1950, c. 165, s. 28, cl. (o); c. 316, s. 93, cls. (c), (h) *part*; c. 356, s. 46, cl. (p), *part*.
- (c) dismiss the secretary or treasurer at any time, and thereupon shall make a new appointment to fill the vacancy; R.S.O. 1950, c. 316, s. 93, cl. (z).

- (d) determine the number, kind, grade, description and territorial boundaries of schools to be established and maintained; R.S.O. 1950, c. 316, s. 93, cl. (h), *part*; c. 356, s. 46, cl. (p), *part*; *amended*.
- (e) operate the playground as a park or playground and rink during the school term or in vacation or both, and provide and maintain such equipment as it deems advisable, and provide such supervision as it deems proper, provided the proper conduct of the school is not interfered with; R.S.O. 1950, c. 165, s. 28, cl. (d); c. 316, s. 93, cl. (ze).
- (f) organize and carry on gymnasium classes in school buildings for pupils or others during the school term or in vacation or both, and provide supervision and training for such classes, provided the proper conduct of the school is not interfered with; R.S.O. 1950, c. 165, s. 28, cl. (e); c. 316, s. 93, cl. (zf).
- (g) purchase milk to be consumed by the pupils in the schools under the jurisdiction of the board during school days in accordance with the terms and conditions prescribed by the regulations; 1952, c. 18, s. 2 (2), *amended*.
- (h) purchase for the use of pupils text-books and other school supplies, and either furnish them to the pupils free of charge or collect for the use thereof from their parents or guardians a sum not exceeding 25 cents per pupil in each month of the school year to assist in defraying the cost thereof; R.S.O. 1950, c. 165, s. 29 (1), cl. (a); c. 316, s. 93, cl. (o); c. 356, s. 46, cl. (r), *part*; *amended*.
- (i) procure registers, maps, globes, apparatus and prize books, and establish and maintain school libraries; R.S.O. 1950, c. 316, s. 93, cl. (g).
- (j) provide books, stationery and other materials necessary in connection with the establishment and maintenance of any system introduced for the encouragement of thrift and the habit of saving; R.S.O. 1950, c. 165, s. 29 (1), cl. (b); c. 316, s. 93, cl. (za), *amended*.
- (k) provide and pay for such medical and dental inspection of the pupils as the regulations may prescribe, or in the absence of regulations as the board may deem proper, but only where provision for such medical and dental inspection was inaugurated by

the board before the 31st day of July, 1924, in the case of an elementary school board and before the 31st day of December, 1941, in the case of a secondary school board; R.S.O. 1950, c. 165, s. 29 (1), cl. (c); c. 316, s. 93, cl. (l).

- (l) pay the travelling expenses and membership fees of any member of the board or of any teacher or officer of the board, incurred in attending meetings of the Ontario Educational Association or other similar association of teachers or trustees in Ontario and may make grants and pay membership fees to any such association in Ontario; R.S.O. 1950, c. 165, s. 29 (1), cl. (d); c. 316, s. 97; c. 356, s. 46, cl. (o); *amended*.
- (m) pay the costs, or any part thereof, incurred by any member of the board or by any teacher, officer or other employee of the board in successfully defending any legal proceeding brought against him for libel or slander in respect of any statements published at a meeting of the board or of a committee thereof, relating to the employment, suspension or dismissal of any person by the board; R.S.O. 1950, c. 165, s. 29 (1), cl. (e); c. 316, s. 98; c. 356, s. 90 (5).
- (n) invest any proceeds from an insurance claim or any moneys received for a special purpose through legacy, gift or otherwise, and for such purposes shall have the powers conferred upon trustees by *The Rev. Stat., Trustee Act*; R.S.O. 1950, c. 165, s. 29 (1), cl. (f); ^{c. 400} c. 316, s. 94; c. 356, s. 81.
- (o) make provision for insuring the board against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board; R.S.O. 1950, c. 165, s. 29 (1), cl. (g), *part*; c. 316, s. 93, cl. (w), *part*.
- (p) where two or more schools are under the control of the board, appoint such supervisory officers as it deems necessary and, subject to the regulations, prescribe the duties of such officers; R.S.O. 1950, c. 165, s. 31; c. 316, s. 93, cl. (i).
- (q) subject to the provisions of this Act and the Act under which the school is operated, fix the fees to be paid by or on behalf of pupils, and the times of payment thereof, and when necessary enforce payment thereof; R.S.O. 1950, c. 165, s. 28, cl. (h), *amended*.

- (r) give the necessary orders on the treasurer for payment of all moneys expended for school purposes and of such other expenses for promoting the interests of the schools under the jurisdiction of the board as may be authorized by this Act or the Act under which the board is established or the regulations and by the board; R.S.O. 1950, c. 165, s. 28, cl. (l); c. 356, s. 46, cl. (h); *amended*.
- (s) permit the school buildings and premises to be used for any educational or other lawful purposes which it deems proper, provided the proper conduct of the school is not interfered with; R.S.O. 1950, c. 316, s. 93, cl. (x).
- (t) expel, on the report of the principal, any pupil whose conduct is deemed to be so refractory that his presence in school is injurious to other pupils, and exclude any pupil by or on behalf of whom fees are legally required to be paid if such fees are not paid after reasonable notice; R.S.O. 1950, c. 165, s. 28, cl. (n); c. 316, s. 93, cl. (n); c. 356, s. 46, cl. (j); *amended*.
- (u) establish and maintain cadet corps and classes in military instruction and provide uniforms for such purposes;
- (v) provide for the promotion and encouragement of athletics and for the holding of school games; R.S.O. 1950, c. 165, s. 14; c. 316, s. 96; c. 356, s. 46, cl. (s), *amended*.
- (w) with the approval of the Minister,
 - (i) appoint one or more officers qualified according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils as will enable them to plan intelligently for their educational and vocational advancement, or
 - (ii) enter into an agreement with one or more other boards for the appointment of one or more such officers, each of whom shall apportion his time in accordance with the terms of the agreement. R.S.O. 1950, c. 165, s. 32.

Pensions

34.—(1) A board, by resolution, may provide pensions for employees or any class thereof by contract either with

Her Majesty in accordance with the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act* or with both Her Majesty and such an insurer in the manner and subject to the conditions set out in paragraph 48 of section 386 of *The Municipal Act* and the provisions of the said paragraph 48, except clause *b*, shall apply *mutatis mutandis*. R.S.C. 1952, c. 132
Rev. Stat., cc. 183, 243

(2) In this section, "employee" does not include a teacher or inspector. Interpretation

(3) 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. R.S.O. 1950, c. 165, s. 39; 1951, c. 32, s. 6; R.S.O. 1950, c. 316, s. 129; 1951, c. 73, s. 4; R.S.O. 1950, c. 356, s. 83; *amended*. Approval of Minister

35. A board, by resolution, may establish a system of sick leave credits gratuities for employees or any class thereof in the manner and subject to the conditions set out in paragraph 49 of section 386 of *The Municipal Act* and the provisions of the said paragraph 49 shall apply *mutatis mutandis*. R.S.O. 1950, c. 165, s. 40; c. 316, s. 130; c. 356, s. 84; *amended*. Sick leave credits

36.—(1) A board may grant an annual retirement allowance, payable weekly, monthly or otherwise during his life, to any employee of the board who has been in the service of the board for at least twenty years and who, Retirement allowances

(a) is retired because of age; or

(b) while in the service has become incapable through illness or otherwise of efficiently discharging his duties;

provided that no retirement allowance shall be granted under this section which, together with the amount of any pension payments payable to the employee in any year under a pension plan of the board or any municipality or under *The Teachers' Superannuation Act*, will exceed three-fifths of his average annual salary for the preceding three years of his service, or \$2,500. Rev. Stat., c. 384

(2) "Pension payments" in subsection 1 means, in the case of pension payments under a board or municipal plan, only such payments that result from joint contributions of employer and employee and does not include any such payments that result solely from contributions of the employee. Interpretation

Limitation
on applica-
tion of
section

(3) Where the board has a pension plan in operation, or where a municipality has a pension plan in operation in which the employees of the board are included, this section applies only to employees who are in the employ of the board on or before the 1st day of July, 1954, and in any event does not apply to an employee who enters the service of the board after the 1st day of July, 1956. R.S.O. 1950, c. 165, s. 60; c. 316, s. 128; *amended*.

Insurance,
hospitaliza-
tion, etc.
Rev. Stat.,
cc. 183, 285

37.—(1) A board may by resolution provide, by contract either with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act*,

- (a) group life insurance for employees or any class thereof;
- (b) group accident insurance or group sickness insurance for employees or any class thereof and their wives and children; and
- (c) hospital, medical, surgical, nursing or dental services or payment therefor for employees or any class thereof and their wives and children,

and may provide for contributing toward the cost thereof.

Contribu-
tions

(2) No resolution under this section shall authorize contributions by the board in excess of the total of those made by the employees. R.S.O. 1950, c. 165, s. 29 (1), cl. (g), *part*; c. 316, s. 93, cl. (w), *part*; *amended*.

First
meetings

38.—(1) Unless all the members of the new board have been appointed or elected and a date for the first meeting has been decided upon by the old board, the first meeting of a board in each year shall be held at the hour of 7 o'clock in the evening of the second Wednesday in January or at such other hour of the same day and at such place as may have been determined by resolution of the old board. R.S.O. 1950, c. 165, s. 26 (1), *amended*; c. 316, ss. 87 (1), 88 (1) *part*, *amended*.

Presiding
officer

(2) At the first meeting in each year, the secretary shall preside until the election of the chairman or, if there is no secretary or in his absence, the members present shall elect one of themselves to preside at the election of the chairman, and the member so selected to preside may vote as a member R.S.O. 1950, c. 165, s. 26 (8), *amended*; c. 316, s. 87 (2); c. 356, s. 45 (1).

Election of
chairman

(3) At the first meeting in each year and at the first meeting after a vacancy occurs in the office of chairman, the members shall elect one of themselves to be chairman, and the chairman shall preside at all meetings. R.S.O. 1950, c. 165, s. 26 (2).

(4) In case of an equality of votes at the election of chairman, the member who is assessed for the largest sum on the last revised assessment roll or rolls shall have a second or casting vote. R.S.O. 1950, c. 165, s. 26 (9); c. 316, s. 87 (3); c. 356, s. 45 (2).

(5) The members of the board may also elect one of themselves to be vice-chairman and he shall preside in the absence of the chairman. R.S.O. 1950, c. 165, s. 26 (3).

(6) If at any meeting there is no chairman or vice-chairman present, the members present may elect a chairman for that meeting. R.S.O. 1950, c. 165, s. 26 (4); c. 356, s. 45 (5), *part*.

(7) At the first meeting of a newly established board and as often as a vacancy occurs, the board shall also appoint a secretary and a treasurer or a secretary-treasurer who shall hold office during the pleasure of the board. R.S.O. 1950, c. 165, s. 26 (5); c. 316, s. 88 (1), *part*.

(8) In the absence of the secretary from any meeting, the chairman or other member presiding may appoint any member or other person to act as secretary for that meeting. R.S.O. 1950, c. 165, s. 26 (6).

(9) The presence of a majority of all the members constituting the board shall be necessary to form a quorum, and the vote of a majority of such quorum shall be necessary to bind the board. R.S.O. 1950, c. 165, s. 26 (7), *amended*; c. 316, ss. 87 (4), 88 (3); c. 356, s. 45 (6), *part*.

(10) The presiding officer, except where he is the secretary of the board and is not a member, may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. 1950, c. 165, s. 26 (10), *amended*; c. 316, s. 87 (5); c. 356, s. 45 (5), *part*.

(11) Subsequent meetings of the board shall be held at such time and place as the board may deem expedient. R.S.O. 1950, c. 316, s. 88 (2); c. 356, s. 45 (3).

(12) Subject to the provisions of the Act under which the board is established, special meetings of the board may be called by the chairman and in such other manner as the board may determine. *New*.

39. Every secretary of a board shall,

Duties of secretary

(a) keep a full and correct record of the proceedings of every meeting of the board in the minute book

provided for that purpose by the board, and ensure that the minutes, when confirmed, are signed by the chairman or presiding member;

- (b) perform such other duties as may be required of him by the regulations, by any other Act or by the board. R.S.O. 1950, c. 316, s. 102, cl. (a); c. 356, s. 29, cl. (a); *amended*.

Security
by officers

40.—(1) Every treasurer and collector of a board and, if required by the board, any other officer of a board shall give security for the faithful performance of his duties, and the security shall be deposited for safe keeping as directed by the board. R.S.O. 1950, c. 165, s. 27 (1), *amended*; c. 316, s. 101 (1); c. 356, s. 31 (1).

Form of
security

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company as defined in *The Guarantee Companies Securities Act*. R.S.O. 1950, c. 165 s. 27 (2); c. 316, s. 101 (2); c. 356, s. 31 (2).

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Duties of
treasurer

41. Every treasurer of a board shall,

- (a) receive and account for all school moneys;
- (b) open an account or accounts in the name of the board in such of the chartered banks of Canada or in such other place of deposit, as may be approved by the board;
- (c) deposit all moneys received by him on account of the board, and no other moneys, to the credit of such account or accounts;
- (d) disburse all moneys as directed by the board;
- (e) produce, when required by the board or by auditors or other competent authority, all papers and moneys in his possession, power or control belonging to the board. R.S.O. 1950, c. 165, s. 27 (3); c. 316, s. 101(4); c. 356, s. 30; *amended*.

Trustees
disqualified
as inspectors
and teachers

42.—(1) A school trustee is not eligible for appointment as an inspector or as a teacher by the board of which he is a member or by any other board having jurisdiction in the whole or any part of the area in which the board of which he is a member has jurisdiction.

Teachers
disqualified
as trustees

(2) A teacher is not eligible to be a member of the board by which he is employed nor to be a member of any other board having jurisdiction in the whole or any part of the area in which the board by which he is employed has jurisdiction.

(3) An inspector is not eligible for appointment as a teacher by a board or to be a member of a board while he holds the office of inspector. R.S.O. 1950, c. 165, s. 70; c. 316, s. 137; c. 356, s. 88; *amended*.

43.—(1) A school trustee shall not enter into any contract, agreement, engagement or promise of any kind, either in his own name or in the name of another, and either alone or jointly with another, in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise shall be void, and a trustee violating the provisions of this subsection shall *ipso facto* vacate his seat. R.S.O. 1950, c. 165, s. 63, *amended*; c. 316, s. 139 (1); c. 356, s. 90 (1).

(2) No person is disqualified from being a member of a board, or from sitting and voting on such board, by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board or in which an advertisement is inserted in the regular course of business, if the subscription or advertisement is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. R.S.O. 1950, c. 165, s. 65; c. 316, s. 140 (1); c. 356, s. 90 (4).

(3) A trustee who is a shareholder or an officer, director or other employee, of a corporation shall not vote on any question affecting the corporation with respect to any dealings or contract between the corporation and the board. R.S.O. 1950, c. 165, s. 64; c. 316, s. 140 (2).

(4) Nothing in this section,

Exceptions

- (a) prevents a trustee from receiving or being allowed such allowances for attendance at meetings and otherwise as are permitted by the Act under which he is elected or appointed;
- (b) prevents a trustee who is an assessor or a collector from receiving or being allowed such remuneration as is provided for under the Act under which he is elected or appointed; or
- (c) prevents a trustee who is a secretary or treasurer of a rural elementary school board from receiving or being allowed such compensation for his services as may be approved at, and entered in the minutes of, the annual meeting or at a special meeting of

the electors in the case of a public school board, or of the supporters of the school in the case of a separate school board. R.S.O. 1950, c. 316, s. 139 (3); c. 356, s. 90 (3); *amended*.

Declaring
seat vacant

(5) On the complaint of two ratepayers assessed for the support of the school or schools under the jurisdiction of the board, or on the complaint of the remaining trustee or trustees, the judge of the county or district court shall, on proof of the facts, declare the seat vacant and the provisions of the Act under which the board is established, with respect to the filling of vacancies, shall apply. R.S.O. 1950, c. 316, s. 139(2); c. 356, s. 90 (2); *amended*.

Seat
vacated by
conviction,
etc.

44.—(1) If a trustee is convicted of an indictable offence, or becomes mentally ill, or absents himself without being authorized by resolution entered in the minutes from the meetings of the board for three consecutive months, or ceases to hold the residence qualification required by the Act under which he was elected or appointed in the case of a public or secondary school board or ceases to reside within the municipality in the case of an urban separate school board or within three miles of the school in the case of a rural separate school board, he shall *ipso facto* vacate his seat and the remaining trustee or trustees shall declare the seat vacant and the provisions of the Act under which the board is established, with respect to the filling of vacancies, shall apply.

Proviso

(2) Notwithstanding subsection 1, where a trustee is convicted of an indictable offence, the vacancy shall not be filled until the time for taking any appeal which may be taken from the conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction the seat shall be deemed not to have been vacated. R.S.O. 1950, c. 165, s. 66; c. 316, s. 138; c. 356, s. 89, *amended*.

Idem

45. Where a complaint is made in writing to the inspector concerned by any two ratepayers assessed for the support of the school or schools under the jurisdiction of the board, or by the remaining trustee or trustees thereof, that any trustee was not, at the time of his election or appointment, qualified to be elected or appointed, or is not competent to act or is disqualified from acting, the inspector may file the complaint with the judge of the county or district court and on proof that the complaint is based on fact, the judge shall declare the seat vacant and the provisions of the Act under which the board is established, with respect to the filling of vacancies, shall apply. R.S.O. 1950, c. 316, s. 139 (4), *amended*.

46. If a board refuses or neglects to take proper security ^{Failure to take security} from the treasurer or other person to whom it entrusts school moneys, and any school money is forfeited or lost in consequence of the refusal or neglect, every member of the board shall be personally liable for such moneys which may be recovered by the board, or by any ratepayer assessed for the support of the school or schools under the jurisdiction of the board suing on behalf of himself and all other such ratepayers, in any court of competent jurisdiction, but no member shall be liable if he proves that he made reasonable efforts to procure the taking of the security. R.S.O. 1950, c. 165, s. 71; c. 316, s. 143; c. 356, s. 95; *amended*.

PART V

AUXILIARY CLASSES

47.—(1) Subject to the regulations, a board may establish and conduct classes for children who, not being persons ^{Classes which may be established} whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, are from any physical or mental cause unable to take proper advantage of the elementary or secondary school courses. R.S.O. 1950, c. 29, s. 2.

(2) Subject to the regulations, a board may establish day ^{Classes for deaf children} classes in oral speech and lip-reading to accommodate deaf children within its jurisdiction. R.S.O. 1950, c. 29, s. 3, *amended*.

48.—(1) For the purposes of section 47, the board may, ^{Powers of board} subject to the approval of the Minister,

- (a) acquire a site and erect thereon such buildings as may be suitable for the education and training of the pupils;
- (b) establish such courses of instruction and training as may be best adapted to secure the mental and physical development of the pupils;
- (c) appoint such teachers and special instructors in ordinary learning or in any useful and beneficial occupation as the board may think proper. R.S.O. 1950, c. 29, s. 4 (1), *amended*.

(2) With the approval of the Minister, a site may be ^{Acquiring site, etc., in adjoining municipality} acquired and buildings erected thereon for the purposes of this Part in an adjoining municipality. R.S.O. 1950, c. 29, s. 4 (2), *amended*.

Admission
only on
recom-
mendation

49.—(1) Subject to the regulations, pupils may be admitted to auxiliary classes upon the report and recommendation, approved by the Inspector of Auxiliary Classes, of a board consisting of,

- (a) the principal of the school;
- (b) a legally qualified psychiatrist or other legally qualified medical practitioner appointed by the school board; and
- (c) the school inspector.

Chairman
and
inspector

(2) The principal of the school shall be the chairman of the board and where there is more than one inspector in the inspectorate the senior inspector, or an inspector nominated by him, shall be the school inspector on the board.

Compulsory
attendance

(3) Subject to the regulations, a resident pupil,

- (a) who is required to attend school under Part I; and
- (b) in respect of whom a report recommending his admission to an auxiliary class established by the school board has been made and approved under subsection 1,

may be required by the school board to attend such auxiliary class.

Non-
resident
pupils

(4) Non-resident pupils may be admitted to auxiliary classes under the terms permitted or prescribed by the regulations, and upon payment of such fees for instruction as may be fixed by the board and approved by the Minister. 1952, c. 4, s. 1, *amended*.

Supervision
of health,
etc., of
pupils

50. Where a board has established auxiliary classes under this Part, it may provide for the proper supervision of the health and treatment of pupils attending the classes and for proper medical treatment of pupils who appear to the principal or inspector to require the same. R.S.O. 1950, c. 29, s. 8, *amended*.

Visiting
pupils in
their homes

51. The board may direct such officers as it may appoint to visit pupils' homes and to consult with and advise their parents as to the conditions which will be most conducive to the pupils' development. R.S.O. 1950, c. 29, s. 9, *amended*.

Transporta-
tion of
pupils

52. Subject to the regulations, the board may provide for the transportation of pupils to and from the classes, and may pay for the same out of the funds provided under section 53. R.S.O. 1950, c. 29, s. 10.

53. The moneys required by a board for carrying out the objects of this Part shall be raised and levied in the same manner as for the erection, establishment, improvement or maintenance of the schools under the control of the board. Raising money for classes
 R.S.O. 1950, c. 29, s. 11 (1), *amended*.

PART VI

SCHOOL SITES

54. In this Part,

Interpretation

- (a) "board" means public school board, separate school board, continuation school board, board of education, high school board or advisory committee appointed under Part III of *The Secondary Schools and Boards of Education Act, 1954*; 1954, c. . . .
- (b) "judge" means judge or junior or acting judge of the county or district court of the county or district in which lands to be acquired for a school site under this Part are situated;
- (c) "owner" includes a mortgagee, lessee, tenant and occupant and any person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested;
- (d) "school site" means the land necessary for a school-house, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium, offices and playgrounds connected therewith, or other land required for school purposes or for the office of a board. R.S.O. 1950, c. 348, s. 1, *amended*.

55. A judge who is a member of a board shall not act in any matter under this Part in which the board is interested. Judge not to act when member of board
 R.S.O. 1950, c. 348, s. 2.

56. The powers and duties conferred and imposed upon a board by this Part shall be subject to the regulations. Powers and duties to be subject to regulation
 R.S.O. c. 348, s. 3.

57.—(1) Subject to the provisions of *The Public Schools Act* as to the selection of a site by the board of a rural school section, every board may acquire by purchase or otherwise or may expropriate any land described in a resolution of the board declaring that the land is required for a school site or for the enlargement of a school site. Board may purchase or expropriate
 R.S.O. 1950, c. 348, s. 5 (1); 1951, c. 82, s. 2. Rev. Stat. c. 316

Acquiring land in adjoining township

(2) The board of education for a city or town may acquire by purchase or otherwise, or may expropriate, land in a township for the purposes of a school site where the land adjoins a boundary between the city or town and the township.

Land not to be exempt from taxation

(3) Where a board of education expropriates land under subsection 2, the land shall not be exempt from taxation by the township, but the corporation of the township and the board of education may agree upon a fixed annual sum to be paid as taxes upon the land, or in case of disagreement, the amount shall be determined by the judge. R.S.O. 1950, c. 348, s. 5 (2, 3).

Acquiring land outside city or town for future school sites

58.—(1) A board of a city or town may acquire by purchase or otherwise any land in an adjacent municipality which the board deems it desirable to acquire in view of the probable further extension of the limits of the city or town so as to include the land, but no land shall be acquired under this section at a greater distance than one mile from the limits of the city or town.

Assessment and taxation

(2) All land acquired under subsection 1, so long as it is held by the board, shall be subject to municipal assessment and taxation in the municipality in which it is situated.

Expropriation not authorized

(3) Nothing in subsection 1 shall be deemed to authorize the expropriation of land in another municipality by a board of a city or town.

Power to dispose of sites so acquired

(4) Where a board has acquired land in another municipality under subsection 1, and the land appears to the board to have become undesirable for school purposes, the board may sell, lease or otherwise dispose of the land as it may deem expedient. R.S.O. 1950, c. 348, s. 6.

Order for immediate entry on land taken

59. At any time after a board passes a resolution declaring that any land is required for a school site, or for the enlargement of a school site, and that immediate possession thereof is required by it, the board, by leave of the judge and upon payment into the Supreme Court of a sum sufficient, in the opinion of the judge, to satisfy the compensation, may enter upon and take possession of the land, and if any resistance or forcible opposition is made to its so doing, the judge may issue his warrant to the sheriff of the county or district in which the land lies to put the board in possession and to put down such resistance or opposition, which the sheriff, taking with him sufficient assistance, shall accordingly do. R.S.O. 1950, c. 348, s. 7, *amended*.

Who may sell and convey to board

60.—(1) Every corporation, tenant in tail or for life, guardian, executor, administrator, committee and every

trustee, not only for and on behalf of himself, his heirs and successors, but also for and on behalf of those he or they may represent, whether married women, infants, unborn issue, mentally incompetent persons or mentally defective persons, or other person, seized, possessed of or interested in any land may contract for, sell and convey all or part thereof or any interest therein to a board for a school site or for an enlargement of or addition to a school site, and any contract, agreement, sale, conveyance or assurance so made shall be valid and effectual to all intents and purposes.

(2) Where there is no person who under subsection 1 may contract, sell or convey, the Supreme Court may on the application of the board appoint some person to act for and on behalf of the owner for the purposes mentioned in subsection 1 and in any proceedings which may be taken under this Part and may give proper direction concerning the disposition of the purchase money. R.S.O. 1950, c. 348, s. 8.

Where there is no person who can convey

61.—(1) Where the owner and the board are unable to agree on the compensation to be paid to the owner, the amount to be paid shall be fixed and determined by the judge upon oral evidence at such time and place as he may upon notice to all concerned appoint.

Determining amount of compensation where no agreement

(2) The hearing shall be conducted in the same manner as nearly as may be as in the case of a trial before the judge in an action in the county court and a subpoena may issue from the county court to command the attendance of witnesses.

Hearing

(3) The sheriff and the clerk of the county court shall perform the same duties and shall be entitled to the same fees as in the case of a trial in the county court.

Duties of sheriff and clerk

(4) An appeal shall lie from the decision of the judge to the Court of Appeal. R.S.O. 1950, c. 348, s. 9.

Appeal

62. The judge shall determine what interest, if any, shall be paid to the owner. R.S.O. 1950, c. 348, s. 10.

Interest payable to owner

63.—(1) On the filing with the county judge of the certificate of an Ontario land surveyor that he is not interested in the matter, that he knows the land, describing it, and that some certain sum named in the certificate is, in his opinion, a fair compensation for the land, the judge, if satisfied by affidavit or other evidence, that diligent inquiry has been made and that the owner is unknown or cannot be found, may order that a notice be inserted for such time as he may deem proper in some newspaper published in the county or district and may order that notice be also sent to any person by mail or served upon him in such manner as the judge may direct.

Judge may order notice to be published and mailed

Contents of
notice

(2) The notice shall contain a short description of the land and a statement of the readiness of the board to pay the sum so certified, shall give the name of the judge who is to determine the compensation under this Part and shall state the time within which the offer is to be accepted, and such other particulars as the judge may direct.

Determining
compensa-
tion

(3) If within the time stated the owner does not notify the board of his acceptance of the sum offered, the judge may proceed *ex parte* on oral evidence to determine the compensation to be paid. R.S.O. 1950, c. 348, s. 11.

Judge may
determine
claims of
encum-
brancer,
etc.

64. The judge may hear and determine all claims or rights of encumbrancers, lessees, tenants, occupants or other persons as well as those of the owner in respect to the land, provided that in such case the claimant or other person has first received ten clear days notice of the intention to determine his claim or right. R.S.O. 1950, c. 348, s. 12.

Damages
caused by
severance

65. Where part only of the lot or parcel of land of the owner is required, the judge shall include in the compensation the amount which will, in his opinion, compensate the owner for any damage directly resulting from severance. R.S.O. 1950, c. 348, s. 13.

Right of
desistment

66.—(1) A notice of intention to acquire land may be desisted from by the board at any time within twenty-one days after the amount has been determined by the judge by giving written notice to the owner and filing the same with the clerk of the county or district court, but the board shall in that case pay the whole cost of the proceedings and all damages sustained by the owner in consequence of the taking and abandonment and such costs shall be ascertained in a summary way by the judge.

Not to be
exercised
more than
once

(2) The right of desistment shall not be exercised more than once. R.S.O. 1950, c. 348, s. 14.

Cost of
arbitration

67. The costs of the proceedings shall be in the discretion of the judge, who may direct to and by whom and in what manner such costs or any part thereof shall be paid, and he may award any costs to be paid as between solicitor and client. R.S.O. 1950, c. 348, s. 15.

Vesting
order

68. If the amount determined by the judge and any costs awarded have been paid in the manner and to the person directed by the judge, he may make a vesting order vesting the land taken in the board and the order may be registered and shall confer upon the board a good title to the land taken. R.S.O. 1950, c. 348, s. 16.

69.—(1) Every sum to be paid as compensation shall be paid within thirty days after the determination of the amount to be paid. Compensation to be paid within thirty days

(2) Where the person entitled thereto is absent or where for any other reason payment of such sum cannot be made pursuant to the award, or if the title to the land or any interest therein or the right to any part of the compensation is in doubt, or if for any other reason the board deems it advisable, the board may pay the sum awarded or any part thereof into the Supreme Court with six months interest thereon. R.S.O. 1950, c. 348, s. 17. Payment into court

70. The compensation for any land which is taken without the consent of the owner shall stand in the stead of the land, and any claim to or encumbrance upon the land, or any part thereof, shall, as against the board, be converted into a claim to or upon the compensation or to or upon a like proportion thereof and it shall be responsible accordingly, whenever it has paid the compensation or any part thereof to a person not entitled to receive the same, saving always its recourse against such person. R.S.O. 1950, c. 348, s. 18. Compensation awarded to stand in the stead of land taken

71. In the case of a municipality for which an official arbitrator has been appointed under *The Municipal Arbitrations Act*, the compensation to be paid to the owner shall be determined by the award of the official arbitrator instead of by the judge as hereinbefore provided, and the provisions of that Act shall *mutatis mutandis* apply. R.S.O. 1950, c. 348, s. 19. Compensation to be determined by official arbitrator Rev. Stat., c. 244

PART VII

OFFENCES AND PENALTIES

72. Any person who wilfully makes a false declaration of his right to vote at a school meeting or at an election of trustees is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 134; c. 356, s. 87; *amended*. False declaration of right to vote

73. Any person who wilfully interrupts or disquiets the proceedings of a school meeting or a school by rude or indecent behaviour or by making a noise either in the place where the meeting is held or in the school or so near thereto as to interfere with the proceedings of the meeting or the order of exercises of the school is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 141; c. 165, s. 67; c. 356, s. 91; *amended*. Disturbances

Refusal
to serve

74.—(1) A trustee who refuses to serve after being elected or appointed with his own consent is guilty of an offence and on summary conviction is liable to a penalty of \$25.

Failure to
perform
duties

(2) A trustee who has been elected or appointed and has not refused to accept the office and who at any time refuses or neglects his duties as trustee is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25.

Acting
while dis-
qualified

(3) A trustee who sits or votes at any meeting of the board after becoming disqualified is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25 for every meeting at which he so sits or votes. R.S.O. 1950, c. 316, ss. 135, 136; c. 165, s. 69; c. 356, ss. 92, 93, *amended*.

Failure to
transmit
minutes

75. The chairman of a rural school meeting who neglects to transmit to the inspector concerned a minute of the proceedings of any annual or other rural school meeting over which he has presided, within ten days after the holding of the meeting, is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 142; c. 356, s. 94, *amended*.

Information
to auditors

76. Every school board and its secretary and treasurer shall furnish the auditors with any papers or information in its or his power which may be required of it or him relating to the school accounts and a member of the board, or a secretary or treasurer, who neglects or refuses so to do is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25, but no member shall be liable if he proves that he made reasonable efforts to procure the furnishing of the papers or information. R.S.O. 1950, c. 316, s. 147; c. 165, s. 74; c. 356, s. 97; *amended*.

False
reports and
registers

77. Every trustee who knowingly signs a false report and every teacher who keeps a false school register or makes a false return is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 150; c. 165, s. 75; c. 356, s. 99, *amended*.

Failure to
call school
meeting

78. If an annual or other rural public school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give notice is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 152; *amended*.

School maps

79.—(1) If a township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by *The Public Schools Act*, or if he neglects for

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one month to make any return required by that Act, he is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 151, *amended*.

(2) If a county clerk neglects or refuses to prepare the map ^{idem} of the county showing the boundaries of the high school districts therein as required by *The Secondary Schools and Boards of Education Act, 1954*, he is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. *New*.

80.—(1) A treasurer, secretary or secretary-treasurer, or ^{Delivery up of books and money} a person having been a treasurer, secretary or secretary-treasurer, and a trustee or other person who has in his possession any book, paper, chattel or money which came into his possession as such treasurer, secretary, secretary-treasurer, trustee or otherwise shall not wrongfully withhold, or neglect or refuse to deliver up, or account for and pay over the same to the person and in the manner directed by the board or by other competent authority.

(2) Upon application to the judge of the county or district ^{Summons for appearance} court by the board, supported by affidavit, showing such wrongful withholding or refusal, the judge may summon the treasurer, secretary, secretary-treasurer, trustee or person to appear before him at a time and place appointed by him.

(3) A bailiff of a division court, upon being required ^{so Service of summons} to do by the judge, shall serve the summons or a true copy thereof on the person complained against personally or by leaving it with a grown-up person at his residence.

(4) At the time and place so appointed, the judge, if ^{Order to account} satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded may order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow.

(5) In the event of non-compliance with the order, the ^{Effect of non-compliance with judge's order} judge may order such person to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the jail of the county or district in which he resides, there to remain without bail until the judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money in the manner directed by the board or other competent authority.

Discharge on complying with order

(6) Upon proof of his having so done, the judge shall make an order for his discharge and he shall be discharged accordingly.

Discharge on terms

(7) Upon proof that the person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed, the judge may order his discharge on such terms or conditions as he may deem just.

Other remedy not affected

(8) Such proceedings shall not impair or affect any other remedy which the board or other competent authority may have against the person complained against or against any other person. R.S.O. 1950, c. 316, ss. 144, 145; c. 165, s. 73; c. 356, s. 96.

Compelling delivery of books, money, etc., on dissolution of school corporation

81.—(1) Section 80 applies to the case of any person who has in his possession any books, paper, chattel or money which came into his possession as secretary, or treasurer, or member, or otherwise, of a board which has been dissolved, and every such person shall deliver up, account for and pay over every such book, paper, chattel and all such money to the person and in the manner provided in or under the Act under which the board is dissolved and failing any such provision as directed by the Minister, and in default of his so doing, proceedings may be taken against him by two ratepayers in the same manner as in the case provided for by section 80, and that section shall *mutatis mutandis* apply.

Application of subs. 1

(2) Subsection 1 applies to every person who has received from such secretary, treasurer, trustee or other person any book, paper, chattel or money, which by subsection 1 it is declared to be the duty of such secretary, treasurer, trustee or other person to deliver up, and the like proceedings may be taken against such first-mentioned person. R.S.O. 1950, c. 316, s. 146, *amended*.

No inspector, trustee, teacher, etc., to act as agent for the sale of books, maps, etc.

82.—(1) No teacher, trustee, inspector or other person officially connected with the Department or with any elementary or secondary school or with any teachers' college or other institution which is under the management or control of the Minister, shall sell or become or act as agent for any person to sell or to promote in any way the sale of any school library, prize or text-book, map, chart, school apparatus, furniture, stationery or other article for the use of any elementary or secondary school, teachers' college or other institution aforesaid or for the use of any pupil thereof, nor shall he receive directly or indirectly compensation or other remuneration or the equivalent for so doing. R.S.O. 1950, c. 94, s. 16 (1), *amended*.

(2) Every person who contravenes subsection 1 is guilty ^{Penalty} of an offence and on summary conviction is liable, if he is a teacher to a penalty of not more than \$50, if he is a trustee to a penalty of not more than \$100, if he is an inspector to a penalty of not more than \$500 and if he is any other person so officially connected to a penalty of not more than \$100. R.S.O. 1950, c. 94, s. 16 (2), *amended*.

(3) Any person, firm or corporation and any agent of a ^{Penalty} person, firm or corporation who employs a teacher, trustee, ^{against} inspector or any other person officially connected with the ^{business,} Department or with any elementary or secondary school or ^{firm or} with any teachers' college or other institution which is under the management or control of the Minister, to sell or become or act as agent for or to promote in any way the sale of any school library, prize or text-book, map, chart, school apparatus, furniture, stationery or other article for the use of any elementary or secondary school, teachers' college or other institution aforesaid, or who directly or indirectly gives or pays to any such teacher, trustee, inspector or other person compensation or remuneration or the equivalent thereof is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. R.S.O. 1950, c. 94, s. 16 (3), *amended*.

(4) Any gift or payment made to a teacher, trustee, ^{Gifts, etc.,} inspector or other person so officially connected by any ^{to be} person, firm or corporation interested either as principal ^{prima facie} or agent in any such sale is *prima facie* evidence of a violation of this section.

(5) No prosecution for any of the penalties mentioned in this section shall be instituted without the written consent ^{Consent of} of the Attorney-General or the Deputy Attorney-General. ^{Attorney-} ^{General to} ^{prosecution}

(6) This section does not apply to sales made by a trustee ^{Sale in} who is a merchant or bookseller in the ordinary and regular ^{ordinary} course of his business as such and made at his shop or place ^{course of} of business. ^{business} R.S.O. 1950, c. 94, s. 16 (4, 7, 8). ^{excepted}

PART VIII

MISCELLANEOUS

83.—(1) Nothing in section 34 affects any pension plan ^{Saving} heretofore established and approved by the Minister under section 39 of *The High Schools Act*, section 129 of *The Public* ^{Rev. Stat.} *Schools Act* or section 83 of *The Separate Schools Act*. ^{cc. 165, 316,} ³⁵⁶

(2) Nothing in section 35 affects any sick leave credit plan ^{Idem} heretofore established and approved by the Minister under

section 40 of *The High Schools Act*, section 130 of *The Public Schools Act* or section 84 of *The Separate Schools Act*.

Idem

(3) Nothing in section 36 affects any retirement allowance heretofore granted under section 60 of *The High Schools Act* or section 128 of *The Public Schools Act*.

Repeal

84. The following are repealed:

Rev. Stat.,
c. 6

1. *The Adolescent School Attendance Act*.

Rev. Stat.,
c. 29

2. *The Auxiliary Classes Act*.

1952, c. 4

3. *The Auxiliary Classes Amendment Act, 1952*.

Rev. Stat.,
c. 347

4. *The School Attendance Act*.

Rev. Stat.,
c. 348

5. *The School Sites Act*.

1951, c. 82

6. *The School Sites Amendment Act, 1951*.

1953, c. 96

7. *The School Trustees' and Teachers' Boards of Reference Act, 1953*.

Commence-
ment

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

Short title

86. This Act may be cited as *The Schools Administration Act, 1954*.





The Schools Administration Act, 1954

1st Reading

March 9th, 1954

2nd Reading

3rd Reading

MR. DUNLOP

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
The Schools Administration Act, 1954

MR. DUNLOP

(Reprinted as amended by the Committee on Education)

EXPLANATORY NOTES

This is the third and last of a group of Bills in which eleven Acts administered by the Minister of Education are combined into three new Acts. This Bill, which contains very few changes in principle, incorporates most of the provisions of *The Continuation Schools Act*, *The High Schools Act*, *The Vocational Education Act* and *The Boards of Education Act* which were not included in *The Department of Education Act, 1954* (Bill No. 33) or *The Secondary Schools and Boards of Education Act, 1954* (Bill No. 63). In addition, a number of other Acts which apply to all elementary and secondary schools are included, as are some provisions of *The Public Schools Act* and *The Separate Schools Act*. The Bill is divided into eight Parts.

PART I

SCHOOL TERMS AND COMPULSORY ATTENDANCE

Sections 3 to 5 incorporate, with no change in principle, the existing provisions of *The Public Schools Act*, *The Separate Schools Act* and *The High Schools Act* respecting school terms and holidays.

The remaining sections in this Part constitute a revision of *The Adolescent School Attendance Act* and *The School Attendance Act*. The important change in principle in these sections is in relation to the age of compulsory attendance. The present Acts require attendance between the ages of 8 and 16 years. The revision requires attendance from the first day of the school year commencing after the child's sixth birthday until the last school day in June in the year in which he has his sixteenth birthday. The other change in principle is the removal of the requirement that children between the ages of 16 and 18 shall attend part-time courses of instruction. This requirement has not been generally complied with. This change involves the omission from the revision of several provisions of *The Adolescent School Attendance Act*.

The other changes in this Part are chiefly matters of clarification and to facilitate administration.

PART II

TEACHERS

This Part incorporates, with no major change in principle, certain provisions of *The Public Schools Act*, *The Separate Schools Act* and *The High Schools Act* respecting teachers and their rights and duties, particularly the provisions as to qualifications and as to matters relating to teachers' contracts.

PART III

SCHOOL TRUSTEES' AND TEACHERS' BOARDS OF REFERENCE

This Part incorporates, with no change in principle, the provisions of *The School Trustees' and Teachers' Boards of Reference Act, 1953*.

PART IV

SCHOOL BOARDS AND TRUSTEES

This Part contains provisions now appearing in *The Public Schools Act*, *The Separate Schools Act* and *The High Schools Act* respecting the powers and duties of boards, meetings of boards, the duties of secretaries and treasurers and provisions relating to the disqualification of trustees. Very little change in principle is incorporated in this Part.

The provision formerly appearing in *The Department of Education Act* which provided for regulations authorizing boards to purchase milk is

brought forward into this Bill as an authority without regulations to purchase milk but subject to any terms and conditions prescribed by the regulations. (Section 33 (g).)

The present authority of boards to contribute towards providing life insurance for employees is enlarged to authorize sickness and accident insurance, hospitalization, surgical benefits, etc. (Section 37.)

The limit on expenditures for athletes, school games, cadet corps, etc., is removed. (Section 33 (u, v).)

The power of elementary school boards to appoint guidance officers, heretofore authorized by regulations, becomes statutory. (Section 33 (w).)

The power of boards to provide pensions and sick leave credits is amended so that they may be provided only in the manner authorized for municipalities under *The Municipal Act*. (Sections 34, 35.)

The power of boards to grant retirement allowances, either to supplement pensions or for employees for whom no pension is provided, is revised to conform with similar provisions in *The Municipal Act* and, therefore, is limited to persons who have been in the service of the board concerned for at least twenty years and is limited as to amount, and retirement allowances under this provision may be granted only to employees entering the service of the board before July 1st, 1954, if a pension plan is in operation and in any event only to persons entering the service by July 1st, 1956. (Section 36.)

The provisions of *The Public Schools Act* and *The Separate Schools Act* authorizing an application to a judge to declare a vacancy on a board are made applicable generally to all school boards. (Sections 43 (5), 45.)

PART V

AUXILIARY CLASSES

This Part incorporates, with only two changes in principle, the provisions of *The Auxiliary Classes Act*.

The first change is that classes for deaf children will no longer be limited to the accommodation of persons whose mental capacity is capable of development beyond that of children of normal mentality at eight years of age. The other change is that the authority to establish residences for the pupils is removed. Although this power has been in the Act for many years, no board has exercised it.

PART VI

SCHOOL SITES

This Part incorporates, with no change in principle, the provisions of *The School Sites Act*.

PART VII

OFFENCES AND PENALTIES

This Part incorporates practically all of the offences and penalties provided under *The Department of Education Act*, *The Public Schools Act*, *The Separate Schools Act* and *The High Schools Act*. Very little change in principle is involved except such changes in detail as are necessary where provisions are made applicable to all boards.

The penalties are in some instances increased so that the general penalty throughout the Part is a penalty of not more than \$25. Some of the provisions in the existing Acts provide minimum penalties and others provide a maximum penalty of \$20.

A new offence is created where a county clerk neglects or refuses to prepare the county map showing the high school district boundaries as required by *The Secondary Schools and Boards of Education Act, 1954*.

PART VIII

MISCELLANEOUS

Section 83 of the Bill protects existing pension plans and sick leave credit plans now in existence under the present Acts and retirement allowances that have been granted under the present Acts.

BILL

The Schools Administration Act, 1954

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

INTERPRETATION

Interpreta-
tion

1. In this Act,

- (a) "board", except in Part VI, means public school board, separate school board, continuation school board, high school board or board of education;
- (b) "Department" means Department of Education;
- (c) "elementary school" means public or separate school;
- (d) "high school" includes collegiate institute;
- (e) "Minister" means Minister of Education;
- (f) "municipality" means city, town, village or township, but does not include county; *New*.
- (g) "occasional teacher" means a teacher employed to teach on a daily basis as a substitute for a permanent probationary or temporary teacher;
- (h) "permanent teacher" means a teacher employed on a continuing basis, but does not include a temporary teacher or an occasional teacher; 1952, c. 36, s. 1 (2), *part*; 1953, c. 90, s. 1, *part*.
- (i) "prescribed" means prescribed by the regulations; *New*.
- (j) "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; 1952, c. 36, s. 1 (2), *part*; 1953, c. 90, s. 1, *part*.

1954, c. . . .

(k) "regulations" means regulations made under *The Department of Education Act, 1954*;

(l) "secondary school" means continuation, high or vocational school;

(m) "secondary school district" means continuation or high school district;

(n) "secretary" and "treasurer" include a secretary-treasurer; *New*.

(o) "temporary teacher" means a teacher employed to teach on a monthly basis for a period not exceeding one year. 1952, c. 36, s. 1 (2), *part*; 1953, c. 90, s. 1, *part*.

(p) "urban municipality" means city, town or village. *New*.

PART I

SCHOOL TERMS AND COMPULSORY ATTENDANCE

Interpreta-
tion

2. In this Part, "guardian", in addition to having the meaning ascribed in law, includes any person who has received into his home another person's child who is of a compulsory school age and is resident with him or in his care or legal custody. R.S.O. 1950, c. 6, s. 1, cl. (b); c. 347, s. 1, cl. (a); *amended*.

School year

3.—(1) The school year for elementary and secondary schools consists of two terms.

First term

(2) The first term begins on the day next following Labour Day and ends on the 22nd day of December, but when the 22nd day of December is a Monday, the first term ends on the 19th day of December.

(3) The second term begins on the 3rd day of January and Second term ends on the 29th day of June, but when the 3rd day of January is a Friday, the second term begins on the 6th day of January, and when the 29th day of June is a Monday, the second term ends on the 26th day of June. R.S.O. 1950, c. 165, s. 61 (1, 2); c. 316, s. 6 (1, 2); c. 356, s. 85 (1, 2); *amended*.

4. The following are school holidays:

School
holidays

1. Every Saturday and Sunday.
2. Good Friday.
3. The week next following Good Friday.
4. Victoria Day.
5. The birthday or the day fixed by proclamation of the Governor-General for the celebration of the birthday of the reigning Sovereign.
6. Dominion Day.
7. Labour Day.
8. Any day appointed by proclamation of the Governor-General or the Lieutenant-Governor as a public holiday or for a general fast or thanksgiving.
9. Remembrance Day.
10. Every day proclaimed a holiday by the authorities of the municipality in which the school is situated.
11. Every day upon which the school is closed under *The Public Health Act* or under *The Department of Education Act, 1954*, or the regulations. R.S.O. 1950, Rev. Stat.,
c. 306
1954, c. ... c. 165, s. 61 (3); 1953, c. 44, s. 2; R.S.O. 1950, c. 316, s. 6 (3); 1953, c. 90, s. 2; R.S.O. 1950, c. 356, s. 85 (3); 1953, c. 98, s. 1, *amended*.

5.—(1) With the approval of the inspector, a rural elementary school board may substitute holidays in some other part Rural
areas of the year for part of the time allowed for Easter and summer holidays to suit the convenience of pupils and teachers, but the same number of holidays shall be allowed in each year. R.S.O. 1950, c. 316, s. 6 (4); c. 356, s. 85 (4).

(2) In a territorial district, the inspector, subject to an appeal to the Minister, may determine the length of time, School
terms in
districts which shall not be less than six months, during which an elementary school shall be kept open in each year, and the board of the school concerned shall keep the school open during the whole of the time so determined. R.S.O. 1950, c. 316, s. 6 (5), *amended*.

Compulsory
attendance

6.—(1) Unless excused under this section,

- (a) every child who attains the age of six years on or before the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in that year until the last school day in June in the year in which he attains the age of sixteen years; and
- (b) every child who attains the age of six years after the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in the next succeeding year until the last school day in June in the year in which he attains the age of sixteen years.

When
attendance
excused

(2) A child is excused from attendance at school,

- (a) if, in the opinion of the Minister, he is receiving satisfactory instruction at home or elsewhere;
- (b) if he is unable to attend school by reason of sickness or other unavoidable cause;
- (c) if, in the case of a child who has attained the age of fourteen years, his parent or guardian resides on and operates a farm and the child's services are required in the farm household or on the farm;
- (d) if he is employed under the authority of a home permit or an employment certificate;
- (e) if transportation is not provided by a board for the child and there is no school which he has a right to attend situated,
 - (i) within one mile from his residence measured by the nearest highway if he has not attained the age of seven years on or before the first school day in September in the year in question, or
 - (ii) within two miles from his residence measured by the nearest highway if he has attained the age of seven years but not the age of ten years on or before the first school day in September in the year in question, or
 - (iii) within three miles from his residence measured by the nearest highway if he has attained the age of ten years on or before the first school day in September in the year in question;

- (f) if he has obtained a secondary school graduation diploma or has completed a course which gives him equivalent standing;
- (g) if he is absent from school for the purpose of receiving instruction in music and the period of absence does not exceed one-half day in any week;
- (h) if he is excluded from attendance at school under any Act or under the regulations;
- (i) if he is absent on a day regarded as a holy day by the church or religious denomination to which he belongs;
- (j) if he is absent temporarily as authorized under the regulations. R.S.O. 1950, c. 347, ss. 2, 4 (1), 19 (2), *amended*; c. 6, ss. 2, 18, *amended*.

(3) The fact that a child is blind or deaf is not an un-^{Blind or deaf children}avoidable cause under clause *b* of subsection 2 if the child is eligible for admission to The Ontario School for the Blind or The Ontario School for the Deaf. R.S.O. 1950, c. 347, s. 4 (2), *amended*.

(4) Where a child under compulsory school age has been^{Child under compulsory age} enrolled as a pupil in an elementary school, this section applies during the school term for which the child is enrolled as if he were of compulsory school age. R.S.O. 1950, c. 347, s. 4 (4), *amended*.

(5) The parent or guardian of a child who is required to^{Duty of parent, etc.} attend school under this section shall cause the child to attend school as required by this section. R.S.O. 1950, c. 347, s. 3, *amended*.

(6) Nothing in this section requires the child of a Roman^{Separate school supporters} Catholic separate school supporter to attend a public school or requires the child of a public school supporter to attend a Roman Catholic separate school. R.S.O. 1950, c. 347, s. 19 (1).

7.—(1) The Lieutenant-Governor in Council may appoint^{Provincial school attendance officer} an officer, to be known as the provincial school attendance officer, who shall, under the direction of the Minister and subject to the regulations, superintend and direct the enforcement of compulsory school attendance. R.S.O. 1950, c. 347, s. 6, *amended*.

(2) Where a child or his parent or guardian considers that^{Inquiry, by Minister} the child is excused from attendance at school under clause *a* of subsection 2 of section 6, the Minister may inquire as to

the instruction being given to the child and as to the general educational proficiency of the child and the other circumstances of the case, and may by order in writing signed by him determine whether or not the child is receiving satisfactory instruction and, if he deems that the child is not receiving satisfactory instruction, he may by his order direct that the child shall attend school.

by provincial
officer

(3) Where a child or his parent or guardian considers that the child is excused from attendance at school under any one of clauses *b* to *j* of subsection 2 of section 6, the provincial school attendance officer may inquire as to the reason or excuse for non-attendance, and as to the general educational proficiency of the child and the other circumstances of the case, and may by order in writing signed by him determine whether or not the child is excused under the clause and, if he deems that there is no valid reason why the child should not attend school, he may by his order direct that the child shall attend school. R.S.O. 1950, c. 347, s. 4 (3), *amended*.

Powers of
provincial
officer

(4) The provincial school attendance officer shall have all the powers of a school attendance officer and may exercise such powers anywhere in Ontario. *New*.

Appointment
of school
attendance
officers

8.—(1) Every elementary school board in an urban municipality and every board of education and high school board shall appoint one or more school attendance officers.

Idem

(2) The council of every township shall appoint one or more school attendance officers, except where all the children in the township are subject to the jurisdiction of one or more school attendance officers appointed by one or more school boards.

Idem

(3) If an elementary school board in a township employs five or more teachers, the board may appoint one or more school attendance officers.

Idem

(4) Every elementary and secondary school board in unorganized territory shall appoint one or more school attendance officers.

Idem

(5) Two or more boards or councils may appoint the same attendance officer or officers.

Vacancies

(6) Where the office of a school attendance officer becomes vacant, it shall be filled by the appointing body forthwith.

Notice of
appoint-
ment

(7) Notice of the appointment of a school attendance officer by a school board shall be given in writing by the board to the provincial school attendance officer and to the

elementary school inspector or inspectors concerned and, if the board has jurisdiction in a township, to the council of the township.

(8) Notice of the appointment of a school attendance officer by the council of a township shall be given in writing by the council to the provincial school attendance officer, to each elementary school board in the township, and to the elementary school inspectors concerned. R.S.O. 1950, c. 347, s. 8 (1, 2, 4-6, 10), *amended*.

9.—(1) A school attendance officer appointed by the council of a township has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in the township, except children who are subject to the jurisdiction of a school attendance officer appointed by a school board. Jurisdiction and responsibility of officers appointed, by township council

(2) A school attendance officer appointed by a public school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in the area in which the board that appointed him has jurisdiction, except children who are subject to the jurisdiction of a school attendance officer appointed by a high or separate school board. by public school board

(3) A school attendance officer appointed by a separate school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age whose parents or guardians are supporters of a school operated by the board, except children who are subject to the jurisdiction of a school attendance officer appointed by a high school board. by separate school board

(4) A school attendance officer appointed by a high school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age who are resident pupils of the high school district and are or have been enrolled in a secondary school. by high school board

(5) A school attendance officer appointed by a board of education has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in the area in which the board has jurisdiction, except children who are subject to the jurisdiction of a school attendance officer appointed by a separate school board. R.S.O. 1950, c. 347, s. 8 (7, 8), *amended*. by board of education

Powers of officers

10.—(1) A school attendance officer may,

- (a) enter without warrant any place where children may be employed or congregated;
- (b) at the request of the parent or guardian apprehend and deliver to the school from which he is absent or to his parent or guardian, without warrant, any child found illegally absent from school. R.S.O. 1950, c. 347, s. 8 (3), *amended*.

Reports

(2) A school attendance officer shall report monthly to the body that appointed him, and annually to the provincial school attendance officer, on the prescribed forms.

To act under inspector and provincial officer

(3) A school attendance officer shall perform his duties under the direction of the inspector or inspectors concerned, and shall carry out the instructions and directions of the provincial school attendance officer. R.S.O. 1950, c. 347, s. 8 (12, 13), *amended*.

Inquiry by officer and notice

(4) A school attendance officer shall inquire into every case of failure to attend school within his knowledge or when requested so to do by the inspector or principal of a school or a ratepayer, and shall give written warning of the consequences of such failure to the parent or guardian of a child who is not attending school as required, and shall also give written notice to the parent or guardian to cause the child to attend school forthwith. R.S.O. 1950, c. 347, s. 10, *amended*.

Census

11. A school board may make a complete census of all children in the area in which the board has jurisdiction who have not attained the age of twenty-one years. R.S.O. 1950, c. 347, s. 9, *amended*.

Reports and information

12.—(1) The principal of every elementary or secondary school shall,

- (a) report in accordance with the regulations to the proper school attendance officer, and in the case of an elementary school also to the inspector concerned, the names, ages and residences of all pupils of compulsory school age who have not attended school as required;
- (b) furnish the school attendance officer with such other information as the officer requires for the enforcement of compulsory school attendance;
- (c) report to the school attendance officer every case of suspension or expulsion.

(2) Where a child of compulsory school age has not attended school as required and there is no school attendance officer having jurisdiction in respect of the child, the inspector concerned shall notify the parent or guardian of the child of the requirements of section 6. R.S.O. 1950, c. 347, s. 13 (1-3), *amended*. Where no school attendance officer

13.—(1) Where, in the opinion of the school attendance officer, the services of a child under fourteen years of age are required, Home permits and employment certificates, under 14

- (a) in farm work on a farm operated by his parent or guardian;
- (b) in some occupation in or about the home of his parent or guardian; or
- (c) in some gainful occupation for the child's own maintenance or the maintenance of some person who is dependent upon him,

the school attendance officer may issue, on the written application of the parent or guardian, a home permit or employment certificate, as the case requires, exempting the child from attendance at school for a period of not more than six weeks in a term and permitting him to engage in such occupation during such period. R.S.O. 1950, c. 347, s. 5 (2), *amended*.

(2) Where, in the opinion of the school attendance officer, the services of a child of compulsory school age who has attained the age of fourteen years are required, between 14 and 16

- (a) in some occupation in or about the home of his parent or guardian; or
- (b) in some gainful occupation for the child's own maintenance or the maintenance of some person who is dependent upon him,

the school attendance officer may issue, on the application of the parent or guardian, a home permit or an employment certificate, as the case requires, exempting the child from attendance at school and permitting him to engage in such occupation. R.S.O. 1950, c. 6, s. 3, *amended*.

(3) A school attendance officer may revoke any home permit or employment certificate issued by him if in his opinion the conditions under which he issued the permit have ceased to exist. R.S.O. 1950, c. 6, s. 16, *amended*. Revocation

14. Where it appears to the Minister that in any un-organized territory school trustees are not providing accom- Provincial officer as trustee

Rev. Stat.,
c. 316

modation for the children entitled to attend school, or have neglected or failed to raise the necessary funds for the establishment and maintenance of a school, or have in other respects failed to comply with *The Public Schools Act* and the regulations, or that the election of trustees has been neglected and no regular board of trustees is in existence, the Minister may by commission under his hand authorize and direct the provincial school attendance officer to do all things and exercise all powers which may be necessary for the establishment and maintenance of a school, the erection of school buildings and providing accommodations, the opening and conducting of a school, the assessing and levying of all sums of money required for school purposes, and generally whatever may be required for the purpose of establishing, maintaining and conducting a school in accordance with *The Public Schools Act* and the regulations, and thereupon the provincial school attendance officer shall have and may exercise and perform with regard to all matters set forth in the commission, all the authority, powers and duties vested in, and to be performed by, a board of school trustees under *The Public Schools Act* and the regulations. R.S.O. 1950, c. 347, s. 7.

Liability
of parent
or guardian

15.—(1) A parent or guardian of a child of compulsory school age, who neglects or refuses to cause the child to attend school, is, unless the child is legally excused from attendance, guilty of an offence and on summary conviction is liable to a penalty of not more than \$25.

Bond for
attendance

(2) The judge or magistrate may, instead of imposing a penalty, require a person convicted of an offence under subsection 1 to give a bond in the penal sum of \$100, with one or more sureties to be approved by the judge or magistrate, conditioned that the person shall, after the expiration of five days, cause the child to attend school as required. R.S.O. 1950, c. 347, s. 11, *amended*.

Employment
during
school hours

(3) A person who employs a child of compulsory school age during school hours is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25 unless the child,

- (a) holds a home permit or employment certificate authorizing the employment; or
- (b) is excused from attendance at school under clause *c* of subsection 2 of section 6. R.S.O. 1950, c. 6, ss. 4, 15 (1) *part*; c. 347, s. 5 (1), *amended*.

Offences by
corporations

(4) If a corporation contravenes subsection 1 or 3, in addition to the corporation, every director and officer of the corporation who authorizes, permits or acquiesces in the

contravention is guilty of an offence and on summary conviction is liable to the same penalty as the corporation. R.S.O. 1950, c. 347, s. 14, *amended*.

16.—(1) Prosecutions under section 15 shall be instituted by the school attendance officer concerned and, where there is a juvenile and family court with jurisdiction, such prosecutions shall be tried in that court. R.S.O. 1950, c. 347, s. 12, *amended*. Proceedings to be taken by attendance officers

(2) In prosecutions under section 15, a certificate as to the attendance or non-attendance at school of any child, signed or purporting to be signed by the principal of the school, is *prima facie* evidence of the facts stated therein without any proof of the signature or appointment of the principal. R.S.O. 1950, c. 347, s. 16 (2); c. 6, s. 15 (2), *amended*. Certificate of principal as evidence

(3) Where a person is charged under section 15 in respect of a child who is alleged to be of compulsory school age and the child appears to the judge or magistrate to be of compulsory school age, the child shall, for the purposes of such prosecution, be deemed to be of compulsory school age unless the contrary is proved. R.S.O. 1950, c. 347, s. 18, *amended*. Proof of age

PART II

TEACHERS

17.—(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. R.S.O. 1950, c. 356, s. 48, *part, amended*; 1952, c. 36, s. 7 (1); 1953, c. 90, s. 13 (1). Memorandum of contract

(2) The contract may, in the case of a separate school board, include a stipulation to provide the teacher with board and lodging. R.S.O. 1950, c. 356, s. 48, *part*. Board and lodging

(3) Unless otherwise expressly agreed, a teacher shall be entitled to be paid his salary in the proportion which the total number of days during which he teaches bears to the whole number of teaching days in the year. R.S.O. 1950, c. 165, s. 59 (2); c. 316, s. 111 (3); c. 356, s. 52. Salary of teacher

Payment for
absence due
to illness
or dental
condition

(4) 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; 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. R.S.O. 1950, c. 356, s. 53 (1), *amended*; 1952, c. 36, s. 7 (2); 1953, c. 90, s. 13 (2).

Absence of
teacher in
quarantine

(5) Every teacher shall be entitled to his salary notwithstanding his absence from duty in any case where, because of exposure to a communicable disease, he is quarantined or otherwise prevented by the order of the medical health authorities from attending upon his duties. R.S.O. 1950, c. 165, s. 59 (4); c. 316, s. 111 (6).

Appearing
as witness
in court

(6) Every teacher shall be entitled to his salary notwithstanding his absence from duty as a witness in any court to which he has been summoned in any proceedings to which he is not a party or one of the persons charged. R.S.O. 1950, c. 165, s. 59 (5); c. 316, s. 111 (5); c. 356, s. 53 (2).

Disputes
between
teachers and
trustees

(7) All matters of difference between boards and teachers in regard to salary or other remuneration, whatever may be the amount in dispute, shall be determined in the division court of the division in which the cause of action arose, subject to appeal as provided in section 18. R.S.O. 1950, c. 165, s. 59 (7); c. 316, s. 111 (7); c. 356, s. 55 (1).

Award of
salary by
way of
penalty

(8) If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was not reasonable ground for the board disputing its liability or that the failure of the board to pay was from an improper motive, he may award as a penalty a sum not exceeding three months' salary. R.S.O. 1950, c. 165, s. 59 (8); c. 316, s. 111 (8); c. 356, ss. 54, 55 (2), *amended*.

Failure of
board to pay
salary when
no written
agreement

(9) For the purposes of subsection 8, the failure of a board to pay a teacher's salary may be extended by a judge to include failure to pay a teacher's salary when an agreement for his employment has been made by the board but no written memorandum has been made and executed as required by subsection 1, if the judge is satisfied upon the evidence that the refusal of the board to pay the salary by reason of the absence of a memorandum in writing is without merit. R.S.O. 1950, c. 165, s. 59 (9); c. 316, s. 111 (9).

Appeals
from division
court judg-
ment

18.—(1) In an action between a teacher and a board under section 17, the judge of the division court in which the action

is tried may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister to appeal.

(2) The Minister may, within one month after the rendering of judgment, appeal from the decision of the judge to the Court of Appeal, by serving notice in writing of such appeal upon the clerk of the division court appealed from, which appeal may be entitled "The Minister of Education of Ontario, Appellant, in the matter between (*naming the parties*)". ^{Appeal by Minister}

(3) The judge shall thereupon transmit to the office of the Registrar of the Supreme Court at Toronto, certified under his hand, the summons and other proceedings in the action, together with the evidence and his judgment thereon, and all objections made thereto, and he shall also certify under his hand to the Minister a true copy of the summons, proceedings, evidence, judgment and objections. ^{Transmission of papers to Supreme Court}

(4) After service of the notice of appeal no further proceedings shall be had until the appeal has been determined. ^{Stay of proceedings}

(5) The Court of Appeal shall give such order or direction to the court below touching the judgment to be given as the circumstances require, and upon receipt of such order or direction the judge shall proceed in accordance therewith. ^{Direction to the court below}

(6) The Court of Appeal may also in its discretion award costs against the party on whose behalf an unsuccessful appeal is taken which shall be certified to and form part of of the judgment of the court below, and such costs and any costs incurred by such party may be paid by the Minister and charged as contingent expenses of his office. ^{Costs}

(7) Notwithstanding anything herein contained, any party to an action in which the plaintiff claims more than \$100 shall have the same right of appeal as in an action in the division court. R.S.O. 1950, c. 316, s. 127. ^{Right of appeal}

19.—(1) Subject to *The Department of Education Act, 1954*, no person shall be employed or act as a teacher in an elementary or secondary school unless he is qualified as prescribed by the regulations. R.S.O. 1950, c. 165, s. 58 (1); c. 316, s. 111 (2); *amended*. ^{Teachers to be qualified 1954, c. . . .}

(2) Subject to the provisions of *An Act respecting the Qualifications of Certain Teachers*, being chapter 52 of the Statutes of Ontario, 1907, and amendments thereto, separate school teachers shall be subject to the same examinations and receive their certificates of qualification in the same manner as public school teachers. R.S.O. 1950, c. 356, s. 51. ^{Separate school teachers}

Certificates 1954, c. . . . (3) Subject to *The Department of Education Act, 1954*, a certificate of qualification as a teacher may be awarded only to a British subject of good moral character and physically fit to perform the duties of a teacher, who passes the examinations prescribed by, and otherwise complies with, the regulations.

Idem (4) All certificates shall be valid for such periods as the regulations prescribe. R.S.O. 1950, c. 316, s. 112 (1, 2), *amended*.

Use of unapproved text-books **20.**—(1) A teacher shall not use or permit to be used as a text-book in a prescribed subject in an elementary or secondary school any book that is not approved by the Minister or the regulations, and the Minister, upon the report of the inspector concerned, may withhold the whole or any part of the legislative grants in respect of any school in which an unapproved book is so used.

Idem (2) Where a teacher uses as a text-book, or negligently or wilfully permits to be used as a text-book by the pupils of his school, in a prescribed subject, a book that is not approved by the Minister or the regulations, the Minister, on the report of the inspector of the school, may suspend the teacher and the board which operates the school may deduct from the teacher's salary a sum equal to so much of the legislative grants as has been withheld on account of the use of the book or any less sum at its discretion.

Change of text-book (3) Subject to the written approval of the board which operates the school, a teacher may replace any approved text-book which is in actual use in an elementary or secondary school by any other approved text-book on the same subject. R.S.O. 1950, c. 165, ss. 62, 68; c. 316, ss. 110, 133; c. 356, ss. 50, 86; *amended*.

Refusal to give up school property **21.** A teacher who refuses, on demand or order of the board which operates the school concerned, to deliver to the board any visitors' book, school register, schoolhouse key or any other school property in his possession shall not be a qualified teacher until restitution is made and he shall also forfeit any claim which he may have against the board. R.S.O. 1950, c. 316, s. 109; c. 356, s. 49, cl. (f); *amended*.

PART III

SCHOOL TRUSTEES' AND TEACHERS' BOARDS OF REFERENCE

Interpretation **22.** In this Part,

- (a) "contract" means a contract of employment between a teacher and a board in accordance with Part II and the regulations;

- (b) "employed" means engaged as a permanent teacher by a board;
- (c) "judge" means judge of a county or district court;
- (d) "teacher" means a person qualified to teach in an elementary or secondary school, and employed as a permanent teacher by a board, in accordance with Part II and the regulations. 1953, c. 96, s. 1, *amended*.

23.—(1) The dismissal of a teacher, or the termination of the contract of a teacher, by a board shall be by notice in writing, which shall state the reasons therefor, in accordance with the terms of the contract. 1953, c. 96, s. 2 (1), *amended*. Termination of employment, by school board

(2) Where a teacher is employed by a board, the termination of such employment by the teacher shall be by notice in writing in accordance with the terms of the contract. by teacher

(3) Notwithstanding anything in this or any other Act, where a teacher is dismissed or the engagement of a teacher is terminated by the board or teacher in a manner not mutually agreeable, the teacher or board may at any time within fifteen days after receiving the notice referred to in subsection 1 or 2, as the case may be, apply in writing by registered letter to the Minister for a Board of Reference, stating the disagreement. Application for board

(4) The applicant shall send a copy of the application by registered letter to the other party to the disagreement on the same day as the application is sent to the Minister. 1953, c. 96, s. 2 (2-4). Service of notice

24.—(1) A board shall not make a permanent appointment to take the place of a teacher who is dismissed or whose appointment has been terminated in a manner not agreeable to the teacher until, Appointment in place of teacher dismissed

- (a) the time prescribed for applying for a Board of Reference has elapsed and the teacher has not applied for a Board of Reference and sent a copy of the application to the board, as provided in section 23;
- (b) the board has received from the teacher notice in writing that no application will be made under section 23;
- (c) the board has received from the Minister notice in writing that an application made by the teacher under section 23 has been withdrawn;

- (d) the board has received from the Minister notice in writing that he has refused an application made by the teacher under section 23;
- (e) the board has received from the Minister notice in writing that the teacher, being the applicant, has failed to comply with the requirements of subsection 3 of section 25; or
- (f) the board has received from the Minister a direction under section 28 directing the discontinuance of the contract,

whichever first occurs.

Contract
after ter-
mination of
engagement
of teacher

(2) A teacher who terminates an engagement in a manner not agreeable to the board shall not enter into a contract of employment with another board after the teacher has received notice of the application of the school board for a Board of Reference until,

- (a) the teacher has received from the Minister notice in writing that an application made by the board under section 23 has been withdrawn;
- (b) the teacher has received from the Minister notice in writing that he has refused an application made by the board under section 23;
- (c) the teacher has received from the Minister notice in writing that the board, being the applicant, has failed to comply with the requirements of subsection 3 of section 25; or
- (d) the teacher has received from the Minister a direction under section 28 directing the discontinuance of the contract,

whichever first occurs. 1953, c. 96, s. 3.

Application
for Board
of Reference

25.—(1) Upon receipt of an application for a Board of Reference, the Minister shall send notice of the application by registered letter to the other party to the disagreement and shall within thirty days thereof inquire into the disagreement and shall, within the same time,

- (a) refuse to grant the Board of Reference;
- (b) grant the Board of Reference and direct a judge to act as chairman thereof.

(2) Before directing a judge to act as chairman of a Board of Reference, the Minister may require the applicant to furnish security for costs in such amount and in such form as he may deem advisable. Security for costs

(3) Upon directing a judge to act as chairman of a Board of Reference, the Minister shall cause notice thereof to be sent by registered letter to the board and teacher involved in the disagreement and the notice shall require each of them to name a representative to the Board of Reference and to notify the Minister of such nomination by registered letter within ten days of the sending of the notice by the Minister. Naming of representatives

(4) If the applicant fails to comply with the requirements of subsection 3, the application shall be deemed to be abandoned and the Minister shall cause notice thereof to be sent by registered letter to the other party to the disagreement. Failure to name representatives

(5) If the respondent fails to comply with the requirements of subsection 3, the Minister shall direct the continuance of the contract. Idem

(6) If the representative of the board or the teacher, having been named, fails to appear at the hearing, the chairman of the Board of Reference shall name a representative for the board or teacher, as the case may be. 1953, c. 96, s. 4. Failure of representative to appear

26. The chairman of the Board of Reference shall, within thirty days of his appointment, and upon reasonable notice thereof to the parties, convene the Board of Reference in any appropriate and convenient court house or municipal or school building and at such time as he may appoint. 1953, c. 96, s. 5. Place and time of hearing

27.—(1) The Board of Reference shall inquire into the matter in dispute and for such purpose the chairman shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Duty to inquire and powers of judge
Rev. Stat., c. 308

(2) The meetings of the Board of Reference shall be held *in camera*. 1953, c. 96, s. 6. Meetings in camera

28.—(1) Upon the completion of the hearing, the Board of Reference shall report to the Minister within seven days and direct the continuance of the contract or the discontinuance thereof, and may also make such recommendations as it deems advisable. Board of Reference to report

(2) The Minister shall cause a copy of the direction of the Board of Reference and of its report, including recommendations, if any, to be sent by registered letter to the board and Notice of direction

the teacher within seven days of the receipt of the report, and shall direct the implementation of the direction of the Board of Reference. 1953, c. 96, s. 7.

Direction
of Board

29.—(1) The direction of the Board of Reference under section 28 shall be binding upon the board and the teacher.

Failure to
comply with
direction
of Board

(2) If a board fails to comply with the direction of the Board of Reference under section 28, any amounts then or thereafter payable to the board under the authority of any Act of the Legislature shall not be paid to the board until it has complied with the direction.

Idem

(3) If a teacher fails to comply with the direction of the Board of Reference under section 28, the Minister shall suspend the certificate of qualification of the teacher for such period as he may deem advisable. 1953, c. 96, s. 8.

Payment
of costs

30. Subject to the regulations made under section 31, the chairman of the Board of Reference shall determine and direct the costs to be paid by either or both parties in the disagreement, and every such order may be enforced in the same manner as an order as to costs made in an action in a county or district court. 1953, c. 96, s. 9.

Regulations

31. The Lieutenant-Governor in Council may make regulations,

- (a) fixing the remuneration of chairmen and members of Boards of Reference and defining, prescribing and limiting other items of expense, including travelling and living expenses, which shall be included in the costs of a Board of Reference;
- (b) regulating the practice and procedure to be followed upon any reference; and
- (c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Part. 1953, c. 96, s. 10.

PART IV

BOARDS AND TRUSTEES

Duties of
boards

32. Every board shall,

- (a) ensure that every school under its charge is conducted in accordance with this Act, the Act under which it is operated, and the regulations; R.S.O. 1950, c. 165, s. 28, cl. (b); c. 316, s. 93, *part*; c. 356, s. 46, cl. (n).

- (b) appoint a secretary and a treasurer or a secretary-treasurer, who, in the case of an elementary school board, may be a member of the board; R.S.O. 1950, c. 165, s. 28, cl. (j), *part*; c. 316, s. 93, cl. (a), *part*; c. 356, s. 46, cl. (a), *part*.
- (c) fix the times and places for the meetings of the board and the mode of calling and conducting them, and ensure that a full and correct account of the proceedings thereat is kept; R.S.O. 1950, c. 165, s. 28, cl. (a); c. 316, s. 93, cl. (b), *part*.
- (d) transmit to the Minister all reports and returns required by the regulations; R.S.O. 1950, c. 165, s. 29 (1), cl. (q), *amended*; c. 316, s. 93, cl. (b), *part*; c. 356, s. 46, cl. (l), *amended*.
- (e) make provision for insuring adequately the school buildings and equipment; R.S.O. 1950, c. 165, s. 28, cl. (g); c. 316, s. 93, cl. (f), *part*; c. 356, s. 46, cl. (e), *part*.
- (f) take proper security from the treasurer or secretary-treasurer; R.S.O. 1950, c. 165, s. 28, cl. (k).
- (g) keep the school buildings, fences and premises in proper repair and in a proper sanitary condition, provide suitable furniture and equipment and keep it in proper repair, and protect the property of the board. R.S.O. 1950, c. 165, s. 28, cl. (f); c. 316, s. 93, cl. (f), *part*; c. 356, s. 46, cl. (e), *part*.

33. A board may,

Powers of
boards

- (a) appoint such committees as it may deem expedient; R.S.O. 1950, c. 165, s. 28, cl. (j), *part*; c. 316, s. 93, cl. (a), *part*.
- (b) subject to Part III, appoint and remove such teachers, officers and servants as it may deem expedient, determine the terms on which they are to be employed, and fix their salaries and prescribe their duties; R.S.O. 1950, c. 165, s. 28, cl. (o); c. 316, s. 93, cls. (c), (h) *part*; c. 356, s. 46, cl. (p), *part*.
- (c) dismiss the secretary or treasurer at any time, and thereupon shall make a new appointment to fill the vacancy; R.S.O. 1950, c. 316, s. 93, cl. (z).

- (d) determine the number, kind, grade, description and territorial boundaries of schools to be established and maintained; R.S.O. 1950, c. 316, s. 93, cl. (h), *part*; c. 356, s. 46, cl. (p), *part*; *amended*.
- (e) operate the playground as a park or playground and rink during the school term or in vacation or both, and provide and maintain such equipment as it deems advisable, and provide such supervision as it deems proper, provided the proper conduct of the school is not interfered with; R.S.O. 1950, c. 165, s. 28, cl. (d); c. 316, s. 93, cl. (ze).
- (f) organize and carry on gymnasium classes in school buildings for pupils or others during the school term or in vacation or both, and provide supervision and training for such classes, provided the proper conduct of the school is not interfered with; R.S.O. 1950, c. 165, s. 28, cl. (e); c. 316, s. 93, cl. (zf).
- (g) purchase milk to be consumed by the pupils in the schools under the jurisdiction of the board during school days in accordance with the terms and conditions prescribed by the regulations; 1952, c. 18, s. 2 (2), *amended*.
- (h) purchase for the use of pupils text-books and other school supplies, and either furnish them to the pupils free of charge or collect for the use thereof from their parents or guardians a sum not exceeding 25 cents per pupil in each month of the school year to assist in defraying the cost thereof; R.S.O. 1950, c. 165, s. 29 (1), cl. (a); c. 316, s. 93, cl. (o); c. 356, s. 46, cl. (r), *part*; *amended*.
- (i) procure registers, maps, globes, apparatus and prize books, and establish and maintain school libraries; R.S.O. 1950, c. 316, s. 93, cl. (g).
- (j) provide books, stationery and other materials necessary in connection with the establishment and maintenance of any system introduced for the encouragement of thrift and the habit of saving; R.S.O. 1950, c. 165, s. 29 (1), cl. (b); c. 316, s. 93, cl. (za), *amended*.
- (k) provide and pay for such medical and dental inspection of the pupils as the regulations may prescribe, or in the absence of regulations as the board may deem proper, but only where provision for such medical and dental inspection was inaugurated by

the board before the 31st day of July, 1924, in the case of an elementary school board and before the 31st day of December, 1941, in the case of a secondary school board; R.S.O. 1950, c. 165, s. 29 (1), cl. (c); c. 316, s. 93, cl. (l).

- (l) pay the travelling expenses and membership fees of any member of the board or of any teacher or officer of the board, incurred in attending meetings of the Ontario Educational Association or other similar association of teachers or trustees in Ontario and may make grants and pay membership fees to any such association in Ontario; R.S.O. 1950, c. 165, s. 29 (1), cl. (d); c. 316, s. 97; c. 356, s. 46, cl. (o); *amended*.
- (m) pay the costs, or any part thereof, incurred by any member of the board or by any teacher, officer or other employee of the board in successfully defending any legal proceeding brought against him for libel or slander in respect of any statements published at a meeting of the board or of a committee thereof, relating to the employment, suspension or dismissal of any person by the board; R.S.O. 1950, c. 165, s. 29 (1), cl. (e); c. 316, s. 98; c. 356, s. 90 (5).
- (n) invest any proceeds from an insurance claim or any moneys received for a special purpose through legacy, gift or otherwise, and for such purposes shall have the powers conferred upon trustees by *The Trustee Act*; R.S.O. 1950, c. 165, s. 29 (1), cl. (f); ^{c. 400} *Rev. Stat.*; c. 316, s. 94; c. 356, s. 81.
- (o) make provision for insuring the board against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board; R.S.O. 1950, c. 165, s. 29 (1), cl. (g), *part*; c. 316, s. 93, cl. (w), *part*.
- (p) where two or more schools are under the control of the board, appoint such supervisory officers as it deems necessary and, subject to the regulations, prescribe the duties of such officers; R.S.O. 1950, c. 165, s. 31; c. 316, s. 93, cl. (i).
- (q) subject to the provisions of this Act and the Act under which the school is operated, fix the fees to be paid by or on behalf of pupils, and the times of payment thereof, and when necessary enforce payment thereof; R.S.O. 1950, c. 165, s. 28, cl. (h), *amended*.

- (r) give the necessary orders on the treasurer for payment of all moneys expended for school purposes and of such other expenses for promoting the interests of the schools under the jurisdiction of the board as may be authorized by this Act or the Act under which the board is established or the regulations and by the board; R.S.O. 1950, c. 165, s. 28, cl. (l); c. 356, s. 46, cl. (h); *amended*.
- (s) permit the school buildings and premises to be used for any educational or other lawful purposes which it deems proper, provided the proper conduct of the school is not interfered with; R.S.O. 1950, c. 316, s. 93, cl. (x).
- (t) expel, on the report of the principal, any pupil whose conduct is deemed to be so refractory that his presence in school is injurious to other pupils, and exclude any pupil by or on behalf of whom fees are legally required to be paid if such fees are not paid after reasonable notice; R.S.O. 1950, c. 165, s. 28, cl. (n); c. 316, s. 93, cl. (n); c. 356, s. 46, cl. (j); *amended*.
- (u) establish and maintain cadet corps and classes in military instruction and provide uniforms for such purposes;
- (v) provide for the promotion and encouragement of athletics and for the holding of school games; R.S.O. 1950, c. 165, s. 14; c. 316, s. 96; c. 356, s. 46, cl. (s), *amended*.
- (w) with the approval of the Minister,
 - (i) appoint one or more officers qualified according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils as will enable them to plan intelligently for their educational and vocational advancement, or
 - (ii) enter into an agreement with one or more other boards for the appointment of one or more such officers, each of whom shall apportion his time in accordance with the terms of the agreement. R.S.O. 1950, c. 165, s. 32.

Pensions

34.—(1) A board, by resolution, may provide pensions for employees or any class thereof by contract either with

Her Majesty in accordance with the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act* or with both Her Majesty and such an insurer in the manner and subject to the conditions set out in paragraph 48 of section 386 of *The Municipal Act* and the provisions of the said paragraph 48, except clause *b*, shall apply *mutatis mutandis*. R.S.C. 1952, c. 132
Rev. Stat., cc. 183, 243

(2) In this section, "employee" does not include a teacher or inspector. Interpretation

(3) 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 R.S.O. 1950, c. 165, s. 39; 1951, c. 32, s. 6; R.S.O. 1950, c. 316, s. 129; 1951, c. 73, s. 4; R.S.O. 1950, c. 356, s. 83; *amended*.

35. A board, by resolution, may establish a system of sick leave credits gratuities for employees or any class thereof in the manner and subject to the conditions set out in paragraph 49 of section 386 of *The Municipal Act* and the provisions of the said paragraph 49 shall apply *mutatis mutandis*. Sick leave credits R.S.O. 1950, c. 165, s. 40; c. 316, s. 130; c. 356, s. 84; *amended*.

36.—(1) A board may grant an annual retirement allowance, payable weekly, monthly or otherwise during his life, to any employee of the board who has been in the service of the board for at least twenty years and who, Retirement allowances

(a) is retired because of age; or

(b) while in the service has become incapable through illness or otherwise of efficiently discharging his duties;

provided that no retirement allowance shall be granted under this section which, together with the amount of any pension payments payable to the employee in any year under a pension plan of the board or any municipality or under *The Teachers' Superannuation Act*, will exceed three-fifths of his average annual salary for the preceding three years of his service, or \$2,500. Rev. Stat., c. 384

(2) "Pension payments" in subsection 1 means, in the case of pension payments under a board or municipal plan, only such payments that result from joint contributions of employer and employee and does not include any such payments that result solely from contributions of the employee. Interpretation

Limitation
on applica-
tion of
section

(3) Where the board has a pension plan in operation, or where a municipality has a pension plan in operation in which the employees of the board are included, this section applies only to employees who are in the employ of the board on or before the 1st day of July, 1954, and in any event does not apply to an employee who enters the service of the board after the 1st day of July, 1956. R.S.O. 1950, c. 165, s. 60; c. 316, s. 128; *amended*.

Insurance,
hospitaliza-
tion, etc.
Rev. Stat.,
cc. 183, 285

37.—(1) A board may by resolution provide, by contract either with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act*,

- (a) group life insurance for employees or any class thereof;
- (b) group accident insurance or group sickness insurance for employees or any class thereof and their wives and children; and
- (c) hospital, medical, surgical, nursing or dental services or payment therefor for employees or any class thereof and their wives and children,

and may provide for contributing toward the cost thereof.

Contribu-
tions

(2) No resolution under this section shall authorize contributions by the board in excess of the total of those made by the employees. R.S.O. 1950, c. 165, s. 29 (1), cl. (g), *part*; c. 316, s. 93, cl. (w), *part*; *amended*.

First
meetings

38.—(1) Unless all the members of the new board have been appointed or elected and a date for the first meeting has been decided upon by the old board, the first meeting of a board in each year shall be held at the hour of 7 o'clock in the evening of the second Wednesday in January or at such other hour of the same day and at such place as may have been determined by resolution of the old board. R.S.O. 1950, c. 165, s. 26 (1), *amended*; c. 316, ss. 87 (1), 88 (1) *part*, *amended*.

Presiding
officer

(2) At the first meeting in each year, the secretary shall preside until the election of the chairman or, if there is no secretary or in his absence, the members present shall elect one of themselves to preside at the election of the chairman, and the member so selected to preside may vote as a member R.S.O. 1950, c. 165, s. 26 (8), *amended*; c. 316, s. 87 (2); c. 356, s. 45 (1).

Election of
chairman

(3) At the first meeting in each year and at the first meeting after a vacancy occurs in the office of chairman, the members shall elect one of themselves to be chairman, and the chairman shall preside at all meetings. R.S.O. 1950, c. 165, s. 26 (2).

(4) In case of an equality of votes at the election of chairman, the member who is assessed for the largest sum on the last revised assessment roll or rolls shall have a second or casting vote. R.S.O. 1950, c. 165, s. 26 (9); c. 316, s. 87 (3); c. 356, s. 45 (2).

(5) The members of the board may also elect one of themselves to be vice-chairman and he shall preside in the absence of the chairman. R.S.O. 1950, c. 165, s. 26 (3).

(6) If at any meeting there is no chairman or vice-chairman present, the members present may elect a chairman for that meeting. R.S.O. 1950, c. 165, s. 26 (4); c. 356, s. 45 (5), *part*.

(7) At the first meeting of a newly established board and as often as a vacancy occurs, the board shall also appoint a secretary and a treasurer or a secretary-treasurer who shall hold office during the pleasure of the board. R.S.O. 1950, c. 165, s. 26 (5); c. 316, s. 88 (1), *part*.

(8) In the absence of the secretary from any meeting, the chairman or other member presiding may appoint any member or other person to act as secretary for that meeting. R.S.O. 1950, c. 165, s. 26 (6).

(9) The presence of a majority of all the members constituting the board shall be necessary to form a quorum, and the vote of a majority of such quorum shall be necessary to bind the board. R.S.O. 1950, c. 165, s. 26 (7), *amended*; c. 316, ss. 87 (4), 88 (3); c. 356, s. 45 (6), *part*.

(10) The presiding officer, except where he is the secretary of the board and is not a member, may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. 1950, c. 165, s. 26 (10), *amended*; c. 316, s. 87 (5); c. 356, s. 45 (5), *part*.

(11) Subsequent meetings of the board shall be held at such time and place as the board may deem expedient. R.S.O. 1950, c. 316, s. 88 (2); c. 356, s. 45 (3).

(12) Subject to the provisions of the Act under which the board is established, special meetings of the board may be called by the chairman and in such other manner as the board may determine. *New*.

39. Every secretary of a board shall,

Duties of secretary

(a) keep a full and correct record of the proceedings of every meeting of the board in the minute book

provided for that purpose by the board, and ensure that the minutes, when confirmed, are signed by the chairman or presiding member;

- (b) perform such other duties as may be required of him by the regulations, by any other Act or by the board. R.S.O. 1950, c. 316, s. 102, cl. (a); c. 356, s. 29, cl. (a); *amended*.

Security
by officers

40.—(1) Every treasurer and collector of a board and, if required by the board, any other officer of a board shall give security for the faithful performance of his duties, and the security shall be deposited for safe keeping as directed by the board. R.S.O. 1950, c. 165, s. 27 (1), *amended*; c. 316, s. 101 (1); c. 356, s. 31 (1).

Form of
security

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company as defined in *The Guarantee Companies Securities Act*. R.S.O. 1950, c. 165 s. 27 (2); c. 316, s. 101 (2); c. 356, s. 31 (2).

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c. 162

Duties of
treasurer

41. Every treasurer of a board shall,

- (a) receive and account for all school moneys;
- (b) open an account or accounts in the name of the board in such of the chartered banks of Canada or in such other place of deposit, as may be approved by the board;
- (c) deposit all moneys received by him on account of the board, and no other moneys, to the credit of such account or accounts;
- (d) disburse all moneys as directed by the board;
- (e) produce, when required by the board or by auditors or other competent authority, all papers and moneys in his possession, power or control belonging to the board. R.S.O. 1950, c. 165, s. 27 (3); c. 316, s. 101(4); c. 356, s. 30; *amended*.

Trustees
disqualified
as inspectors
and teachers

42.—(1) A school trustee is not eligible for appointment as an inspector or as a teacher by the board of which he is a member or by any other board having jurisdiction in the whole or any part of the area in which the board of which he is a member has jurisdiction.

Teachers
disqualified
as trustees

(2) A teacher is not eligible to be a member of the board by which he is employed nor to be a member of any other board having jurisdiction in the whole or any part of the area in which the board by which he is employed has jurisdiction.

(3) An inspector is not eligible for appointment as a teacher by a board or to be a member of a board while he holds the office of inspector. R.S.O. 1950, c. 165, s. 70; c. 316, s. 137; c. 356, s. 88; *amended*. Inspectors disqualified as teachers and trustees

43.—(1) A school trustee shall not enter into any contract, agreement, engagement or promise of any kind, either in his own name or in the name of another, and either alone or jointly with another, in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise shall be void, and a trustee violating the provisions of this subsection shall *ipso facto* vacate his seat. R.S.O. 1950, c. 165, s. 63, *amended*; c. 316, s. 139 (1); c. 356, s. 90 (1). Seat vacated by interest in contract with board

(2) No person is disqualified from being a member of a board, or from sitting and voting on such board, by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board or in which an advertisement is inserted in the regular course of business, if the subscription or advertisement is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. R.S.O. 1950, c. 165, s. 65; c. 316, s. 140 (1); c. 356, s. 90 (4). Newspaper proprietors, etc.

(3) A trustee who is a shareholder or an officer, director or other employee, of a corporation shall not vote on any question affecting the corporation with respect to any dealings or contract between the corporation and the board. R.S.O. 1950, c. 165, s. 64; c. 316, s. 140 (2). Corporation shareholders and officers

(4) Nothing in this section,

Exceptions

- (a) prevents a trustee from receiving or being allowed such allowances for attendance at meetings and otherwise as are permitted by the Act under which he is elected or appointed;
- (b) prevents a trustee who is an assessor or a collector from receiving or being allowed such remuneration as is provided for under the Act under which he is elected or appointed; or
- (c) prevents a trustee who is a secretary or treasurer of a rural elementary school board from receiving or being allowed such compensation for his services as may be approved at, and entered in the minutes of, the annual meeting or at a special meeting of

the electors in the case of a public school board, or of the supporters of the school in the case of a separate school board. R.S.O. 1950, c. 316, s. 139 (3); c. 356, s. 90 (3); *amended*.

Declaring
seat vacant

(5) On the complaint of two ratepayers assessed for the support of the school or schools under the jurisdiction of the board, or on the complaint of the remaining trustee or trustees, the judge of the county or district court shall, on proof of the facts, declare the seat vacant and the provisions of the Act under which the board is established, with respect to the filling of vacancies, shall apply. R.S.O. 1950, c. 316, s. 139(2); c. 356, s. 90 (2); *amended*.

Seat
vacated by
conviction,
etc.

44.—(1) If a trustee is convicted of an indictable offence, or becomes mentally ill, or absents himself without being authorized by resolution entered in the minutes from the meetings of the board for three consecutive months, or ceases to hold the residence qualification required by the Act under which he was elected or appointed in the case of a public or secondary school board or ceases to reside within the municipality in the case of an urban separate school board or within three miles of the school in the case of a rural separate school board, he shall *ipso facto* vacate his seat and the provisions of the Act under which the board is established, with respect to the filling of vacancies, shall apply.

Proviso

(2) Notwithstanding subsection 1, where a trustee is convicted of an indictable offence, the vacancy shall not be filled until the time for taking any appeal which may be taken from the conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction the seat shall be deemed not to have been vacated. R.S.O. 1950, c. 165, s. 66; c. 316, s. 138; c. 356, s. 89, *amended*.

Idem

45. Where a complaint is made in writing to the inspector concerned by any two ratepayers assessed for the support of the school or schools under the jurisdiction of the board, or by the remaining trustee or trustees thereof, that any trustee was not, at the time of his election or appointment, qualified to be elected or appointed, or is not competent to act or is disqualified from acting, the inspector may file the complaint with the judge of the county or district court and on proof that the complaint is based on fact, the judge shall declare the seat vacant and the provisions of the Act under which the board is established, with respect to the filling of vacancies, shall apply. R.S.O. 1950, c. 316, s. 139 (4), *amended*.

46. If a board refuses or neglects to take proper security ^{Failure to take security} from the treasurer or other person to whom it entrusts school moneys, and any school money is forfeited or lost in consequence of the refusal or neglect, every member of the board shall be personally liable for such moneys which may be recovered by the board, or by any ratepayer assessed for the support of the school or schools under the jurisdiction of the board suing on behalf of himself and all other such rate-payers, in any court of competent jurisdiction, but no member shall be liable if he proves that he made reasonable efforts to procure the taking of the security. R.S.O. 1950, c. 165, s. 71; c. 316, s. 143; c. 356, s. 95; *amended*.

PART V

AUXILIARY CLASSES

47.—(1) Subject to the regulations, a board may establish ^{Classes which may be established} and conduct classes for children who, not being persons whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, are from any physical or mental cause unable to take proper advantage of the elementary or secondary school courses. R.S.O. 1950, c. 29, s. 2.

(2) Subject to the regulations, a board may establish day ^{Classes for deaf children} classes in oral speech and lip-reading to accommodate deaf children within its jurisdiction. R.S.O. 1950, c. 29, s. 3, *amended*.

48.—(1) For the purposes of section 47, the board may, ^{Powers of board} subject to the approval of the Minister,

- (a) acquire a site and erect thereon such buildings as may be suitable for the education and training of the pupils;
- (b) establish such courses of instruction and training as may be best adapted to secure the mental and physical development of the pupils;
- (c) appoint such teachers and special instructors in ordinary learning or in any useful and beneficial occupation as the board may think proper. R.S.O. 1950, c. 29, s. 4 (1), *amended*.

(2) With the approval of the Minister, a site may be ^{Acquiring site, etc., in adjoining municipality} acquired and buildings erected thereon for the purposes of this Part in an adjoining municipality. R.S.O. 1950, c. 29, s. 4 (2), *amended*.

Admission
only on
recom-
mendation

49.—(1) Subject to the regulations, pupils may be admitted to auxiliary classes upon the report and recommendation, approved by the Inspector of Auxiliary Classes, of a board consisting of,

- (a) the principal of the school;
- (b) a legally qualified psychiatrist or other legally qualified medical practitioner appointed by the school board; and
- (c) the school inspector.

Chairman
and
inspector

(2) The principal of the school shall be the chairman of the board and where there is more than one inspector in the inspectorate the senior inspector, or an inspector nominated by him, shall be the school inspector on the board.

Compulsory
attendance

- (3) Subject to the regulations, a resident pupil,
- (a) who is required to attend school under Part I; and
 - (b) in respect of whom a report recommending his admission to an auxiliary class established by the school board has been made and approved under subsection 1,

may be required by the school board to attend such auxiliary class.

Non-
resident
pupils

(4) Non-resident pupils may be admitted to auxiliary classes under the terms permitted or prescribed by the regulations, and upon payment of such fees for instruction as may be fixed by the board and approved by the Minister. 1952, c. 4, s. 1, *amended*.

Supervision
of health,
etc., of
pupils

50. Where a board has established auxiliary classes under this Part, it may provide for the proper supervision of the health and treatment of pupils attending the classes and for proper medical treatment of pupils who appear to the principal or inspector to require the same. R.S.O. 1950, c. 29, s. 8, *amended*.

Visiting
pupils in
their homes

51. The board may direct such officers as it may appoint to visit pupils' homes and to consult with and advise their parents as to the conditions which will be most conducive to the pupils' development. R.S.O. 1950, c. 29, s. 9, *amended*.

Transporta-
tion of
pupils

52. Subject to the regulations, the board may provide for the transportation of pupils to and from the classes, and may pay for the same out of the funds provided under section 53. R.S.O. 1950, c. 29, s. 10.

53. The moneys required by a board for carrying out the objects of this Part shall be raised and levied in the same manner as for the erection, establishment, improvement or maintenance of the schools under the control of the board. R.S.O. 1950, c. 29, s. 11 (1), *amended*.

PART VI

SCHOOL SITES

54. In this Part,

Interpreta-
tion

- (a) "board" means public school board, separate school board, continuation school board, board of education, high school board or advisory committee appointed under Part III of *The Secondary Schools and Boards of Education Act, 1954*; 1954, c. . . .
- (b) "judge" means judge or junior or acting judge of the county or district court of the county or district in which lands to be acquired for a school site under this Part are situated;
- (c) "owner" includes a mortgagee, lessee, tenant and occupant and any person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested;
- (d) "school site" means the land necessary for a school-house, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium, offices and playgrounds connected therewith, or other land required for school purposes or for the offices of a board. R.S.O. 1950, c. 348, s. 1, *amended*.

55. A judge who is a member of a board shall not act in any matter under this Part in which the board is interested. R.S.O. 1950, c. 348, s. 2.

Judge not
to act when
member of
board

56. The powers and duties conferred and imposed upon a board by this Part shall be subject to the regulations. R.S.O. c. 348, s. 3.

Powers and
duties to
be subject to
regulation

57.—(1) Subject to the provisions of *The Public Schools Act* and *The Separate Schools Act* as to the selection of a site by a rural school board, every board may acquire by purchase or otherwise or may expropriate any land described in a resolution of the board declaring that the land is required for a school site or for the enlargement of a school site. R.S.O. 1950, c. 348, s. 5 (1); 1951, c. 82, s. 2.

Board may
purchase or
expropriate
Rev. Stat.
cc. 316; 356

Acquiring land in adjoining township

(2) The board of education for a city or town may acquire by purchase or otherwise, or may expropriate, land in a township for the purposes of a school site where the land adjoins a boundary between the city or town and the township.

Land not to be exempt from taxation

(3) Where a board of education expropriates land under subsection 2, the land shall not be exempt from taxation by the township, but the corporation of the township and the board of education may agree upon a fixed annual sum to be paid as taxes upon the land, or in case of disagreement, the amount shall be determined by the judge. R.S.O. 1950, c. 348, s. 5 (2, 3).

Acquiring land outside city or town for future school sites

58.—(1) A board of a city or town may acquire by purchase or otherwise any land in an adjacent municipality which the board deems it desirable to acquire in view of the probable further extension of the limits of the city or town so as to include the land, but no land shall be acquired under this section at a greater distance than one mile from the limits of the city or town.

Assessment and taxation

(2) All land acquired under subsection 1, so long as it is held by the board, shall be subject to municipal assessment and taxation in the municipality in which it is situated.

Expropriation not authorized

(3) Nothing in subsection 1 shall be deemed to authorize the expropriation of land in another municipality by a board of a city or town.

Power to dispose of sites so acquired

(4) Where a board has acquired land in another municipality under subsection 1, and the land appears to the board to have become undesirable for school purposes, the board may sell, lease or otherwise dispose of the land as it may deem expedient. R.S.O. 1950, c. 348, s. 6.

Order for immediate entry on land taken

59. At any time after a board passes a resolution declaring that any land is required for a school site, or for the enlargement of a school site, and that immediate possession thereof is required by it, the board, by leave of the judge and upon payment into the Supreme Court of a sum sufficient, in the opinion of the judge, to satisfy the compensation, may enter upon and take possession of the land, and if any resistance or forcible opposition is made to its so doing, the judge may issue his warrant to the sheriff of the county or district in which the land lies to put the board in possession and to put down such resistance or opposition, which the sheriff, taking with him sufficient assistance, shall accordingly do. R.S.O. 1950, c. 348, s. 7, *amended*.

Who may sell and convey to board

60.—(1) Every corporation, tenant in tail or for life, guardian, executor, administrator, committee and every

trustee, not only for and on behalf of himself, his heirs and successors, but also for and on behalf of those he or they may represent, whether married women, infants, unborn issue, mentally incompetent persons or mentally defective persons, or other person, seized, possessed of or interested in any land may contract for, sell and convey all or part thereof or any interest therein to a board for a school site or for an enlargement of or addition to a school site, and any contract, agreement, sale, conveyance or assurance so made shall be valid and effectual to all intents and purposes.

(2) Where there is no person who under subsection 1 may contract, sell or convey, the Supreme Court may on the application of the board appoint some person to act for and on behalf of the owner for the purposes mentioned in subsection 1 and in any proceedings which may be taken under this Part and may give proper direction concerning the disposition of the purchase money. R.S.O. 1950, c. 348, s. 8.

Where there is no person who can convey

61.—(1) Where the owner and the board are unable to agree on the compensation to be paid to the owner, the amount to be paid shall be fixed and determined by the judge upon oral evidence at such time and place as he may upon notice to all concerned appoint.

Determining amount of compensation where no agreement

(2) The hearing shall be conducted in the same manner as nearly as may be as in the case of a trial before the judge in an action in the county court and a subpoena may issue from the county court to command the attendance of witnesses.

Hearing

(3) The sheriff and the clerk of the county court shall perform the same duties and shall be entitled to the same fees as in the case of a trial in the county court.

Duties of sheriff and clerk

(4) An appeal shall lie from the decision of the judge to the Court of Appeal. R.S.O. 1950, c. 348, s. 9.

Appeal

62. The judge shall determine what interest, if any, shall be paid to the owner. R.S.O. 1950, c. 348, s. 10.

Interest payable to owner

63.—(1) On the filing with the county judge of the certificate of an Ontario land surveyor that he is not interested in the matter, that he knows the land, describing it, and that some certain sum named in the certificate is, in his opinion, a fair compensation for the land, the judge, if satisfied by affidavit or other evidence, that diligent inquiry has been made and that the owner is unknown or cannot be found, may order that a notice be inserted for such time as he may deem proper in some newspaper published in the county or district and may order that notice be also sent to any person by mail or served upon him in such manner as the judge may direct.

Judge may order notice to be published and mailed

- Contents of notice** (2) The notice shall contain a short description of the land and a statement of the readiness of the board to pay the sum so certified, shall give the name of the judge who is to determine the compensation under this Part and shall state the time within which the offer is to be accepted, and such other particulars as the judge may direct.
- Determining compensation** (3) If within the time stated the owner does not notify the board of his acceptance of the sum offered, the judge may proceed *ex parte* on oral evidence to determine the compensation to be paid. R.S.O. 1950, c. 348, s. 11.
- Judge may determine claims of encumbrancer, etc.** **64.** The judge may hear and determine all claims or rights of encumbrancers, lessees, tenants, occupants or other persons as well as those of the owner in respect to the land, provided that in such case the claimant or other person has first received ten clear days notice of the intention to determine his claim or right. R.S.O. 1950, c. 348, s. 12.
- Damages caused by severance** **65.** Where part only of the lot or parcel of land of the owner is required, the judge shall include in the compensation the amount which will, in his opinion, compensate the owner for any damage directly resulting from severance. R.S.O. 1950, c. 348, s. 13.
- Right of desistment** **66.**—(1) A notice of intention to acquire land may be desisted from by the board at any time within twenty-one days after the amount has been determined by the judge by giving written notice to the owner and filing the same with the clerk of the county or district court, but the board shall in that case pay the whole cost of the proceedings and all damages sustained by the owner in consequence of the taking and abandonment and such costs shall be ascertained in a summary way by the judge.
- Not to be exercised more than once** (2) The right of desistment shall not be exercised more than once with respect to a parcel of land. R.S.O. 1950, c. 348, s. 14.
- Cost of arbitration** **67.** The costs of the proceedings shall be in the discretion of the judge, who may direct to and by whom and in what manner such costs or any part thereof shall be paid, and he may award any costs to be paid as between solicitor and client. R.S.O. 1950, c. 348, s. 15.
- Vesting order** **68.** If the amount determined by the judge and any costs awarded have been paid in the manner and to the person directed by the judge, he may make a vesting order vesting the land taken in the board and the order may be registered and shall confer upon the board a good title to the land taken. R.S.O. 1950, c. 348, s. 16.

69.—(1) Every sum to be paid as compensation shall be paid within thirty days after the determination of the amount to be paid. Compensation to be paid within thirty days

(2) Where the person entitled thereto is absent or where for any other reason payment of such sum cannot be made pursuant to the award, or if the title to the land or any interest therein or the right to any part of the compensation is in doubt, or if for any other reason the board deems it advisable, the board may pay the sum awarded or any part thereof into the Supreme Court with six months interest thereon. R.S.O. 1950, c. 348, s. 17. Payment into court

70. The compensation for any land which is taken without the consent of the owner shall stand in the stead of the land, and any claim to or encumbrance upon the land, or any part thereof, shall, as against the board, be converted into a claim to or upon the compensation or to or upon a like proportion thereof and it shall be responsible accordingly, whenever it has paid the compensation or any part thereof to a person not entitled to receive the same, saving always its recourse against such person. R.S.O. 1950, c. 348, s. 18. Compensation awarded to stand in the stead of land taken

71. In the case of a municipality for which an official arbitrator has been appointed under *The Municipal Arbitrations Act*, the compensation to be paid to the owner shall be determined by the award of the official arbitrator instead of by the judge as hereinbefore provided, and the provisions of that Act shall *mutatis mutandis* apply. R.S.O. 1950, c. 348, s. 19. Compensation to be determined by official arbitrator Rev. Stat., c. 244

PART VII

OFFENCES AND PENALTIES

72. Any person who wilfully makes a false declaration of his right to vote at a school meeting or at an election of trustees is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 134; c. 356, s. 87; *amended*. False declaration of right to vote

73. Any person who wilfully interrupts or disquiets the proceedings of a school meeting or a school by rude or indecent behaviour or by making a noise either in the place where the meeting is held or in the school or so near thereto as to interfere with the proceedings of the meeting or the order of exercises of the school is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 141; c. 165, s. 67; c. 356, s. 91; *amended*. Disturbances

Refusal to serve

74.—(1) A trustee who refuses to serve after being elected or appointed with his own consent is guilty of an offence and on summary conviction is liable to a penalty of \$25.

Failure to perform duties

(2) A trustee who has been elected or appointed and has not refused to accept the office and who at any time refuses or neglects his duties as trustee is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25.

Acting while disqualified

(3) A trustee who sits or votes at any meeting of the board after becoming disqualified is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25 for every meeting at which he so sits or votes. R.S.O. 1950, c. 316, ss. 135, 136; c. 165, s. 69; c. 356, ss. 92, 93, *amended*.

Failure to transmit minutes

75. The chairman of a rural school meeting who neglects to transmit to the inspector concerned a minute of the proceedings of any annual or other rural school meeting over which he has presided, within ten days after the holding of the meeting, is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 142; c. 356, s. 94, *amended*.

Information to auditors

76. Every school board and its secretary and treasurer shall furnish the auditors with any papers or information in its or his power which may be required of it or him relating to the school accounts and a member of the board, or a secretary or treasurer, who neglects or refuses so to do is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25, but no member shall be liable if he proves that he made reasonable efforts to procure the furnishing of the papers or information. R.S.O. 1950, c. 316, s. 147; c. 165, s. 74; c. 356, s. 97; *amended*.

False reports and registers

77. Every trustee who knowingly signs a false report and every teacher who keeps a false school register or makes a false return is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 150; c. 165, s. 75; c. 356, s. 99, *amended*.

Failure to call school meeting

78. If an annual or other rural public school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give notice is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 152; *amended*.

School maps

79.—(1) If a township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by *The Public Schools Act*, or if he neglects for

Rev. Stat., c. 316

one month to make any return required by that Act, he is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 151, *amended*.

(2) If a county clerk neglects or refuses to prepare the map ^{idem} of the county showing the boundaries of the high school districts therein as required by *The Secondary Schools and Boards of Education Act, 1954*, he is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. *New*. ^{1954, c. . . .}

80.—(1) A treasurer, secretary or secretary-treasurer, or ^{Delivery up of books and money} a person having been a treasurer, secretary or secretary-treasurer, and a trustee or other person who has in his possession any book, paper, chattel or money which came into his possession as such treasurer, secretary, secretary-treasurer, trustee or otherwise shall not wrongfully withhold, or neglect or refuse to deliver up, or account for and pay over the same to the person and in the manner directed by the board or by other competent authority.

(2) Upon application to the judge of the county or district ^{Summons for appearance} court by the board, supported by affidavit, showing such wrongful withholding or refusal, the judge may summon the treasurer, secretary, secretary-treasurer, trustee or person to appear before him at a time and place appointed by him.

(3) A bailiff of a division court, upon being required ^{so} to do by the judge, shall serve the summons or a true copy thereof on the person complained against personally or by leaving it with a grown-up person at his residence. ^{Service of summons}

(4) At the time and place so appointed, the judge, if ^{Order to account} satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded may order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow.

(5) In the event of non-compliance with the order, the ^{Effect of non-compliance with judge's order} judge may order such person to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the jail of the county or district in which he resides, there to remain without bail until the judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money in the manner directed by the board or other competent authority.

Discharge
on comply-
ing with
order

(6) Upon proof of his having so done, the judge shall make an order for his discharge and he shall be discharged accordingly.

Discharge
on terms

(7) Upon proof that the person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed, the judge may order his discharge on such terms or conditions as he may deem just.

Other
remedy not
affected

(8) Such proceedings shall not impair or affect any other remedy which the board or other competent authority may have against the person complained against or against any other person. R.S.O. 1950, c. 316, ss. 144, 145; c. 165, s. 73; c. 356, s. 96.

Compelling
delivery of
books,
money, etc.,
on dis-
solution of
school cor-
poration

81.—(1) Section 80 applies to the case of any person who has in his possession any books, paper, chattel or money which came into his possession as secretary, or treasurer, or member, or otherwise, of a board which has been dissolved, and every such person shall deliver up, account for and pay over every such book, paper, chattel and all such money to the person and in the manner provided in or under the Act under which the board is dissolved and failing any such provision as directed by the Minister, and in default of his so doing, proceedings may be taken against him by two ratepayers in the same manner as in the case provided for by section 80, and that section shall *mutatis mutandis* apply.

Application
of subs. 1

(2) Subsection 1 applies to every person who has received from such secretary, treasurer, trustee or other person any book, paper, chattel or money, which by subsection 1 it is declared to be the duty of such secretary, treasurer, trustee or other person to deliver up, and the like proceedings may be taken against such first-mentioned person. R.S.O. 1950, c. 316, s. 146, *amended*.

No
inspector,
trustee,
teacher, etc.,
to act as
agent for
the sale of
books, maps,
etc.

82.—(1) No teacher, trustee, inspector or other person officially connected with the Department or with any elementary or secondary school or with any teachers' college or other institution which is under the management or control of the Minister, shall sell or become or act as agent for any person to sell or to promote in any way the sale of any school library, prize or text-book, map, chart, school apparatus, furniture, stationery or other article for the use of any elementary or secondary school, teachers' college or other institution afore-said or for the use of any pupil thereof, nor shall he receive directly or indirectly compensation or other remuneration or the equivalent for so doing. R.S.O. 1950, c. 94, s. 16 (1), *amended*.

(2) Every person who contravenes subsection 1 is guilty ^{Penalty} of an offence and on summary conviction is liable, if he is a teacher to a penalty of not more than \$50, if he is a trustee to a penalty of not more than \$100, if he is an inspector to a penalty of not more than \$500 and if he is any other person so officially connected to a penalty of not more than \$100. R.S.O. 1950, c. 94, s. 16 (2), *amended*.

(3) Any person, firm or corporation and any agent of a ^{Penalty} person, firm or corporation who employs a teacher, trustee, ^{against} inspector or any other person officially connected with the ^{business,} Department or with any elementary or secondary school or ^{firm or} with any teachers' college or other institution which is under the management or control of the Minister, to sell or become or act as agent for or to promote in any way the sale of any school library, prize or text-book, map, chart, school apparatus, furniture, stationery or other article for the use of any elementary or secondary school, teachers' college or other institution aforesaid, or who directly or indirectly gives or pays to any such teacher, trustee, inspector or other person compensation or remuneration or the equivalent thereof is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. R.S.O. 1950, c. 94, s. 16 (3), *amended*.

(4) Any gift or payment made to a teacher, trustee, ^{Gifts, etc.,} inspector or other person so officially connected by any ^{to be} person, firm or corporation interested either as principal ^{prima facie} or agent in any such sale is ^{evidence} *prima facie* evidence of a violation of this section.

(5) No prosecution for any of the penalties mentioned in this section shall be instituted without the written consent ^{Consent of} of the Attorney-General or the Deputy Attorney-General. ^{Attorney-} ^{General to} ^{prosecution}

(6) This section does not apply to sales made by a trustee ^{Sale in} who is a merchant or bookseller in the ordinary and regular ^{ordinary} course of his business as such and made at his shop or place ^{course of} of business. ^{business} R.S.O. 1950, c. 94, s. 16 (4, 7, 8). ^{excepted}

PART VIII

MISCELLANEOUS

83.—(1) Nothing in section 34 affects any pension plan ^{Saving} heretofore established and approved by the Minister under section 39 of *The High Schools Act*, section 129 of *The Public Schools Act* or section 83 of *The Separate Schools Act*. ^{Rev. Stat.} ^{cc. 165, 316,} ³⁵⁶

(2) Nothing in section 35 affects any sick leave credit plan ^{Idem} heretofore established and approved by the Minister under

section 40 of *The High Schools Act*, section 130 of *The Public Schools Act* or section 84 of *The Separate Schools Act*.

Idem (3) Nothing in section 36 affects any retirement allowance heretofore granted under section 60 of *The High Schools Act* or section 128 of *The Public Schools Act*.

Repeal **84.** The following are repealed:

- | | |
|-----------------------|---|
| Rev. Stat., o. 6 | 1. <i>The Adolescent School Attendance Act.</i> |
| Rev. Stat., c. 29 | 2. <i>The Auxiliary Classes Act.</i> |
| 1952, c. 4 | 3. <i>The Auxiliary Classes Amendment Act, 1952.</i> |
| Rev. Stat., o. 347 | 4. <i>The School Attendance Act.</i> |
| Rev. Stat., c. 348 | 5. <i>The School Sites Act.</i> |
| 1951, c. 82 | 6. <i>The School Sites Amendment Act, 1951.</i> |
| 1953, c. 96 | 7. <i>The School Trustees' and Teachers' Boards of Reference Act, 1953.</i> |

**Commence-
ment** **85.** This Act comes into force on the day it receives Royal Assent.

Short title **86.** This Act may be cited as *The Schools Administration Act, 1954.*





The Schools Administration Act, 1954

1st Reading

March 9th, 1954

2nd Reading

March 12th, 1954

3rd Reading

MR. DUNLOP

*(Reprinted as amended by the Committee on
Education)*

No. 84

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
The Schools Administration Act, 1954

MR. DUNLOP

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



BILL

The Schools Administration Act, 1954

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

INTERPRETATION

Interpreta-
tion

1. In this Act,

- (a) "board", except in Part VI, means public school board, separate school board, continuation school board, high school board or board of education;
- (b) "Department" means Department of Education;
- (c) "elementary school" means public or separate school;
- (d) "high school" includes collegiate institute;
- (e) "Minister" means Minister of Education;
- (f) "municipality" means city, town, village or township, but does not include county; *New*.
- (g) "occasional teacher" means a teacher employed to teach on a daily basis as a substitute for a permanent probationary or temporary teacher;
- (h) "permanent teacher" means a teacher employed on a continuing basis, but does not include a temporary teacher or an occasional teacher; 1952, c. 36, s. 1 (2), *part*; 1953, c. 90, s. 1, *part*.
- (i) "prescribed" means prescribed by the regulations; *New*.
- (j) "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; 1952, c. 36, s. 1 (2), *part*; 1953, c. 90, s. 1, *part*.

- 1954, c. . . .
- (k) "regulations" means regulations made under *The Department of Education Act, 1954*;
 - (l) "secondary school" means continuation, high or vocational school;
 - (m) "secondary school district" means continuation or high school district;
 - (n) "secretary" and "treasurer" include a secretary-treasurer; *New*.
 - (o) "temporary teacher" means a teacher employed to teach on a monthly basis for a period not exceeding one year. 1952, c. 36, s. 1 (2), *part*; 1953, c. 90, s. 1, *part*.
 - (p) "urban municipality" means city, town or village. *New*.

PART I

SCHOOL TERMS AND COMPULSORY ATTENDANCE

Interpretation

2. In this Part, "guardian", in addition to having the meaning ascribed in law, includes any person who has received into his home another person's child who is of a compulsory school age and is resident with him or in his care or legal custody. R.S.O. 1950, c. 6, s. 1, cl. (b); c. 347, s. 1, cl. (a); *amended*.

School year

3.—(1) The school year for elementary and secondary schools consists of two terms.

First term

(2) The first term begins on the day next following Labour Day and ends on the 22nd day of December, but when the 22nd day of December is a Monday, the first term ends on the 19th day of December.

(3) The second term begins on the 3rd day of January and ends on the 29th day of June, but when the 3rd day of January is a Friday, the second term begins on the 6th day of January, and when the 29th day of June is a Monday, the second term ends on the 26th day of June. R.S.O. 1950, c. 165, s. 61 (1, 2); c. 316, s. 6 (1, 2); c. 356, s. 85 (1, 2); *amended*. Second term

4. The following are school holidays:

School holidays

1. Every Saturday and Sunday.
2. Good Friday.
3. The week next following Good Friday.
4. Victoria Day.
5. The birthday or the day fixed by proclamation of the Governor-General for the celebration of the birthday of the reigning Sovereign.
6. Dominion Day.
7. Labour Day.
8. Any day appointed by proclamation of the Governor-General or the Lieutenant-Governor as a public holiday or for a general fast or thanksgiving.
9. Remembrance Day.
10. Every day proclaimed a holiday by the authorities of the municipality in which the school is situated.
11. Every day upon which the school is closed under *The Public Health Act* or under *The Department of Education Act, 1954*, or the regulations. R.S.O. 1950, c. 165, s. 61 (3); 1953, c. 44, s. 2; R.S.O. 1950, c. 316, s. 6 (3); 1953, c. 90, s. 2; R.S.O. 1950, c. 356, s. 85 (3); 1953, c. 98, s. 1, *amended*. Rev. Stat.,
c. 306,
1954, c. ...

5.—(1) With the approval of the inspector, a rural elementary school board may substitute holidays in some other part of the year for part of the time allowed for Easter and summer holidays to suit the convenience of pupils and teachers, but the same number of holidays shall be allowed in each year. R.S.O. 1950, c. 316, s. 6 (4); c. 356, s. 85 (4). Rural areas

(2) In a territorial district, the inspector, subject to an appeal to the Minister, may determine the length of time, which shall not be less than six months, during which an elementary school shall be kept open in each year, and the board of the school concerned shall keep the school open during the whole of the time so determined. R.S.O. 1950, c. 316, s. 6 (5), *amended*. School terms in districts

Compulsory
attendance

6.—(1) Unless excused under this section,

- (a) every child who attains the age of six years on or before the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in that year until the last school day in June in the year in which he attains the age of sixteen years; and
- (b) every child who attains the age of six years after the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in the next succeeding year until the last school day in June in the year in which he attains the age of sixteen years.

When
attendance
excused

(2) A child is excused from attendance at school,

- (a) if, in the opinion of the Minister, he is receiving satisfactory instruction at home or elsewhere;
- (b) if he is unable to attend school by reason of sickness or other unavoidable cause;
- (c) if, in the case of a child who has attained the age of fourteen years, his parent or guardian resides on and operates a farm and the child's services are required in the farm household or on the farm;
- (d) if he is employed under the authority of a home permit or an employment certificate;
- (e) if transportation is not provided by a board for the child and there is no school which he has a right to attend situated,
 - (i) within one mile from his residence measured by the nearest highway if he has not attained the age of seven years on or before the first school day in September in the year in question, or
 - (ii) within two miles from his residence measured by the nearest highway if he has attained the age of seven years but not the age of ten years on or before the first school day in September in the year in question, or
 - (iii) within three miles from his residence measured by the nearest highway if he has attained the age of ten years on or before the first school day in September in the year in question;

- (f) if he has obtained a secondary school graduation diploma or has completed a course which gives him equivalent standing;
- (g) if he is absent from school for the purpose of receiving instruction in music and the period of absence does not exceed one-half day in any week;
- (h) if he is excluded from attendance at school under any Act or under the regulations;
- (i) if he is absent on a day regarded as a holy day by the church or religious denomination to which he belongs;
- (j) if he is absent temporarily as authorized under the regulations. R.S.O. 1950, c. 347, ss. 2, 4 (1), 19 (2), *amended*; c. 6, ss. 2, 18, *amended*.

(3) The fact that a child is blind or deaf is not an unavoidable cause under clause *b* of subsection 2 if the child is eligible for admission to The Ontario School for the Blind or The Ontario School for the Deaf. R.S.O. 1950, c. 347, s. 4 (2), *amended*. Blind or deaf children

(4) Where a child under compulsory school age has been enrolled as a pupil in an elementary school, this section applies during the school term for which the child is enrolled as if he were of compulsory school age. R.S.O. 1950, c. 347, s. 4 (4), *amended*. Child under compulsory age

(5) The parent or guardian of a child who is required to attend school under this section shall cause the child to attend school as required by this section. R.S.O. 1950, c. 347, s. 3, *amended*. Duty of parent, etc.

(6) Nothing in this section requires the child of a Roman Catholic separate school supporter to attend a public school or requires the child of a public school supporter to attend a Roman Catholic separate school. R.S.O. 1950, c. 347, s. 19 (1). Separate school supporters

7.—(1) The Lieutenant-Governor in Council may appoint an officer, to be known as the provincial school attendance officer, who shall, under the direction of the Minister and subject to the regulations, superintend and direct the enforcement of compulsory school attendance. R.S.O. 1950, c. 347, s. 6, *amended*. Provincial school attendance officer

(2) Where a child or his parent or guardian considers that the child is excused from attendance at school under clause *a* of subsection 2 of section 6, the Minister may inquire as to Inquiry, by Minister

the instruction being given to the child and as to the general educational proficiency of the child and the other circumstances of the case, and may by order in writing signed by him determine whether or not the child is receiving satisfactory instruction and, if he deems that the child is not receiving satisfactory instruction, he may by his order direct that the child shall attend school.

by provincial
officer

(3) Where a child or his parent or guardian considers that the child is excused from attendance at school under any one of clauses *b* to *j* of subsection 2 of section 6, the provincial school attendance officer may inquire as to the reason or excuse for non-attendance, and as to the general educational proficiency of the child and the other circumstances of the case, and may by order in writing signed by him determine whether or not the child is excused under the clause and, if he deems that there is no valid reason why the child should not attend school, he may by his order direct that the child shall attend school. R.S.O. 1950, c. 347, s. 4 (3), *amended*.

Powers of
provincial
officer

(4) The provincial school attendance officer shall have all the powers of a school attendance officer and may exercise such powers anywhere in Ontario. *New*.

Appointment
of school
attendance
officers

8.—(1) Every elementary school board in an urban municipality and every board of education and high school board shall appoint one or more school attendance officers.

Idem

(2) The council of every township shall appoint one or more school attendance officers, except where all the children in the township are subject to the jurisdiction of one or more school attendance officers appointed by one or more school boards.

Idem

(3) If an elementary school board in a township employs five or more teachers, the board may appoint one or more school attendance officers.

Idem

(4) Every elementary and secondary school board in unorganized territory shall appoint one or more school attendance officers.

Idem

(5) Two or more boards or councils may appoint the same attendance officer or officers.

Vacancies

(6) Where the office of a school attendance officer becomes vacant, it shall be filled by the appointing body forthwith.

Notice of
appoint-
ment

(7) Notice of the appointment of a school attendance officer by a school board shall be given in writing by the board to the provincial school attendance officer and to the

elementary school inspector or inspectors concerned and, if the board has jurisdiction in a township, to the council of the township.

(8) Notice of the appointment of a school attendance ^{Idem} officer by the council of a township shall be given in writing by the council to the provincial school attendance officer, to each elementary school board in the township, and to the elementary school inspectors concerned. R.S.O. 1950, c. 347, s. 8 (1, 2, 4-6, 10), *amended*.

9.—(1) A school attendance officer appointed by the council ^{Jurisdiction and responsibility of officers appointed by township council} of a township has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in the township, except children who are subject to the jurisdiction of a school attendance officer appointed by a school board.

(2) A school attendance officer appointed by a public ^{by public school board} school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in the area in which the board that appointed him has jurisdiction, except children who are subject to the jurisdiction of a school attendance officer appointed by a high or separate school board.

(3) A school attendance officer appointed by a separate ^{by separate school board} school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age whose parents or guardians are supporters of a school operated by the board, except children who are subject to the jurisdiction of a school attendance officer appointed by a high school board.

(4) A school attendance officer appointed by a high school ^{by high school board} board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age who are resident pupils of the high school district and are or have been enrolled in a secondary school.

(5) A school attendance officer appointed by a board of ^{by board of education} education has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in the area in which the board has jurisdiction, except children who are subject to the jurisdiction of a school attendance officer appointed by a separate school board. R.S.O. 1950, c. 347, s. 8 (7, 8), *amended*.

Powers of officers

10.—(1) A school attendance officer may,

- (a) enter without warrant any place where children may be employed or congregated;
- (b) at the request of the parent or guardian apprehend and deliver to the school from which he is absent or to his parent or guardian, without warrant, any child found illegally absent from school. R.S.O. 1950, c. 347, s. 8 (3), *amended*.

Reports

(2) A school attendance officer shall report monthly to the body that appointed him, and annually to the provincial school attendance officer, on the prescribed forms.

To act under inspector and provincial officer

(3) A school attendance officer shall perform his duties under the direction of the inspector or inspectors concerned, and shall carry out the instructions and directions of the provincial school attendance officer. R.S.O. 1950, c. 347, s. 8 (12, 13), *amended*.

Inquiry by officer and notice

(4) A school attendance officer shall inquire into every case of failure to attend school within his knowledge or when requested so to do by the inspector or principal of a school or a ratepayer, and shall give written warning of the consequences of such failure to the parent or guardian of a child who is not attending school as required, and shall also give written notice to the parent or guardian to cause the child to attend school forthwith. R.S.O. 1950, c. 347, s. 10, *amended*.

Census

11. A board may make a complete census of all children in the area in which the board has jurisdiction who have not attained the age of twenty-one years. R.S.O. 1950, c. 347, s. 9, *amended*.

Reports and information

12.—(1) The principal of every elementary or secondary school shall,

- (a) report in accordance with the regulations to the proper school attendance officer, and in the case of an elementary school also to the inspector concerned, the names, ages and residences of all pupils of compulsory school age who have not attended school as required;
- (b) furnish the school attendance officer with such other information as the officer requires for the enforcement of compulsory school attendance;
- (c) report to the school attendance officer every case of suspension or expulsion.

(2) Where a child of compulsory school age has not attended school as required and there is no school attendance officer having jurisdiction in respect of the child, the inspector concerned shall notify the parent or guardian of the child of the requirements of section 6. R.S.O. 1950, c. 347, s. 13 (1-3), *amended*.

13.—(1) Where, in the opinion of the school attendance officer, the services of a child under fourteen years of age are required,

- (a) in farm work on a farm operated by his parent or guardian;
- (b) in some occupation in or about the home of his parent or guardian; or
- (c) in some gainful occupation for the child's own maintenance or the maintenance of some person who is dependent upon him,

the school attendance officer may issue, on the written application of the parent or guardian, a home permit or employment certificate, as the case requires, exempting the child from attendance at school for a period of not more than six weeks in a term and permitting him to engage in such occupation during such period. R.S.O. 1950, c. 347, s. 5 (2), *amended*.

(2) Where, in the opinion of the school attendance officer, the services of a child of compulsory school age who has attained the age of fourteen years are required,

- (a) in some occupation in or about the home of his parent or guardian; or
- (b) in some gainful occupation for the child's own maintenance or the maintenance of some person who is dependent upon him,

the school attendance officer may issue, on the application of the parent or guardian, a home permit or an employment certificate, as the case requires, exempting the child from attendance at school and permitting him to engage in such occupation. R.S.O. 1950, c. 6, s. 3, *amended*.

(3) A school attendance officer may revoke any home permit or employment certificate issued by him if in his opinion the conditions under which he issued the permit have ceased to exist. R.S.O. 1950, c. 6, s. 16, *amended*.

14. Where it appears to the Minister that in any unorganized territory school trustees are not providing accom-

Rev. Stat.,
c. 316

modation for the children entitled to attend school, or have neglected or failed to raise the necessary funds for the establishment and maintenance of a school, or have in other respects failed to comply with *The Public Schools Act* and the regulations, or that the election of trustees has been neglected and no regular board of trustees is in existence, the Minister may by commission under his hand authorize and direct the provincial school attendance officer to do all things and exercise all powers which may be necessary for the establishment and maintenance of a school, the erection of school buildings and providing accommodations, the opening and conducting of a school, the assessing and levying of all sums of money required for school purposes, and generally whatever may be required for the purpose of establishing, maintaining and conducting a school in accordance with *The Public Schools Act* and the regulations, and thereupon the provincial school attendance officer shall have and may exercise and perform with regard to all matters set forth in the commission, all the authority, powers and duties vested in, and to be performed by, a board of school trustees under *The Public Schools Act* and the regulations. R.S.O. 1950, c. 347, s. 7.

Liability
of parent
or guardian

15.—(1) A parent or guardian of a child of compulsory school age, who neglects or refuses to cause the child to attend school, is, unless the child is legally excused from attendance, guilty of an offence and on summary conviction is liable to a penalty of not more than \$25.

Bond for
attendance

(2) The judge or magistrate may, instead of imposing a penalty, require a person convicted of an offence under subsection 1 to give a bond in the penal sum of \$100, with one or more sureties to be approved by the judge or magistrate, conditioned that the person shall, after the expiration of five days, cause the child to attend school as required. R.S.O. 1950, c. 347, s. 11, *amended*.

Employment
during
school hours

(3) A person who employs a child of compulsory school age during school hours is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25 unless the child,

- (a) holds a home permit or employment certificate authorizing the employment; or
- (b) is excused from attendance at school under clause *c* of subsection 2 of section 6. R.S.O. 1950, c. 6, ss. 4, 15 (1) *part*; c. 347, s. 5 (1), *amended*.

Offences by
corporations

(4) If a corporation contravenes subsection 1 or 3, in addition to the corporation, every director and officer of the corporation who authorizes, permits or acquiesces in the

contravention is guilty of an offence and on summary conviction is liable to the same penalty as the corporation. R.S.O. 1950, c. 347, s. 14, *amended*.

16.—(1) Prosecutions under section 15 shall be instituted by the school attendance officer concerned and, where there is a juvenile and family court with jurisdiction, such prosecutions shall be tried in that court. R.S.O. 1950, c. 347, s. 12, *amended*. Proceedings to be taken by attendance officers

(2) In prosecutions under section 15, a certificate as to the attendance or non-attendance at school of any child, signed or purporting to be signed by the principal of the school, is *prima facie* evidence of the facts stated therein without any proof of the signature or appointment of the principal. R.S.O. 1950, c. 347, s. 16 (2); c. 6, s. 15 (2), *amended*. Certificate of principal as evidence

(3) Where a person is charged under section 15 in respect of a child who is alleged to be of compulsory school age and the child appears to the judge or magistrate to be of compulsory school age, the child shall, for the purposes of such prosecution, be deemed to be of compulsory school age unless the contrary is proved. R.S.O. 1950, c. 347, s. 18, *amended*. Proof of age

PART II

TEACHERS

17.—(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. R.S.O. 1950, c. 356, s. 48, *part, amended*; 1952, c. 36, s. 7 (1); 1953, c. 90, s. 13 (1). Memo-randum of contract

(2) The contract may, in the case of a separate school board, include a stipulation to provide the teacher with board and lodging. R.S.O. 1950, c. 356, s. 48, *part*. Board and lodging

(3) Unless otherwise expressly agreed, a teacher shall be entitled to be paid his salary in the proportion which the total number of days during which he teaches bears to the whole number of teaching days in the year. R.S.O. 1950, c. 165, s. 59 (2); c. 316, s. 111 (3); c. 356, s. 52. Salary of teacher

Payment for absence due to illness or dental condition (4) 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; 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. R.S.O. 1950, c. 356, s. 53 (1), *amended*; 1952, c. 36, s. 7 (2); 1953, c. 90, s. 13 (2).

Absence of teacher in quarantine (5) Every teacher shall be entitled to his salary notwithstanding his absence from duty in any case where, because of exposure to a communicable disease, he is quarantined or otherwise prevented by the order of the medical health authorities from attending upon his duties. R.S.O. 1950, c. 165, s. 59 (4); c. 316, s. 111 (6).

Appearing as witness in court (6) Every teacher shall be entitled to his salary notwithstanding his absence from duty as a witness in any court to which he has been summoned in any proceedings to which he is not a party or one of the persons charged. R.S.O. 1950, c. 165, s. 59 (5); c. 316, s. 111 (5); c. 356, s. 53 (2).

Disputes between teachers and trustees (7) All matters of difference between boards and teachers in regard to salary or other remuneration, whatever may be the amount in dispute, shall be determined in the division court of the division in which the cause of action arose, subject to appeal as provided in section 18. R.S.O. 1950, c. 165, s. 59 (7); c. 316, s. 111 (7); c. 356, s. 55 (1).

Award of salary by way of penalty (8) If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was not reasonable ground for the board disputing its liability or that the failure of the board to pay was from an improper motive, he may award as a penalty a sum not exceeding three months' salary. R.S.O. 1950, c. 165, s. 59 (8); c. 316, s. 111 (8); c. 356, ss. 54, 55 (2), *amended*.

Failure of board to pay salary when no written agreement (9) For the purposes of subsection 8, the failure of a board to pay a teacher's salary may be extended by a judge to include failure to pay a teacher's salary when an agreement for his employment has been made by the board but no written memorandum has been made and executed as required by subsection 1, if the judge is satisfied upon the evidence that the refusal of the board to pay the salary by reason of the absence of a memorandum in writing is without merit. R.S.O. 1950, c. 165, s. 59 (9); c. 316, s. 111 (9).

Appeals from division court judgment **18.**—(1) In an action between a teacher and a board under section 17, the judge of the division court in which the action

is tried may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister to appeal.

(2) The Minister may, within one month after the rendering of judgment, appeal from the decision of the judge to the Court of Appeal, by serving notice in writing of such appeal upon the clerk of the division court appealed from, which appeal may be entitled "The Minister of Education of Ontario, Appellant, in the matter between (*naming the parties*)". Appeal by Minister

(3) The judge shall thereupon transmit to the office of the Registrar of the Supreme Court at Toronto, certified under his hand, the summons and other proceedings in the action, together with the evidence and his judgment thereon, and all objections made thereto, and he shall also certify under his hand to the Minister a true copy of the summons, proceedings, evidence, judgment and objections. Transmission of papers to Supreme Court

(4) After service of the notice of appeal no further proceedings shall be had until the appeal has been determined. Stay of proceedings

(5) The Court of Appeal shall give such order or direction to the court below touching the judgment to be given as the circumstances require, and upon receipt of such order or direction the judge shall proceed in accordance therewith. Direction to the court below

(6) The Court of Appeal may also in its discretion award costs against the party on whose behalf an unsuccessful appeal is taken which shall be certified to and form part of of the judgment of the court below, and such costs and any costs incurred by such party may be paid by the Minister and charged as contingent expenses of his office. Costs

(7) Notwithstanding anything herein contained, any party to an action in which the plaintiff claims more than \$100 shall have the same right of appeal as in an action in the division court. R.S.O. 1950, c. 316, s. 127. Right of appeal

19.—(1) Subject to *The Department of Education Act, 1954*, no person shall be employed or act as a teacher in an elementary or secondary school unless he is qualified as prescribed by the regulations. R.S.O. 1950, c. 165, s. 58 (1); c. 316, s. 111 (2); *amended*. Teachers to be qualified 1954, c. ...

(2) Subject to the provisions of *An Act respecting the Qualifications of Certain Teachers*, being chapter 52 of the Statutes of Ontario, 1907, and amendments thereto, separate school teachers shall be subject to the same examinations and receive their certificates of qualification in the same manner as public school teachers. R.S.O. 1950, c. 356, s. 51. Separate school teachers

Certificates
1954, c. . . . (3) Subject to *The Department of Education Act, 1954*, a certificate of qualification as a teacher may be awarded only to a British subject of good moral character and physically fit to perform the duties of a teacher, who passes the examinations prescribed by, and otherwise complies with, the regulations.

Idem (4) All certificates shall be valid for such periods as the regulations prescribe. R.S.O. 1950, c. 316, s. 112 (1, 2), *amended*.

Use of
unapproved
text-books **20.**—(1) A teacher shall not use or permit to be used as a text-book in a prescribed subject in an elementary or secondary school any book that is not approved by the Minister or the regulations, and the Minister, upon the report of the inspector concerned, may withhold the whole or any part of the legislative grants in respect of any school in which an unapproved book is so used.

Idem (2) Where a teacher uses as a text-book, or negligently or wilfully permits to be used as a text-book by the pupils of his school, in a prescribed subject, a book that is not approved by the Minister or the regulations, the Minister, on the report of the inspector of the school, may suspend the teacher and the board which operates the school may deduct from the teacher's salary a sum equal to so much of the legislative grants as has been withheld on account of the use of the book or any less sum at its discretion.

Change of
text-book (3) Subject to the written approval of the board which operates the school, a teacher may replace any approved text-book which is in actual use in an elementary or secondary school by any other approved text-book on the same subject. R.S.O. 1950, c. 165, ss. 62, 68; c. 316, ss. 110, 133; c. 356, ss. 50, 86; *amended*.

Refusal to
give up
school
property **21.** A teacher who refuses, on demand or order of the board which operates the school concerned, to deliver to the board any visitors' book, school register, schoolhouse key or any other school property in his possession shall not be a qualified teacher until restitution is made and he shall also forfeit any claim which he may have against the board. R.S.O. 1950, c. 316, s. 109; c. 356, s. 49, cl. (f); *amended*.

PART III

SCHOOL TRUSTEES' AND TEACHERS' BOARDS OF REFERENCE

Interpreta-
tion **22.** In this Part,

(a) "contract" means a contract of employment between a teacher and a board in accordance with Part II and the regulations;

(b) "employed" means engaged as a permanent teacher by a board;

(c) "judge" means judge of a county or district court;

(d) "teacher" means a person qualified to teach in an elementary or secondary school, and employed as a permanent teacher by a board, in accordance with Part II and the regulations. 1953, c. 96, s. 1, *amended*.

23.—(1) The dismissal of a teacher, or the termination of Termination of employment, by school board the contract of a teacher, by a board shall be by notice in writing, which shall state the reasons therefor, in accordance with the terms of the contract. 1953, c. 96, s. 2 (1), *amended*.

(2) Where a teacher is employed by a board, the termination by teacher of such employment by the teacher shall be by notice in writing in accordance with the terms of the contract.

(3) Notwithstanding anything in this or any other Act, Application for board where a teacher is dismissed or the engagement of a teacher is terminated by the board or teacher in a manner not mutually agreeable, the teacher or board may at any time within fifteen days after receiving the notice referred to in subsection 1 or 2, as the case may be, apply in writing by registered letter to the Minister for a Board of Reference, stating the disagreement.

(4) The applicant shall send a copy of the application by Service of notice registered letter to the other party to the disagreement on the same day as the application is sent to the Minister. 1953, c. 96, s. 2 (2-4).

24.—(1) A board shall not make a permanent appointment Appointment in place of teacher dismissed to take the place of a teacher who is dismissed or whose appointment has been terminated in a manner not agreeable to the teacher until,

(a) the time prescribed for applying for a Board of Reference has elapsed and the teacher has not applied for a Board of Reference and sent a copy of the application to the board, as provided in section 23;

(b) the board has received from the teacher notice in writing that no application will be made under section 23;

(c) the board has received from the Minister notice in writing that an application made by the teacher under section 23 has been withdrawn;

- (d) the board has received from the Minister notice in writing that he has refused an application made by the teacher under section 23;
- (e) the board has received from the Minister notice in writing that the teacher, being the applicant, has failed to comply with the requirements of subsection 3 of section 25; or
- (f) the board has received from the Minister a direction under section 28 directing the discontinuance of the contract,

whichever first occurs.

Contract
after ter-
mination of
engagement
of teacher

(2) A teacher who terminates an engagement in a manner not agreeable to the board shall not enter into a contract of employment with another board after the teacher has received notice of the application of the school board for a Board of Reference until,

- (a) the teacher has received from the Minister notice in writing that an application made by the board under section 23 has been withdrawn;
- (b) the teacher has received from the Minister notice in writing that he has refused an application made by the board under section 23;
- (c) the teacher has received from the Minister notice in writing that the board, being the applicant, has failed to comply with the requirements of subsection 3 of section 25; or
- (d) the teacher has received from the Minister a direction under section 28 directing the discontinuance of the contract,

whichever first occurs. 1953, c. 96, s. 3.

Application
for Board
of Reference

25.—(1) Upon receipt of an application for a Board of Reference, the Minister shall send notice of the application by registered letter to the other party to the disagreement and shall within thirty days thereof inquire into the disagreement and shall, within the same time,

- (a) refuse to grant the Board of Reference;
- (b) grant the Board of Reference and direct a judge to act as chairman thereof.

(2) Before directing a judge to act as chairman of a Board of Reference, the Minister may require the applicant to furnish security for costs in such amount and in such form as he may deem advisable. Security for costs

(3) Upon directing a judge to act as chairman of a Board of Reference, the Minister shall cause notice thereof to be sent by registered letter to the board and teacher involved in the disagreement and the notice shall require each of them to name a representative to the Board of Reference and to notify the Minister of such nomination by registered letter within ten days of the sending of the notice by the Minister. Naming of representatives

(4) If the applicant fails to comply with the requirements of subsection 3, the application shall be deemed to be abandoned and the Minister shall cause notice thereof to be sent by registered letter to the other party to the disagreement. Failure to name representatives

(5) If the respondent fails to comply with the requirements of subsection 3, the Minister shall direct the continuance of the contract. Idem

(6) If the representative of the board or the teacher, having been named, fails to appear at the hearing, the chairman of the Board of Reference shall name a representative for the board or teacher, as the case may be. 1953, c. 96, s. 4. Failure of representatives to appear

26. The chairman of the Board of Reference shall, within thirty days of his appointment, and upon reasonable notice thereof to the parties, convene the Board of Reference in any appropriate and convenient court house or municipal or school building and at such time as he may appoint. 1953, c. 96, s. 5. Place and time of hearing

27.—(1) The Board of Reference shall inquire into the matter in dispute and for such purpose the chairman shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Duty to inquire and powers of judge
Rev. Stat., c. 308

(2) The meetings of the Board of Reference shall be held *in camera*. 1953, c. 96, s. 6. Meetings in camera

28.—(1) Upon the completion of the hearing, the Board of Reference shall report to the Minister within seven days and direct the continuance of the contract or the discontinuance thereof, and may also make such recommendations as it deems advisable. Board of Reference to report

(2) The Minister shall cause a copy of the direction of the Board of Reference and of its report, including recommendations, if any, to be sent by registered letter to the board and Notice of direction

the teacher within seven days of the receipt of the report, and shall direct the implementation of the direction of the Board of Reference. 1953, c. 96, s. 7.

Direction
of Board

29.—(1) The direction of the Board of Reference under section 28 shall be binding upon the board and the teacher.

Failure to
comply with
direction
of Board

(2) If a board fails to comply with the direction of the Board of Reference under section 28, any amounts then or thereafter payable to the board under the authority of any Act of the Legislature shall not be paid to the board until it has complied with the direction.

Idem

(3) If a teacher fails to comply with the direction of the Board of Reference under section 28, the Minister shall suspend the certificate of qualification of the teacher for such period as he may deem advisable. 1953, c. 96, s. 8.

Payment
of costs

30. Subject to the regulations made under section 31, the chairman of the Board of Reference shall determine and direct the costs to be paid by either or both parties in the disagreement, and every such order may be enforced in the same manner as an order as to costs made in an action in a county or district court. 1953, c. 96, s. 9.

Regulations

31. The Lieutenant-Governor in Council may make regulations,

- (a) fixing the remuneration of chairmen and members of Boards of Reference and defining, prescribing and limiting other items of expense, including travelling and living expenses, which shall be included in the costs of a Board of Reference;
- (b) regulating the practice and procedure to be followed upon any reference; and
- (c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Part. 1953, c. 96, s. 10.

PART IV

BOARDS AND TRUSTEES

Duties of
boards

32. Every board shall,

- (a) ensure that every school under its charge is conducted in accordance with this Act, the Act under which it is operated, and the regulations; R.S.O. 1950, c. 165, s. 28, cl. (b); c. 316, s. 93, *part*; c. 356, s. 46, cl. (n).

- (b) appoint a secretary and a treasurer or a secretary-treasurer, who, in the case of an elementary school board, may be a member of the board; R.S.O. 1950, c. 165, s. 28, cl. (j), *part*; c. 316, s. 93, cl. (a), *part*; c. 356, s. 46, cl. (a), *part*.
- (c) fix the times and places for the meetings of the board and the mode of calling and conducting them, and ensure that a full and correct account of the proceedings thereat is kept; R.S.O. 1950, c. 165, s. 28, cl. (a); c. 316, s. 93, cl. (b), *part*.
- (d) transmit to the Minister all reports and returns required by the regulations; R.S.O. 1950, c. 165, s. 29 (1), cl. (g), *amended*; c. 316, s. 93, cl. (b), *part*; c. 356, s. 46, cl. (l), *amended*.
- (e) make provision for insuring adequately the school buildings and equipment; R.S.O. 1950, c. 165, s. 28, cl. (g); c. 316, s. 93, cl. (f), *part*; c. 356, s. 46, cl. (e), *part*.
- (f) take proper security from the treasurer or secretary-treasurer; R.S.O. 1950, c. 165, s. 28, cl. (k).
- (g) keep the school buildings, fences and premises in proper repair and in a proper sanitary condition, provide suitable furniture and equipment and keep it in proper repair, and protect the property of the board. R.S.O. 1950, c. 165, s. 28, cl. (f); c. 316, s. 93, cl. (f), *part*; c. 356, s. 46, cl. (e), *part*.

33. A board may,

Powers of
boards

- (a) appoint such committees as it may deem expedient; R.S.O. 1950, c. 165, s. 28, cl. (j), *part*; c. 316, s. 93, cl. (a), *part*.
- (b) subject to Part III, appoint and remove such teachers, officers and servants as it may deem expedient, determine the terms on which they are to be employed, and fix their salaries and prescribe their duties; R.S.O. 1950, c. 165, s. 28, cl. (o); c. 316, s. 93, cls. (c), (h) *part*; c. 356, s. 46, cl. (p), *part*.
- (c) dismiss the secretary or treasurer at any time, and thereupon shall make a new appointment to fill the vacancy; R.S.O. 1950, c. 316, s. 93, cl. (z).

- (d) determine the number, kind, grade, description and territorial boundaries of schools to be established and maintained; R.S.O. 1950, c. 316, s. 93, cl. (h), *part*; c. 356, s. 46, cl. (p), *part*; *amended*.
- (e) operate the playground as a park or playground and rink during the school term or in vacation or both, and provide and maintain such equipment as it deems advisable, and provide such supervision as it deems proper, provided the proper conduct of the school is not interfered with; R.S.O. 1950, c. 165, s. 28, cl. (d); c. 316, s. 93, cl. (ze).
- (f) organize and carry on gymnasium classes in school buildings for pupils or others during the school term or in vacation or both, and provide supervision and training for such classes, provided the proper conduct of the school is not interfered with; R.S.O. 1950, c. 165, s. 28, cl. (e); c. 316, s. 93, cl. (zf).
- (g) purchase milk to be consumed by the pupils in the schools under the jurisdiction of the board during school days in accordance with the terms and conditions prescribed by the regulations; 1952, c. 18, s. 2 (2), *amended*.
- (h) purchase for the use of pupils text-books and other school supplies, and either furnish them to the pupils free of charge or collect for the use thereof from their parents or guardians a sum not exceeding 25 cents per pupil in each month of the school year to assist in defraying the cost thereof; R.S.O. 1950, c. 165, s. 29 (1), cl. (a); c. 316, s. 93, cl. (o); c. 356, s. 46, cl. (r), *part*; *amended*.
- (i) procure registers, maps, globes, apparatus and prize books, and establish and maintain school libraries; R.S.O. 1950, c. 316, s. 93, cl. (g).
- (j) provide books, stationery and other materials necessary in connection with the establishment and maintenance of any system introduced for the encouragement of thrift and the habit of saving; R.S.O. 1950, c. 165, s. 29 (1), cl. (b); c. 316, s. 93, cl. (za), *amended*.
- (k) provide and pay for such medical and dental inspection of the pupils as the regulations may prescribe, or in the absence of regulations as the board may deem proper, but only where provision for such medical and dental inspection was inaugurated by

the board before the 31st day of July, 1924, in the case of an elementary school board and before the 31st day of December, 1941, in the case of a secondary school board; R.S.O. 1950, c. 165, s. 29 (1), cl. (c); c. 316, s. 93, cl. (l).

- (l) pay the travelling expenses and membership fees of any member of the board or of any teacher or officer of the board, incurred in attending meetings of the Ontario Educational Association or other similar association of teachers or trustees in Ontario and may make grants and pay membership fees to any such association in Ontario; R.S.O. 1950, c. 165, s. 29 (1), cl. (d); c. 316, s. 97; c. 356, s. 46, cl. (o); *amended*.
- (m) pay the costs, or any part thereof, incurred by any member of the board or by any teacher, officer or other employee of the board in successfully defending any legal proceeding brought against him for libel or slander in respect of any statements published at a meeting of the board or of a committee thereof, relating to the employment, suspension or dismissal of any person by the board; R.S.O. 1950, c. 165, s. 29 (1), cl. (e); c. 316, s. 98; c. 356, s. 90 (5).
- (n) invest any proceeds from an insurance claim or any moneys received for a special purpose through legacy, gift or otherwise, and for such purposes shall have the powers conferred upon trustees by *The Rev. Stat., Trustee Act*; R.S.O. 1950, c. 165, s. 29 (1), cl. (f); c. 400 c. 316, s. 94; c. 356, s. 81.
- (o) make provision for insuring the board against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board; R.S.O. 1950, c. 165, s. 29 (1), cl. (g), *part*; c. 316, s. 93, cl. (w), *part*.
- (p) where two or more schools are under the control of the board, appoint such supervisory officers as it deems necessary and, subject to the regulations, prescribe the duties of such officers; R.S.O. 1950, c. 165, s. 31; c. 316, s. 93, cl. (i).
- (q) subject to the provisions of this Act and the Act under which the school is operated, fix the fees to be paid by or on behalf of pupils, and the times of payment thereof, and when necessary enforce payment thereof; R.S.O. 1950, c. 165, s. 28, cl. (h), *amended*.

- (r) give the necessary orders on the treasurer for payment of all moneys expended for school purposes and of such other expenses for promoting the interests of the schools under the jurisdiction of the board as may be authorized by this Act or the Act under which the board is established or the regulations and by the board; R.S.O. 1950, c. 165, s. 28, cl. (l); c. 356, s. 46, cl. (h); *amended*.
- (s) permit the school buildings and premises to be used for any educational or other lawful purposes which it deems proper, provided the proper conduct of the school is not interfered with; R.S.O. 1950, c. 316, s. 93, cl. (x).
- (t) expel, on the report of the principal, any pupil whose conduct is deemed to be so refractory that his presence in school is injurious to other pupils, and exclude any pupil by or on behalf of whom fees are legally required to be paid if such fees are not paid after reasonable notice; R.S.O. 1950, c. 165, s. 28, cl. (n); c. 316, s. 93, cl. (n); c. 356, s. 46, cl. (j); *amended*.
- (u) establish and maintain cadet corps and classes in military instruction and provide uniforms for such purposes;
- (v) provide for the promotion and encouragement of athletics and for the holding of school games; R.S.O. 1950, c. 165, s. 14; c. 316, s. 96; c. 356, s. 46, cl. (s), *amended*.
- (w) with the approval of the Minister,
 - (i) appoint one or more officers qualified according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils as will enable them to plan intelligently for their educational and vocational advancement, or
 - (ii) enter into an agreement with one or more other boards for the appointment of one or more such officers, each of whom shall apportion his time in accordance with the terms of the agreement. R.S.O. 1950, c. 165, s. 32.

Pensions

34.—(1) A board, by resolution, may provide pensions for employees or any class thereof by contract either with

Her Majesty in accordance with the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act* or with both Her Majesty and such an insurer in the manner and subject to the conditions set out in paragraph 48 of section 386 of *The Municipal Act* and the provisions of the said paragraph 48, except clause *b*, shall apply *mutatis mutandis*. R.S.C. 1952, c. 132
Rev. Stat., cc. 183, 243

(2) In this section, "employee" does not include a teacher or inspector. Interpretation

(3) 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 R.S.O. 1950, c. 165, s. 39; 1951, c. 32, s. 6; R.S.O. 1950, c. 316, s. 129; 1951, c. 73, s. 4; R.S.O. 1950, c. 356, s. 83; *amended*.

35. A board, by resolution, may establish a system of sick leave credits gratuities for employees or any class thereof in the manner and subject to the conditions set out in paragraph 49 of section 386 of *The Municipal Act* and the provisions of the said paragraph 49 shall apply *mutatis mutandis*. Sick leave credits R.S.O. 1950, c. 165, s. 40; c. 316, s. 130; c. 356, s. 84; *amended*.

36.—(1) A board may grant an annual retirement allowance, payable weekly, monthly or otherwise during his life, to any employee of the board who has been in the service of the board for at least twenty years and who, Retirement allowances

(a) is retired because of age; or

(b) while in the service has become incapable through illness or otherwise of efficiently discharging his duties;

provided that no retirement allowance shall be granted under this section which, together with the amount of any pension payments payable to the employee in any year under a pension plan of the board or any municipality or under *The Teachers' Superannuation Act*, will exceed three-fifths of his average annual salary for the preceding three years of his service, or \$2,500. Rev. Stat., c. 384

(2) "Pension payments" in subsection 1 means, in the case of pension payments under a board or municipal plan, only such payments that result from joint contributions of employer and employee and does not include any such payments that result solely from contributions of the employee. Interpretation

Limitation
on applica-
tion of
section

(3) Where the board has a pension plan in operation, or where a municipality has a pension plan in operation in which the employees of the board are included, this section applies only to employees who are in the employ of the board on or before the 1st day of July, 1954, and in any event does not apply to an employee who enters the service of the board after the 1st day of July, 1956. R.S.O. 1950, c. 165, s. 60; c. 316, s. 128; *amended*.

Insurance,
hospitaliza-
tion, etc.
Rev. Stat.,
cc. 183, 285

37.—(1) A board may by resolution provide, by contract either with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act*,

- (a) group life insurance for employees or any class thereof;
- (b) group accident insurance or group sickness insurance for employees or any class thereof and their wives and children; and
- (c) hospital, medical, surgical, nursing or dental services or payment therefor for employees or any class thereof and their wives and children,

and may provide for contributing toward the cost thereof.

Contribu-
tions

(2) No resolution under this section shall authorize contributions by the board in excess of the total of those made by the employees. R.S.O. 1950, c. 165, s. 29 (1), cl. (g), *part*; c. 316, s. 93, cl. (w), *part*; *amended*.

First
meetings

38.—(1) Unless all the members of the new board have been appointed or elected and a date for the first meeting has been decided upon by the old board, the first meeting of a board in each year shall be held at the hour of 7 o'clock in the evening of the second Wednesday in January or at such other hour of the same day and at such place as may have been determined by resolution of the old board. R.S.O. 1950, c. 165, s. 26 (1), *amended*; c. 316, ss. 87 (1), 88 (1) *part*, *amended*.

Presiding
officer

(2) At the first meeting in each year, the secretary shall preside until the election of the chairman or, if there is no secretary or in his absence, the members present shall elect one of themselves to preside at the election of the chairman, and the member so selected to preside may vote as a member R.S.O. 1950, c. 165, s. 26 (8), *amended*; c. 316, s. 87 (2); c. 356, s. 45 (1).

Election of
chairman

(3) At the first meeting in each year and at the first meeting after a vacancy occurs in the office of chairman, the members shall elect one of themselves to be chairman, and the chairman shall preside at all meetings. R.S.O. 1950, c. 165, s. 26 (2).

(4) In case of an equality of votes at the election of chairman, the member who is assessed for the largest sum on the last revised assessment roll or rolls shall have a second or casting vote. R.S.O. 1950, c. 165, s. 26 (9); c. 316, s. 87 (3); c. 356, s. 45 (2).

(5) The members of the board may also elect one of themselves to be vice-chairman and he shall preside in the absence of the chairman. R.S.O. 1950, c. 165, s. 26 (3).

(6) If at any meeting there is no chairman or vice-chairman present, the members present may elect a chairman for that meeting. R.S.O. 1950, c. 165, s. 26 (4); c. 356, s. 45 (5), *part*.

(7) At the first meeting of a newly established board and as often as a vacancy occurs, the board shall also appoint a secretary and a treasurer or a secretary-treasurer who shall hold office during the pleasure of the board. R.S.O. 1950, c. 165, s. 26 (5); c. 316, s. 88 (1), *part*.

(8) In the absence of the secretary from any meeting, the chairman or other member presiding may appoint any member or other person to act as secretary for that meeting. R.S.O. 1950, c. 165, s. 26 (6).

(9) The presence of a majority of all the members constituting the board shall be necessary to form a quorum, and the vote of a majority of such quorum shall be necessary to bind the board. R.S.O. 1950, c. 165, s. 26 (7), *amended*; c. 316, ss. 87 (4), 88 (3); c. 356, s. 45 (6), *part*.

(10) The presiding officer, except where he is the secretary of the board and is not a member, may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. 1950, c. 165, s. 26 (10), *amended*; c. 316, s. 87 (5); c. 356, s. 45 (5), *part*.

(11) Subsequent meetings of the board shall be held at such time and place as the board may deem expedient. R.S.O. 1950, c. 316, s. 88 (2); c. 356, s. 45 (3).

(12) Subject to the provisions of the Act under which the board is established, special meetings of the board may be called by the chairman and in such other manner as the board may determine. *New*.

39. Every secretary of a board shall,

Duties of
secretary

- (a) keep a full and correct record of the proceedings of every meeting of the board in the minute book

provided for that purpose by the board, and ensure that the minutes, when confirmed, are signed by the chairman or presiding member;

- (b) perform such other duties as may be required of him by the regulations, by any other Act or by the board. R.S.O. 1950, c. 316, s. 102, cl. (a); c. 356, s. 29, cl. (a); *amended*.

Security
by officers

40.—(1) Every treasurer and collector of a board and, if required by the board, any other officer of a board shall give security for the faithful performance of his duties, and the security shall be deposited for safe keeping as directed by the board. R.S.O. 1950, c. 165, s. 27 (1), *amended*; c. 316, s. 101 (1); c. 356, s. 31 (1).

Form of
security

Rev. Stat.,
c. 162

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company as defined in *The Guarantee Companies Securities Act*. R.S.O. 1950, c. 165 s. 27 (2); c. 316, s. 101 (2); c. 356, s. 31 (2).

Duties of
treasurer

41. Every treasurer of a board shall,

- (a) receive and account for all school moneys;
- (b) open an account or accounts in the name of the board in such of the chartered banks of Canada or in such other place of deposit, as may be approved by the board;
- (c) deposit all moneys received by him on account of the board, and no other moneys, to the credit of such account or accounts;
- (d) disburse all moneys as directed by the board;
- (e) produce, when required by the board or by auditors or other competent authority, all papers and moneys in his possession, power or control belonging to the board. R.S.O. 1950, c. 165, s. 27 (3); c. 316, s. 101(4); c. 356, s. 30; *amended*.

Trustees
disqualified
as inspectors
and teachers

42.—(1) A school trustee is not eligible for appointment as an inspector or as a teacher by the board of which he is a member or by any other board having jurisdiction in the whole or any part of the area in which the board of which he is a member has jurisdiction.

Teachers
disqualified
as trustees

(2) A teacher is not eligible to be a member of the board by which he is employed nor to be a member of any other board having jurisdiction in the whole or any part of the area in which the board by which he is employed has jurisdiction.

(3) An inspector is not eligible for appointment as a teacher by a board or to be a member of a board while he holds the office of inspector. R.S.O. 1950, c. 165, s. 70; c. 316, s. 137; c. 356, s. 88; *amended*. Inspectors disqualified as teachers and trustees

43.—(1) A school trustee shall not enter into any contract, agreement, engagement or promise of any kind, either in his own name or in the name of another, and either alone or jointly with another, in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise shall be void, and a trustee violating the provisions of this subsection shall *ipso facto* vacate his seat. R.S.O. 1950, c. 165, s. 63, *amended*; c. 316, s. 139 (1); c. 356, s. 90 (1). Seat vacated by interest in contract with board

(2) No person is disqualified from being a member of a board, or from sitting and voting on such board, by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board or in which an advertisement is inserted in the regular course of business, if the subscription or advertisement is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. R.S.O. 1950, c. 165, s. 65; c. 316, s. 140 (1); c. 356, s. 90 (4). Newspaper proprietors, etc.

(3) A trustee who is a shareholder or an officer, director or other employee, of a corporation shall not vote on any question affecting the corporation with respect to any dealings or contract between the corporation and the board. R.S.O. 1950, c. 165, s. 64; c. 316, s. 140 (2). Corporation shareholders and officers

(4) Nothing in this section,

Exceptions

- (a) prevents a trustee from receiving or being allowed such allowances for attendance at meetings and otherwise as are permitted by the Act under which he is elected or appointed;
- (b) prevents a trustee who is an assessor or a collector from receiving or being allowed such remuneration as is provided for under the Act under which he is elected or appointed; or
- (c) prevents a trustee who is a secretary or treasurer of a rural elementary school board from receiving or being allowed such compensation for his services as may be approved at, and entered in the minutes of, the annual meeting or at a special meeting of

the electors in the case of a public school board, or of the supporters of the school in the case of a separate school board. R.S.O. 1950, c. 316, s. 139 (3); c. 356, s. 90 (3); *amended*.

Declaring
seat vacant

(5) On the complaint of two ratepayers assessed for the support of the school or schools under the jurisdiction of the board, or on the complaint of the remaining trustee or trustees, the judge of the county or district court shall, on proof of the facts, declare the seat vacant and the provisions of the Act under which the board is established, with respect to the filling of vacancies, shall apply. R.S.O. 1950, c. 316, s. 139(2); c. 356, s. 90 (2); *amended*.

Seat
vacated by
conviction,
etc.

44.—(1) If a trustee is convicted of an indictable offence, or becomes mentally ill, or absents himself without being authorized by resolution entered in the minutes from the meetings of the board for three consecutive months, or ceases to hold the residence qualification required by the Act under which he was elected or appointed in the case of a public or secondary school board or ceases to reside within the municipality in the case of an urban separate school board or within three miles of the school in the case of a rural separate school board, he shall *ipso facto* vacate his seat and the provisions of the Act under which the board is established, with respect to the filling of vacancies, shall apply.

Proviso

(2) Notwithstanding subsection 1, where a trustee is convicted of an indictable offence, the vacancy shall not be filled until the time for taking any appeal which may be taken from the conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction the seat shall be deemed not to have been vacated. R.S.O. 1950, c. 165, s. 66; c. 316, s. 138; c. 356, s. 89, *amended*.

Idem

45. Where a complaint is made in writing to the inspector concerned by any two ratepayers assessed for the support of the school or schools under the jurisdiction of the board, or by the remaining trustee or trustees thereof, that any trustee was not, at the time of his election or appointment, qualified to be elected or appointed, or is not competent to act or is disqualified from acting, the inspector may file the complaint with the judge of the county or district court and on proof that the complaint is based on fact, the judge shall declare the seat vacant and the provisions of the Act under which the board is established, with respect to the filling of vacancies, shall apply. R.S.O. 1950, c. 316, s. 139 (4), *amended*.

46. If a board refuses or neglects to take proper security ^{Failure to take security} from the treasurer or other person to whom it entrusts school moneys, and any school money is forfeited or lost in consequence of the refusal or neglect, every member of the board shall be personally liable for such moneys which may be recovered by the board, or by any ratepayer assessed for the support of the school or schools under the jurisdiction of the board suing on behalf of himself and all other such rate-payers, in any court of competent jurisdiction, but no member shall be liable if he proves that he made reasonable efforts to procure the taking of the security. R.S.O. 1950, c. 165, s. 71; c. 316, s. 143; c. 356, s. 95; *amended*.

PART V

AUXILIARY CLASSES

47.—(1) Subject to the regulations, a board may establish and conduct classes for children who, not being persons ^{Classes which may be established} whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, are from any physical or mental cause unable to take proper advantage of the elementary or secondary school courses. R.S.O. 1950, c. 29, s. 2.

(2) Subject to the regulations, a board may establish day ^{Classes for deaf children} classes in oral speech and lip-reading to accommodate deaf children within its jurisdiction. R.S.O. 1950, c. 29, s. 3, *amended*.

48.—(1) For the purposes of section 47, the board may, ^{Powers of board} subject to the approval of the Minister,

- (a) acquire a site and erect thereon such buildings as may be suitable for the education and training of the pupils;
- (b) establish such courses of instruction and training as may be best adapted to secure the mental and physical development of the pupils;
- (c) appoint such teachers and special instructors in ordinary learning or in any useful and beneficial occupation as the board may think proper. R.S.O. 1950, c. 29, s. 4 (1), *amended*.

(2) With the approval of the Minister, a site may be ^{Acquiring site, etc., in adjoining municipality} acquired and buildings erected thereon for the purposes of this Part in an adjoining municipality. R.S.O. 1950, c. 29, s. 4 (2), *amended*.

Admission
only on
recom-
mendation

49.—(1) Subject to the regulations, pupils may be admitted to auxiliary classes upon the report and recommendation, approved by the Inspector of Auxiliary Classes, of a board consisting of,

- (a) the principal of the school;
- (b) a legally qualified psychiatrist or other legally qualified medical practitioner appointed by the school board; and
- (c) the school inspector.

Chairman
and
inspector

(2) The principal of the school shall be the chairman of the board and where there is more than one inspector in the inspectorate the senior inspector, or an inspector nominated by him, shall be the school inspector on the board.

Compulsory
attendance

(3) Subject to the regulations, a resident pupil,

- (a) who is required to attend school under Part I; and
- (b) in respect of whom a report recommending his admission to an auxiliary class established by the school board has been made and approved under subsection 1,

may be required by the school board to attend such auxiliary class.

Non-
resident
pupils

(4) Non-resident pupils may be admitted to auxiliary classes under the terms permitted or prescribed by the regulations, and upon payment of such fees for instruction as may be fixed by the board and approved by the Minister. 1952, c. 4, s. 1, *amended*.

Supervision
of health,
etc., of
pupils

50. Where a board has established auxiliary classes under this Part, it may provide for the proper supervision of the health and treatment of pupils attending the classes and for proper medical treatment of pupils who appear to the principal or inspector to require the same. R.S.O. 1950, c. 29, s. 8, *amended*.

Visiting
pupils in
their homes

51. The board may direct such officers as it may appoint to visit pupils' homes and to consult with and advise their parents as to the conditions which will be most conducive to the pupils' development. R.S.O. 1950, c. 29, s. 9, *amended*.

Transporta-
tion of
pupils

52. Subject to the regulations, the board may provide for the transportation of pupils to and from the classes, and may pay for the same out of the funds provided under section 53. R.S.O. 1950, c. 29, s. 10.

53. The moneys required by a board for carrying out the objects of this Part shall be raised and levied in the same manner as for the erection, establishment, improvement or maintenance of the schools under the control of the board. R.S.O. 1950, c. 29, s. 11 (1), *amended*.

PART VI

SCHOOL SITES

54. In this Part,

Interpreta-
tion

- (a) "board" means public school board, separate school board, continuation school board, board of education, high school board or advisory committee appointed under Part III of *The Secondary Schools and Boards of Education Act, 1954*; 1954, c. . . .
- (b) "judge" means judge or junior or acting judge of the county or district court of the county or district in which lands to be acquired for a school site under this Part are situated;
- (c) "owner" includes a mortgagee, lessee, tenant and occupant and any person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested;
- (d) "school site" means the land necessary for a school-house, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium, offices and playgrounds connected therewith, or other land required for school purposes or for the offices of a board. R.S.O. 1950, c. 348, s. 1, *amended*.

55. A judge who is a member of a board shall not act in any matter under this Part in which the board is interested. R.S.O. 1950, c. 348, s. 2.

Judge not
to act when
member of
board

56. The powers and duties conferred and imposed upon a board by this Part shall be subject to the regulations. R.S.O. c. 348, s. 3.

Powers and
duties to
be subject to
regulation

57.—(1) Subject to the provisions of *The Public Schools Act* and *The Separate Schools Act* as to the selection of a site by a rural school board, every board may acquire by purchase or otherwise or may expropriate any land described in a resolution of the board declaring that the land is required for a school site or for the enlargement of a school site. R.S.O. 1950, c. 348, s. 5 (1); 1951, c. 82, s. 2.

Board may
purchase or
expropriate
Rev. Stat.
cc. 316; 356

Acquiring
land in
adjoining
township

(2) The board of education for a city or town may acquire by purchase or otherwise, or may expropriate, land in a township for the purposes of a school site where the land adjoins a boundary between the city or town and the township.

Land not to
be exempt
from
taxation

(3) Where a board of education expropriates land under subsection 2, the land shall not be exempt from taxation by the township, but the corporation of the township and the board of education may agree upon a fixed annual sum to be paid as taxes upon the land, or in case of disagreement, the amount shall be determined by the judge. R.S.O. 1950, c. 348, s. 5 (2, 3).

Acquiring
land out-
side city
or town for
future
school sites

58.—(1) A board of a city or town may acquire by purchase or otherwise any land in an adjacent municipality which the board deems it desirable to acquire in view of the probable further extension of the limits of the city or town so as to include the land, but no land shall be acquired under this section at a greater distance than one mile from the limits of the city or town.

Assessment
and taxa-
tion

(2) All land acquired under subsection 1, so long as it is held by the board, shall be subject to municipal assessment and taxation in the municipality in which it is situated.

Expropria-
tion not
authorized

(3) Nothing in subsection 1 shall be deemed to authorize the expropriation of land in another municipality by a board of a city or town.

Power to
dispose of
sites so
acquired

(4) Where a board has acquired land in another municipality under subsection 1, and the land appears to the board to have become undesirable for school purposes, the board may sell, lease or otherwise dispose of the land as it may deem expedient. R.S.O. 1950, c. 348, s. 6.

Order for
immediate
entry on
land taken

59. At any time after a board passes a resolution declaring that any land is required for a school site, or for the enlargement of a school site, and that immediate possession thereof is required by it, the board, by leave of the judge and upon payment into the Supreme Court of a sum sufficient, in the opinion of the judge, to satisfy the compensation, may enter upon and take possession of the land, and if any resistance or forcible opposition is made to its so doing, the judge may issue his warrant to the sheriff of the county or district in which the land lies to put the board in possession and to put down such resistance or opposition, which the sheriff, taking with him sufficient assistance, shall accordingly do. R.S.O. 1950, c. 348, s. 7, *amended*.

Who may
sell and
convey to
board

60.—(1) Every corporation, tenant in tail or for life, guardian, executor, administrator, committee and every

trustee, not only for and on behalf of himself, his heirs and successors, but also for and on behalf of those he or they may represent, whether married women, infants, unborn issue, mentally incompetent persons or mentally defective persons, or other person, seized, possessed of or interested in any land may contract for, sell and convey all or part thereof or any interest therein to a board for a school site or for an enlargement of or addition to a school site, and any contract, agreement, sale, conveyance or assurance so made shall be valid and effectual to all intents and purposes.

(2) Where there is no person who under subsection 1 may contract, sell or convey, the Supreme Court may on the application of the board appoint some person to act for and on behalf of the owner for the purposes mentioned in subsection 1 and in any proceedings which may be taken under this Part and may give proper direction concerning the disposition of the purchase money. R.S.O. 1950, c. 348, s. 8.

Where there is no person who can convey

61.—(1) Where the owner and the board are unable to agree on the compensation to be paid to the owner, the amount to be paid shall be fixed and determined by the judge upon oral evidence at such time and place as he may upon notice to all concerned appoint.

Determining amount of compensation where no agreement

(2) The hearing shall be conducted in the same manner as nearly as may be as in the case of a trial before the judge in an action in the county court and a subpoena may issue from the county court to command the attendance of witnesses.

Hearing

(3) The sheriff and the clerk of the county court shall perform the same duties and shall be entitled to the same fees as in the case of a trial in the county court.

Duties of sheriff and clerk

(4) An appeal shall lie from the decision of the judge to the Court of Appeal. R.S.O. 1950, c. 348, s. 9.

Appeal

62. The judge shall determine what interest, if any, shall be paid to the owner. R.S.O. 1950, c. 348, s. 10.

Interest payable to owner

63.—(1) On the filing with the county judge of the certificate of an Ontario land surveyor that he is not interested in the matter, that he knows the land, describing it, and that some certain sum named in the certificate is, in his opinion, a fair compensation for the land, the judge, if satisfied by affidavit or other evidence, that diligent inquiry has been made and that the owner is unknown or cannot be found, may order that a notice be inserted for such time as he may deem proper in some newspaper published in the county or district and may order that notice be also sent to any person by mail or served upon him in such manner as the judge may direct.

Judge may order notice to be published and mailed

Contents of notice

(2) The notice shall contain a short description of the land and a statement of the readiness of the board to pay the sum so certified, shall give the name of the judge who is to determine the compensation under this Part and shall state the time within which the offer is to be accepted, and such other particulars as the judge may direct.

Determining compensation

(3) If within the time stated the owner does not notify the board of his acceptance of the sum offered, the judge may proceed *ex parte* on oral evidence to determine the compensation to be paid. R.S.O. 1950, c. 348, s. 11.

Judge may determine claims of encumbrancer, etc.

64. The judge may hear and determine all claims or rights of encumbrancers, lessees, tenants, occupants or other persons as well as those of the owner in respect to the land, provided that in such case the claimant or other person has first received ten clear days notice of the intention to determine his claim or right. R.S.O. 1950, c. 348, s. 12.

Damages caused by severance

65. Where part only of the lot or parcel of land of the owner is required, the judge shall include in the compensation the amount which will, in his opinion, compensate the owner for any damage directly resulting from severance. R.S.O. 1950, c. 348, s. 13.

Right of desistment

66.—(1) A notice of intention to acquire land may be desisted from by the board at any time within twenty-one days after the amount has been determined by the judge by giving written notice to the owner and filing the same with the clerk of the county or district court, but the board shall in that case pay the whole cost of the proceedings and all damages sustained by the owner in consequence of the taking and abandonment and such costs shall be ascertained in a summary way by the judge.

Not to be exercised more than once

(2) The right of desistment shall not be exercised more than once with respect to a parcel of land. R.S.O. 1950, c. 348, s. 14.

Cost of arbitration

67. The costs of the proceedings shall be in the discretion of the judge, who may direct to and by whom and in what manner such costs or any part thereof shall be paid, and he may award any costs to be paid as between solicitor and client. R.S.O. 1950, c. 348, s. 15.

Vesting order

68. If the amount determined by the judge and any costs awarded have been paid in the manner and to the person directed by the judge, he may make a vesting order vesting the land taken in the board and the order may be registered and shall confer upon the board a good title to the land taken. R.S.O. 1950, c. 348, s. 16.

69.—(1) Every sum to be paid as compensation shall be paid within thirty days after the determination of the amount to be paid. Compensation to be paid within thirty days

(2) Where the person entitled thereto is absent or where for any other reason payment of such sum cannot be made pursuant to the award, or if the title to the land or any interest therein or the right to any part of the compensation is in doubt, or if for any other reason the board deems it advisable, the board may pay the sum awarded or any part thereof into the Supreme Court with six months interest thereon. R.S.O. 1950, c. 348, s. 17. Payment into court

70. The compensation for any land which is taken without the consent of the owner shall stand in the stead of the land, and any claim to or encumbrance upon the land, or any part thereof, shall, as against the board, be converted into a claim to or upon the compensation or to or upon a like proportion thereof and it shall be responsible accordingly, whenever it has paid the compensation or any part thereof to a person not entitled to receive the same, saving always its recourse against such person. R.S.O. 1950, c. 348, s. 18. Compensation to be awarded to stand in the stead of land taken

71. In the case of a municipality for which an official arbitrator has been appointed under *The Municipal Arbitrations Act*, the compensation to be paid to the owner shall be determined by the award of the official arbitrator instead of by the judge as hereinbefore provided, and the provisions of that Act shall *mutatis mutandis* apply. R.S.O. 1950, c. 348, s. 19. Compensation to be determined by official arbitrator Rev. Stat., c. 244

PART VII

OFFENCES AND PENALTIES

72. Any person who wilfully makes a false declaration of his right to vote at a school meeting or at an election of trustees is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 134; c. 356, s. 87; *amended*. False declaration of right to vote

73. Any person who wilfully interrupts or disquiets the proceedings of a school meeting or a school by rude or indecent behaviour or by making a noise either in the place where the meeting is held or in the school or so near thereto as to interfere with the proceedings of the meeting or the order of exercises of the school is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 141; c. 165, s. 67; c. 356, s. 91; *amended*. Disturbances

Refusal
to serve

74.—(1) A trustee who refuses to serve after being elected or appointed with his own consent is guilty of an offence and on summary conviction is liable to a penalty of \$25.

Failure to
perform
duties

(2) A trustee who has been elected or appointed and has not refused to accept the office and who at any time refuses or neglects his duties as trustee is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25.

Acting
while dis-
qualified

(3) A trustee who sits or votes at any meeting of the board after becoming disqualified is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25 for every meeting at which he so sits or votes. R.S.O. 1950, c. 316, ss. 135, 136; c. 165, s. 69; c. 356, ss. 92, 93, *amended*.

Failure to
transmit
minutes

75. The chairman of a rural school meeting who neglects to transmit to the inspector concerned a minute of the proceedings of any annual or other rural school meeting over which he has presided, within ten days after the holding of the meeting, is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 142; c. 356, s. 94, *amended*.

Information
to auditors

76. Every school board and its secretary and treasurer shall furnish the auditors with any papers or information in its or his power which may be required of it or him relating to the school accounts and a member of the board, or a secretary or treasurer, who neglects or refuses so to do is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25, but no member shall be liable if he proves that he made reasonable efforts to procure the furnishing of the papers or information. R.S.O. 1950, c. 316, s. 147; c. 165, s. 74; c. 356, s. 97; *amended*.

False
reports and
registers

77. Every trustee who knowingly signs a false report and every teacher who keeps a false school register or makes a false return is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 150; c. 165, s. 75; c. 356, s. 99, *amended*.

Failure to
call school
meeting

78. If an annual or other rural public school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give notice is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 152; *amended*.

School maps

79.—(1) If a township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by *The Public Schools Act*, or if he neglects for

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c. 316

one month to make any return required by that Act, he is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 151, *amended*.

(2) If a county clerk neglects or refuses to prepare the map ^{idem} of the county showing the boundaries of the high school districts therein as required by *The Secondary Schools and Boards of Education Act, 1954*, he is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. *New*.

80.—(1) A treasurer, secretary or secretary-treasurer, or ^{Delivery up of books and money} a person having been a treasurer, secretary or secretary-treasurer, and a trustee or other person who has in his possession any book, paper, chattel or money which came into his possession as such treasurer, secretary, secretary-treasurer, trustee or otherwise shall not wrongfully withhold, or neglect or refuse to deliver up, or account for and pay over the same to the person and in the manner directed by the board or by other competent authority.

(2) Upon application to the judge of the county or district ^{Summons for appearance} court by the board, supported by affidavit, showing such wrongful withholding or refusal, the judge may summon the treasurer, secretary, secretary-treasurer, trustee or person to appear before him at a time and place appointed by him.

(3) A bailiff of a division court, upon being required so ^{Service of summons} to do by the judge, shall serve the summons or a true copy thereof on the person complained against personally or by leaving it with a grown-up person at his residence.

(4) At the time and place so appointed, the judge, if ^{Order to account} satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded may order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow.

(5) In the event of non-compliance with the order, the ^{Effect of non-compliance with judge's order} judge may order such person to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the jail of the county or district in which he resides, there to remain without bail until the judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money in the manner directed by the board or other competent authority.

Discharge
on comply-
ing with
order

(6) Upon proof of his having so done, the judge shall make an order for his discharge and he shall be discharged accordingly.

Discharge
on terms

(7) Upon proof that the person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed, the judge may order his discharge on such terms or conditions as he may deem just.

Other
remedy not
affected

(8) Such proceedings shall not impair or affect any other remedy which the board or other competent authority may have against the person complained against or against any other person. R.S.O. 1950, c. 316, ss. 144, 145; c. 165, s. 73; c. 356, s. 96.

Compelling
delivery of
books,
money, etc.,
on dis-
solution of
school cor-
poration

81.—(1) Section 80 applies to the case of any person who has in his possession any books, paper, chattel or money which came into his possession as secretary, or treasurer, or member, or otherwise, of a board which has been dissolved, and every such person shall deliver up, account for and pay over every such book, paper, chattel and all such money to the person and in the manner provided in or under the Act under which the board is dissolved and failing any such provision as directed by the Minister, and in default of his so doing, proceedings may be taken against him by two ratepayers in the same manner as in the case provided for by section 80, and that section shall *mutatis mutandis* apply.

Application
of subs. 1

(2) Subsection 1 applies to every person who has received from such secretary, treasurer, trustee or other person any book, paper, chattel or money, which by subsection 1 it is declared to be the duty of such secretary, treasurer, trustee or other person to deliver up, and the like proceedings may be taken against such first-mentioned person. R.S.O. 1950, c. 316, s. 146, *amended*.

No
inspector,
trustee,
teacher, etc.,
to act as
agent for
the sale of
books, maps,
etc.

82.—(1) No teacher, trustee, inspector or other person officially connected with the Department or with any elementary or secondary school or with any teachers' college or other institution which is under the management or control of the Minister, shall sell or become or act as agent for any person to sell or to promote in any way the sale of any school library, prize or text-book, map, chart, school apparatus, furniture, stationery or other article for the use of any elementary or secondary school, teachers' college or other institution afore-said or for the use of any pupil thereof, nor shall he receive directly or indirectly compensation or other remuneration or the equivalent for so doing. R.S.O. 1950, c. 94, s. 16 (1), *amended*.

(2) Every person who contravenes subsection 1 is guilty ^{Penalty} of an offence and on summary conviction is liable, if he is a teacher to a penalty of not more than \$50, if he is a trustee to a penalty of not more than \$100, if he is an inspector to a penalty of not more than \$500 and if he is any other person so officially connected to a penalty of not more than \$100. R.S.O. 1950, c. 94, s. 16 (2), *amended*.

(3) Any person, firm or corporation and any agent of a ^{Penalty against business, firm or agent} person, firm or corporation who employs a teacher, trustee, inspector or any other person officially connected with the Department or with any elementary or secondary school or with any teachers' college or other institution which is under the management or control of the Minister, to sell or become or act as agent for or to promote in any way the sale of any school library, prize or text-book, map, chart, school apparatus, furniture, stationery or other article for the use of any elementary or secondary school, teachers' college or other institution aforesaid, or who directly or indirectly gives or pays to any such teacher, trustee, inspector or other person compensation or remuneration or the equivalent thereof is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. R.S.O. 1950, c. 94, s. 16 (3), *amended*.

(4) Any gift or payment made to a teacher, trustee, ^{Gifts, etc., to be prima facie evidence} inspector or other person so officially connected by any person, firm or corporation interested either as principal or agent in any such sale is *prima facie* evidence of a violation of this section.

(5) No prosecution for any of the penalties mentioned in this section shall be instituted without the written consent ^{Consent of Attorney-General to prosecution} of the Attorney-General or the Deputy Attorney-General.

(6) This section does not apply to sales made by a trustee ^{Sale in ordinary course of business excepted} who is a merchant or bookseller in the ordinary and regular course of his business as such and made at his shop or place of business. R.S.O. 1950, c. 94, s. 16 (4, 7, 8).

PART VIII

MISCELLANEOUS

83.—(1) Nothing in section 34 affects any pension plan ^{Saving} heretofore established and approved by the Minister under section 39 of *The High Schools Act*, section 129 of *The Public Schools Act* or section 83 of *The Separate Schools Act*. ^{Rev. Stat. cc. 165, 316, 356}

(2) Nothing in section 35 affects any sick leave credit plan ^{Idem} heretofore established and approved by the Minister under

section 40 of *The High Schools Act*, section 130 of *The Public Schools Act* or section 84 of *The Separate Schools Act*.

Idem (3) Nothing in section 36 affects any retirement allowance heretofore granted under section 60 of *The High Schools Act* or section 128 of *The Public Schools Act*.

Repeal **84.** The following are repealed:

- | | |
|-----------------------|---|
| Rev. Stat., c. 6 | 1. <i>The Adolescent School Attendance Act.</i> |
| Rev. Stat., c. 29 | 2. <i>The Auxiliary Classes Act.</i> |
| 1952, c. 4 | 3. <i>The Auxiliary Classes Amendment Act, 1952.</i> |
| Rev. Stat., c. 347 | 4. <i>The School Attendance Act.</i> |
| Rev. Stat., c. 348 | 5. <i>The School Sites Act.</i> |
| 1951, c. 82 | 6. <i>The School Sites Amendment Act, 1951.</i> |
| 1953, c. 96 | 7. <i>The School Trustees' and Teachers' Boards of Reference Act, 1953.</i> |

**Commence-
ment** **85.** This Act comes into force on the day it receives Royal Assent.

Short title **86.** This Act may be cited as *The Schools Administration Act, 1954.*

The Schools Administration Act, 1954

1st Reading

March 9th, 1954

2nd Reading

March 12th, 1954

3rd Reading

March 30th, 1954

MR. DUNLOP

No. 85

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Public Schools Act

MR. DUNLOP

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

EXPLANATORY NOTES

SECTIONS 1, 6-17. These sections repeal a number of provisions in *The Public Schools Act*, practically all of which, with no change in principle, now appear in *The Schools Administration Act, 1954* (see Bill No. 84). Subsections 3 and 4 of section 112 of *The Public Schools Act*, which authorize an inspector to suspend a teacher's certificate are repealed and not carried into *The Schools Administration Act, 1954*. The same is true of sections 148 and 149 which create offences and penalties for failure of a board to transmit certain returns.

In the few cases where a complete provision of the present *Public Schools Act* is not brought forward in *The Schools Administration Act, 1954*, those provisions are amended.

SECTION 2. Subsection 4a of section 15 of *The Public Schools Act* established the method of decreasing the size of a township school area. The amendment provides for an adjustment of rights and claims resulting from the change.

SECTION 3. Under section 21 (1) of *The Public Schools Act* a public school board or five ratepayers of any school section or sections concerned may appeal to the county council against a township by-law dealing with the formation, division, union or alteration of school sections or against the neglect or refusal of a township council to deal with such a matter on request. Subsection 3 is rewritten to make it clear that the county council cannot itself provide for the formation, etc., but rather can only either dismiss the appeal or appoint a board of arbitrators to determine the matter. In addition, by making the provisions of subsection 3 of section 65 apply, the amendment makes it clear that the provision of the Act as to the area of new school sections applies to the arbitration.

BILL

An Act to amend The Public Schools 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 Schools Act*, as amended by Rev. Stat., c. 316, s. 6, section 2 of *The Public Schools Amendment Act, 1953*, is repealed repealed.

2. Subsection 4a of section 15 of *The Public Schools Act*, Rev. Stat., c. 316, s. 15, subs. 4a as enacted by subsection 2 of section 3 of *The Public Schools Amendment Act, 1953*, is amended by adding at the end (1953, c. 90, s. 3, subs. 2), amended thereof the words "and the provisions of section 17 with respect to the adjustment of rights and claims shall apply *mutatis mutandis*", so that the subsection shall read as follows:

(4a) Where a township school area has been established, Decreasing areas the council of the township may by by-law passed before the 1st day of July in any year detach from the area all or part of any former school section or union school section, with the assent by resolution, passed before the 31st day of August, of the council of the municipality of which the detached area forms part, and the detached area shall, subject to subsection 3 of section 65, be established as a school section or union school section or shall be added to a township school area or another school section or sections or a union school section or sections in accordance with this Act, and the provisions of section 17 with respect to the adjustment of rights and claims shall apply *mutatis mutandis*.

3. Subsection 3 of section 21 of *The Public Schools Act* Rev. Stat., c. 316, s. 21, subs. 3, re-enacted is repealed and the following substituted therefor:

(3) On receipt of the notice of appeal, the county council Arbitration shall either,

- (a) dismiss the appeal; or
- (b) appoint a board of arbitrators consisting of not less than three and not more than five competent persons, one of whom shall be the county judge or some person named by him, and one of whom shall be the inspector, and a majority of whom shall form a quorum, and the arbitrators shall hear the appeal and, subject to the provisions of subsection 3 of section 65, shall form, divide, unite or alter the boundaries of the school section or school sections so far as to settle the matters complained of.

Rev. Stat.,
c. 316, s. 44,
amended

4. Section 44 of *The Public Schools Act* is amended by adding thereto the following subsection:

Board to be
corporation

- (6) The board shall be a corporation and, where the section is wholly within one unorganized township, shall be known as "The Public School Board of Section No. of the Township of in the Territorial District of (*inserting the number of the section and the names of the township and the district*)", and where the section includes all or parts of more than one unorganized township it shall be known as "The Board of Public School Trustees of Union School Section No. in the Townships of in the Territorial District or Districts of (*inserting the number of the school section and the names of the townships and district or districts*)".

Rev. Stat.,
c. 316, s. 50,
amended

5. Section 50 of *The Public Schools Act* is amended by adding thereto the following subsection:

Board to be
corporation

- (2a) The inspector shall select a name for the public school, and the board shall be a corporation and shall be known as "The Public School Board of (*inserting the name*)".

Rev. Stat.,
c. 316,
ss. 87, 88,
repealed

6. Sections 87 and 88 of *The Public Schools Act* are repealed.

Rev. Stat.,
c. 316, s. 93,
cls. a, b, c,
repealed

7.—(1) Clauses *a, b* and *c* of section 93 of *The Public Schools Act* are repealed.

Rev. Stat.,
c. 316, s. 93,
cl. f,
re-enacted

(2) Clause *f* of the said section 93 is repealed and the following substituted therefor:

- (f) to acquire or rent school sites and premises and to build school buildings.

SECTIONS 4 and 5. Sections 44 and 50 of *The Public Schools Act* authorize the establishment of public school boards in unorganized townships and in unsurveyed districts respectively. The amendments make it clear that these boards are corporations and provide for their names.

(3) Clauses *g, h, i, l, n, o, v, w, x, z, za, ze* and *zf* of the said section 93 are repealed.

Rev. Stat.,
c. 316, s. 93,
cls. *g, h, i,*
l, n, o, v, w, x,
z, za, ze, zf,
repealed

8. Sections 94, 96, 97, 98 and 101 of *The Public Schools Act* are repealed.

Rev. Stat.,
c. 316,
ss. 94, 96, 97,
98, 101,
repealed

9. Clause *a* of section 102 of *The Public Schools Act* is repealed.

Rev. Stat.,
c. 316, s. 102,
cl. *a,*
repealed

10. Section 103 of *The Public Schools Act* is amended by striking out the words and figures "subsection 3 of section 139" in the sixth line and inserting in lieu thereof the words and figures "subsection 4 of section 43 of *The Schools Administration Act, 1954*", so that the section shall read as follows:

Rev. Stat.,
c. 316, s. 103,
amended

103. Where the secretary of a rural school section is not a member of the board he may be allowed such remuneration for his services and for attending to the repairs of the schoolhouse or premises as shall be fixed by the trustees, and where he is a member of the board he may be allowed compensation for his services as provided in subsection 4 of section 43 of *The Schools Administration Act, 1954*.

Compensation
of
secretary-
treasurer

1954, c. . .

11. Sections 109 and 110 of *The Public Schools Act* are repealed.

Rev. Stat.,
c. 316, ss.
109, 110,
repealed.

12. Section 111 of *The Public Schools Act*, as amended by section 13 of *The Public Schools Amendment Act, 1953*, is repealed.

Rev. Stat.,
c. 316, s. 111,
repealed

13. Section 112, subsection 1 of section 122 and sections 127 and 128 of *The Public Schools Act* are repealed.

Rev. Stat.,
c. 316, s. 112,
s. 122,
subs. 1,
ss. 127, 128,
repealed

14. Section 129 of *The Public Schools Act*, as amended by section 4 of *The Public Schools Amendment Act, 1951*, is repealed.

Rev. Stat.,
c. 316, s. 129,
repealed

15. Sections 130, 133, 134, 135 and 136 of *The Public Schools Act* are repealed.

Rev. Stat.,
c. 316, ss.
130, 133,
134, 135,
136, re-
pealed

16. Subsections 1, 2 and 3 of section 137 of *The Public Schools Act* are repealed.

Rev. Stat.,
c. 316, s. 137,
subss. 1-3,
repealed

17. Sections 138 to 152 of *The Public Schools Act* are repealed.

Rev. Stat.,
c. 316, ss.
138-152,
repealed

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

Commence-
ment

19. This Act may be cited as *The Public Schools Amendment Act, 1954*.

Short title

An Act to amend The Public
Schools Act

1st Reading

March 9th, 1954

2nd Reading

3rd Reading

MR. DUNLOP

No. 85

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Public 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 Public Schools 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 Schools Act*, as amended by Rev. Stat., c. 316, s. 6, section 2 of *The Public Schools Amendment Act, 1953*, is repealed repealed.

2. Subsection 4a of section 15 of *The Public Schools Act*, Rev. Stat., c. 316, s. 15, as enacted by subsection 2 of section 3 of *The Public Schools Amendment Act, 1953*, is amended by adding at the end subs. 4a thereof the words "and the provisions of section 17 with (1953, c. 90, s. 3, subs. 2), respect to the adjustment of rights and claims shall apply amended *mutatis mutandis*", so that the subsection shall read as follows:

(4a) Where a township school area has been established, Decreasing areas the council of the township may by by-law passed before the 1st day of July in any year detach from the area all or part of any former school section or union school section, with the assent by resolution, passed before the 31st day of August, of the council of the municipality of which the detached area forms part, and the detached area shall, subject to subsection 3 of section 65, be established as a school section or union school section or shall be added to a township school area or another school section or sections or a union school section or sections in accordance with this Act, and the provisions of section 17 with respect to the adjustment of rights and claims shall apply *mutatis mutandis*.

3. Subsection 3 of section 21 of *The Public Schools Act* Rev. Stat., c. 316, s. 21 is repealed and the following substituted therefor: subs. 3, re-enacted

(3) On receipt of the notice of appeal, the county council Arbitration shall either,

- (a) dismiss the appeal; or
- (b) appoint a board of arbitrators consisting of not less than three and not more than five competent persons, one of whom shall be the county judge or some person named by him, and one of whom shall be the inspector, and a majority of whom shall form a quorum, and the arbitrators shall hear the appeal and, subject to the provisions of subsection 3 of section 65, shall form, divide, unite or alter the boundaries of the school section or school sections so far as to settle the matters complained of.

Rev. Stat.,
c. 316, s. 44,
amended

4. Section 44 of *The Public Schools Act* is amended by adding thereto the following subsection:

Board to be
corporation

- (6) The board shall be a corporation and, where the section is wholly within one unorganized township, shall be known as "The Public School Board of Section No..... of the Township of..... in the Territorial District of..... (*inserting the number of the section and the names of the township and the district*)", and where the section includes all or parts of more than one unorganized township it shall be known as "The Board of Public School Trustees of Union School Section No..... in the Townships of..... in the Territorial District or Districts of..... (*inserting the number of the school section and the names of the townships and district or districts*)".

Rev. Stat.,
c. 316, s. 50,
amended

5. Section 50 of *The Public Schools Act* is amended by adding thereto the following subsection:

Board to be
corporation

- (2a) The inspector shall select a name for the public school, and the board shall be a corporation and shall be known as "The Public School Board of..... (*inserting the name*)".

Rev. Stat.,
c. 316,
ss. 87, 88,
repealed

6. Sections 87 and 88 of *The Public Schools Act* are repealed.

Rev. Stat.,
c. 316, s. 93,
cls. a, b, c,
repealed

7.—(1) Clauses *a*, *b* and *c* of section 93 of *The Public Schools Act* are repealed.

Rev. Stat.,
c. 316, s. 93,
cl. f,
re-enacted

(2) Clause *f* of the said section 93 is repealed and the following substituted therefor:

- (f) to acquire or rent school sites and premises and to build school buildings.

(3) Clauses *g, h, i, l, n, o, v, w, x, z, za, ze* and *zf* of the said section 93 are repealed.

Rev. Stat.,
c. 316, s. 93,
cls. *g, h, i,*
l, n, o, v, w, x,
z, za, ze, zf,
repealed

8. Sections 94, 96, 97, 98 and 101 of *The Public Schools Act* are repealed.

Rev. Stat.,
c. 316,
ss. 94, 96, 97,
98, 101,
repealed

9. Clause *a* of section 102 of *The Public Schools Act* is repealed.

Rev. Stat.,
c. 316, s. 102,
cl. *a,*
repealed

10. Section 103 of *The Public Schools Act* is amended by striking out the words and figures "subsection 3 of section 139" in the sixth line and inserting in lieu thereof the words and figures "subsection 4 of section 43 of *The Schools Administration Act, 1954*", so that the section shall read as follows:

Rev. Stat.,
c. 316, s. 103
amended

103. Where the secretary of a rural school section is not a member of the board he may be allowed such remuneration for his services and for attending to the repairs of the schoolhouse or premises as shall be fixed by the trustees, and where he is a member of the board he may be allowed compensation for his services as provided in subsection 4 of section 43 of *The Schools Administration Act, 1954*.

Compensation
of
secretary-
treasurer

1954, c. . .

11. Sections 109 and 110 of *The Public Schools Act* are repealed.

Rev. Stat.,
c. 316, ss.
109, 110,
repealed.

12. Section 111 of *The Public Schools Act*, as amended by section 13 of *The Public Schools Amendment Act, 1953*, is repealed.

Rev. Stat.,
c. 316, s. 111,
repealed

13. Section 112, subsection 1 of section 122 and sections 127 and 128 of *The Public Schools Act* are repealed.

Rev. Stat.,
c. 316, s. 112,
s. 122,
subs. 1,
ss. 127, 128,
repealed

14. Section 129 of *The Public Schools Act*, as amended by section 4 of *The Public Schools Amendment Act, 1951*, is repealed.

Rev. Stat.,
c. 316, s. 129,
repealed

15. Sections 130, 133, 134, 135 and 136 of *The Public Schools Act* are repealed.

Rev. Stat.,
c. 316, ss.
130, 133,
134, 135,
136, re-
pealed

16. Subsections 1, 2 and 3 of section 137 of *The Public Schools Act* are repealed.

Rev. Stat.,
c. 316, s. 137,
subss. 1-3,
repealed

17. Sections 138 to 152 of *The Public Schools Act* are repealed.

Rev. Stat.,
c. 316, ss.
138-152,
repealed

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

Commence-
ment

19. This Act may be cited as *The Public Schools Amendment Act, 1954*.

Short title



An Act to amend The Public
Schools Act

1st Reading

March 9th, 1954

2nd Reading

March 12th, 1954

3rd Reading

March 30th, 1954

MR. DUNLOP

No. 86

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Separate Schools Act

MR. DUNLOP

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

EXPLANATORY NOTES

SECTION 1. At present, section 26 (1) of *The Separate Schools Act* provides that the annual meeting of the supporters of a rural separate school must be held on the last Wednesday in December or, if that day is a holiday, on the next following day. This amendment gives the same authority as is given rural school sections under section 71 of *The Public Schools Act* to hold the annual meeting on some other day with the approval of the Minister.

.

The other sections of the Bill repeal a number of provisions in *The Separate Schools Act*, all but one of which, with no change in principle, now appear in *The Schools Administration Act, 1954* (see Bill No. 84). Section 98 of *The Separate Schools Act* creates an offence on the part of each member of a board which fails to transmit its annual return to the Minister. This provision is repealed but no similar provision is carried into *The Schools Administration Act, 1954*.

In the few cases where a complete provision of the present *Separate Schools Act* is not brought forward in *The Schools Administration Act, 1954*, those provisions are amended.

BILL

An Act to amend The Separate Schools 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 26 of *The Separate Schools Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 356, s. 26,
subs. 1,
re-enacted

(1) A meeting of the supporters of the school for the purpose among other things of electing trustees shall be held annually on the last Wednesday in December or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon or, if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines or, in the absence of such resolution, at the separate school.

Annual
meeting

(1a) Where the annual meeting of supporters of the school cannot conveniently be held as provided for in subsection 1, the supporters, at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting and, upon receiving the Minister's approval, the annual meeting shall be held on that day in each year thereafter unless with the Minister's approval some other day is similarly named; provided that no subsequent alteration of the day for holding the annual meeting may be made until at least three annual meetings have been held on the day previously named and approved.

Idem

2. Clause *a* of section 29 of *The Separate Schools Act* is repealed.

Rev. Stat.,
c. 356, s. 29,
cl. *a*,
repealed

3. Sections 30 and 31 of *The Separate Schools Act* are repealed.

Rev. Stat.,
c. 356,
ss. 30, 31,
repealed

4.—(1) Subsections 1, 2, 3 and 5 of section 45 of *The Separate Schools Act* are repealed.

Rev. Stat.,
c. 356, s. 45,
subs. 1-3, 5,
repealed

Rev. Stat.,
c. 356, s. 45,
subs. 6,
amended

(2) Subsection 6 of the said section 45 is amended by striking out the words "A majority of the members of the board shall constitute a quorum but" at the commencement thereof, so that the subsection shall read as follows:

Quorum

(6) For the purposes of subsection 8 of section 39, a majority of the trustees remaining in office shall constitute a quorum.

Rev. Stat.,
c. 356, s. 46,
cl. e, re-
enacted

5.—(1) Clause *e* of section 46 of *The Separate Schools Act* is repealed and the following substituted therefor:

(*e*) to acquire or rent school sites and premises and build school buildings.

Rev. Stat.,
c. 356, s. 46,
cls. *h, j, l,*
n, o, p,
repealed

(2) Clauses *h, j, l, n, o* and *p* of the said section 46 are repealed.

Rev. Stat.,
c. 356, s. 46,
cl. *r,* re-
enacted;
cl. *s,* re-
pealed

(3) Clauses *r* and *s* of the said section 46 are repealed and the following substituted therefor:

(*r*) to see that all the pupils are supplied with a uniform series of text-books.

Rev. Stat.,
c. 356,
s. 48, s. 49,
cl. *f,* ss. 50-55
81, 83, 84,
repealed

6. Section 48, clause *f* of section 49 and sections 50 to 55, 81, 83 and 84 of *The Separate Schools Act* are repealed.

Rev. Stat.,
c. 356, s. 85,
repealed

7. Section 85 of *The Separate Schools Act*, as amended by section 1 of *The Separate Schools Amendment Act, 1953*, is repealed.

Rev. Stat.,
c. 356,
ss. 86-99,
repealed

8. Sections 86 to 99 of *The Separate Schools Act* are repealed.

Commence-
ment

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

Short title

10. This Act may be cited as *The Separate Schools Amendment Act, 1954*.



An Act to amend The Separate
Schools Act

1st Reading

March 9th, 1954

2nd Reading

3rd Reading

MR. DUNLOP

No. 86

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Separate Schools Act

MR. DUNLOP

(Reprinted as amended by the Committee on Education)

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

EXPLANATORY NOTES

SECTION 1. At present, section 26 (1) of *The Separate Schools Act* provides that the annual meeting of the supporters of a rural separate school must be held on the last Wednesday in December or, if that day is a holiday, on the next following day. This amendment gives the same authority as is given rural school sections under section 71 of *The Public Schools Act* to hold the annual meeting on some other day with the approval of the Minister.

.

The other sections of the Bill repeal a number of provisions in *The Separate Schools Act*, all but one of which, with no change in principle, now appear in *The Schools Administration Act, 1954* (see Bill No. 84). Section 98 of *The Separate Schools Act* creates an offence on the part of each member of a board which fails to transmit its annual return to the Minister. This provision is repealed but no similar provision is carried into *The Schools Administration Act, 1954*.

In the few cases where a complete provision of the present *Separate Schools Act* is not brought forward in *The Schools Administration Act, 1954*, those provisions are amended.

BILL

An Act to amend The Separate Schools 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 26 of *The Separate Schools Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 356, s. 26
subs. 1,
re-enacted

(1) A meeting of the supporters of the school for the purpose among other things of electing trustees shall be held annually on the last Wednesday in December or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon or, if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines or, in the absence of such resolution, at the separate school.

Annual
meeting

(1a) Where the annual meeting of supporters of the school cannot conveniently be held as provided for in subsection 1, the supporters, at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting and, upon receiving the Minister's approval, the annual meeting shall be held on that day in each year thereafter unless with the Minister's approval some other day is similarly named; provided that no subsequent alteration of the day for holding the annual meeting may be made until at least three annual meetings have been held on the day previously named and approved.

Idem

2. Clause *a* of section 29 of *The Separate Schools Act* is repealed.

Rev. Stat.,
c. 356, s. 29
cl. a,
repealed

3. Sections 30 and 31 of *The Separate Schools Act* are repealed.

Rev. Stat.,
c. 356,
ss. 30, 31,
repealed

4.—(1) Subsections 1, 2, 3 and 5 of section 45 of *The Separate Schools Act* are repealed.

Rev. Stat.,
c. 356, s. 45,
subs. 1-3, 5
repealed

Rev. Stat.,
c. 356, s. 45,
subs. 6,
amended

(2) Subsection 6 of the said section 45 is amended by striking out the words "A majority of the members of the board shall constitute a quorum but" at the commencement thereof, so that the subsection shall read as follows:

Quorum

(6) For the purposes of subsection 8 of section 39, a majority of the trustees remaining in office shall constitute a quorum.

Rev. Stat.,
c. 356, s. 46,
cl. e, re-
enacted

5.—(1) Clause *e* of section 46 of *The Separate Schools Act* is repealed and the following substituted therefor:

(*e*) to acquire or rent school sites and premises and build school buildings.

Rev. Stat.,
c. 356, s. 46,
cls. *h, j, l,*
n, o, p, r, s,
repealed

(2) Clauses *h, j, l, n, o, p, r and s* of the said section 46 are repealed.

Rev. Stat.,
c. 356,
s. 48, s. 49,
cl. *f*, ss 50-55,
81, 83, 84,
repealed

6. Section 48, clause *f* of section 49 and sections 50 to 55, 81, 83 and 84 of *The Separate Schools Act* are repealed.

Rev. Stat.,
c. 356, s. 85,
repealed

7. Section 85 of *The Separate Schools Act*, as amended by section 1 of *The Separate Schools Amendment Act, 1953*, is repealed.

Rev. Stat.,
c. 356,
ss. 86-99,
repealed

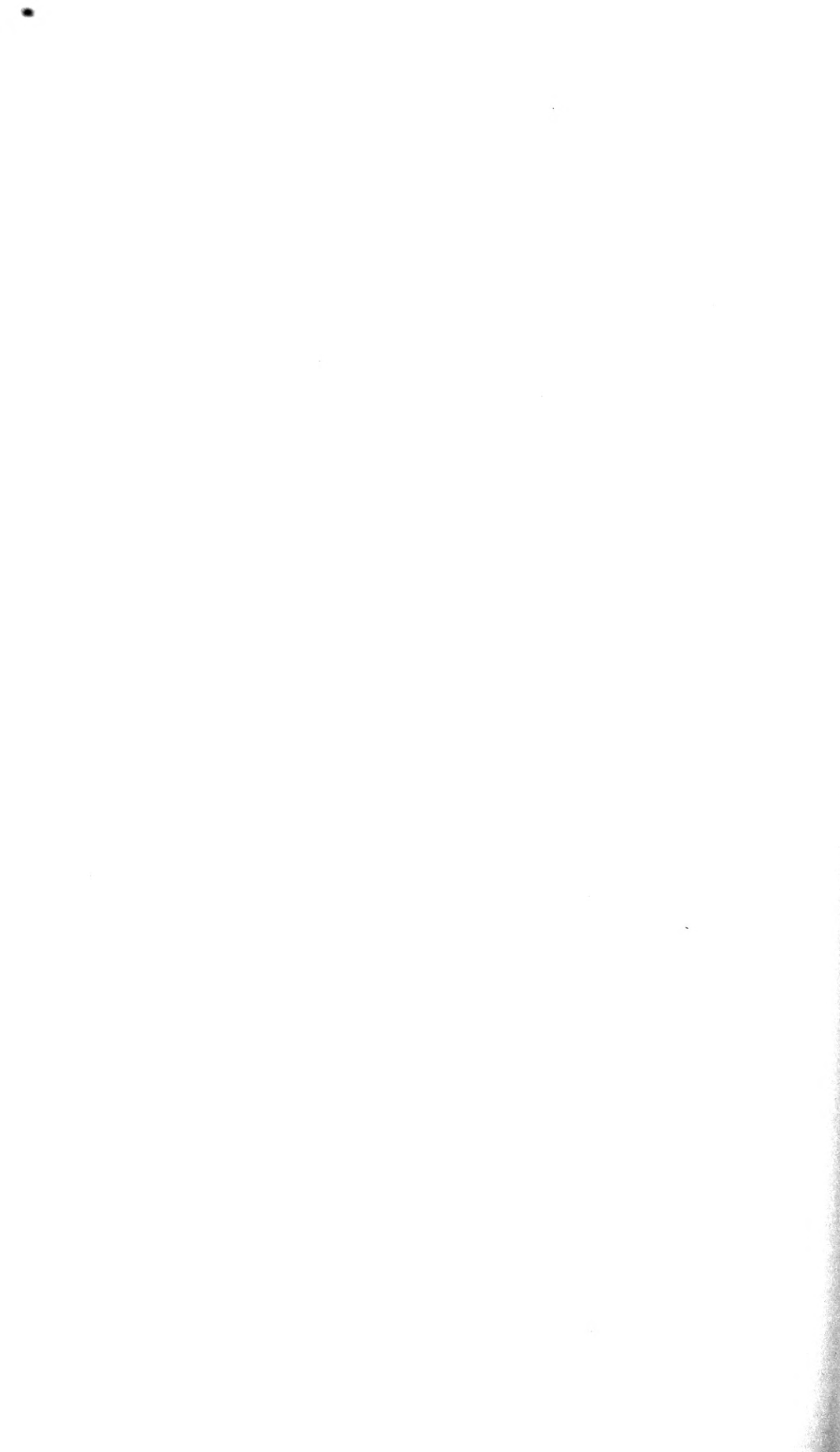
8. Sections 86 to 99 of *The Separate Schools Act* are repealed.

Commence-
ment

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

Short title

10. This Act may be cited as *The Separate Schools Amendment Act, 1954*.



BILL

An Act to amend The Separate
Schools Act

1st Reading

March 9th, 1954

2nd Reading

March 12th, 1954

3rd Reading

MR. DUNLOP

*(Reprinted as amended by the Committee on
Education)*

No. 86

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Separate 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 Separate Schools 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 26 of *The Separate Schools Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 356, s. 26
subs. 1,
re-enacted

(1) A meeting of the supporters of the school for the purpose among other things of electing trustees shall be held annually on the last Wednesday in December or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon or, if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines or, in the absence of such resolution, at the separate school.

Annual
meeting

(1a) Where the annual meeting of supporters of the school cannot conveniently be held as provided for in subsection 1, the supporters, at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting and, upon receiving the Minister's approval, the annual meeting shall be held on that day in each year thereafter unless with the Minister's approval some other day is similarly named; provided that no subsequent alteration of the day for holding the annual meeting may be made until at least three annual meetings have been held on the day previously named and approved.

Idem

2. Clause *a* of section 29 of *The Separate Schools Act* is repealed.

Rev. Stat.,
c. 356, s. 29
cl. *a*,
repealed

3. Sections 30 and 31 of *The Separate Schools Act* are repealed.

Rev. Stat.,
c. 356,
ss. 30, 31,
repealed

4.—(1) Subsections 1, 2, 3 and 5 of section 45 of *The Separate Schools Act* are repealed.

Rev. Stat.,
c. 356, s. 45
subs. 1-3, 5
repealed

Rev. Stat.,
c. 356, s. 45,
subs. 6,
amended

(2) Subsection 6 of the said section 45 is amended by striking out the words "A majority of the members of the board shall constitute a quorum but" at the commencement thereof, so that the subsection shall read as follows:

Quorum

(6) For the purposes of subsection 8 of section 39, a majority of the trustees remaining in office shall constitute a quorum.

Rev. Stat.,
c. 356, s. 46,
cl. e, re-
enacted

5.—(1) Clause *e* of section 46 of *The Separate Schools Act* is repealed and the following substituted therefor:

(e) to acquire or rent school sites and premises and build school buildings.

Rev. Stat.,
c. 356, s. 46,
cls. *h, j, l,*
n, o, p, r, s,
repealed

(2) Clauses *h, j, l, n, o, p, r* and *s* of the said section 46 are repealed.

Rev. Stat.,
c. 356,
s. 48, s. 49,
cl. *f*, ss. 50-55,
81, 83, 84,
repealed

6. Section 48, clause *f* of section 49 and sections 50 to 55, 81, 83 and 84 of *The Separate Schools Act* are repealed.

Rev. Stat.,
c. 356, s. 85,
repealed

7. Section 85 of *The Separate Schools Act*, as amended by section 1 of *The Separate Schools Amendment Act, 1953*, is repealed.

Rev. Stat.,
c. 356,
ss. 86-99,
repealed

8. Sections 86 to 99 of *The Separate Schools Act* are repealed.

Commence-
ment

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

Short title

10. This Act may be cited as *The Separate Schools Amendment Act, 1954*.



An Act to amend The Separate
Schools Act

1st Reading

March 9th, 1954

2nd Reading

March 12th, 1954

3rd Reading

March 30th, 1954

MR. DUNLOP

No. 87

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend
The Teachers' Superannuation Act

MR. DUNLOP

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

EXPLANATORY NOTES

SECTION 1. The present provision applied only where former members of Her Majesty's forces were instructed.

The addition of members of Her Majesty's forces is necessary in order to make it possible to bring under the Act teachers employed by the Defence Training Board in teaching such persons.

SECTION 2. Assuming that the average salary for the last ten years of teaching will be greater than the average for the last fifteen years, the effect of this amendment and section 7 (3) of this Bill will be to increase the amount of pensions that commence on or after April 1st, 1954.

SECTION 3. Section 1 of the proposed section 30 contains no new principles. "Teachers' college" is substituted for "normal school".

BILL

An Act to amend The Teachers' Superannuation Act

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

1. Subclause iv of clause *d* of section 1 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: Rev. Stat., c. 384, s. 1, cl. d, subcl. iv, re-enacted

- (iv) as a teacher in a school or class that is maintained by the Government of Canada or the Government of Ontario, or both, for the instruction of members or former members of Her Majesty's Canadian forces and that is designated by the regulations, where the teacher has elected to come under this Act.

2. Subsection 2 of section 24 of *The Teachers' Superannuation Act* is amended by striking out the figures "15" in the second line and inserting in lieu thereof the word "ten", so that the subsection, exclusive of the clauses, shall read as follows: Rev. Stat., c. 384, s. 24, subs. 2, amended!

- (2) The amount of such allowance shall be computed by Amount dividing the amount of his average salary for the last ten years for which he made contributions to the fund by 50 and multiplying the quotient by a number equal to the number of school years for which he has credit in the fund, but not exceeding 35, provided that,

.

3. Subsection 1 of section 30 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: Rev. Stat., c. 384, s. 30, subs. 1, re-enacted

- (1) Where the medical examination prescribed for admission to the Ontario College of Education or to a teachers' college discloses in a person a mental or Student teachers with impairment

physical impairment, defect or condition that in the opinion of the examiner does not render such person incapable of being employed but might subsequently render him incapable of being employed, the person shall be admitted to the Ontario College of Education or to the teachers' college only after he signs a consent in the prescribed form to have this section apply to him in the event of his becoming employed.

Re-examina-
tion

- (1a) Any person who has signed a consent under subsection 1 and who has been employed for fourteen or more school years may apply to the Commission for re-examination and if in the opinion of the Commission the re-examination discloses an absence of the mental or physical impairment, defect or condition in respect of which he signed the consent, the Commission may cancel the consent and thereupon this section ceases to apply to him.

Rev. Stat.,
c. 384, s. 47,
re-enacted

4. Section 47 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

Second
refunds,
subsequent
employment
terminating
before
April 1st,
1949

47. A person who withdrew his contributions from the fund and subsequently was employed and ceased to be so employed before the 1st day of April, 1949, is entitled to a refund of an amount equal to the whole of his contributions during such period of subsequent employment together with interest on the total of all the contributions that he has made to the fund at the rate of $1\frac{1}{2}$ per cent per annum compounded half-yearly from the date of cessation of such subsequent employment to the 31st day of March, 1949, less interest on the amount of his first withdrawal at the rate of $4\frac{3}{4}$ per cent per annum from the date of his first withdrawal to the 31st day of March, 1949.

Rev. Stat.,
c. 384, s. 57,
subs. 1,
cl. *pp*,
(1953,
c. 103, s. 26,
subs. 2),
re-enacted

5.—(1) Clause *pp* of subsection 1 of section 57 of *The Teachers' Superannuation Act*, as enacted by subsection 2 of section 26 of *The Teachers' Superannuation Amendment Act, 1953*, is repealed and the following substituted therefor:

- (*pp*) prescribing the conditions under which credit may be given under the Act for any period not exceeding five years of such teaching or inspectorial services performed in a foreign country as the Commission may approve, and prescribing the amount of such credit.

Rev. Stat.,
c. 384, s. 57,
subs. 1,
amended

(2) Subsection 1 of the said section 57 is amended by adding thereto the following clause:

Subsection 1*a* is new. Under the present Act there is no way for a person who is brought under this section to be taken out of it even though his impairment disappears. The new subsection provides a means of doing this.

SECTION 4. This section gives statutory authority for the present ruling of the Commission that "second refunds" made with respect to teaching that terminated before April 1st, 1949, are to be made now as they were made at that time.

SECTION 5—Subsection 1. Clause *pp* is re-enacted in order to remove doubts as to the effectiveness of regulation 9 (2). This regulation provides for superannuation credits in certain circumstances for persons who have taught in foreign countries under the aegis of the Colombo Plan of UNESCO and the like.

Subsection 2. It is expected that regulations will be made under this power thus removing any doubts as to the right of the Commission to make refunds in respect of moneys paid into the fund under the regulations as to out-of-Ontario teaching and the like.

SECTION 6. Correction of typographical error.

SECTION 7—Subsection 1. Self-explanatory.

Subsection 2. The Defence Training Board began operations on January 1st last year. Therefore the legislation dealing with its teachers is made retroactive to that date in order that they may obtain service credit for the full period of such teaching.

Subsection 3. See note to section 2 of this bill.

Subsection 4. This amendment is made retroactive in order to make the present regulation fully effective.

(tt) prescribing the conditions under which a refund may be made to a person who establishes credit in the fund under the regulations or who pays money into the fund under the regulations for the purpose of establishing credit, and prescribing the method of determining the amount of such refund.

6.—(1) Subsection 3 of section 29 of *The Teachers' Superannuation Amendment Act, 1953* is amended by striking out the figure "6" in the first line and inserting in lieu thereof the figure "5", so that the subsection shall read as follows:

1953,
c. 103, s. 29,
subs. 3,
amended

(3) Section 5 comes into force on the 1st day of January, 1955. *Idem*

(2) Subsection 1 shall be deemed to have come into force on the 1st day of April, 1953.

Commencement of
subs. 1

7.—(1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

Commencement

(2) Subclause iv of clause d of section 1 of *The Teachers' Superannuation Act*, as re-enacted by section 1 of this Act, and any regulation made under its authority shall be deemed to have come into force on the 1st day of January, 1953. *Idem*

(3) Subsection 2 of section 24 of *The Teachers' Superannuation Act*, as amended by section 2 of this Act, applies to allowances that commence on or after the 1st day of April, 1954. *Idem*

(4) Clause pp of subsection 1 of section 57 of *The Teachers' Superannuation Act*, as re-enacted by subsection 1 of section 5 of this Act, shall be deemed to have come into force on the 1st day of April, 1953. *Idem*

8. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1954*. Short title

An Act to amend 'The Teachers'
Superannuation Act

1st Reading

March 9th, 1954

2nd Reading

3rd Reading

MR. DUNLOP

No. 87

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend
The Teachers' Superannuation Act

MR. DUNLOP

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



BILL

An Act to amend The Teachers' Superannuation Act

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

1. Subclause iv of clause *d* of section 1 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: Rev. Stat., c. 384, s. 1, cl. *d*, subcl. iv, re-enacted

- (iv) as a teacher in a school or class that is maintained by the Government of Canada or the Government of Ontario, or both, for the instruction of members or former members of Her Majesty's Canadian forces and that is designated by the regulations, where the teacher has elected to come under this Act.

2. Subsection 2 of section 24 of *The Teachers' Superannuation Act* is amended by striking out the figures "15" in the second line and inserting in lieu thereof the word "ten", so that the subsection, exclusive of the clauses, shall read as follows: Rev. Stat., c. 384, s. 24, subs. 2, amended

- (2) The amount of such allowance shall be computed by Amount dividing the amount of his average salary for the last ten years for which he made contributions to the fund by 50 and multiplying the quotient by a number equal to the number of school years for which he has credit in the fund, but not exceeding 35, provided that,

3. Subsection 1 of section 30 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: Rev. Stat., c. 384, s. 30, subs. 1, re-enacted

- (1) Where the medical examination prescribed for admission to the Ontario College of Education or to a teachers' college discloses in a person a mental or Student teachers with impairment

physical impairment, defect or condition that in the opinion of the examiner does not render such person incapable of being employed but might subsequently render him incapable of being employed, the person shall be admitted to the Ontario College of Education or to the teachers' college only after he signs a consent in the prescribed form to have this section apply to him in the event of his becoming employed.

Re-examina-
tion

- (1a) Any person who has signed a consent under subsection 1 and who has been employed for fourteen or more school years may apply to the Commission for re-examination and if in the opinion of the Commission the re-examination discloses an absence of the mental or physical impairment, defect or condition in respect of which he signed the consent, the Commission may cancel the consent and thereupon this section ceases to apply to him.

Rev. Stat.,
c. 384, s. 47,
re-enacted

4. Section 47 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

Second
refunds,
subsequent
employment
terminating
before
April 1st,
1949

47. A person who withdrew his contributions from the fund and subsequently was employed and ceased to be so employed before the 1st day of April, 1949, is entitled to a refund of an amount equal to the whole of his contributions during such period of subsequent employment together with interest on the total of all the contributions that he has made to the fund at the rate of $1\frac{1}{2}$ per cent per annum compounded half-yearly from the date of cessation of such subsequent employment to the 31st day of March, 1949, less interest on the amount of his first withdrawal at the rate of $4\frac{3}{4}$ per cent per annum from the date of his first withdrawal to the 31st day of March, 1949.

Rev. Stat.,
c. 384, s. 57,
subs. 1,
cl. *pp*
(1953,
c. 103, s. 26,
subs. 2),
re-enacted

5.—(1) Clause *pp* of subsection 1 of section 57 of *The Teachers' Superannuation Act*, as enacted by subsection 2 of section 26 of *The Teachers' Superannuation Amendment Act, 1953*, is repealed and the following substituted therefor:

(*pp*) prescribing the conditions under which credit may be given under the Act for any period not exceeding five years of such teaching or inspectorial services performed in a foreign country as the Commission may approve, and prescribing the amount of such credit.

Rev. Stat.,
c. 384, s. 57,
subs. 1,
amended

(2) Subsection 1 of the said section 57 is amended by adding thereto the following clause:

- (*tt*) prescribing the conditions under which a refund may be made to a person who establishes credit in the fund under the regulations or who pays money into the fund under the regulations for the purpose of establishing credit, and prescribing the method of determining the amount of such refund.

6.—(1) Subsection 3 of section 29 of *The Teachers' Superannuation Amendment Act, 1953* is amended by striking out the figure "6" in the first line and inserting in lieu thereof the figure "5", so that the subsection shall read as follows: 1953, c. 103, s. 29, subs. 3, amended

- (3) Section 5 comes into force on the 1st day of January, *Idem* 1955.

(2) Subsection 1 shall be deemed to have come into force on the 1st day of April, 1953. Commencement of subs. 1

7.—(1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent. Commencement

(2) Subclause iv of clause *d* of section 1 of *The Teachers' Superannuation Act*, as re-enacted by section 1 of this Act, and any regulation made under its authority shall be deemed to have come into force on the 1st day of January, 1953. Idem

(3) Subsection 2 of section 24 of *The Teachers' Superannuation Act*, as amended by section 2 of this Act, applies to allowances that commence on or after the 1st day of April, 1954. Idem

(4) Clause *pp* of subsection 1 of section 57 of *The Teachers' Superannuation Act*, as re-enacted by subsection 1 of section 5 of this Act, shall be deemed to have come into force on the 1st day of April, 1953. Idem

8. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1954*. Short title



An Act to amend 'The Teachers'
Superannuation Act

1st Reading

March 9th, 1954

2nd Reading

March 12th, 1954

3rd Reading

March 30th, 1954

MR. DUNLOP

No. 88

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
**An Act to amend The Wolf and Bear
Bounty Act**

MR. GEMMELL

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

EXPLANATORY NOTE

This new section is self-explanatory. Its purpose is to encourage the killing of wolves.

No. 88

1954

BILL

An Act to amend The Wolf and Bear Bounty Act

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

1. *The Wolf and Bear Bounty Act* is amended by adding thereto the following section: Rev. Stat.,
c. 427,
amended

5a. Where a timber or brush wolf has been killed in a provisional judicial district, except the Provisional Judicial District of Manitoulin, the unskinned head of the wolf may be produced instead of the whole skin of the wolf, in which case the unskinned head shall be deemed to be the whole skin for all purposes of this Act and the regulations. Proof of
killing

2. This Act may be cited as *The Wolf and Bear Bounty Amendment Act, 1954*. Short title

An Act to amend The Wolf and
Bear Bounty Act

1st Reading

March 9th, 1954

2nd Reading

3rd Reading

MR. GEMMELL

No. 88

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
**An Act to amend The Wolf and Bear
Bounty Act**

MR. GEMMELL

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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BILL

An Act to amend The Wolf and Bear Bounty Act

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

1. *The Wolf and Bear Bounty Act* is amended by adding thereto the following section: Rev. Stat.,
c. 427,
amended

5a. Where a timber or brush wolf has been killed in a provisional judicial district, except the Provisional Judicial District of Manitoulin, the unskinned head of the wolf may be produced instead of the whole skin of the wolf, in which case the unskinned head shall be deemed to be the whole skin for all purposes of this Act and the regulations. Proof of
killing

2. This Act may be cited as *The Wolf and Bear Bounty Amendment Act, 1954*. Short title

BILL

An Act to amend The Wolf and
Bear Bounty Act

1st Reading

March 9th, 1954

2nd Reading

March 12th, 1954

3rd Reading

March 23rd, 1954

MR. GEMMELL

No. 89

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Crown Timber
Act, 1952

MR. GEMMELL

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

EXPLANATORY NOTE

These provisions are new. They are self-explanatory.

BILL

An Act to amend The Crown Timber Act, 1952

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 23 of *The Crown Timber Act, 1952* is amended by striking out the word “and” in the sixth line and inserting in lieu thereof the words “together with a statement of the measures to be taken by him from time to time during the term of his licence to promote and maintain the productivity of the areas cut over in accordance with such annual plan; and”, so that the clause shall read as follows:

- (a) at least sixty days before cutting operations commence in each year, but not later than the 15th day of June, an annual plan for the cutting operations to be conducted by him during the twelve-month period commencing on the 1st day of April in that year together with a statement of the measures to be taken by him from time to time during the term of his licence to promote and maintain the productivity of the areas cut over in accordance with such annual plan; and
-

(2) The said section 23 is amended by adding thereto the following subsection:

- (4) The Minister may, in addition to the measures to be taken by a licensee as set forth in the statement referred to in clause *a* of subsection 1, require at any time such further or other measures to be taken by the licensee as he considers advisable to promote and maintain the productivity of the areas cut over in accordance with the annual plan.

3. This Act may be cited as *The Crown Timber Amendment Act, 1954*.

An Act to amend The Crown Timber
Act, 1952

1st Reading

March 9th, 1954

2nd Reading

3rd Reading

MR. GEMMELL

No. 89

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Crown Timber
Act, 1952

MR. GEMMELL

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



BILL

An Act to amend The Crown Timber Act, 1952

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 23 of *The Crown Timber Act, 1952* is amended by striking out the word “and” in the sixth line and inserting in lieu thereof the words “together with a statement of the measures to be taken by him from time to time during the term of his licence to promote and maintain the productivity of the areas cut over in accordance with such annual plan; and”, so that the clause shall read as follows:

- (a) at least sixty days before cutting operations commence in each year, but not later than the 15th day of June, an annual plan for the cutting operations to be conducted by him during the twelve-month period commencing on the 1st day of April in that year together with a statement of the measures to be taken by him from time to time during the term of his licence to promote and maintain the productivity of the areas cut over in accordance with such annual plan; and
-

(2) The said section 23 is amended by adding thereto the following subsection:

- (4) The Minister may, in addition to the measures to be taken by a licensee as set forth in the statement referred to in clause *a* of subsection 1, require at any time such further or other measures to be taken by the licensee as he considers advisable to promote and maintain the productivity of the areas cut over in accordance with the annual plan.

2. This Act may be cited as *The Crown Timber Amendment Act, 1954*.

BILL

An Act to amend The Crown Timber
Act, 1952

1st Reading

March 9th, 1954

2nd Reading

March 12th, 1954

3rd Reading

March 23rd, 1954

MR. GEMMELL

No. 90

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

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

EXPLANATORY NOTES

SECTION 1. This amendment increases from \$100,000 to \$200,000 the amount which the Board may spend in any calendar year for rehabilitation.

SECTION 2. Where the secretary of the Board is absent for any reason, the Board may appoint some other officer to certify copies or extracts from the Board's books, etc.

SECTION 3—Subsection 1. This subsection is re-enacted in order to clarify the intent so that the Board may deal effectively with these cases.

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. Section 52 of *The Workmen's Compensation Act* is amended by striking out the symbol and figures "\$100,000" in the tenth line and inserting in lieu thereof the symbol and figures "\$200,000", so that the section shall read as follows:

52. To aid in getting injured workmen back to work and to assist in lessening or removing any handicap resulting from their injuries, the Board may take such measures and make such expenditures as it may deem necessary or expedient, and the expense thereof shall be borne, in Schedule 1 cases, out of the accident fund, and in Schedule 2 cases, by the employer individually, and may be collected in the same manner as compensation or expenses of administration; provided that the total expenditure under this section shall not exceed \$200,000 in any calendar year.

2. Section 71 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

71. Every copy of or extract from an entry in any book or record of the Board or of or from any document filed with the Board, certified by the secretary of the Board or by such other officer of the Board as may be appointed for that purpose by the Board to be a true copy or extract, shall be received in any court as *prima facie* evidence of the matter so certified without proof of the secretary's or other officer's appointment, authority or signature.

3.—(1) Subsection 4 of section 84 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Power to increase amount of assessment in certain cases

- (4) Where in the opinion of the Board sufficient precautions have not been taken for the prevention of accidents to workmen in the employment of an employer or where the working conditions are not safe for workmen, the Board may add to the amount of any contribution to the accident fund for which the employer is liable such a percentage thereof as the Board may deem just and may assess and levy the same upon the employer.

Rev. Stat., c. 430, s. 84, amended

- (2) The said section 84 is amended by adding thereto the following subsection:

Relief

- (7) The Board, if satisfied that the default was excusable, may in any case relieve the employer in whole or in part from liability under subsection 4.

Rev. Stat., c. 430, s. 97, subs. 2, re-enacted

4. Subsection 2 of section 97 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Assessments need not be uniform

- (2) It shall not be necessary for the assessments upon the employers in a class, sub-class or group to be uniform, but they may vary for each individual industry or plant in relation to the hazard of such industry or plant, and the Board may levy a differential rate of assessment on each employer in the class, sub-class or group accordingly.

Commencement

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

Short title

6. This Act may be cited as *The Workmen's Compensation Amendment Act, 1954*.

Subsection 2. The subsection added is new and self-explanatory.

SECTION 4. The subsection is re-enacted in order to clarify its intent. There is no change in principle.



BILL

An Act to amend The Workmen's
Compensation Act

1st Reading

March 9th, 1954

2nd Reading

3rd Reading

MR. DALEY

No. 90

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend
The Workmen's Compensation Act

MR. DALEY

TORONTO
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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. Section 52 of *The Workmen's Compensation Act* is amended by striking out the symbol and figures "\$100,000" in the tenth line and inserting in lieu thereof the symbol and figures "\$200,000", so that the section shall read as follows:

Rev. Stat.,
c. 430, s. 52,
amended

52. To aid in getting injured workmen back to work and to assist in lessening or removing any handicap resulting from their injuries, the Board may take such measures and make such expenditures as it may deem necessary or expedient, and the expense thereof shall be borne, in Schedule 1 cases, out of the accident fund, and in Schedule 2 cases, by the employer individually, and may be collected in the same manner as compensation or expenses of administration; provided that the total expenditure under this section shall not exceed \$200,000 in any calendar year.

Aid to
injured
workmen

2. Section 71 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 430, s. 71,
re-enacted

71. Every copy of or extract from an entry in any book or record of the Board or of or from any document filed with the Board, certified by the secretary of the Board or by such other officer of the Board as may be appointed for that purpose by the Board to be a true copy or extract, shall be received in any court as *prima facie* evidence of the matter so certified without proof of the secretary's or other officer's appointment, authority or signature.

Certified
copies of
records,
etc., as
evidence

3.—(1) Subsection 4 of section 84 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 430, s. 84,
subs. 4,
re-enacted

Power to increase amount of assessment in certain cases

- (4) Where in the opinion of the Board sufficient precautions have not been taken for the prevention of accidents to workmen in the employment of an employer or where the working conditions are not safe for workmen, the Board may add to the amount of any contribution to the accident fund for which the employer is liable such a percentage thereof as the Board may deem just and may assess and levy the same upon the employer.

Rev. Stat., c. 430, s. 84, amended

- (2) The said section 84 is amended by adding thereto the following subsection:

Relief

- (7) The Board, if satisfied that the default was excusable, may in any case relieve the employer in whole or in part from liability under subsection 4.

Rev. Stat., c. 430, s. 97, subs. 2, re-enacted

4. Subsection 2 of section 97 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Assessments need not be uniform

- (2) It shall not be necessary for the assessments upon the employers in a class, sub-class or group to be uniform, but they may vary for each individual industry or plant in relation to the hazard of such industry or plant, and the Board may levy a differential rate of assessment on each employer in the class, sub-class or group accordingly.

Commencement

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

Short title

6. This Act may be cited as *The Workmen's Compensation Amendment Act, 1954*.







BILL

An Act to amend The Workmen's
Compensation Act

1st Reading

March 9th, 1954

2nd Reading

March 15th, 1954

3rd Reading

March 30th, 1954

MR. DALEY

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

**An Act to provide for the Financial Administration of the
Government of Ontario and for the Organization
of the Treasury Department**

MR. FROST (Victoria)

EXPLANATORY NOTE

This bill contains a consolidation and revision of *The Consolidated Revenue Fund Act*, *The Provincial Loans Act*, *The Public Revenue Act* and certain sections of *The Audit Act*, thus bringing into one Act all provisions of all general Acts that deal with matters administered by the Treasury Department.

The bill contains new provisions dealing with the organization of the Treasury Department designed to extend the jurisdiction of the Treasury Department to the administration and control of all matters relating to the collection, accounting, management and disbursement of public money in all departments of government and government agencies.

BILL

An Act to provide for the Financial Administration of the Government of Ontario and for the Organization of the Treasury Department

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

1. In this Act,

Interpreta-
tion

- (a) "appropriation" means any authority to pay money out of the Consolidated Revenue Fund;
- (b) "Consolidated Revenue Fund" means the aggregate of all public moneys that are on deposit at the credit of the Treasurer;
- (c) "department" means department of the Government of Ontario and includes a board, commission, authority, corporation and any other agency of the Government of Ontario;
- (d) "fiscal agent" means a fiscal agent appointed under section 50;
- (e) "fiscal year" means the period from the 1st day of April in one year to the 31st day of March in the next year;
- (f) "minister" means member of the Executive Council;
- (g) "money" includes negotiable instruments;
- (h) "money paid to Ontario for a special purpose" means money that is paid to a public officer under or pursuant to a statute, trust, undertaking, agreement or contract and that is to be disbursed for a purpose specified in or pursuant to such statute, trust, undertaking, agreement or contract;

- (i) "negotiable instrument" includes a cheque, draft, traveller's cheque, bill of exchange, postal note, money order, postal remittance and any other similar instrument;
- (j) "public money" means all money belonging to Ontario received or collected by the Treasurer or by any other public officer or by any person authorized to receive and collect such money and includes,
- (i) special funds of Ontario and the income and revenue therefrom,
 - (ii) revenues of Ontario,
 - (iii) money raised by way of loan by Ontario or received by Ontario through the issue and sale of securities, and
 - (iv) money paid to Ontario for a special purpose;
- (k) "public officer" includes a minister and any person employed in a department;
- (l) "registrar" means a registrar appointed under section 50;
- (m) "Treasurer" means Treasurer of Ontario.

PART I

ORGANIZATION

Treasury Board

2.—(1) There shall be a board to be called the Treasury Board, composed of the Treasurer, who shall be the chairman, and any four ministers designated from time to time by the Lieutenant-Governor in Council. R.S.O. 1950, c. 28, s. 1, *amended*.

Alternate members

(2) The Lieutenant-Governor in Council may designate other ministers to serve as alternates in the absence of members of the Treasury Board.

Secretary

(3) The Deputy Provincial Treasurer, or in his absence, the secretary of the Budget Committee, is *ex officio* secretary of the Treasury Board.

Rules of procedure; minutes

(4) The Treasury Board may determine its rules and methods of procedure and shall keep a minute book in which shall be recorded the proceedings of the Board. *New*.

3. The Treasury Board shall act as a committee of the Executive Council on all matters relating to finance, revenues, estimates, expenditures and financial commitments and on any other matter concerning general administrative policy in the public service that is referred to the Board by the Executive Council or on which the Board considers it desirable to report to the Executive Council. *New.*

4. The Treasury Board may require from any public officer or any agent of the Crown any account, return, statement, document, report or information that the Board considers necessary for the performance of its duties. *New.*

5. Subject to the approval of the Lieutenant-Governor in Council, the Treasury Board may make regulations,

- (a) respecting the collection, management and administration of, and accounting for, public money;
- (b) for any purpose necessary for the efficient administration of the public service. *New.*

TREASURY DEPARTMENT

6. There shall be a department of the public service which shall be called the Treasury Department over which the Treasurer shall preside. *New.*

7.—(1) The Treasurer shall manage and control the revenue and expenditure of Ontario and shall supervise, control and direct all matters relating to the financial affairs of Ontario.

(2) Any power or duty conferred on the Treasurer by this or any other Act may be delegated by him to the Deputy Provincial Treasurer or to any other officer of the Treasury Department who may act for him in his place and stead and when the Deputy Provincial Treasurer or such other officer acts in the place and stead of the Treasurer it shall be presumed conclusively that he acted in accordance with such a delegation. *New.*

8.—(1) The Lieutenant-Governor in Council may authorize a seal for the Treasurer and prescribe its use on documents.

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction, and when so reproduced has the same force and effect as if manually affixed. *New.*

9.—(1) The Lieutenant-Governor in Council shall appoint a Deputy Provincial Treasurer as deputy head of the Treasury Department.

Treasury
Department
officers

(2) The Lieutenant-Governor in Council shall appoint a Comptroller of Accounts, a Comptroller of Finances, a Comptroller of Revenue and a Provincial Economist as officers of the Treasury Department.

Duties of
Deputy
Provincial
Treasurer

10. Under the direction of the Treasury, the Deputy Provincial Treasurer,

- (a) shall supervise the administration and management of all matters for which, by this or any other Act, the Treasurer or the Treasury Department or any officer or employee of the Treasury Department has any responsibility; and
- (b) shall perform such other duties as the Treasurer may assign to him. *New.*

Duties of
Comptroller
of Accounts

11. Under the direction of the Treasurer, the Comptroller of Accounts,

- (a) shall examine the methods of administration and control applied in any department in connection with the accounting of the disbursement of public money and report thereon with his recommendations to the Treasurer and pursuant to such recommendations he may require the adjustment and supervise the operation in each such department of such methods of administration and control as he deems proper or he may provide in any such department accounting and other services in connection with the administration and control of the disbursement of public money;
- (b) shall perform such other duties as the Treasurer may assign to him. *New.*

Duties of
Comptroller
of Finances

12. Under the direction of the Treasurer, the Comptroller of Finances shall,

- (a) study and advise upon trends in the field of public finance and the effects of the policies of governments on public borrowing;
- (b) advise upon all matters relating to the raising of money under Part IV and to the management of the public debt and sinking funds of Ontario; and
- (c) perform such other duties as the Treasurer may assign to him. *New.*

Duties of
Comptroller
of Revenue

13. Under the direction of the Treasurer, the Comptroller of Revenue,

- (a) shall make in any department any investigation as to the sources and the rates of any tax, fee, revenue or receipt as he may deem advisable and report thereon with his recommendations to the Treasurer;
- (b) shall examine the methods of administration and control applied in any department in connection with collection and accounting of public money and report thereon with his recommendations to the Treasurer and pursuant to such recommendations require the adjustment and supervise the operation in each such department of such methods of administration and control as he deems proper or he may provide in any such department accounting and other services in connection with the administration and control of the collection and accounting of public money;
- (c) shall perform such other duties as the Treasurer may assign to him. *New.*

14. Under the direction of the Treasurer, the Provincial Economist shall, Duties of Provincial Economist

- (a) study economic and social trends and their effects on the policies of governments;
- (b) study the effects of policies of governments on economic and social conditions;
- (c) study the relations between federal, provincial and municipal governments;
- (d) advise upon and prepare reports respecting any matter mentioned in clause *a*, *b* or *c*;
- (e) collect such economic and social statistics as are necessary for the purposes of clauses *a*, *b*, *c* and *d*; and
- (f) perform such other duties as the Treasurer may assign to him. *New.*

15. In any case where it is deemed advisable, the Treasurer may direct that such duties of the Comptroller of Accounts Joint action and the Comptroller of Revenue as he may specify shall be performed jointly. *New.*

16. Notwithstanding any Act and under the direction of the Treasurer, the Comptroller of Accounts and the Comptroller of Revenue or either of them is entitled to free access at Access to books and records

all convenient times to all files, documents and records relating to the accounting, collection, management and disbursement of public money in any department, and each of them is entitled to require and receive from any public officer such information, reports and explanations as he deems necessary for the proper performance of his duties. *New.*

Stationing
of Treasury
Department
staff in
other
departments

17. Under the direction of the Treasurer, the Comptroller of Accounts and the Comptroller of Revenue or either of them may station any person employed in his office in any department to enable him to carry out his duties more effectively, and the department in which such a person is stationed shall provide office accommodation for him. *New.*

Oath of
secrecy

18. Every person who is to examine the accounts or inquire into the affairs of any department pursuant to this Act shall be required to comply with any security requirements applicable to, and to take any oath of secrecy required to be taken by, persons employed in that department. *New.*

Budget
Committee

19.—(1) There shall be a committee to be called the Budget Committee composed of such officers of the Treasury Department and of any other department as the Lieutenant-Governor in Council may designate from time to time.

Chairman
and
secretary

(2) Subject to any directions of the Treasury Board, the Budget Committee may appoint from its members a chairman and a secretary, may determine its own rules and methods of procedure and shall keep a minute book in which shall be recorded the proceedings of the Committee.

Duties

(3) The Budget Committee, under the direction of the Treasury Board, shall,

- (a) examine, advise upon and compile the annual and supplementary estimates of revenue, receipts, expenditures and payments;
- (b) inquire into, examine and advise upon the expenditures, the commitments, the prospective expenditures, the revenues and the prospective revenues of each department;
- (c) investigate all matters relating to the receipt, disbursement and payment of public money;
- (d) make suggestions generally with a view to promoting efficiency and economy in any department; and
- (e) perform such other services as the Treasury Board may assign to it. *New.*

PART II

PUBLIC MONEY

20.—(1) All public money shall be deposited to the credit of the Treasurer. Public money to be deposited

(2) The Treasurer shall establish in his name accounts with such banks as he designates for the deposit of public money. Establishment of bank accounts

(3) Every person who collects or receives public money shall pay all public money coming into his hands to the credit of the Treasurer through such officers, banks or persons and in such manner as the Treasurer directs and shall keep a record of receipts and deposits thereof in such form and manner as the Comptroller of Revenue directs. *New.* Duty of persons collecting public money

21.—(1) The Treasurer, when he deems it advisable for the sound and efficient management of public money or of the public debt or of any sinking fund, may purchase, acquire and hold, Treasurer may purchase securities

(a) securities issued by or guaranteed as to principal and interest by Ontario, any other province of Canada, Canada, the United Kingdom, or any of its colonies; and

(b) securities issued by the United States of America,

and pay therefor out of the Consolidated Revenue Fund.

(2) The Treasurer may sell any securities purchased, acquired or held pursuant to this section and the proceeds of such sales shall be deposited to the credit of the Consolidated Revenue Fund. R.S.O. 1950, c. 64, s. 3; 1952, c. 81, s. 1, *amended.* Sale of such securities

22.—(1) Where any security, obligation, debenture or covenant, or any interest in real or personal estate, effects, or property is given, or transferred to, made with, or vested in the Treasurer by virtue of his office, the security, obligation, debenture or covenant, and any right of action in respect thereto, and all the estate, right and interest of the Treasurer in respect thereof, upon the death, resignation or removal from office of the Treasurer, shall, subject to the same trusts as they were respectively subject to, vest in the succeeding Treasurer, and may be proceeded on by action or in any other manner, or may be assigned, transferred or discharged, in the name of the succeeding Treasurer. Vesting of securities, etc., in Treasurer and his successors

Realizing
on securities

(2) A security, obligation, debenture, covenant or an interest in real or personal estate, effects and property may be proceeded on in the name of, or assigned, transferred or discharged by, any member of the Executive Council of Ontario acting under *The Executive Council Act*.

Rev. Stat.,
c. 121

Application
of section

(3) This section applies to every security, obligation, debenture or covenant, and every interest in real or personal estate, effects or property given or transferred to, made with, or vested in any former Treasurer, by virtue or on account of his office, and transfers all the interest, rights and estate of the former Treasurer to the Treasurer for the time being to be vested in him by virtue of his office. R.S.O. 1950, c. 64, s. 4 (1-3).

Settlement
of or deter-
mination
of uncollec-
tability of
debts

23.—(1) Where a person has an obligation or debt due to the Crown or the Crown has a claim against a person, the Treasurer may, subject to any other Act affecting such obligation, debt or claim, negotiate and accept a settlement in payment and satisfaction of such obligation, debt or claim, or may determine that any such obligation, debt or claim is uncollectable.

Deletion
of losses

(2) The Lieutenant-Governor in Council, on the recommendation of the Treasurer, may, if he considers it in the public interest, delete from the accounts any loss incurred in any settlement or determination made under subsection 1.

Losses
charged to
surplus
account

(3) The losses deleted from the accounts during any fiscal year shall be reported in the surplus account for that year.
New.

Treasurer
authorized
to accept
certain
gifts and
bequests

24.—(1) The Treasurer may accept from any person gifts or bequests for the permanent endowment of any charitable or educational object in Ontario, and may invest the same in such securities as the Lieutenant-Governor in Council directs.

Interest

(2) The Treasurer shall pay interest upon such gifts or bequests to such persons, at such rate, at such times and computed in such manner as the Lieutenant-Governor in Council may from time to time determine, and such interest shall be a charge upon and payable out of the Consolidated Revenue Fund. R.S.O. 1950, c. 64, s. 6, *amended*.

Money re-
ceived for
special
purpose

25.—(1) Money received by or on behalf of the Crown for a special purpose and paid into the Consolidated Revenue Fund may, subject to any Act applicable thereto, be paid out of the Consolidated Revenue Fund for that purpose.

Interest

(2) The Treasurer may pay interest upon any money to which subsection 1 applies, at such rate, at such times and

computed in such manner as the Lieutenant-Governor in Council may from time to time determine, and such interest shall be a charge upon and payable out of the Consolidated Revenue Fund. *New.*

26.—(1) Every person, on the termination of his charge of any account, or, in the case of his death, his representatives, shall forthwith pay over any balance of public money then due to the Crown in respect of such charge to the public officer authorized to receive the same. Recovery of balance of public money

(2) Where it appears to the Comptroller of Revenue that any amount of public money has been improperly retained by any person, he shall report the circumstances to the Treasurer. R.S.O. 1950, c. 28, s. 28, *amended.* Idem

27. Where a refund is authorized to be made to any person, such refund shall be paid out of the Consolidated Revenue Fund and charged to the appropriate account. *New.* Refunds

PART III

DISBURSEMENT OF PUBLIC MONEY

28.—(1) Every payment out of the Consolidated Revenue Fund shall be made by cheque prepared under the direction of the Comptroller of Accounts and shall be signed by the Treasurer and by the Deputy Provincial Treasurer or such other officer of the Treasury Department as may for the time being be authorized by the Treasurer to sign cheques. Form of payments out of Consolidated Revenue Fund

(2) The Treasurer may authorize the use of facsimile signatures on cheques to be affixed thereto by the use of a rubber stamp or by printing, lithographing, engraving or by other mechanical means. Signature

(3) Every cheque that is issued under the direction of the Comptroller of Accounts shall, when paid, be delivered into his custody for examination and reconciliation with the statement of cheques issued. Cancelled cheques

(4) The Treasurer with the approval of the Auditor may authorize the destruction from time to time of paid and cancelled cheques. R.S.O. 1950, c. 299, s. 12 (2), *part, amended.* Destruction

29. Where a guarantee has been given under the authority of the Legislature by or on behalf of the Crown for the payment of any debt or obligation, any amount required to be paid by the terms of the guarantee may, subject to the Act authorizing the guarantee, be paid out of the Consolidated Revenue Fund. *New.* Payment of guarantee

Special warrants

30.—(1) Where an accident happens to any public work or building when the Legislature is not in session and an expenditure for the repair or renewal thereof is urgently required, or where any other matter arises when the Legislature is not in session in respect of which an expenditure not foreseen or provided for by the Legislature is urgently required for the public good, the Treasury Board shall estimate the amount to be required for such expenditure and the Lieutenant-Governor in Council may, upon the report of the Treasurer that there is no appropriation for the expenditure and the report of the Treasury Board stating its estimate and the recommendation of the minister of the department concerned that the expenditure is urgently required, order a special warrant to be prepared to be signed by the Lieutenant-Governor authorizing the payment of the amount estimated to be required for such expenditure. R.S.O. 1950, c. 28, s. 13 (3), *amended*.

Warrant an appropriation

(2) A warrant issued under this section shall be deemed to be an appropriation for the fiscal year in which it is issued. *New*.

Treasury Board orders

31. Where an appropriation is exhausted or a sufficient amount was not provided and the public interest or the urgent requirements of the public service necessitate further payments, the Treasury Board, upon the report of the minister of the department concerned as to the necessity for further payments and stating the reason why the appropriation is insufficient and the amount estimated to be required, and upon the report of the Budget Committee thereon, may make an order authorizing payments to be made against such amount as it deems proper. R.S.O. 1950, c. 28, s. 23, *amended*.

How public moneys to be paid in certain circumstances

32. If any public money is appropriated by an Act for any purpose or is directed by the judgment of a court or the award of arbitrators or other lawful authority to be paid by the Lieutenant-Governor and no other provision is made respecting it, such money is payable under warrant of the Lieutenant-Governor, directed to the Treasurer, out of the Consolidated Revenue Fund, and all persons entrusted with the expenditure of any such money or any part thereof shall account for the same in such manner and form, with such vouchers, at such periods and to such officer as the Treasurer may direct. R.S.O. 1950, c. 64, s. 5, *amended*.

Allowances for travelling and living expenses

33. The Lieutenant-Governor in Council may make regulations fixing the scale of allowances for the travelling and living expenses to be allowed to any person employed in or in connection with any part of the public service. R.S.O. 1950, c. 28, s. 17.

34.—(1) On the application of a minister, the Treasurer may authorize the Comptroller of Accounts to make an accountable advance for the purpose of meeting disbursements for travelling expenses or other contingencies or of making payments on account of expenses incurred or to be incurred. Accountable advances

(2) If, at the termination of the fiscal year in which an advance was made no accounting or repayment of the advance has been received, such advance shall be repaid or accounted for within thirty days thereafter. Idem

(3) Where it appears to the Comptroller of Accounts that an accountable advance or any portion thereof has not been repaid or accounted for as required by subsection 2, he shall report the circumstances to the Treasurer. *New.* Recovery

35. The Treasurer may pay out of the Consolidated Revenue Fund accounts for legislative and departmental printing, paper and stationery and other supplies delivered to the Queen's Printer, but the amount of such deliveries remaining on hand and in the course of distribution shall not exceed in any fiscal year the sum of \$350,000. R.S.O. 1950, c. 28, s. 30. Authority for payments of accounts for printing, stationery, etc.

36. An amount received as a refund or repayment of an expenditure or advance and deposited to the credit of the Treasurer shall be included in the unexpended balance of the appropriation against which it was charged. *New.* Expenditure refunds

PART IV

PUBLIC DEBT

37. In this Part, "securities" means securities of Ontario and includes Ontario Government stock, bonds, debentures, interest bearing and non-interest bearing treasury bills, notes and any other security representing part of the public debt of Ontario. *New.* Interpretation

38. No money shall be raised by way of loan by the Crown except under this Act or any other Act of the Legislature. *New.* Loans to be authorized

39. All money raised by way of loan and the interest thereon and the principal amount of and interest on all securities issued are a charge on and are payable out of the Consolidated Revenue Fund. *New.* Money raised by way of loan or security issued charged on Consolidated Revenue Fund

40. Where by this or any other Act authority is given to the Lieutenant-Governor in Council to raise any sum of Raising of loans, etc.

money by way of loan, unless there is a provision to the contrary in the Act by which the authority is given, such sum may, in the discretion of the Lieutenant-Governor in Council, be raised in one of the following ways, or partly in one and partly in another or others thereof:

- (a) by the issue and sale of any class or classes of securities which may be in such form or forms, may be for such separate sums, may bear interest at such rate or rates, may be payable as to principal and interest at such time or times and at such place or places as the Lieutenant-Governor in Council deems expedient;
- (b) by the issue and sale of non-interest bearing treasury bills which may be in such form and for such separate sums and may be payable at such place or places and at such time or times not later than twelve months after the date thereof, as the Lieutenant-Governor in Council deems expedient;
- (c) by temporary loan or loans, and in any such case, unless the Lieutenant-Governor in Council otherwise directs, the sums authorized to be raised by way of temporary loan, or any part thereof, may be raised by way of cheques creating overdrafts having such signatures affixed thereto as provided by section 28 as would make such cheques, if not creating overdrafts, binding on Ontario, and all moneys paid in honouring any such cheque by any bank upon which such cheque is drawn shall conclusively be deemed to have been raised by the Lieutenant-Governor in Council in pursuance of the authorizing Act. R.S.O. 1950, c. 299, s. 3 (1), *amended*.

Raising
loans for
refunding
purposes

41.—(1) The Lieutenant-Governor in Council may raise money by way of loan in such manner and at such times as may be deemed expedient by the issue and sale of any class or classes of securities in such amounts as will realize the net sum required for any or all of the following purposes:

- (a) payment, refunding or renewal from time to time of the whole or any part of any loan raised or securities issued under this or any other Act notwithstanding that the issue of securities for such purpose may have the effect of increasing the amount of the public debt or of extending the term of years, if any, fixed by the Act authorizing the raising of the loan or the issue of the securities being paid, refunded or renewed;

- (b) payment of the whole or any part of any loan or of any liability or of any bonds, debentures or other obligations, payment whereof is guaranteed or assumed by Ontario. R.S.O. 1950, c. 299, s. 3 (2), *amended*.

(2) A recital or declaration in the order of the Lieutenant-Governor in Council authorizing the issue and sale of securities to the effect that the amount of the securities so authorized is necessary to realize the net sum required to be raised by way of loan is conclusive evidence of that fact. R.S.O. 1950, c. 299, s. 3 (3), *amended*. Effect of recital in order

42. Any securities issued under the authority of this or any other Act heretofore or hereafter passed may be made redeemable in advance of maturity at such time or times and at such price or prices as the Lieutenant-Governor in Council may provide at the time of the issue thereof. 1951, c. 69, s. 2, *amended*. Securities may be issued subject to call

43. The Lieutenant-Governor in Council may authorize the Treasurer to enter into such contracts and agreements relating to the raising of loans or the issue and sale of securities as the Lieutenant-Governor in Council may approve, but where the Lieutenant-Governor in Council authorizes the raising of a loan by the issue and sale of non-interest bearing treasury bills, he may authorize the Treasurer to offer any such treasury bills for sale on a competitive or other basis and upon such terms and conditions as the Treasurer deems expedient and to sell any or all of such treasury bills in such principal amount or amounts and for such price or prices as the Treasurer may accept. *New*. Contracts and agreements for the raising of loans

44. Securities issued under the authority of this Act may be made payable in the currency or currencies of any country or countries. R.S.O. 1950, c. 299, s. 3 (5), *amended*. Securities payable in currency

45. Every Act heretofore or hereafter passed that authorizes the borrowing or raising by way of loan of a specific number of dollars or the issue of securities for a specific number of dollars in principal amount shall be deemed to authorize the borrowing or raising by way of loan of the same number of dollars of the United States of America or the issue of securities for the same number of dollars of the United States of America in principal amount, as the case may be. 1951, c. 69, s. 1 (2). Same number of U.S. dollars

46. The Lieutenant-Governor in Council may direct that securities, the money invested therein and the interest thereon shall be free from all taxes, succession duties, charges and Exemption from taxation

impositions now or hereafter imposed by Ontario and by any taxing authority thereof or therein. R.S.O. 1950, c. 299, s. 10, *amended*.

Power to
change form
of debt

47. The Lieutenant-Governor in Council may change the form of any part of the debt of Ontario by substituting one security for another, provided that neither the capital of the debt nor the annual charge for interest is thereby increased, except where a security bearing a lower rate of interest is substituted for one bearing a higher rate of interest, in which case only the amount of the capital may be increased by an amount not exceeding the difference between the then present value of the respective securities; but such substitution shall not be made unless the consent of the holder of the security for which another is substituted is obtained, or such security is previously purchased or redeemed by or on account of Ontario, and such substitution may be made by the sale of a security of one class and the purchase of that for which it is desired to substitute it. R.S.O. 1950, c. 299, s. 6.

Securities,
how
executed

48. The Lieutenant-Governor in Council may provide for the manner of executing securities, and that the signature of the Treasurer upon securities and the coupons attached thereto may be engraved, lithographed, printed or otherwise mechanically reproduced, the securities being in such case countersigned by the Deputy Provincial Treasurer or such officer or officers of the Treasury Department as may be appointed for the purpose. R.S.O. 1950, c. 299, s. 12 (1).

Contents
and con-
ditions of
securities

49. The Lieutenant-Governor in Council may provide that any securities to be issued shall contain or be subject to such conditions or provisions, including conditions or provisions with respect to the registration and transfer thereof and with respect to the exchange of securities of one form or denomination for securities of a different form or denomination of equivalent aggregate principal amount and bearing the same rate of interest, as he deems expedient. R.S.O. 1950, c. 299, s. 3 (1), cl. (a), *part, amended*.

Registrars
and fiscal
agents

50.—(1) The Lieutenant-Governor in Council may,

- (a) appoint one or more registrars to perform such services in respect of the registration of securities as he prescribes;
- (b) appoint one or more fiscal agents to perform such services in respect of loans as he prescribes;
- (c) prescribe the duties of registrars and fiscal agents;
- (d) fix the remuneration or compensation of any such registrar or fiscal agent.

(2) Every registrar and fiscal agent shall as often as required by the Treasurer give to the Treasurer an accounting, in such form and containing such information as the Treasurer prescribes, of all his transactions as registrar or fiscal agent. *New.*

51. No officer or person employed in the inscription, registration, transfer, management or redemption of any securities, or in the payment of any interest thereon, is bound to see to the execution of any trust, expressed or implied, to which such securities are subject, or is liable in any way to any person for anything so done by him. R.S.O. 1950, c. 299, s. 8, *amended.*

52. In the event of the loss of any securities or interest coupons thereon by any holder thereof, the Treasurer may pay the amount thereof out of the Consolidated Revenue Fund and may take a bond in such amount and in such form as he deems advisable indemnifying Ontario against loss in respect of such payment. R.S.O. 1950, c. 299, s. 5 (3), *amended.*

53. The Lieutenant-Governor in Council may provide for the creation and management of a special sinking fund with respect to any issue of securities or of a general sinking fund with respect to such securities as have been or are hereafter issued without provision for a sinking fund with respect to them. R.S.O. 1950, c. 299, s. 3 (4), *amended.*

54. All money required to provide a sinking fund or otherwise required to secure repayment of securities, the remuneration and compensation of registrars and fiscal agents and all costs, expenses and charges incurred in the negotiation or raising of loans or in the issue, redemption, servicing, payment and management of any loan and any securities issued in respect thereof, may be paid out of the Consolidated Revenue Fund. *New.*

55. The Treasurer may cancel securities that come into his hands through purchase for sinking fund or otherwise, and upon cancellation such securities cease to be a charge upon the Consolidated Revenue Fund. R.S.O. 1950, c. 299, s. 7, *amended.*

56.—(1) All securities issued for raising money by way of loan shall contain in the body of each security a statement of the legislative authority under which the loan is authorized, and no security issued after the 1st day of July, 1922, is valid unless such statement of the legislative authority for the particular loan is contained in the body of such security.

Advertisement to state authority

(2) Every advertisement for the sale of such securities shall contain a statement of the legislative authority under which the loan is authorized. R.S.O. 1950, c. 299, s. 3 (8, 9), *amended*.

Securities heretofore issued

57. Nothing in this Act impairs or prejudicially affects the rights of the holder of any securities issued before this Act comes into force. *New*.

Regulations

58. The Lieutenant-Governor in Council may make such regulations as he deems necessary,

- (a) for the management of the public debt;
- (b) for the inscription of any securities;
- (c) for the registration, transfer, exchange, redemption, cancellation and destruction of securities. R.S.O. 1950, c. 299, s. 2, *part, amended*.

PART V

CIVIL LIABILITY

Notice to person failing to pay over public money

59.—(1) Where the Treasurer has reason to believe that any person,

- (a) has received money for the Crown and has not paid it over;
- (b) has received money for which he is accountable to the Crown and has not accounted for it; or
- (c) has in his hands any public money applicable to a purpose and has not applied it to that purpose,

the Treasurer may give notice to such person, or to his personal representative in case of his death, requiring him within such time from the service of the notice as may be stated therein, to pay over, account for, or so apply such money, as the case may be, and to transmit to the Treasurer proper vouchers that he has done so. R.S.O. 1950, c. 315, s. 15 (1), *amended*.

Service of notice

(2) The notice may be served by delivering a copy to the person to whom it is addressed or by leaving it for him at his usual place of abode. R.S.O. 1950, c. 315, s. 15 (2).

Proceedings where notice not complied with

(3) Where a person fails to comply with the notice given under subsection 1 within the time stated therein, the Treasurer may state an account between the Crown and such person showing the amount of the money not paid over,

accounted for or applied, as the case may be, and, in the discretion of the Treasurer, charging interest on the whole or any part thereof at the rate of 5 per cent per annum from such date as the Treasurer may determine, and in any proceedings for the recovery of such money a copy of the account so stated by the Treasurer, certified by him, shall be *prima facie* evidence that the amount stated therein, together with interest, is due and payable to the Crown, without proof of the signature of the Treasurer or his official character, and without further proof thereof, and such amount and interest may be recovered as a debt due to the Crown in any court of competent jurisdiction. R.S.O. 1950, c. 315, s. 16, *amended*.

60. Where a person has received public money to be applied to a purpose and has not so applied it and a notice has been given under subsection 1 of section 59, an equal sum out of the Consolidated Revenue Fund may in the meantime be applied to the purpose to which such sum ought to have been applied. R.S.O. 1950, c. 315, s. 19, *amended*.

Unapplied public money for purpose to be applied out of Consolidated Revenue Fund

61. Where it appears,

Evidence

- (a) by the books or accounts kept by or in the office of any person employed in the collection or management of the revenue;
- (b) in any accounting by such person; or
- (c) by his written acknowledgment or confession,

that such person has, by virtue of his office or employment, received money belonging to the Crown and has neglected or refused to pay over such money to the proper persons at the proper times, an affidavit deposing to such facts, taken by any person having knowledge thereof, shall, in any proceedings for the recovery of such money, be received in evidence and is *prima facie* proof of the facts stated therein. *New*.

62. Where by reason of any malfeasance, nonfeasance or misfeasance by a person employed in collecting or receiving any public money, any sum of money is lost to the Crown, such person is accountable for such sum as if he had collected and received it and it may be recovered from him as if he had collected and received it. R.S.O. 1950, c. 315, s. 18, *amended*.

Or Liability for loss

63. Where in the opinion of the Treasurer any person is indebted to the Crown in any specific sum of money, the Treasurer may authorize the Comptroller of Accounts to retain by way of deduction or set-off the amount of such indebtedness out of any sum of money that may be due and payable by the Crown to such person. *New*.

Set-off

Books, etc.,
property
of the
Crown

64. All books, papers, accounts and documents kept or used by, or received or taken into the possession of any person who is or has been employed in connection with the collection, management, disbursement or accounting of public money, by virtue of that employment, shall be deemed to be chattels belonging to the Crown, and all money and valuable securities received or taken into the possession of any such person by virtue of his employment shall be deemed to be money and valuable securities belonging to the Crown. R.S.O. 1950, c. 315, s. 21, *amended*.

Nothing in
this Act to
impair other
remedies of
the Crown

65. Nothing in this Act affects any remedy that the Crown by virtue of any other Act or law has for recovering or enforcing the payment or delivering of any money or property belonging to the Crown and in the possession of any person or any remedy that the Crown or any person has against such person or his sureties or against any other person. R.S.O. 1950, c. 315, s. 22, *amended*.

PART VI

MISCELLANEOUS

Rev. Stat.,
c. 28, part;
cc. 64, 299;
1951, c. 69;
1952, c. 81;
Rev. Stat.,
c. 315,
repealed

66. Sections 1 and 8, subsection 3 of section 13 and sections 17, 20, 23, 28 and 30 of *The Audit Act*, *The Consolidated Revenue Fund Act*, *The Provincial Loans Act*, *The Provincial Loans Amendment Act, 1951*, *The Provincial Loans Amendment Act, 1952* and *The Public Revenue Act* are repealed.

Commence-
ment

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

Short title

68. This Act may be cited as *The Financial Administration Act, 1954*.







An Act to provide for the Financial
Administration of the Government
of Ontario and for the Organization
of the Treasury Department

1st Reading

March 10th, 1954

2nd Reading

3rd Reading

MR. FROST (Victoria)

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

**An Act to provide for the Financial Administration of the
Government of Ontario and for the Organization
of the Treasury Department**

MR. FROST (Victoria)

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

EXPLANATORY NOTE

This bill contains a consolidation and revision of *The Consolidated Revenue Fund Act*, *The Provincial Loans Act*, *The Public Revenue Act* and certain sections of *The Audit Act*, thus bringing into one Act all provisions of all general Acts that deal with matters administered by the Treasury Department.

The bill contains new provisions dealing with the organization of the Treasury Department designed to extend the jurisdiction of the Treasury Department to the administration and control of all matters relating to the collection, accounting, management and disbursement of public money in all departments of government and government agencies.

BILL

An Act to provide for the Financial Administration of the Government of Ontario and for the Organization of the Treasury Department

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

1. In this Act,

Interpreta-
tion

- (a) "appropriation" means any authority to pay money out of the Consolidated Revenue Fund;
- (b) "Consolidated Revenue Fund" means the aggregate of all public moneys that are on deposit at the credit of the Treasurer;
- (c) "department" means department of the Government of Ontario and includes a board, commission, authority, corporation and any other agency of the Government of Ontario;
- (d) "fiscal agent" means a fiscal agent appointed under section 50;
- (e) "fiscal year" means the period from the 1st day of April in one year to the 31st day of March in the next year;
- (f) "minister" means member of the Executive Council;
- (g) "money" includes negotiable instruments;
- (h) "money paid to Ontario for a special purpose" means money that is paid to a public officer under or pursuant to a statute, trust, undertaking, agreement or contract and that is to be disbursed for a purpose specified in or pursuant to such statute, trust, undertaking, agreement or contract;

- (i) "negotiable instrument" includes a cheque, draft, traveller's cheque, bill of exchange, postal note, money order, postal remittance and any other similar instrument;
- (j) "public money" means all money belonging to Ontario received or collected by the Treasurer or by any other public officer or by any person authorized to receive and collect such money and includes,
- (i) special funds of Ontario and the income and revenue therefrom,
 - (ii) revenues of Ontario,
 - (iii) money raised by way of loan by Ontario or received by Ontario through the issue and sale of securities, and
 - (iv) money paid to Ontario for a special purpose;
- (k) "public officer" includes a minister and any person employed in a department;
- (l) "registrar" means a registrar appointed under section 50;
- (m) "Treasurer" means Treasurer of Ontario. *New.*

PART I

ORGANIZATION

Treasury Board

2.—(1) There shall be a board to be called the Treasury Board, composed of the Treasurer, who shall be the chairman, and any four ministers designated from time to time by the Lieutenant-Governor in Council. R.S.O. 1950, c. 28, s. 1, *amended.*

Alternate members

(2) The Lieutenant-Governor in Council may designate other ministers to serve as alternates in the absence of members of the Treasury Board.

Secretary

(3) The Deputy Provincial Treasurer, or in his absence, the secretary of the Budget Committee, is *ex officio* secretary of the Treasury Board.

Rules of procedure; minutes

(4) The Treasury Board may determine its rules and methods of procedure and shall keep a minute book in which shall be recorded the proceedings of the Board. *New.*

3. The Treasury Board shall act as a committee of the Executive Council on all matters relating to finance, revenues, estimates, expenditures and financial commitments and on any other matter concerning general administrative policy in the public service that is referred to the Board by the Executive Council or on which the Board considers it desirable to report to the Executive Council. *New.*

Duties of Treasury Board

4. The Treasury Board may require from any public officer or any agent of the Crown any account, return, statement, document, report or information that the Board considers necessary for the performance of its duties. *New.*

Treasury Board may require production of documents

5. Subject to the approval of the Lieutenant-Governor in Council, the Treasury Board may make regulations,

Regulations

- (a) respecting the collection, management and administration of, and accounting for, public money;
- (b) for any purpose necessary for the efficient administration of the public service. *New.*

TREASURY DEPARTMENT

6. There shall be a department of the public service which shall be called the Treasury Department over which the Treasurer shall preside. *New.*

Treasury Department established

7.—(1) The Treasurer shall manage and control the revenue and expenditure of Ontario and shall supervise, control and direct all matters relating to the financial affairs of Ontario.

Duties of Treasurer

(2) Any power or duty conferred on the Treasurer by this or any other Act may be delegated by him to the Deputy Provincial Treasurer or to any other officer of the Treasury Department who may act for him in his place and stead and when the Deputy Provincial Treasurer or such other officer acts in the place and stead of the Treasurer it shall be presumed conclusively that he acted in accordance with such a delegation. *New.*

Delegation of powers and duties of Treasurer

8.—(1) The Lieutenant-Governor in Council may authorize a seal for the Treasurer and prescribe its use on documents.

Seal

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction, and when so reproduced has the same force and effect as if manually affixed. *New.*

Mechanical reproduction of seal

9.—(1) The Lieutenant-Governor in Council shall appoint a Deputy Provincial Treasurer as deputy head of the Treasury Department.

Deputy Provincial Treasurer

Treasury
Department
officers

(2) The Lieutenant-Governor in Council shall appoint a Comptroller of Accounts, a Comptroller of Finances, a Comptroller of Revenue and a Provincial Economist as officers of the Treasury Department.

Duties of
Deputy
Provincial
Treasurer

10. Under the direction of the Treasurer, the Deputy Provincial Treasurer,

- (a) shall supervise the administration and management of all matters for which, by this or any other Act, the Treasurer or the Treasury Department or any officer or employee of the Treasury Department has any responsibility; and
- (b) shall perform such other duties as the Treasurer may assign to him. *New.*

Duties of
Comptroller
of Accounts

11. Under the direction of the Treasurer, the Comptroller of Accounts,

- (a) shall examine the methods of administration and control applied in any department in connection with the accounting of the disbursement of public money and report thereon with his recommendations to the Treasurer and pursuant to such recommendations he may require the adjustment and supervise the operation in each such department of such methods of administration and control as he deems proper or he may provide in any such department accounting and other services in connection with the administration and control of the disbursement of public money;
- (b) shall perform such other duties as the Treasurer may assign to him. *New.*

Duties of
Comptroller
of Finances

12. Under the direction of the Treasurer, the Comptroller of Finances shall,

- (a) study and advise upon trends in the field of public finance and the effects of the policies of governments on public borrowing;
- (b) advise upon all matters relating to the raising of money under Part IV and to the management of the public debt and sinking funds of Ontario; and
- (c) perform such other duties as the Treasurer may assign to him. *New.*

Duties of
Comptroller
of Revenue

13. Under the direction of the Treasurer, the Comptroller of Revenue,

- (a) shall make in any department any investigation as to the sources and the rates of any tax, fee, revenue or receipt as he may deem advisable and report thereon with his recommendations to the Treasurer;
- (b) shall examine the methods of administration and control applied in any department in connection with collection and accounting of public money and report thereon with his recommendations to the Treasurer and pursuant to such recommendations require the adjustment and supervise the operation in each such department of such methods of administration and control as he deems proper or he may provide in any such department accounting and other services in connection with the administration and control of the collection and accounting of public money;
- (c) shall perform such other duties as the Treasurer may assign to him. *New.*

14. Under the direction of the Treasurer, the Provincial Economist shall, Duties of Provincial Economist

- (a) study economic and social trends and their effects on the policies of governments;
- (b) study the effects of policies of governments on economic and social conditions;
- (c) study the relations between federal, provincial and municipal governments;
- (d) advise upon and prepare reports respecting any matter mentioned in clause *a*, *b* or *c*;
- (e) collect such economic and social statistics as are necessary for the purposes of clauses *a*, *b*, *c* and *d*; and
- (f) perform such other duties as the Treasurer may assign to him. *New.*

15. In any case where it is deemed advisable, the Treasurer may direct that such duties of the Comptroller of Accounts and the Comptroller of Revenue as he may specify shall be performed jointly. *New.* Joint action

16. Notwithstanding any Act and under the direction of the Treasurer, the Comptroller of Accounts and the Comptroller of Revenue or either of them is entitled to free access at Access to books and records

all convenient times to all files, documents and records relating to the accounting, collection, management and disbursement of public money in any department, and each of them is entitled to require and receive from any public officer such information, reports and explanations as he deems necessary for the proper performance of his duties. *New.*

Stationing
of Treasury
Department
staff in
other
departments

17. Under the direction of the Treasurer, the Comptroller of Accounts and the Comptroller of Revenue or either of them may station any person employed in his office in any department to enable him to carry out his duties more effectively, and the department in which such a person is stationed shall provide office accommodation for him. *New.*

Oath of
secrecy

18. Every person who is to examine the accounts or inquire into the affairs of any department pursuant to this Act shall be required to comply with any security requirements applicable to, and to take any oath of secrecy required to be taken by, persons employed in that department. *New.*

Budget
Committee

19.—(1) There shall be a committee to be called the Budget Committee composed of such officers of the Treasury Department and of any other department as the Lieutenant-Governor in Council may designate from time to time.

Chairman
and
secretary

(2) Subject to any directions of the Treasury Board, the Budget Committee may appoint from its members a chairman and a secretary, may determine its own rules and methods of procedure and shall keep a minute book in which shall be recorded the proceedings of the Committee.

Duties

(3) The Budget Committee, under the direction of the Treasury Board, shall,

- (a) examine, advise upon and compile the annual and supplementary estimates of revenue, receipts, expenditures and payments;
- (b) inquire into, examine and advise upon the expenditures, the commitments, the prospective expenditures, the revenues and the prospective revenues of each department;
- (c) investigate all matters relating to the receipt, disbursement and payment of public money;
- (d) make suggestions generally with a view to promoting efficiency and economy in any department; and
- (e) perform such other services as the Treasury Board may assign to it. *New.*

PART II

PUBLIC MONEY

20.—(1) All public money shall be deposited to the credit of the Treasurer. Public money to be deposited

(2) The Treasurer shall establish in his name accounts with such banks as he designates for the deposit of public money. Establishment of bank accounts

(3) Every person who collects or receives public money shall pay all public money coming into his hands to the credit of the Treasurer through such officers, banks or persons and in such manner as the Treasurer directs and shall keep a record of receipts and deposits thereof in such form and manner as the Comptroller of Revenue directs. *New.* Duty of persons collecting public money

21.—(1) The Treasurer, when he deems it advisable for the sound and efficient management of public money or of the public debt or of any sinking fund, may purchase, acquire and hold, Treasurer may purchase securities

(a) securities issued by or guaranteed as to principal and interest by Ontario, any other province of Canada, Canada, the United Kingdom, or any of its colonies; and

(b) securities issued by the United States of America,

and pay therefor out of the Consolidated Revenue Fund.

(2) The Treasurer may sell any securities purchased, acquired or held pursuant to this section and the proceeds of such sales shall be deposited to the credit of the Consolidated Revenue Fund. R.S.O. 1950, c. 64, s. 3; 1952, c. 81, s. 1, *amended.* Sale of such securities

22.—(1) Where any security, obligation, debenture or covenant, or any interest in real or personal estate, effects, or property is given, or transferred to, made with, or vested in the Treasurer by virtue of his office, the security, obligation, debenture or covenant, and any right of action in respect thereto, and all the estate, right and interest of the Treasurer in respect thereof, upon the death, resignation or removal from office of the Treasurer, shall, subject to the same trusts as they were respectively subject to, vest in the succeeding Treasurer, and may be proceeded on by action or in any other manner, or may be assigned, transferred or discharged, in the name of the succeeding Treasurer. Vesting of securities, etc., in Treasurer and his successors

Realizing
on securities

(2) A security, obligation, debenture, covenant or an interest in real or personal estate, effects and property may be proceeded on in the name of, or assigned, transferred or discharged by, any member of the Executive Council of Ontario acting under *The Executive Council Act*.

Rev. Stat.,
c. 121

Application
of section

(3) This section applies to every security, obligation, debenture or covenant, and every interest in real or personal estate, effects or property given or transferred to, made with, or vested in any former Treasurer, by virtue or on account of his office, and transfers all the interest, rights and estate of the former Treasurer to the Treasurer for the time being to be vested in him by virtue of his office. R.S.O. 1950, c. 64, s. 4 (1-3).

Settlement
of or deter-
mination
of uncollec-
tability of
debts

23.—(1) Where a person has an obligation or debt due to the Crown or the Crown has a claim against a person, the Treasurer may, subject to any other Act affecting such obligation, debt or claim, negotiate and accept a settlement in payment and satisfaction of such obligation, debt or claim, or may determine that any such obligation, debt or claim is uncollectable.

Deletion
of losses

(2) The Lieutenant-Governor in Council, on the recommendation of the Treasurer, may, if he considers it in the public interest, delete from the accounts any loss incurred in any settlement or determination made under subsection 1.

Losses
charged to
surplus
account

(3) The losses deleted from the accounts during any fiscal year shall be reported in the surplus account for that year.
New.

Treasurer
authorized
to accept
certain
gifts and
bequests

24.—(1) The Treasurer may accept from any person gifts or bequests for the permanent endowment of any charitable or educational object in Ontario, and may invest the same in such securities as the Lieutenant-Governor in Council directs.

Interest

(2) The Treasurer shall pay interest upon such gifts or bequests to such persons, at such rate, at such times and computed in such manner as the Lieutenant-Governor in Council may from time to time determine, and such interest shall be a charge upon and payable out of the Consolidated Revenue Fund. R.S.O. 1950, c. 64, s. 6, *amended*.

Money re-
ceived for
special
purpose

25.—(1) Money received by or on behalf of the Crown for a special purpose and paid into the Consolidated Revenue Fund may, subject to any Act applicable thereto, be paid out of the Consolidated Revenue Fund for that purpose.

Interest

(2) The Treasurer may pay interest upon any money to which subsection 1 applies, at such rate, at such times and

computed in such manner as the Lieutenant-Governor in Council may from time to time determine, and such interest shall be a charge upon and payable out of the Consolidated Revenue Fund. *New.*

26.—(1) Every person, on the termination of his charge of any account, or, in the case of his death, his representatives, shall forthwith pay over any balance of public money then due to the Crown in respect of such charge to the public officer authorized to receive the same. Recovery of balance of public money

(2) Where it appears to the Comptroller of Revenue that any amount of public money has been improperly retained by any person, he shall report the circumstances to the Treasurer. R.S.O. 1950, c. 28, s. 28, *amended.* Idem

27. Where a refund is authorized to be made to any person, such refund shall be paid out of the Consolidated Revenue Fund and charged to the appropriate account. *New.* Refunds

PART III

DISBURSEMENT OF PUBLIC MONEY

28.—(1) Every payment out of the Consolidated Revenue Fund shall be made by cheque prepared under the direction of the Comptroller of Accounts and shall be signed by the Treasurer and by the Deputy Provincial Treasurer or such other officer of the Treasury Department as may for the time being be authorized by the Treasurer to sign cheques. Form of payments out of Consolidated Revenue Fund

(2) The Treasurer may authorize the use of facsimile signatures on cheques to be affixed thereto by the use of a rubber stamp or by printing, lithographing, engraving or by other mechanical means. Signature

(3) Every cheque that is issued under the direction of the Comptroller of Accounts shall, when paid, be delivered into his custody for examination and reconciliation with the statement of cheques issued. Cancelled cheques

(4) The Treasurer with the approval of the Auditor may authorize the destruction from time to time of paid and cancelled cheques. R.S.O. 1950, c. 299, s. 12 (2), *part, amended.* Destruction

29. Where a guarantee has been given under the authority of the Legislature by or on behalf of the Crown for the payment of any debt or obligation, any amount required to be paid by the terms of the guarantee may, subject to the Act authorizing the guarantee, be paid out of the Consolidated Revenue Fund. *New.* Payment of guarantee

Special warrants

30.—(1) Where an accident happens to any public work or building when the Legislature is not in session and an expenditure for the repair or renewal thereof is urgently required, or where any other matter arises when the Legislature is not in session in respect of which an expenditure not foreseen or provided for by the Legislature is urgently required for the public good, the Treasury Board shall estimate the amount to be required for such expenditure and the Lieutenant-Governor in Council may, upon the report of the Treasurer that there is no appropriation for the expenditure and the report of the Treasury Board stating its estimate and the recommendation of the minister of the department concerned that the expenditure is urgently required, order a special warrant to be prepared to be signed by the Lieutenant-Governor authorizing the payment of the amount estimated to be required for such expenditure. R.S.O. 1950, c. 28, s. 13 (3), *amended*.

Warrant an appropriation

(2) A warrant issued under this section shall be deemed to be an appropriation for the fiscal year in which it is issued. *New*.

Treasury Board orders

31. Where an appropriation is exhausted or a sufficient amount was not provided and the public interest or the urgent requirements of the public service necessitate further payments, the Treasury Board, upon the report of the minister of the department concerned as to the necessity for further payments and stating the reason why the appropriation is insufficient and the amount estimated to be required, and upon the report of the Budget Committee thereon, may make an order authorizing payments to be made against such amount as it deems proper. R.S.O. 1950, c. 28, s. 23, *amended*.

How public moneys to be paid in certain circumstances

32. If any public money is appropriated by an Act for any purpose or is directed by the judgment of a court or the award of arbitrators or other lawful authority to be paid by the Lieutenant-Governor and no other provision is made respecting it, such money is payable under warrant of the Lieutenant-Governor, directed to the Treasurer, out of the Consolidated Revenue Fund, and all persons entrusted with the expenditure of any such money or any part thereof shall account for the same in such manner and form, with such vouchers, at such periods and to such officer as the Treasurer may direct. R.S.O. 1950, c. 64, s. 5, *amended*.

Allowances for travelling and living expenses

33. The Lieutenant-Governor in Council may make regulations fixing the scale of allowances for the travelling and living expenses to be allowed to any person employed in or in connection with any part of the public service. R.S.O. 1950, c. 28, s. 17.

34.—(1) On the application of a minister, the Treasurer ^{Accountable advances} may authorize the Comptroller of Accounts to make an accountable advance for the purpose of meeting disbursements for travelling expenses or other contingencies or of making payments on account of expenses incurred or to be incurred.

(2) If, at the termination of the fiscal year in which an ^{Idem} advance was made no accounting or repayment of the advance has been received, such advance shall be repaid or accounted for within thirty days thereafter.

(3) Where it appears to the Comptroller of Accounts that ^{Recovery} an accountable advance or any portion thereof has not been repaid or accounted for as required by subsection 2, he shall report the circumstances to the Treasurer. *New.*

35. The Treasurer may pay out of the Consolidated ^{Authority for payments of accounts for printing, stationery, etc.} Revenue Fund accounts for legislative and departmental printing, paper and stationery and other supplies delivered to the Queen's Printer, but the amount of such deliveries remaining on hand and in the course of distribution shall not exceed in any fiscal year the sum of \$350,000. R.S.O. 1950, c. 28, s. 30.

36. An amount received as a refund or repayment of an ^{Expenditure refunds} expenditure or advance and deposited to the credit of the Treasurer shall be included in the unexpended balance of the appropriation against which it was charged. *New.*

PART IV

PUBLIC DEBT

37. In this Part, "securities" means securities of Ontario ^{Interpretation} and includes Ontario Government stock, bonds, debentures, interest bearing and non-interest bearing treasury bills, notes and any other security representing part of the public debt of Ontario. *New.*

38. No money shall be raised by way of loan by the Crown ^{Loans to be authorized} except under this Act or any other Act of the Legislature. *New.*

39. All money raised by way of loan and the interest ^{Money raised by way of loan or security issued charged on Consolidated Revenue Fund} thereon and the principal amount of and interest on all securities issued are a charge on and are payable out of the Consolidated Revenue Fund. *New.*

40. Where by this or any other Act authority is given to ^{Raising of loans, etc.} the Lieutenant-Governor in Council to raise any sum of

money by way of loan, unless there is a provision to the contrary in the Act by which the authority is given, such sum may, in the discretion of the Lieutenant-Governor in Council, be raised in one of the following ways, or partly in one and partly in another or others thereof:

- (a) by the issue and sale of any class or classes of securities which may be in such form or forms, may be for such separate sums, may bear interest at such rate or rates, may be payable as to principal and interest at such time or times and at such place or places as the Lieutenant-Governor in Council deems expedient;
- (b) by the issue and sale of non-interest bearing treasury bills which may be in such form and for such separate sums and may be payable at such place or places and at such time or times not later than twelve months after the date thereof, as the Lieutenant-Governor in Council deems expedient;
- (c) by temporary loan or loans, and in any such case, unless the Lieutenant-Governor in Council otherwise directs, the sums authorized to be raised by way of temporary loan, or any part thereof, may be raised by way of cheques creating overdrafts having such signatures affixed thereto as provided by section 28 as would make such cheques, if not creating overdrafts, binding on Ontario, and all moneys paid in honouring any such cheque by any bank upon which such cheque is drawn shall conclusively be deemed to have been raised by the Lieutenant-Governor in Council in pursuance of the authorizing Act. R.S.O. 1950, c. 299, s. 3 (1), *amended*.

Raising
loans for
refunding
purposes

41.—(1) The Lieutenant-Governor in Council may raise money by way of loan in such manner and at such times as may be deemed expedient by the issue and sale of any class or classes of securities in such amounts as will realize the net sum required for any or all of the following purposes:

- (a) payment, refunding or renewal from time to time of the whole or any part of any loan raised or securities issued under this or any other Act notwithstanding that the issue of securities for such purpose may have the effect of increasing the amount of the public debt or of extending the term of years, if any, fixed by the Act authorizing the raising of the loan or the issue of the securities being paid, refunded or renewed;

(b) payment of the whole or any part of any loan or of any liability or of any bonds, debentures or other obligations, payment whereof is guaranteed or assumed by Ontario. R.S.O. 1950, c. 299, s. 3 (2), *amended*.

(2) A recital or declaration in the order of the Lieutenant-Governor in Council authorizing the issue and sale of securities to the effect that the amount of the securities so authorized is necessary to realize the net sum required to be raised by way of loan is conclusive evidence of that fact. R.S.O. 1950, c. 299, s. 3 (3), *amended*. Effect of recital in order

42. Any securities issued under the authority of this or any other Act heretofore or hereafter passed may be made redeemable in advance of maturity at such time or times and at such price or prices as the Lieutenant-Governor in Council may provide at the time of the issue thereof. 1951, c. 69, s. 2, *amended*. Securities may be issued subject to call

43. The Lieutenant-Governor in Council may authorize the Treasurer to enter into such contracts and agreements relating to the raising of loans or the issue and sale of securities as the Lieutenant-Governor in Council may approve, but where the Lieutenant-Governor in Council authorizes the raising of a loan by the issue and sale of non-interest bearing treasury bills, he may authorize the Treasurer to offer any such treasury bills for sale on a competitive or other basis and upon such terms and conditions as the Treasurer deems expedient and to sell any or all of such treasury bills in such principal amount or amounts and for such price or prices as the Treasurer may accept. *New*. Contracts and agreements for the raising of loans

44. Securities issued under the authority of this Act may be made payable in the currency or currencies of any country or countries. R.S.O. 1950, c. 299, s. 3 (5), *amended*. Securities payable in currency

45. Every Act heretofore or hereafter passed that authorizes the borrowing or raising by way of loan of a specific number of dollars or the issue of securities for a specific number of dollars in principal amount shall be deemed to authorize the borrowing or raising by way of loan of the same number of dollars of the United States of America or the issue of securities for the same number of dollars of the United States of America in principal amount, as the case may be. 1951, c. 69, s. 1 (2). Same number of U.S. dollars

46. The Lieutenant-Governor in Council may direct that securities, the money invested therein and the interest thereon shall be free from all taxes, succession duties, charges and Exemption from taxation

impositions now or hereafter imposed by Ontario and by any taxing authority thereof or therein. R.S.O. 1950, c. 299, s. 10, *amended*.

Power to
change form
of debt

47. The Lieutenant-Governor in Council may change the form of any part of the debt of Ontario by substituting one security for another, provided that neither the capital of the debt nor the annual charge for interest is thereby increased, except where a security bearing a lower rate of interest is substituted for one bearing a higher rate of interest, in which case only the amount of the capital may be increased by an amount not exceeding the difference between the then present value of the respective securities; but such substitution shall not be made unless the consent of the holder of the security for which another is substituted is obtained, or such security is previously purchased or redeemed by or on account of Ontario, and such substitution may be made by the sale of a security of one class and the purchase of that for which it is desired to substitute it. R.S.O. 1950, c. 299, s. 6.

Securities,
how
executed

48. The Lieutenant-Governor in Council may provide for the manner of executing securities, and that the signature of the Treasurer upon securities and the coupons attached thereto may be engraved, lithographed, printed or otherwise mechanically reproduced, the securities being in such case countersigned by the Deputy Provincial Treasurer or such officer or officers of the Treasury Department as may be appointed for the purpose. R.S.O. 1950, c. 299, s. 12 (1).

Contents
and con-
ditions of
securities

49. The Lieutenant-Governor in Council may provide that any securities to be issued shall contain or be subject to such conditions or provisions, including conditions or provisions with respect to the registration and transfer thereof and with respect to the exchange of securities of one form or denomination for securities of a different form or denomination of equivalent aggregate principal amount and bearing the same rate of interest, as he deems expedient. R.S.O. 1950, c. 299, s. 3 (1), cl. (a), *part, amended*.

Registrars
and fiscal
agents

50.—(1) The Lieutenant-Governor in Council may,

- (a) appoint one or more registrars to perform such services in respect of the registration of securities as he prescribes;
- (b) appoint one or more fiscal agents to perform such services in respect of loans as he prescribes;
- (c) prescribe the duties of registrars and fiscal agents;
- (d) fix the remuneration or compensation of any such registrar or fiscal agent.

(2) Every registrar and fiscal agent shall as often as required by the Treasurer give to the Treasurer an accounting, in such form and containing such information as the Treasurer prescribes, of all his transactions as registrar or fiscal agent. *New.*

51. No officer or person employed in the inscription, registration, transfer, management or redemption of any securities, or in the payment of any interest thereon, is bound to see to the execution of any trust, expressed or implied, to which such securities are subject, or is liable in any way to any person for anything so done by him. R.S.O. 1950, c. 299, s. 8, *amended.*

52. In the event of the loss of any securities or interest coupons thereon by any holder thereof, the Treasurer may pay the amount thereof out of the Consolidated Revenue Fund and may take a bond in such amount and in such form as he deems advisable indemnifying Ontario against loss in respect of such payment. R.S.O. 1950, c. 299, s. 5 (3), *amended.*

53. The Lieutenant-Governor in Council may provide for the creation and management of a special sinking fund with respect to any issue of securities or of a general sinking fund with respect to such securities as have been or are hereafter issued without provision for a sinking fund with respect to them. R.S.O. 1950, c. 299, s. 3 (4), *amended.*

54. All money required to provide a sinking fund or otherwise required to secure repayment of securities, the remuneration and compensation of registrars and fiscal agents and all costs, expenses and charges incurred in the negotiation or raising of loans or in the issue, redemption, servicing, payment and management of any loan and any securities issued in respect thereof, may be paid out of the Consolidated Revenue Fund. *New.*

55. The Treasurer may cancel securities that come into his hands through purchase for sinking fund or otherwise, and upon cancellation such securities cease to be a charge upon the Consolidated Revenue Fund. R.S.O. 1950, c. 299, s. 7, *amended.*

56.—(1) All securities issued for raising money by way of loan shall contain in the body of each security a statement of the legislative authority under which the loan is authorized, and no security issued after the 1st day of July, 1922, is valid unless such statement of the legislative authority for the particular loan is contained in the body of such security.

Advertisement to state authority

(2) Every advertisement for the sale of such securities shall contain a statement of the legislative authority under which the loan is authorized. R.S.O. 1950, c. 299, s. 3 (8, 9), *amended*.

Securities heretofore issued

57. Nothing in this Act impairs or prejudicially affects the rights of the holder of any securities issued before this Act comes into force. *New*.

Regulations

58. The Lieutenant-Governor in Council may make such regulations as he deems necessary,

- (a) for the management of the public debt;
- (b) for the inscription of any securities;
- (c) for the registration, transfer, exchange, redemption, cancellation and destruction of securities. R.S.O. 1950, c. 299, s. 2, *part, amended*.

PART V

CIVIL LIABILITY

Notice to person failing to pay over public money

59.—(1) Where the Treasurer has reason to believe that any person,

- (a) has received money for the Crown and has not paid it over;
- (b) has received money for which he is accountable to the Crown and has not accounted for it; or
- (c) has in his hands any public money applicable to a purpose and has not applied it to that purpose,

the Treasurer may give notice to such person, or to his personal representative in case of his death, requiring him within such time from the service of the notice as may be stated therein, to pay over, account for, or so apply such money, as the case may be, and to transmit to the Treasurer proper vouchers that he has done so. R.S.O. 1950, c. 315, s. 15 (1), *amended*.

Service of notice

(2) The notice may be served by delivering a copy to the person to whom it is addressed or by leaving it for him at his usual place of abode. R.S.O. 1950, c. 315, s. 15 (2).

Proceedings where notice not complied with

(3) Where a person fails to comply with the notice given under subsection 1 within the time stated therein, the Treasurer may state an account between the Crown and such person showing the amount of the money not paid over,

accounted for or applied, as the case may be, and, in the discretion of the Treasurer, charging interest on the whole or any part thereof at the rate of 5 per cent per annum from such date as the Treasurer may determine, and in any proceedings for the recovery of such money a copy of the account so stated by the Treasurer, certified by him, shall be *prima facie* evidence that the amount stated therein, together with interest, is due and payable to the Crown, without proof of the signature of the Treasurer or his official character, and without further proof thereof, and such amount and interest may be recovered as a debt due to the Crown in any court of competent jurisdiction. R.S.O. 1950, c. 315, s. 16, *amended*.

60. Where a person has received public money to be applied to a purpose and has not so applied it and a notice has been given under subsection 1 of section 59, an equal sum out of the Consolidated Revenue Fund may in the meantime be applied to the purpose to which such sum ought to have been applied. R.S.O. 1950, c. 315, s. 19, *amended*.

Unapplied public money for purpose to be applied out of Consolidated Revenue Fund

61. Where it appears,

Evidence

- (a) by the books or accounts kept by or in the office of any person employed in the collection or management of the revenue;
- (b) in any accounting by such person; or
- (c) by his written acknowledgment or confession,

that such person has, by virtue of his office or employment, received money belonging to the Crown and has neglected or refused to pay over such money to the proper persons at the proper times, an affidavit deposing to such facts, taken by any person having knowledge thereof, shall, in any proceedings for the recovery of such money, be received in evidence and is *prima facie* proof of the facts stated therein. *New*.

62. Where by reason of any malfeasance, nonfeasance or misfeasance by a person employed in collecting or receiving any public money, any sum of money is lost to the Crown, such person is accountable for such sum as if he had collected and received it and it may be recovered from him as if he had collected and received it. R.S.O. 1950, c. 315, s. 18, *amended*.

Liability for loss

63. Where in the opinion of the Treasurer any person is indebted to the Crown in any specific sum of money, the Treasurer may authorize the Comptroller of Accounts to retain by way of deduction or set-off the amount of such indebtedness out of any sum of money that may be due and payable by the Crown to such person. *New*.

Set-off

Books, etc.,
property
of the
Crown

64. All books, papers, accounts and documents kept or used by, or received or taken into the possession of any person who is or has been employed in connection with the collection, management, disbursement or accounting of public money, by virtue of that employment, shall be deemed to be chattels belonging to the Crown, and all money and valuable securities received or taken into the possession of any such person by virtue of his employment shall be deemed to be money and valuable securities belonging to the Crown. R.S.O. 1950, c. 315, s. 21, *amended*.


Nothing in
this Act to
impair other
remedies of
the Crown

65. Nothing in this Act affects any remedy that the Crown by virtue of any other Act or law has for recovering or enforcing the payment or delivering of any money or property belonging to the Crown and in the possession of any person or any remedy that the Crown or any person has against such person or his sureties or against any other person. R.S.O. 1950, c. 315, s. 22, *amended*.

PART VI

MISCELLANEOUS

Rev. Stat.,
c. 28, *part*;
cc. 64, 315;
repealed

 **66.** Sections 1 and 8, subsection 3 of section 13 and sections 17, 20, 23, 28 and 30 of *The Audit Act*, *The Consolidated Revenue Fund Act* and *The Public Revenue Act* are repealed.

Rev. Stat.,
c. 299;
1951, c. 69;
1952, c. 81.
repealed

67. *The Provincial Loans Act*, *The Provincial Loans Amendment Act, 1951* and *The Provincial Loans Amendment Act, 1952* are repealed.


Commence-
ment

68.—(1) This Act, except sections 37 to 42 and sections 44 to 58 and section 67, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 37 to 42 and sections 44 to 58 and section 67 come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

69. This Act may be cited as *The Financial Administration Act, 1954*. 







An Act to provide for the Financial
Administration of the Government
of Ontario and for the Organization
of the Treasury Department

1st Reading

March 10th, 1954

2nd Reading

March 15th, 1954

3rd Reading

MR. FROST (Victoria)

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

No. 91

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

**An Act to provide for the Financial Administration of the
Government of Ontario and for the Organization
of the Treasury Department**

MR. FROST (Victoria)

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



BILL

An Act to provide for the Financial Administration of the Government of Ontario and for the Organization of the Treasury Department

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

1. In this Act,

Interpreta-
tion

- (a) "appropriation" means any authority to pay money out of the Consolidated Revenue Fund;
- (b) "Consolidated Revenue Fund" means the aggregate of all public moneys that are on deposit at the credit of the Treasurer;
- (c) "department" means department of the Government of Ontario and includes a board, commission, authority, corporation and any other agency of the Government of Ontario;
- (d) "fiscal agent" means a fiscal agent appointed under section 50;
- (e) "fiscal year" means the period from the 1st day of April in one year to the 31st day of March in the next year;
- (f) "minister" means member of the Executive Council;
- (g) "money" includes negotiable instruments;
- (h) "money paid to Ontario for a special purpose" means money that is paid to a public officer under or pursuant to a statute, trust, undertaking, agreement or contract and that is to be disbursed for a purpose specified in or pursuant to such statute, trust, undertaking, agreement or contract;

- (i) "negotiable instrument" includes a cheque, draft, traveller's cheque, bill of exchange, postal note, money order, postal remittance and any other similar instrument;
- (j) "public money" means all money belonging to Ontario received or collected by the Treasurer or by any other public officer or by any person authorized to receive and collect such money and includes,
 - (i) special funds of Ontario and the income and revenue therefrom,
 - (ii) revenues of Ontario,
 - (iii) money raised by way of loan by Ontario or received by Ontario through the issue and sale of securities, and
 - (iv) money paid to Ontario for a special purpose;
- (k) "public officer" includes a minister and any person employed in a department;
- (l) "registrar" means a registrar appointed under section 50;
- (m) "Treasurer" means Treasurer of Ontario. *New.*

PART I

ORGANIZATION

Treasury Board

2.—(1) There shall be a board to be called the Treasury Board, composed of the Treasurer, who shall be the chairman, and any four ministers designated from time to time by the Lieutenant-Governor in Council. R.S.O. 1950, c. 28, s. 1, *amended.*

Alternate members

(2) The Lieutenant-Governor in Council may designate other ministers to serve as alternates in the absence of members of the Treasury Board.

Secretary

(3) The Deputy Provincial Treasurer, or in his absence, the secretary of the Budget Committee, is *ex officio* secretary of the Treasury Board.

Rules of procedure; minutes

(4) The Treasury Board may determine its rules and methods of procedure and shall keep a minute book in which shall be recorded the proceedings of the Board. *New.*

3. The Treasury Board shall act as a committee of the Executive Council on all matters relating to finance, revenues, estimates, expenditures and financial commitments and on any other matter concerning general administrative policy in the public service that is referred to the Board by the Executive Council or on which the Board considers it desirable to report to the Executive Council. *New.*

Duties of
Treasury
Board

4. The Treasury Board may require from any public officer or any agent of the Crown any account, return, statement, document, report or information that the Board considers necessary for the performance of its duties. *New.*

Treasury
Board may
require
production
of documents

5. Subject to the approval of the Lieutenant-Governor in Council, the Treasury Board may make regulations,

Regulations

- (a) respecting the collection, management and administration of, and accounting for, public money;
- (b) for any purpose necessary for the efficient administration of the public service. *New.*

TREASURY DEPARTMENT

6. There shall be a department of the public service which shall be called the Treasury Department over which the Treasurer shall preside. *New.*

Treasury
Department
established

7.—(1) The Treasurer shall manage and control the revenue and expenditure of Ontario and shall supervise, control and direct all matters relating to the financial affairs of Ontario.

Duties of
Treasurer

(2) Any power or duty conferred on the Treasurer by this or any other Act may be delegated by him to the Deputy Provincial Treasurer or to any other officer of the Treasury Department who may act for him in his place and stead and when the Deputy Provincial Treasurer or such other officer acts in the place and stead of the Treasurer it shall be presumed conclusively that he acted in accordance with such a delegation. *New.*

Delegation
of powers
and duties of
Treasurer

8.—(1) The Lieutenant-Governor in Council may authorize a seal for the Treasurer and prescribe its use on documents.

Seal

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction, and when so reproduced has the same force and effect as if manually affixed. *New.*

Mechanical
reproduc-
tion of seal

9.—(1) The Lieutenant-Governor in Council shall appoint a Deputy Provincial Treasurer as deputy head of the Treasury Department.

Deputy
Provincial
Treasurer

Treasury
Department
officers

(2) The Lieutenant-Governor in Council shall appoint a Comptroller of Accounts, a Comptroller of Finances, a Comptroller of Revenue and a Provincial Economist as officers of the Treasury Department.

Duties of
Deputy
Provincial
Treasurer

10. Under the direction of the Treasurer, the Deputy Provincial Treasurer,

- (a) shall supervise the administration and management of all matters for which, by this or any other Act, the Treasurer or the Treasury Department or any officer or employee of the Treasury Department has any responsibility; and
- (b) shall perform such other duties as the Treasurer may assign to him. *New.*

Duties of
Comptroller
of Accounts

11. Under the direction of the Treasurer, the Comptroller of Accounts,

- (a) shall examine the methods of administration and control applied in any department in connection with the accounting of the disbursement of public money and report thereon with his recommendations to the Treasurer and pursuant to such recommendations he may require the adjustment and supervise the operation in each such department of such methods of administration and control as he deems proper or he may provide in any such department accounting and other services in connection with the administration and control of the disbursement of public money;
- (b) shall perform such other duties as the Treasurer may assign to him. *New.*

Duties of
Comptroller
of Finances

12. Under the direction of the Treasurer, the Comptroller of Finances shall,

- (a) study and advise upon trends in the field of public finance and the effects of the policies of governments on public borrowing;
- (b) advise upon all matters relating to the raising of money under Part IV and to the management of the public debt and sinking funds of Ontario; and
- (c) perform such other duties as the Treasurer may assign to him. *New.*

Duties of
Comptroller
of Revenue

13. Under the direction of the Treasurer, the Comptroller of Revenue,

- (a) shall make in any department any investigation as to the sources and the rates of any tax, fee, revenue or receipt as he may deem advisable and report thereon with his recommendations to the Treasurer;
- (b) shall examine the methods of administration and control applied in any department in connection with collection and accounting of public money and report thereon with his recommendations to the Treasurer and pursuant to such recommendations require the adjustment and supervise the operation in each such department of such methods of administration and control as he deems proper or he may provide in any such department accounting and other services in connection with the administration and control of the collection and accounting of public money;
- (c) shall perform such other duties as the Treasurer may assign to him. *New.*

14. Under the direction of the Treasurer, the Provincial Economist shall, Duties of Provincial Economist

- (a) study economic and social trends and their effects on the policies of governments;
- (b) study the effects of policies of governments on economic and social conditions;
- (c) study the relations between federal, provincial and municipal governments;
- (d) advise upon and prepare reports respecting any matter mentioned in clause *a*, *b* or *c*;
- (e) collect such economic and social statistics as are necessary for the purposes of clauses *a*, *b*, *c* and *d*; and
- (f) perform such other duties as the Treasurer may assign to him. *New.*

15. In any case where it is deemed advisable, the Treasurer may direct that such duties of the Comptroller of Accounts and the Comptroller of Revenue as he may specify shall be performed jointly. *New.* Joint action

16. Notwithstanding any Act and under the direction of the Treasurer, the Comptroller of Accounts and the Comptroller of Revenue or either of them is entitled to free access at Access to books and records

all convenient times to all files, documents and records relating to the accounting, collection, management and disbursement of public money in any department, and each of them is entitled to require and receive from any public officer such information, reports and explanations as he deems necessary for the proper performance of his duties. *New.*

Stationing
of Treasury
Department
staff in
other
departments

17. Under the direction of the Treasurer, the Comptroller of Accounts and the Comptroller of Revenue or either of them may station any person employed in his office in any department to enable him to carry out his duties more effectively, and the department in which such a person is stationed shall provide office accommodation for him. *New.*

Oath of
secrecy

18. Every person who is to examine the accounts or inquire into the affairs of any department pursuant to this Act shall be required to comply with any security requirements applicable to, and to take any oath of secrecy required to be taken by, persons employed in that department. *New.*

Budget
Committee

19.—(1) There shall be a committee to be called the Budget Committee composed of such officers of the Treasury Department and of any other department as the Lieutenant-Governor in Council may designate from time to time.

Chairman
and
secretary

(2) Subject to any directions of the Treasury Board, the Budget Committee may appoint from its members a chairman and a secretary, may determine its own rules and methods of procedure and shall keep a minute book in which shall be recorded the proceedings of the Committee.

Duties

(3) The Budget Committee, under the direction of the Treasury Board, shall,

- (a) examine, advise upon and compile the annual and supplementary estimates of revenue, receipts, expenditures and payments;
- (b) inquire into, examine and advise upon the expenditures, the commitments, the prospective expenditures, the revenues and the prospective revenues of each department;
- (c) investigate all matters relating to the receipt, disbursement and payment of public money;
- (d) make suggestions generally with a view to promoting efficiency and economy in any department; and
- (e) perform such other services as the Treasury Board may assign to it. *New.*

PART II

PUBLIC MONEY

20.—(1) All public money shall be deposited to the credit of the Treasurer. Public money to be deposited

(2) The Treasurer shall establish in his name accounts with such banks as he designates for the deposit of public money. Establishment of bank accounts

(3) Every person who collects or receives public money shall pay all public money coming into his hands to the credit of the Treasurer through such officers, banks or persons and in such manner as the Treasurer directs and shall keep a record of receipts and deposits thereof in such form and manner as the Comptroller of Revenue directs. *New.* Duty of persons collecting public money

21.—(1) The Treasurer, when he deems it advisable for the sound and efficient management of public money or of the public debt or of any sinking fund, may purchase, acquire and hold, Treasurer may purchase securities

(a) securities issued by or guaranteed as to principal and interest by Ontario, any other province of Canada, Canada, the United Kingdom, or any of its colonies; and

(b) securities issued by the United States of America,

and pay therefor out of the Consolidated Revenue Fund.

(2) The Treasurer may sell any securities purchased, acquired or held pursuant to this section and the proceeds of such sales shall be deposited to the credit of the Consolidated Revenue Fund. R.S.O. 1950, c. 64, s. 3; 1952, c. 81, s. 1, *amended.* Sale of such securities

22.—(1) Where any security, obligation, debenture or covenant, or any interest in real or personal estate, effects, or property is given, or transferred to, made with, or vested in the Treasurer by virtue of his office, the security, obligation, debenture or covenant, and any right of action in respect thereto, and all the estate, right and interest of the Treasurer in respect thereof, upon the death, resignation or removal from office of the Treasurer, shall, subject to the same trusts as they were respectively subject to, vest in the succeeding Treasurer, and may be proceeded on by action or in any other manner, or may be assigned, transferred or discharged, in the name of the succeeding Treasurer. Vesting of securities, etc., in Treasurer and his successors

Realizing on securities (2) A security, obligation, debenture, covenant or an interest in real or personal estate, effects and property may be proceeded on in the name of, or assigned, transferred or discharged by, any member of the Executive Council of Ontario acting under *The Executive Council Act*.

Rev. Stat.,
c. 121

Application
of section

(3) This section applies to every security, obligation, debenture or covenant, and every interest in real or personal estate, effects or property given or transferred to, made with, or vested in any former Treasurer, by virtue or on account of his office, and transfers all the interest, rights and estate of the former Treasurer to the Treasurer for the time being to be vested in him by virtue of his office. R.S.O. 1950, c. 64, s. 4 (1-3).

Settlement
of or deter-
mination
of uncollec-
tability of
debts

23.—(1) Where a person has an obligation or debt due to the Crown or the Crown has a claim against a person, the Treasurer may, subject to any other Act affecting such obligation, debt or claim, negotiate and accept a settlement in payment and satisfaction of such obligation, debt or claim, or may determine that any such obligation, debt or claim is uncollectable.

Deletion
of losses

(2) The Lieutenant-Governor in Council, on the recommendation of the Treasurer, may, if he considers it in the public interest, delete from the accounts any loss incurred in any settlement or determination made under subsection 1.

Losses
charged to
surplus
account

(3) The losses deleted from the accounts during any fiscal year shall be reported in the surplus account for that year.
New.

Treasurer
authorized
to accept
certain
gifts and
bequests

24.—(1) The Treasurer may accept from any person gifts or bequests for the permanent endowment of any charitable or educational object in Ontario, and may invest the same in such securities as the Lieutenant-Governor in Council directs.

Interest

(2) The Treasurer shall pay interest upon such gifts or bequests to such persons, at such rate, at such times and computed in such manner as the Lieutenant-Governor in Council may from time to time determine, and such interest shall be a charge upon and payable out of the Consolidated Revenue Fund. R.S.O. 1950, c. 64, s. 6, *amended*.

Money re-
ceived for
special
purpose

25.—(1) Money received by or on behalf of the Crown for a special purpose and paid into the Consolidated Revenue Fund may, subject to any Act applicable thereto, be paid out of the Consolidated Revenue Fund for that purpose.

Interest

(2) The Treasurer may pay interest upon any money to which subsection 1 applies, at such rate, at such times and

computed in such manner as the Lieutenant-Governor in Council may from time to time determine, and such interest shall be a charge upon and payable out of the Consolidated Revenue Fund. *New.*

26.—(1) Every person, on the termination of his charge of any account, or, in the case of his death, his representatives, shall forthwith pay over any balance of public money then due to the Crown in respect of such charge to the public officer authorized to receive the same. ^{Recovery of balance of public money}

(2) Where it appears to the Comptroller of Revenue that any amount of public money has been improperly retained by any person, he shall report the circumstances to the Treasurer. R.S.O. 1950, c. 28, s. 28, *amended.* ^{Idem}

27. Where a refund is authorized to be made to any person, such refund shall be paid out of the Consolidated Revenue Fund and charged to the appropriate account. *New.* ^{Refunds}

PART III

DISBURSEMENT OF PUBLIC MONEY

28.—(1) Every payment out of the Consolidated Revenue Fund shall be made by cheque prepared under the direction of the Comptroller of Accounts and shall be signed by the Treasurer and by the Deputy Provincial Treasurer or such other officer of the Treasury Department as may for the time being be authorized by the Treasurer to sign cheques. ^{Form of payments out of Consolidated Revenue Fund}

(2) The Treasurer may authorize the use of facsimile signatures on cheques to be affixed thereto by the use of a rubber stamp or by printing, lithographing, engraving or by other mechanical means. ^{Signature}

(3) Every cheque that is issued under the direction of the Comptroller of Accounts shall, when paid, be delivered into his custody for examination and reconciliation with the statement of cheques issued. ^{Cancelled cheques}

(4) The Treasurer with the approval of the Auditor may authorize the destruction from time to time of paid and cancelled cheques. R.S.O. 1950, c. 299, s. 12 (2), *part, amended.* ^{Destruction}

29. Where a guarantee has been given under the authority of the Legislature by or on behalf of the Crown for the payment of any debt or obligation, any amount required to be paid by the terms of the guarantee may, subject to the Act authorizing the guarantee, be paid out of the Consolidated Revenue Fund. *New.* ^{Payment of guarantee}

Special warrants

30.—(1) Where an accident happens to any public work or building when the Legislature is not in session and an expenditure for the repair or renewal thereof is urgently required, or where any other matter arises when the Legislature is not in session in respect of which an expenditure not foreseen or provided for by the Legislature is urgently required for the public good, the Treasury Board shall estimate the amount to be required for such expenditure and the Lieutenant-Governor in Council may, upon the report of the Treasurer that there is no appropriation for the expenditure and the report of the Treasury Board stating its estimate and the recommendation of the minister of the department concerned that the expenditure is urgently required, order a special warrant to be prepared to be signed by the Lieutenant-Governor authorizing the payment of the amount estimated to be required for such expenditure. R.S.O. 1950, c. 28, s. 13 (3), *amended*.

Warrant an appropriation

(2) A warrant issued under this section shall be deemed to be an appropriation for the fiscal year in which it is issued. *New*.

Treasury Board orders

31. Where an appropriation is exhausted or a sufficient amount was not provided and the public interest or the urgent requirements of the public service necessitate further payments, the Treasury Board, upon the report of the minister of the department concerned as to the necessity for further payments and stating the reason why the appropriation is insufficient and the amount estimated to be required, and upon the report of the Budget Committee thereon, may make an order authorizing payments to be made against such amount as it deems proper. R.S.O. 1950, c. 28, s. 23, *amended*.

How public moneys to be paid in certain circumstances

32. If any public money is appropriated by an Act for any purpose or is directed by the judgment of a court or the award of arbitrators or other lawful authority to be paid by the Lieutenant-Governor and no other provision is made respecting it, such money is payable under warrant of the Lieutenant-Governor, directed to the Treasurer, out of the Consolidated Revenue Fund, and all persons entrusted with the expenditure of any such money or any part thereof shall account for the same in such manner and form, with such vouchers, at such periods and to such officer as the Treasurer may direct. R.S.O. 1950, c. 64, s. 5, *amended*.

Allowances for travelling and living expenses

33. The Lieutenant-Governor in Council may make regulations fixing the scale of allowances for the travelling and living expenses to be allowed to any person employed in or in connection with any part of the public service. R.S.O. 1950, c. 28, s. 17.

34.—(1) On the application of a minister, the Treasurer may authorize the Comptroller of Accounts to make an accountable advance for the purpose of meeting disbursements for travelling expenses or other contingencies or of making payments on account of expenses incurred or to be incurred. Accountable advances

(2) If, at the termination of the fiscal year in which an advance was made no accounting or repayment of the advance has been received, such advance shall be repaid or accounted for within thirty days thereafter. Idem

(3) Where it appears to the Comptroller of Accounts that an accountable advance or any portion thereof has not been repaid or accounted for as required by subsection 2, he shall report the circumstances to the Treasurer. *New.* Recovery

35. The Treasurer may pay out of the Consolidated Revenue Fund accounts for legislative and departmental printing, paper and stationery and other supplies delivered to the Queen's Printer, but the amount of such deliveries remaining on hand and in the course of distribution shall not exceed in any fiscal year the sum of \$350,000. R.S.O. 1950, c. 28, s. 30. Authority for payments of accounts for printing, stationery, etc.

36. An amount received as a refund or repayment of an expenditure or advance and deposited to the credit of the Treasurer shall be included in the unexpended balance of the appropriation against which it was charged. *New.* Expenditure refunds

PART IV

PUBLIC DEBT

37. In this Part, "securities" means securities of Ontario and includes Ontario Government stock, bonds, debentures, interest bearing and non-interest bearing treasury bills, notes and any other security representing part of the public debt of Ontario. *New.* Interpretation

38. No money shall be raised by way of loan by the Crown except under this Act or any other Act of the Legislature. *New.* Loans to be authorized

39. All money raised by way of loan and the interest thereon and the principal amount of and interest on all securities issued are a charge on and are payable out of the Consolidated Revenue Fund. *New.* Money raised by way of loan or security issued charged on Consolidated Revenue Fund

40. Where by this or any other Act authority is given to the Lieutenant-Governor in Council to raise any sum of Raising of loans, etc.

money by way of loan, unless there is a provision to the contrary in the Act by which the authority is given, such sum may, in the discretion of the Lieutenant-Governor in Council, be raised in one of the following ways, or partly in one and partly in another or others thereof:

- (a) by the issue and sale of any class or classes of securities which may be in such form or forms, may be for such separate sums, may bear interest at such rate or rates, may be payable as to principal and interest at such time or times and at such place or places as the Lieutenant-Governor in Council deems expedient;
- (b) by the issue and sale of non-interest bearing treasury bills which may be in such form and for such separate sums and may be payable at such place or places and at such time or times not later than twelve months after the date thereof, as the Lieutenant-Governor in Council deems expedient;
- (c) by temporary loan or loans, and in any such case, unless the Lieutenant-Governor in Council otherwise directs, the sums authorized to be raised by way of temporary loan, or any part thereof, may be raised by way of cheques creating overdrafts having such signatures affixed thereto as provided by section 28 as would make such cheques, if not creating overdrafts, binding on Ontario, and all moneys paid in honouring any such cheque by any bank upon which such cheque is drawn shall conclusively be deemed to have been raised by the Lieutenant-Governor in Council in pursuance of the authorizing Act. R.S.O. 1950, c. 299, s. 3 (1), *amended*.

Raising
loans for
refunding
purposes

41.—(1) The Lieutenant-Governor in Council may raise money by way of loan in such manner and at such times as may be deemed expedient by the issue and sale of any class or classes of securities in such amounts as will realize the net sum required for any or all of the following purposes:

- (a) payment, refunding or renewal from time to time of the whole or any part of any loan raised or securities issued under this or any other Act notwithstanding that the issue of securities for such purpose may have the effect of increasing the amount of the public debt or of extending the term of years, if any, fixed by the Act authorizing the raising of the loan or the issue of the securities being paid, refunded or renewed;

(b) payment of the whole or any part of any loan or of any liability or of any bonds, debentures or other obligations, payment whereof is guaranteed or assumed by Ontario. R.S.O. 1950, c. 299, s. 3 (2), *amended*.

(2) A recital or declaration in the order of the Lieutenant-Governor in Council authorizing the issue and sale of securities to the effect that the amount of the securities so authorized is necessary to realize the net sum required to be raised by way of loan is conclusive evidence of that fact. R.S.O. 1950, c. 299, s. 3 (3), *amended*. Effect of recital in order

42. Any securities issued under the authority of this or any other Act heretofore or hereafter passed may be made redeemable in advance of maturity at such time or times and at such price or prices as the Lieutenant-Governor in Council may provide at the time of the issue thereof. 1951, c. 69, s. 2, *amended*. Securities may be issued subject to call

43. The Lieutenant-Governor in Council may authorize the Treasurer to enter into such contracts and agreements relating to the raising of loans or the issue and sale of securities as the Lieutenant-Governor in Council may approve, but where the Lieutenant-Governor in Council authorizes the raising of a loan by the issue and sale of non-interest bearing treasury bills, he may authorize the Treasurer to offer any such treasury bills for sale on a competitive or other basis and upon such terms and conditions as the Treasurer deems expedient and to sell any or all of such treasury bills in such principal amount or amounts and for such price or prices as the Treasurer may accept. *New*. Contracts and agreements for the raising of loans

44. Securities issued under the authority of this Act may be made payable in the currency or currencies of any country or countries. R.S.O. 1950, c. 299, s. 3 (5), *amended*. Securities payable in currency

45. Every Act heretofore or hereafter passed that authorizes the borrowing or raising by way of loan of a specific number of dollars or the issue of securities for a specific number of dollars in principal amount shall be deemed to authorize the borrowing or raising by way of loan of the same number of dollars of the United States of America or the issue of securities for the same number of dollars of the United States of America in principal amount, as the case may be. 1951, c. 69, s. 1 (2). Same number of U.S. dollars

46. The Lieutenant-Governor in Council may direct that securities, the money invested therein and the interest thereon shall be free from all taxes, succession duties, charges and Exemption from taxation

impositions now or hereafter imposed by Ontario and by any taxing authority thereof or therein. R.S.O. 1950, c. 299, s. 10, *amended*.

Power to
change form
of debt

47. The Lieutenant-Governor in Council may change the form of any part of the debt of Ontario by substituting one security for another, provided that neither the capital of the debt nor the annual charge for interest is thereby increased, except where a security bearing a lower rate of interest is substituted for one bearing a higher rate of interest, in which case only the amount of the capital may be increased by an amount not exceeding the difference between the then present value of the respective securities; but such substitution shall not be made unless the consent of the holder of the security for which another is substituted is obtained, or such security is previously purchased or redeemed by or on account of Ontario, and such substitution may be made by the sale of a security of one class and the purchase of that for which it is desired to substitute it. R.S.O. 1950, c. 299, s. 6.

Securities,
how
executed

48. The Lieutenant-Governor in Council may provide for the manner of executing securities, and that the signature of the Treasurer upon securities and the coupons attached thereto may be engraved, lithographed, printed or otherwise mechanically reproduced, the securities being in such case countersigned by the Deputy Provincial Treasurer or such officer or officers of the Treasury Department as may be appointed for the purpose. R.S.O. 1950, c. 299, s. 12 (1).

Contents
and con-
ditions of
securities

49. The Lieutenant-Governor in Council may provide that any securities to be issued shall contain or be subject to such conditions or provisions, including conditions or provisions with respect to the registration and transfer thereof and with respect to the exchange of securities of one form or denomination for securities of a different form or denomination of equivalent aggregate principal amount and bearing the same rate of interest, as he deems expedient. R.S.O. 1950, c. 299, s. 3 (1), cl. (a), *part, amended*.

Registrars
and fiscal
agents

50.—(1) The Lieutenant-Governor in Council may,

- (a) appoint one or more registrars to perform such services in respect of the registration of securities as he prescribes;
- (b) appoint one or more fiscal agents to perform such services in respect of loans as he prescribes;
- (c) prescribe the duties of registrars and fiscal agents;
- (d) fix the remuneration or compensation of any such registrar or fiscal agent.

(2) Every registrar and fiscal agent shall as often as required by the Treasurer give to the Treasurer an accounting, in such form and containing such information as the Treasurer prescribes, of all his transactions as registrar or fiscal agent. *New.*

Accounting
by fiscal
agents and
registrars

51. No officer or person employed in the inscription, registration, transfer, management or redemption of any securities, or in the payment of any interest thereon, is bound to see to the execution of any trust, expressed or implied, to which such securities are subject, or is liable in any way to any person for anything so done by him. R.S.O. 1950, c. 299, s. 8. *amended.*

Officers not
bound to
see to trust

52. In the event of the loss of any securities or interest coupons thereon by any holder thereof, the Treasurer may pay the amount thereof out of the Consolidated Revenue Fund and may take a bond in such amount and in such form as he deems advisable indemnifying Ontario against loss in respect of such payment. R.S.O. 1950, c. 299, s. 5 (3), *amended.*

Payment
of lost
securities

53. The Lieutenant-Governor in Council may provide for the creation and management of a special sinking fund with respect to any issue of securities or of a general sinking fund with respect to such securities as have been or are hereafter issued without provision for a sinking fund with respect to them. R.S.O. 1950, c. 299, s. 3 (4), *amended.*

Sinking
funds

54. All money required to provide a sinking fund or otherwise required to secure repayment of securities, the remuneration and compensation of registrars and fiscal agents and all costs, expenses and charges incurred in the negotiation or raising of loans or in the issue, redemption, servicing, payment and management of any loan and any securities issued in respect thereof, may be paid out of the Consolidated Revenue Fund. *New.*

Payment of
loan ex-
penses out of
Consolidated
Revenue
Fund

55. The Treasurer may cancel securities that come into his hands through purchase for sinking fund or otherwise, and upon cancellation such securities cease to be a charge upon the Consolidated Revenue Fund. R.S.O. 1950, c. 299, s. 7, *amended.*

Power to
cancel
securities
acquired on
sinking fund
account

56.—(1) All securities issued for raising money by way of loan shall contain in the body of each security a statement of the legislative authority under which the loan is authorized, and no security issued after the 1st day of July, 1922, is valid unless such statement of the legislative authority for the particular loan is contained in the body of such security.

Securities
to state
authority

Advertisement to state authority

(2) Every advertisement for the sale of such securities shall contain a statement of the legislative authority under which the loan is authorized. R.S.O. 1950, c. 299, s. 3 (8, 9), *amended*.

Securities heretofore issued

57. Nothing in this Act impairs or prejudicially affects the rights of the holder of any securities issued before this Act comes into force. *New*.

Regulations

58. The Lieutenant-Governor in Council may make such regulations as he deems necessary,

- (a) for the management of the public debt;
- (b) for the inscription of any securities;
- (c) for the registration, transfer, exchange, redemption, cancellation and destruction of securities. R.S.O. 1950, c. 299, s. 2, *part, amended*.

PART V

CIVIL LIABILITY

Notice to person failing to pay over public money

59.—(1) Where the Treasurer has reason to believe that any person,

- (a) has received money for the Crown and has not paid it over;
- (b) has received money for which he is accountable to the Crown and has not accounted for it; or
- (c) has in his hands any public money applicable to a purpose and has not applied it to that purpose,

the Treasurer may give notice to such person, or to his personal representative in case of his death, requiring him within such time from the service of the notice as may be stated therein, to pay over, account for, or so apply such money, as the case may be, and to transmit to the Treasurer proper vouchers that he has done so. R.S.O. 1950, c. 315, s. 15 (1), *amended*.

Service of notice

(2) The notice may be served by delivering a copy to the person to whom it is addressed or by leaving it for him at his usual place of abode. R.S.O. 1950, c. 315, s. 15 (2).

Proceedings where notice not complied with

(3) Where a person fails to comply with the notice given under subsection 1 within the time stated therein, the Treasurer may state an account between the Crown and such person showing the amount of the money not paid over,

accounted for or applied, as the case may be, and, in the discretion of the Treasurer, charging interest on the whole or any part thereof at the rate of 5 per cent per annum from such date as the Treasurer may determine, and in any proceedings for the recovery of such money a copy of the account so stated by the Treasurer, certified by him, shall be *prima facie* evidence that the amount stated therein, together with interest, is due and payable to the Crown, without proof of the signature of the Treasurer or his official character, and without further proof thereof, and such amount and interest may be recovered as a debt due to the Crown in any court of competent jurisdiction. R.S.O. 1950, c. 315, s. 16, *amended*.

60. Where a person has received public money to be applied to a purpose and has not so applied it and a notice has been given under subsection 1 of section 59, an equal sum out of the Consolidated Revenue Fund may in the meantime be applied to the purpose to which such sum ought to have been applied. R.S.O. 1950, c. 315, s. 19, *amended*.

Unapplied
public
money for
purpose to
be applied
out of Con-
solidated
Revenue
Fund

61. Where it appears,

Evidence

- (a) by the books or accounts kept by or in the office of any person employed in the collection or management of the revenue;
- (b) in any accounting by such person; or
- (c) by his written acknowledgment or confession,

that such person has, by virtue of his office or employment, received money belonging to the Crown and has neglected or refused to pay over such money to the proper persons at the proper times, an affidavit deposing to such facts, taken by any person having knowledge thereof, shall, in any proceedings for the recovery of such money, be received in evidence and is *prima facie* proof of the facts stated therein. *New*.

62. Where by reason of any malfeasance, nonfeasance or misfeasance by a person employed in collecting or receiving any public money, any sum of money is lost to the Crown, such person is accountable for such sum as if he had collected and received it and it may be recovered from him as if he had collected and received it. R.S.O. 1950, c. 315, s. 18, *amended*.

Liability
for loss

63. Where in the opinion of the Treasurer any person is indebted to the Crown in any specific sum of money, the Treasurer may authorize the Comptroller of Accounts to retain by way of deduction or set-off the amount of such indebtedness out of any sum of money that may be due and payable by the Crown to such person. *New*.

Set-off

Books, etc.,
property
of the
Crown

64. All books, papers, accounts and documents kept or used by, or received or taken into the possession of any person who is or has been employed in connection with the collection, management, disbursement or accounting of public money, by virtue of that employment, shall be deemed to be chattels belonging to the Crown, and all money and valuable securities received or taken into the possession of any such person by virtue of his employment shall be deemed to be money and valuable securities belonging to the Crown. R.S.O. 1950, c. 315, s. 21, *amended*.

Nothing in
this Act to
impair other
remedies of
the Crown

65. Nothing in this Act affects any remedy that the Crown by virtue of any other Act or law has for recovering or enforcing the payment or delivering of any money or property belonging to the Crown and in the possession of any person or any remedy that the Crown or any person has against such person or his sureties or against any other person. R.S.O. 1950, c. 315, s. 22, *amended*.

PART VI

MISCELLANEOUS

Rev. Stat.,
c. 28, *part*;
cc. 64, 315;
repealed

66. Sections 1 and 8, subsection 3 of section 13 and sections 17, 20, 23, 28 and 30 of *The Audit Act*, *The Consolidated Revenue Fund Act* and *The Public Revenue Act* are repealed.

Rev. Stat.,
c. 299;
1951, c. 69;
1952, c. 81
repealed

67. *The Provincial Loans Act*, *The Provincial Loans Amendment Act, 1951* and *The Provincial Loans Amendment Act, 1952* are repealed.

Commence-
ment

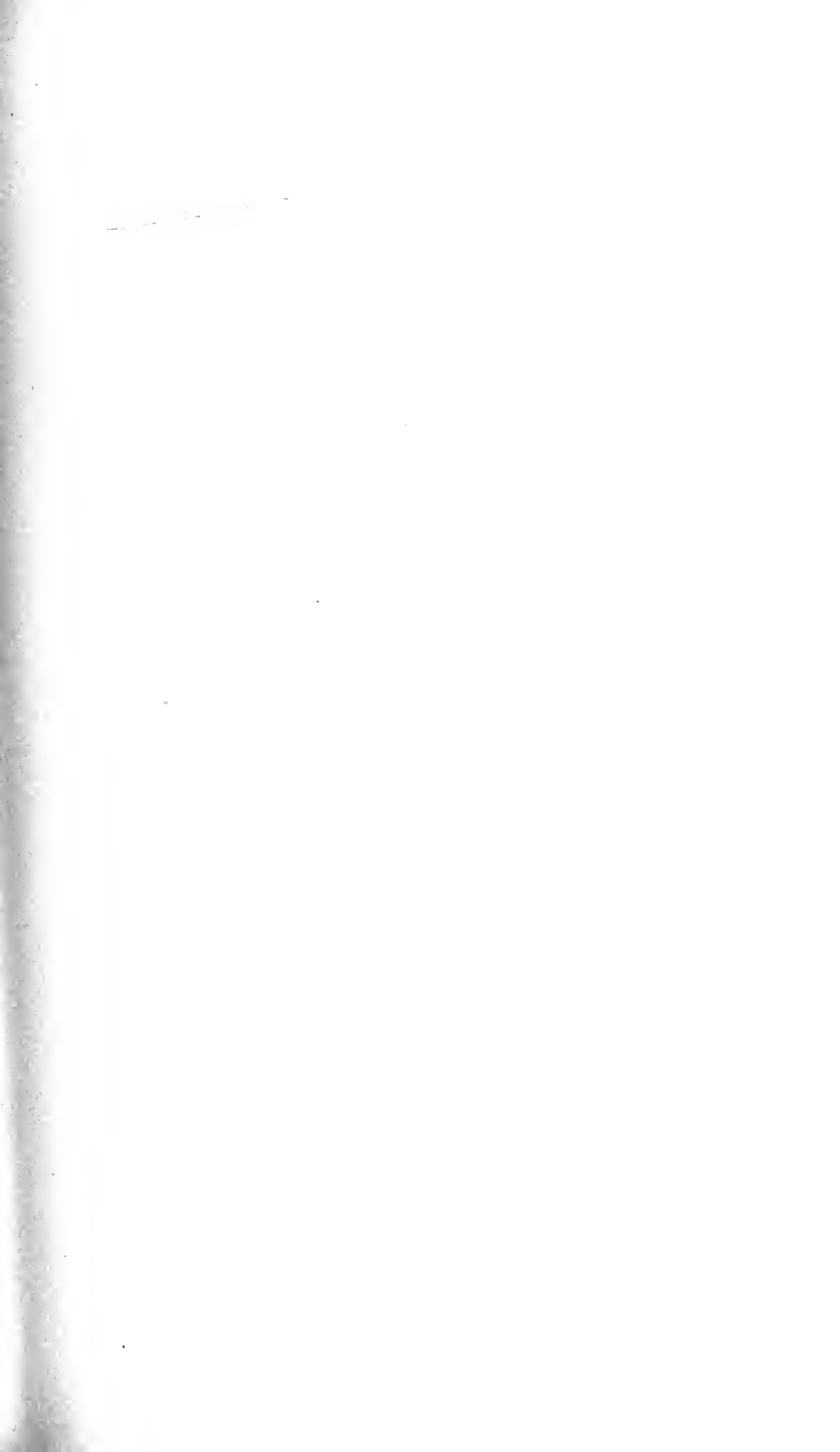
68.—(1) This Act, except sections 37 to 42 and sections 44 to 58 and section 67, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 37 to 42 and sections 44 to 58 and section 67 come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

69. This Act may be cited as *The Financial Administration Act, 1954*.







An Act to provide for the Financial
Administration of the Government
of Ontario and for the Organization
of the Treasury Department

1st Reading

March 10th, 1954

2nd Reading

March 15th, 1954

3rd Reading

March 31st, 1954

MR. FROST (Victoria)

No. 92

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act respecting Mental Health

MR. PHILLIPS

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

EXPLANATORY NOTE

The Bill is designed to promote community mental health by providing advice and assistance in mental health matters to hospitals and local public health agencies.

BILL

An Act respecting Mental Health

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

1. In this Act,

Interpreta-
tion

- (a) "Department" means Department of Health;
- (b) "Director" means Director of Mental Health of the Department;
- (c) "hospital" means a hospital approved under *The Public Hospitals Act*; Rev. Stat., c. 307
- (d) "local board" means the local board of health for any municipality or of a health unit;
- (e) "medical officer of health" means medical officer of health appointed under *The Public Health Act* or any person having the powers thereof; Rev. Stat., c. 306
- (f) "mental health accommodation" means accommodation and facilities established and maintained in a hospital for the care and treatment of persons suffering from psychiatric disorders and includes an observation unit and a detention unit approved under *The Mental Hospitals Act*; Rev. Stat., c. 229
- (g) "mental health officer" means an officer of the Department appointed under this Act;
- (h) "Minister" means Minister of Health;
- (i) "patient" means a person received and lodged in mental health accommodation for the purpose of receiving treatment;
- (j) "regulations" means regulations made under this Act.

Information relating to mental health

2. Under the direction of the Minister, the officers of the Department shall promote and encourage the establishment and co-ordination of facilities for the accumulation and dissemination of information relating to mental health, and advise and assist local boards, medical officers of health, public hospitals and other persons and institutions in all matters pertaining to mental health.

Director of Mental Health

3.—(1) For the purpose of carrying out the provisions of this Act and the regulations, the Minister may appoint an officer of the Department to be known as the “Director of Mental Health”.

Duties

(2) The Director shall perform such duties as may be assigned to him by this Act, the regulations or the Minister.

Idem

(3) The duties of the Director include,

- (a) the investigation of mental health problems;
- (b) the accumulation of information and statistics in respect of mental health;
- (c) the dissemination of information among and assistance to local boards, medical officers of health, public hospitals and other persons and institutions;
- (d) the inspection and supervision of the accommodation and facilities established and operated by public hospitals for the care and treatment of patients suffering from psychiatric disorders;
- (e) the education of the public in matters of mental health;
- (f) the promotion and co-ordination of facilities and advice in matters relating to community mental health; and
- (g) submission of such reports to the Minister as he may direct.

Mental health officers

4. The Minister may appoint officers of the Department to be known as “mental health officers” who shall perform such duties as may be assigned to them by this Act, the regulations or the Minister.

Duties

5. Every mental health officer shall visit and inspect mental health accommodation when and as required by the regulations or by the Director and when visiting mental health accommodation may inspect any part of that accom-

modation and see any patient therein, and inspect all books, records, certificates and forms relating to such patient and shall submit a full report of his inspection to the Minister.

6. The superintendent of a hospital in which mental health accommodation is established shall permit a mental health officer to make inspections under this Act at any time. Superintendent to permit inspections

7. Every mental health officer when inspecting mental health accommodation shall inquire whether any patient is under restraint and why and shall inspect the certificate or certificates for the reception and detention of every patient therein and shall observe, Inquiries to be made by mental health officers

- (a) the condition of the mental health accommodation, its equipment and facilities;
- (b) the appearance of the patients and the number of patients under restraint;
- (c) the sufficiency of its staff; and
- (d) any other matter he deems proper.

8. If it appears to a mental health officer that a patient is detained without sufficient cause, he shall discuss the fitness of the patient with the superintendent of the hospital or an attending medical practitioner and if satisfied that the patient ought to be discharged shall so order in writing and the patient shall be discharged accordingly. Discharge of patient on order of mental health officer

9. The superintendent of every hospital in which mental health accommodation is established, Records and reports

- (a) shall keep such books, records and forms with respect to patients therein; and
- (b) shall submit to the Director reports giving such information with respect to each person who received treatment for psychiatric disorders therein,

as may be prescribed by the regulations or as the Director may require.

10. Where a mental health officer, after an inspection, reports that the accommodation or facilities for the treatment of patients in any mental health accommodation that comprises a detention unit or an observation unit approved under *The Mental Hospitals Act* is unsatisfactory, the Minister may revoke the approval thereto and thereafter the accommodation shall not be used as a detention unit or observation unit, as the case may be. Unsatisfactory accommodation or facilities in accommodation Rev. Stat., c. 229

Act does not
authorize
detention

11. Nothing in this Act shall be deemed to authorize the detention or restraint of any person where such restraint or detention is not authorized by any Act of this Legislature or is not otherwise lawfully authorized.

Powers,
duties
additional
to those
under
Rev. Stat.,
c. 307

12. Nothing in this Act or the regulations shall be deemed to derogate from any of the provisions of *The Public Hospitals Act* and regulations made thereunder and any powers given or duties imposed by this Act or the regulations shall be deemed to be in addition to the powers and duties under *The Public Hospitals Act* and regulations made thereunder.

Regulations

13. The Lieutenant-Governor in Council may make regulations,

- (a) prescribing the powers and duties of the Director and mental health officers in respect of any matter mentioned in this Act;
- (b) in respect of mental health accommodation,
 - (i) prescribing the times and extent of inspection thereof and providing for the visitation of patients therein,
 - (ii) prescribing the accommodation, facilities and equipment thereof,
 - (iii) prescribing the forms, records, clinical records, books, returns and reports to be made and kept in connection therewith and providing for returns, reports and information to be furnished to the Director,
 - (iv) providing for staff and employees and qualifications of staff and employees therein, and
 - (v) providing for the admission, treatment and discharge of patients and prescribing the forms therefor.

Short title

14. This Act may be cited as *The Mental Health Act, 1954*.



BILL

An Act respecting Mental Health

1st Reading

March 12th, 1954

2nd Reading

3rd Reading

MR. PHILLIPS

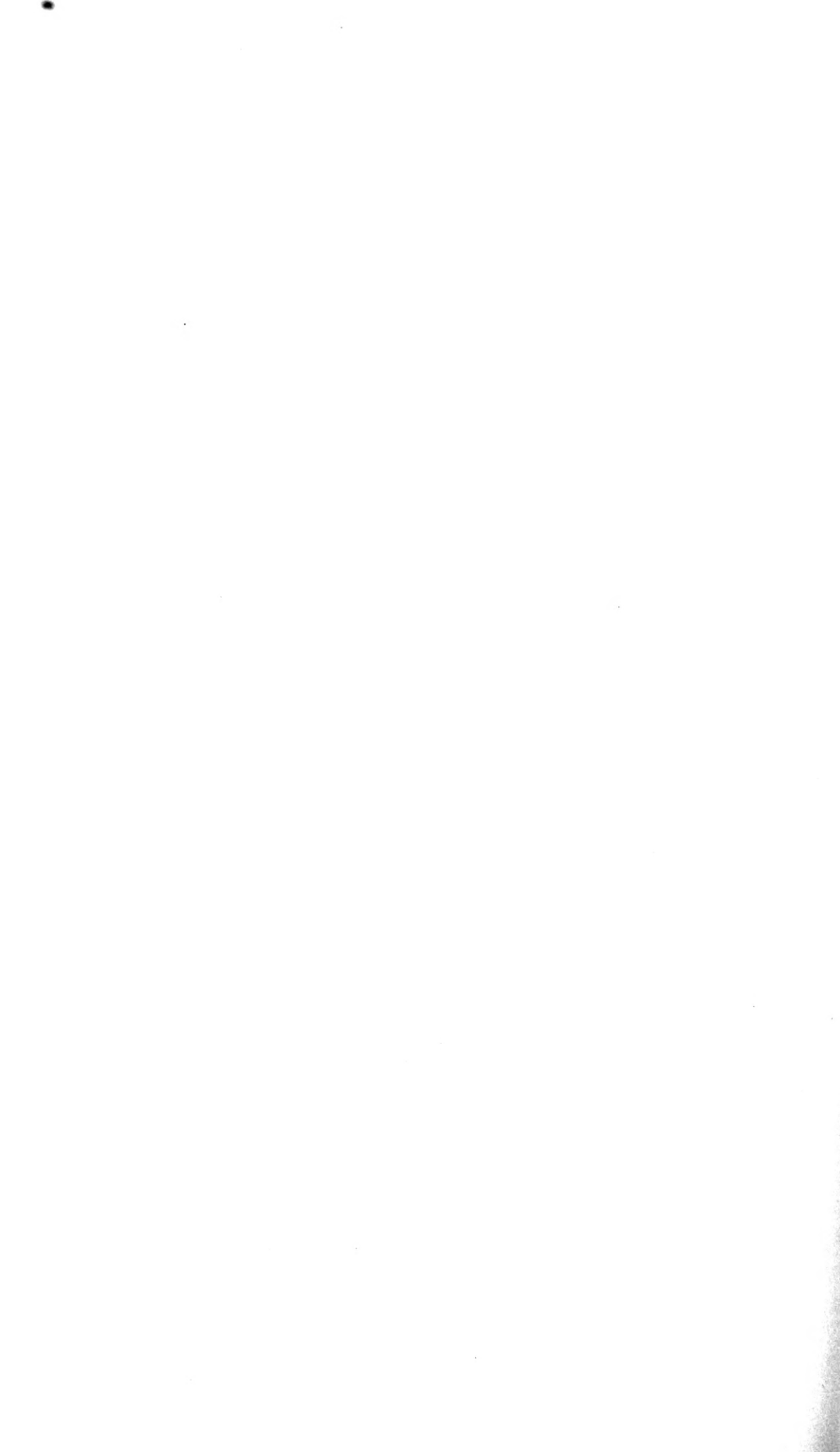
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- (e) "medical officer of health" means medical officer of health appointed under *The Public Health Act* or any person having the powers thereof; Rev. Stat., c. 306
- (f) "mental health accommodation" means accommodation and facilities established and maintained in a hospital for the care and treatment of persons suffering from psychiatric disorders and includes an observation unit and a detention unit approved under *The Mental Hospitals Act*; Rev. Stat., c. 229
- (g) "mental health officer" means an officer of the Department appointed under this Act;
- (h) "Minister" means Minister of Health;
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- (j) "regulations" means regulations made under this Act.

Information
relating
to mental
health

2. Under the direction of the Minister, the officers of the Department shall promote and encourage the establishment and co-ordination of facilities for the accumulation and dissemination of information relating to mental health, and advise and assist local boards, medical officers of health, public hospitals and other persons and institutions in all matters pertaining to mental health.

Director of
Mental
Health

3.—(1) For the purpose of carrying out the provisions of this Act and the regulations, the Minister may appoint an officer of the Department to be known as the "Director of Mental Health".

Duties

(2) The Director shall perform such duties as may be assigned to him by this Act, the regulations or the Minister.

Idem

(3) The duties of the Director include,

- (a) the investigation of mental health problems;
- (b) the accumulation of information and statistics in respect of mental health;
- (c) the dissemination of information among and assistance to local boards, medical officers of health, public hospitals and other persons and institutions;
- (d) the inspection and supervision of the accommodation and facilities established and operated by public hospitals for the care and treatment of patients suffering from psychiatric disorders;
- (e) the education of the public in matters of mental health;
- (f) the promotion and co-ordination of facilities and advice in matters relating to community mental health; and
- (g) submission of such reports to the Minister as he may direct.

Mental
health
officers

4. The Minister may appoint officers of the Department to be known as "mental health officers" who shall perform such duties as may be assigned to them by this Act, the regulations or the Minister.

Duties

5. Every mental health officer shall visit and inspect mental health accommodation when and as required by the regulations or by the Director and when visiting mental health accommodation may inspect any part of that accom-

modation and see any patient therein, and inspect all books, records, certificates and forms relating to such patient and shall submit a full report of his inspection to the Minister.

6. The superintendent of a hospital in which mental health accommodation is established shall permit a mental health officer to make inspections under this Act at any time. Superintendent to permit inspections

7. Every mental health officer when inspecting mental health accommodation shall inquire whether any patient is under restraint and why and shall inspect the certificate or certificates for the reception and detention of every patient therein and shall observe, Inquiries to be made by mental health officers

- (a) the condition of the mental health accommodation, its equipment and facilities;
- (b) the appearance of the patients and the number of patients under restraint;
- (c) the sufficiency of its staff; and
- (d) any other matter he deems proper.

8. If it appears to a mental health officer that a patient is detained without sufficient cause, he shall discuss the fitness of the patient with the superintendent of the hospital or an attending medical practitioner and if satisfied that the patient ought to be discharged shall so order in writing and the patient shall be discharged accordingly. Discharge of patient on order of mental health officer

9. The superintendent of every hospital in which mental health accommodation is established, Records and reports

- (a) shall keep such books, records and forms with respect to patients therein; and
- (b) shall submit to the Director reports giving such information with respect to each person who received treatment for psychiatric disorders therein,

as may be prescribed by the regulations or as the Director may require.

10. Where a mental health officer, after an inspection, reports that the accommodation or facilities for the treatment of patients in any mental health accommodation that comprises a detention unit or an observation unit approved under *The Mental Hospitals Act* is unsatisfactory, the Minister may revoke the approval thereto and thereafter the accommodation shall not be used as a detention unit or observation unit, as the case may be. Unsatisfactory accommodation or facilities in accommodation Rev. Stat., c. 229

Act does not
authorize
detention

11. Nothing in this Act shall be deemed to authorize the detention or restraint of any person where such restraint or detention is not authorized by any Act of this Legislature or is not otherwise lawfully authorized.

Powers,
duties
additional
to those
under
Rev. Stat.,
c. 307

12. Nothing in this Act or the regulations shall be deemed to derogate from any of the provisions of *The Public Hospitals Act* and regulations made thereunder and any powers given or duties imposed by this Act or the regulations shall be deemed to be in addition to the powers and duties under *The Public Hospitals Act* and regulations made thereunder.

Regulations

13. The Lieutenant-Governor in Council may make regulations,

- (a) prescribing the powers and duties of the Director and mental health officers in respect of any matter mentioned in this Act;
- (b) in respect of mental health accommodation,
 - (i) prescribing the times and extent of inspection thereof and providing for the visitation of patients therein,
 - (ii) prescribing the accommodation, facilities and equipment thereof,
 - (iii) prescribing the forms, records, clinical records, books, returns and reports to be made and kept in connection therewith and providing for returns, reports and information to be furnished to the Director,
 - (iv) providing for staff and employees and qualifications of staff and employees therein, and
 - (v) providing for the admission, treatment and discharge of patients and prescribing the forms therefor.

Short title

14. This Act may be cited as *The Mental Health Act, 1954*.



An Act respecting Mental Health

1st Reading

March 12th, 1954

2nd Reading

March 16th, 1954

3rd Reading

March 30th, 1954

MR. PHILLIPS

No. 93

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

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 amendment is designed to authorize public hospitals to extend treatment services in respect of patients suffering from psychiatric disorders.

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 VIIB

OBSERVATION UNITS

56f. In this Part,

Interpreta-
tion

(a) "observation unit" means that part of a psychiatric unit in a public hospital approved under section 56g;

(b) "psychiatric unit" means that part of a public hospital established and maintained by the hospital for the purpose of examining, consulting for diagnosing, and treating patients suffering from psychiatric disorders;

(c) "public hospital" means a hospital approved under *The Public Hospitals Act*.

Rev. Stat.,
c. 307

56g. The Minister may issue certificates approving a part of a psychiatric unit in a public hospital as an observation unit. Observation
units

56h. Any person who is a patient in a psychiatric unit and who is or is believed to be suffering from a psychiatric disorder and to be in need of the observation, care and treatment provided in an observation unit may be admitted thereto and detained therein for a period not exceeding five days on the certificate of one medical practitioner in the prescribed form accompanied by the prescribed history form. Admission
and deten-
tion

No admission without application

56i.—(1) Notwithstanding section 11 of *The Public Hospitals Act*, no person shall be taken to an observation 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 a person as a patient to an observation 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 observation unit the superintendent may award admission to the prospective patient.

Deputy Minister to be notified

(4) Within twenty-four hours after the admission of a person to an observation unit, the superintendent shall give notice thereof to the Deputy Minister.

Powers of superintendent of public hospital

56j. Where a patient has been admitted to an observation 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 observation unit

56k. No patient shall remain in an observation unit for a period in excess of five days, provided that the superintendent or other person designated by the governing body of the public hospital may extend the period for an additional five days on the certificate of a second medical practitioner in the prescribed form.

Bed capacity of observation unit

56l.—(1) The total bed capacity of an observation unit shall not exceed the ratio of one bed in the observation unit of the hospital for each five beds in the psychiatric unit thereof.

Number of patients in observation unit

(2) The number of patients admitted to and treated in an observation unit shall not at any time exceed the total bed capacity of the observation unit.



SECTION 2. The amendment increases the maximum fee for medical examination and certification of indigent patients for the purpose of admission to Ontario Hospitals from \$5 to \$10.

SECTION 3. Subsection 1 of section 59 of the Act referred to section 46 of *The Corporations Tax Act* which was repealed by section 3 of *The Corporations Tax Amendment Act, 1953*. Subsection 1 has therefore no more value and is repealed.

Subsection 2 of section 59 provided for a charge of 50 cents a day for the care of indigent patients in the Ontario Hospital, Woodstock. The repeal of subsection 2 relieves the municipalities of this charge.

2. Subsection 1 of section 57 of *The Mental Hospitals Act* is amended by striking out the symbol and figure "\$5" in the third line and inserting in lieu thereof the symbol and figures "\$10", so that the subsection shall read as follows:

- (1) The necessary costs and expenses incurred under sections 23 to 29 and section 35 in determining the mental condition of any person including a fee not exceeding \$10 and a travelling allowance of ten cents per mile of each medical practitioner who issues a certificate in respect of the person and the necessary expenses incurred in conveying the person to and from an institution shall be paid by the municipality from which the person came or was sent to an institution.

3. Section 59 of *The Mental Hospitals Act* is repealed.

Rev. Stat.,
c. 229, s. 59,
repealed

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

Commence-
ment

(2) Section 1 comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Idem

5. This Act may be cited as *The Mental Hospitals Amendment Act, 1954*.

Short title

An Act to amend The Mental Hospitals
Act

1st Reading

March 12th, 1954

2nd Reading

3rd Reading

MR. PHILLIPS

No. 93

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3. ELIZABETH II, 1954

BILL
An Act to amend The Mental Hospitals Act

MR. PHILLIPS

TORONTO
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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 VIIB

OBSERVATION UNITS

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Interpreta-
tion

(a) "observation unit" means that part of a psychiatric unit in a public hospital approved under section 56g;

(b) "psychiatric unit" means that part of a public hospital established and maintained by the hospital for the purpose of examining, consulting for diagnosing, and treating patients suffering from psychiatric disorders;

(c) "public hospital" means a hospital approved under *The Public Hospitals Act*.

Rev. Stat.,
c. 307

56g. The Minister may issue certificates approving a part of a psychiatric unit in a public hospital as an observation unit. Observation
units

56h. Any person who is a patient in a psychiatric unit and who is or is believed to be suffering from a psychiatric disorder and to be in need of the observation, care and treatment provided in an observation unit may be admitted thereto and detained therein for a period not exceeding five days on the certificate of one medical practitioner in the prescribed form accompanied by the prescribed history form. Admission
and deten-
tion

No admission without application

56i.—(1) Notwithstanding section 11 of *The Public Hospitals Act*, no person shall be taken to an observation 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 a person as a patient to an observation 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 observation unit the superintendent may award admission to the prospective patient.

Deputy Minister to be notified

(4) Within twenty-four hours after the admission of a person to an observation unit, the superintendent shall give notice thereof to the Deputy Minister.

Powers of superintendent of public hospital

56j. Where a patient has been admitted to an observation 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 observation unit

56k. No patient shall remain in an observation unit for a period in excess of five days, provided that the superintendent or other person designated by the governing body of the public hospital may extend the period for an additional five days on the certificate of a second medical practitioner in the prescribed form.

Bed capacity of observation unit

56l.—(1) The total bed capacity of an observation unit shall not exceed the ratio of one bed in the observation unit of the hospital for each five beds in the psychiatric unit thereof.

Number of patients in observation unit

(2) The number of patients admitted to and treated in an observation unit shall not at any time exceed the total bed capacity of the observation unit.

2. Subsection 1 of section 57 of *The Mental Hospitals Act* is amended by striking out the symbol and figure "\$5" in the third line and inserting in lieu thereof the symbol and figures "\$10"; so that the subsection shall read as follows:

Rev. Stat.,
c. 229, s. 57,
subs. 1,
amended

- (1) The necessary costs and expenses incurred under sections 23 to 29 and section 35 in determining the mental condition of any person including a fee not exceeding \$10 and a travelling allowance of ten cents per mile of each medical practitioner who issues a certificate in respect of the person and the necessary expenses incurred in conveying the person to and from an institution shall be paid by the municipality from which the person came or was sent to an institution.

Liability of
municipality

3. Section 59 of *The Mental Hospitals Act* is repealed.

Rev. Stat.,
c. 229, s. 59,
repealed

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

Commence-
ment

(2) Section 1 comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Idem

5. This Act may be cited as *The Mental Hospitals Amendment Act, 1954*.

Short title





An Act to amend The Mental Hospitals
Act

1st Reading

March 12th, 1954

2nd Reading

March 16th, 1954

3rd Reading

March 30th, 1954

MR. PHILLIPS

No. 94

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to establish the Ontario Fuel Board

MR. PORTER

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

EXPLANATORY NOTE

This new Act will take the place of *The Fuel Supply Act*, *The Natural Gas Conservation Act* and *The Well Drillers Act*.

It establishes a branch of government known as the Ontario Fuel Board and empowers the Board,

- (i) to control and regulate natural gas in Ontario at all times; and
- (ii) to maintain adequate coal, coke and lignite supplies in Ontario in emergencies.

The following Bills are complementary:

Bill No. 95 *An Act to amend The Public Utilities Act.*

Bill No. 96 *An Act to amend The Municipal Franchises Act.*

Bill No. 97 *An Act to amend The Gas Pipe Lines Act, 1951.*

Bill No. 98 *An Act respecting Persons who bore or drill Wells for Water.*

BILL

An Act to establish the Ontario Fuel Board

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 Fuel Board established under this Act;
- (b) "fuel" means natural gas, coal, coke or lignite;
- (c) "inspector" means inspector appointed under this Act;
- (d) "natural gas" includes any mixture of natural gas and manufactured gas, and any mixture of natural gas and propane or butane or other hydro-carbon;
- (e) "person" in addition to its meaning in *The Interpretation Act* includes a municipality; Rev. Stat.,
c. 184
- (f) "well" means a well bored, drilled or dug or a shaft sunk for oil or natural gas.

2.—(1) There shall be a board known as the Ontario Fuel Board which shall consist of not less than three and not more than five commissioners as the Lieutenant-Governor in Council may from time to time determine. Ontario
Fuel Board
established

(2) The commissioners shall be appointed by the Lieutenant-Governor in Council and one of them shall be designated as chairman and one of them as vice-chairman. Appoint-
ment

3. Vacancies in the membership of the Board caused by death, resignation or otherwise may be filled by the Lieutenant-Governor in Council. Vacancies

4. Two members of the Board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board, except that where in the opinion of any member of the Board an emergency exists, such member constitutes a quorum of the Board. Quorum

Power to administer oaths

5. Every member of the Board has for the purposes of this Act the same powers as a commissioner for taking affidavits in Ontario.

Staff

6. The staff of the Board shall consist of a secretary and such inspectors and other officers and employees as may be deemed necessary.

Action not to lie for things done under Act

7. No action or other proceeding lies against the Board or any member of the Board or any officer, agent or employee of the Board for anything done or purporting to be done under or in pursuance of this Act.

Certified copies of documents

8. Upon the application of any person and on payment of the prescribed fee, the secretary shall deliver to such person a certified copy of any regulation or order of the Board.

Assistance

9. The Lieutenant-Governor in Council upon the recommendation of the Board may appoint from time to time one or more persons having technical or special knowledge of the matter in question to inquire into and report to the Board and to assist the Board in any capacity in respect of any matter before it.

Money

10. The moneys required for the purposes of the Board shall be paid out of the Consolidated Revenue Fund.

Execution of orders

11. Every order or other document made or issue by the Board is effective if signed by two members of the Board, one of whom shall be the chairman or the vice-chairman of the Board.

Orders may be general or particular

12. An order of the Board may be general or particular in its application territorially or as to time or otherwise.

Rev. Stat., c. 1337 not to apply

13. *The Regulations Act* does not apply to any order of the Board.

General power to make orders

14. The Board shall control and regulate the location, spacing, boring, drilling, digging, protecting, plugging and closing of wells and may make orders with respect thereto.

Idem

15. The Board shall control and regulate the production, storage, transmission, distribution, sale, disposal, supply and use of natural gas in Ontario and may make orders with respect thereto.

Rates

16.—(1) Without restricting the generality of section 15, the Board may make orders fixing the rates and meter rentals to be charged to ultimate consumers of natural gas.

(2) No order shall be made under subsection 1 without a ^{Hearing} hearing unless the municipality or other interested party and the distributor concerned consent thereto.

(3) No new rates and no alteration in existing rates to ^{No new or altered rates} be charged to ultimate consumers of natural gas shall be put into effect until they have been approved by the Board.

(4) Where the rates and water rentals are those to be ^{Public utilities} charged by a publicly-owned utility and the Ontario Municipal Board has made an order with respect thereto, the Board shall have regard to such order.

17. The Board may at any time and from time to time ^{Power of review} rehear or review any application before deciding it and may by order rescind, change, alter or vary any order made by it or made under *The Fuel Supply Act*, *The Natural Gas Conservation Act* or *The Well Drillers Act*. ^{Rev. Stat., cc. 152, 251, 423}

18. No order shall be made that has the effect of destroying ^{Notice} or suspending or limiting the rights of any person without such notice as the Board considers proper having first been given to such person and without such person being given a reasonable opportunity of presenting his views to the Board.

19. A certified copy of an order of the Board under this or any other Act may be filed in the office of the Registrar of the Supreme Court and thereupon it becomes a judgment or order of the Supreme Court enforceable in the same manner as a judgment or order of that court to the like effect. ^{Enforcement of orders}

20.—(1) The costs of and incidental to any proceeding ^{Costs} before the Board shall be in its discretion and may be fixed in any case at a sum certain or may be taxed.

(2) The Board may order by whom and to whom any costs ^{Idem} are to be paid and by whom they are to be taxed and allowed.

(3) The Board may prescribe a scale under which such costs ^{Idem} shall be taxed.

21.—(1) The Board may hear any application or deal with any matter at any place in Ontario that it may appoint and ^{Sittings, witnesses, etc.} has the power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as may be requisite and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

Witness fees

(2) Every person summoned to attend before the Board shall, in the discretion of the Board, receive the like fees and allowances for so doing as if summoned to attend before the Supreme Court.

Stated case

22.—(1) The Board may, at the request of the Lieutenant-Governor in Council or of its own motion or upon the application of any party to proceedings before the Board and upon such security being given as it directs, state a case in writing for the opinion of the Court of Appeal upon any question that, in the opinion of the Board, is a question of law.

Idem

(2) The Court of Appeal shall hear and determine the stated case and remit it to the Board with the opinion of the Court thereon.

Lieutenant-Governor may rescind orders of Board

23. The Lieutenant-Governor in Council may at any time upon petition of any party, all parties first having been heard, vary or rescind any order of the Board whether the order was made *inter partes* or otherwise, and any order that the Lieutenant-Governor in Council makes with respect thereto is binding upon the Board and all parties.

Appeal to Court of Appeal

24.—(1) An appeal lies to the Court of Appeal from any order of the Board made under section 14 or 15 upon a question of jurisdiction or upon a question of law or from any order of the Board made under section 16 upon any question whatever, but no such appeal lies unless leave to appeal is obtained from the Court within one month of the making of the order sought to be appealed from or within such further time as the Court under the special circumstances of the case allows.

Notice of appeal

(2) Upon such leave being obtained, the registrar shall set the appeal down for hearing at the next sittings of the Court and the party appealing shall, within ten days, give to the parties affected by the appeal, or to the solicitors by whom such parties were represented before the Board, and to the Board, notice in writing that the case has been so set down, and the appeal shall be heard and disposed of by the Court as speedily as practicable.

Board may be heard

(3) The Board is entitled to be heard by counsel or otherwise upon the argument of any such appeal.

Board to act on Court's opinion

(4) The Court of Appeal shall certify its opinion to the Board and the Board shall make an order in accordance with such opinion.

Costs, rules of practice

(5) The Supreme Court may fix the costs and fees to be taxed, allowed and paid upon appeals under this section and may make rules of practice respecting such appeals, but until such rules are made the rules of practice applicable

to appeals from a judge of the Supreme Court to the Court of Appeal are applicable to appeals under this section.

(6) The Board, or any member thereof, is not liable for costs in connection with any appeal or application for leave to appeal under this section. Board not liable for costs

(7) Every order of the Board takes effect at the time prescribed in the order and its operation is not suspended by an appeal to the Court of Appeal, unless the Court otherwise orders. Orders to take effect notwithstanding appeal

25. Nothing in this Act affects any lease or other agreement between the owner of land on which a producing gas well is situate and the person operating the well, but no such owner of land shall at any time consume more than a reasonable quantity of gas under the right given to him by the lease or other agreement and the Board, at the request of either party or of any other person, may by order fix and determine what is a reasonable quantity in any case. Effect of Act on gas leases

26. If the owner of any petroleum or natural gas rights within any portion of an area designated as a natural gas storage area and the person storing or proposing to store natural gas therein are unable to agree as to the amount, time or manner of payment of the compensation, if any, for the petroleum and natural gas rights or the right to store natural gas, the judge of the county or district court of any county or district in which any part of the natural gas storage area is situate, on the application of either party, may determine the matter in dispute and the decision of the judge thereon shall be final and conclusive. Determination of compensation for storage rights

27. Where the Board is of the opinion that a well may produce helium, argon or any other of the rare gases in commercial quantities, the Board may order the well to be closed until such steps have been taken as the Board directs for the conservation or production of the helium, argon or other of the rare gases. Rare gases

28. For the purposes of this Act, any member of the Board or any inspector or other officer or employee of the Board or any other person authorized by the Board may at any time enter upon, pass over, take up or use any private property or the property of any municipality or local board thereof or of the Crown or any agency of the Crown. Power to enter property, etc.

29.—(1) Where a person fails to do anything prescribed by order of the Board or by the regulations under this Act, the Board may cause such thing to be done, and the expenses Failure to comply with order, etc.

so incurred shall, when certified by the Board in writing, be a debt due from such person to the Crown and shall be recoverable with costs by action in a court of competent jurisdiction.

Abandoned
pipe lines
and wells

(2) In the exercise of its powers under subsection 1 with respect to an abandoned pipe line or well, the Board may take possession of and remove and sell by public auction any pipe, casing, tubing and equipment recovered from or connected with the line or well, and any surplus proceeds of such sale over and above the expenses of the removal and sale shall be paid to the owner of the line or well.

Prohibitions

30. No person shall acquire any oil or natural gas rights or bore, drill or prospect for oil or natural gas or produce, transmit or distribute natural gas unless he is the holder of a licence for such purpose.

Idem

31. No person shall use natural gas for any industrial purpose unless he is the holder of a permit for such purpose.

Offences and
penalties

32. Every person who,

- (a) contravenes or fails to comply with any provision of this Act or the regulations made under this Act or any order of the Board; or
- (b) unduly wastes or causes to be unduly wasted any natural gas; or
- (c) tampers or interferes with any works, pipe line, plant, machinery or equipment for the production, storage, transmission, distribution or measurement of natural gas without authority so to do,

is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000 or to imprisonment for a term of not more than one year, or both.

Extension
of Act to
plants
manufactur-
ing gas

33. The provisions of this Act, including the powers to make orders and regulations, apply to the transmission, distribution and use of and to the rates chargeable for any manufactured gas that may be produced at any plant designated by the Lieutenant-Governor in Council.

Coal, etc.

34. Subject to the approval of the Lieutenant-Governor in Council, the Board may, where it considers such steps are necessary for the maintenance of the coal, coke and lignite supplies of the Province, make orders to control the acquisition, preparation, transportation and distribution of coal, coke and lignite for such periods as may be considered proper.

Power to
make regu-
lations

35. Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,

- (a) regulating and controlling the construction, erection, alteration, installation or acquisition of works, pipe lines, plant, machinery or equipment for the production, storage, transmission, distribution or measurement of natural gas;
- (b) regulating and controlling the installation, use and removal of appliances using natural gas;
- (c) limiting, restricting or taking away any rights to the use and consumption of natural gas without charge or at a reduced rate;
- (d) designating any area as a natural gas storage area in respect of any geological formation or formations for the injection, storage and removal of natural gas, and for prohibiting therein drilling or boring or sinking or operating shafts or wells of any kind without the consent of the Board;
- (e) requiring dry and abandoned wells to be plugged and protected and prescribing the methods and requirements to be observed in plugging and protecting such wells;
- (f) respecting the method of boring, drilling, digging or sinking wells, and the protection of wells during such operations;
- (g) providing for the issue of licences for machines for boring or drilling wells;
- (h) requiring persons prospecting for oil or natural gas to furnish such reports, returns, geological and other information and samples as may be prescribed;
- (i) regulating and controlling the location and spacing of wells;
- (j) for the conservation of natural gas;
- (k) providing for the issue of permits for the installation of appliances for the use of natural gas;
- (l) providing for the issue of permits for the use of natural gas for industrial purposes;
- (m) providing for the issue of licences for the acquisition of oil or natural gas rights, the prospecting for oil or natural gas or the production, transmission or distribution of natural gas;

- (n) prescribing terms and conditions upon which any permit or licence may be issued;
- (o) prescribing the fee payable for any permit or licence or any renewal thereof;
- (p) providing for the renewal, suspension or cancellation of any permit or licence;
- (q) requiring and prescribing the form of and the particulars to be contained in annual or other returns to the Board by persons producing, storing, transmitting or distributing natural gas;
- (r) prescribing rules of practice and procedure applicable to proceedings before the Board under this or any other Act, the form of documents to be used in such proceedings and the fees payable therein and for certified copies of documents;
- (s) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Conflict

36. In the event of conflict between this Act and any general or special Act, this Act prevails.

Existing orders continued
Rev. Stat.,
cc. 152, 251,
423

37. Every order made under *The Fuel Supply Act*, *The Natural Gas Conservation Act* or *The Well Drillers Act* that is in force on the day this Act comes into force shall remain in force until rescinded or amended by the Board.

Transfer of documents to Board

38. Every order referred to in section 37 and all other documents, papers and records relevant thereto in the possession of the Minister of Mines, the Fuel Controller, the Natural Gas Commissioner and the Natural Gas Referee when this Act comes into force shall be transferred to and remain in the possession of the Board.

Rev. Stat.,
cc. 152, 251;
1951, c. 54;
1952, c. 67;
Rev. Stat.,
c. 423,
repealed

39. *The Fuel Supply Act*, *The Natural Gas Conservation Act*, *The Natural Gas Conservation Amendment Act, 1951*, *The Natural Gas Conservation Amendment Act, 1952* and *The Well Drillers Act* are repealed.

Commence-
ment

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

Short title

41. This Act may be cited as *The Ontario Fuel Board Act, 1954*.



An Act to establish the Ontario
Fuel Board

1st Reading

March 16th, 1954

2nd Reading

3rd Reading

MR. PORTER

No. 94

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to establish the Ontario Fuel Board

MR. PORTER

(Reprinted as amended by the Committee on Mining)

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

or vice-chairman of the Board an emergency exists, the chairman or vice-chairman, as the case may be, constitutes a quorum of the Board.

Power to administer oaths

5. Every member of the Board has for the purposes of this Act the same powers as a commissioner for taking affidavits in Ontario.

Staff

6. The staff of the Board shall consist of a secretary and such inspectors and other officers and employees as may be deemed necessary.

Action not to lie for things done under Act

7. No action or other proceeding lies against the Board or any member of the Board or any officer, agent or employee of the Board for anything done or purporting to be done under or in pursuance of this Act.

Certified copies of documents

8. Upon the application of any person and on payment of the prescribed fee, the secretary shall deliver to such person a certified copy of any regulation or order of the Board.

Assistance

9. The Lieutenant-Governor in Council upon the recommendation of the Board may appoint from time to time one or more persons having technical or special knowledge of the matter in question to inquire into and report to the Board and to assist the Board in any capacity in respect of any matter before it.

Money

10. The moneys required for the purposes of the Board shall be paid out of the Consolidated Revenue Fund.

Execution of orders

11. Every order or other document made or issued by the Board is effective if signed by two members of the Board, one of whom shall be the chairman or the vice-chairman of the Board.

Orders may be general or particular

12. An order of the Board may be general or particular in its application territorially or as to time or otherwise.

Rev. Stat., c. 337 not to apply

13. *The Regulations Act* does not apply to any order of the Board.

General power to make orders

14. The Board may control and regulate the location, spacing, boring, drilling, digging, protecting, plugging and closing of wells and may make orders with respect thereto.

Idem

15.—(1) The Board may control and regulate the production, storage, transmission, distribution, sale, disposal, supply and use of natural gas in Ontario and may make orders with respect thereto.

(2) Where an order is made under subsection 1 and agreement has not been or cannot be reached as to the amount to be paid by a person to another person, the Board, after having given such persons an opportunity to be heard, may by order fix such amount. Amount to be paid

16.—(1) Without restricting the generality of section 15, the Board may make orders fixing the rates, meter rentals and other charges to be paid by ultimate consumers of natural gas. Rates

(2) No new rates, meter rentals or other charges and no alteration of existing rates, meter rentals or other charges to be charged to ultimate consumers of natural gas shall be put into effect until ordered by the Board. New rates

(3) No order shall be made under subsection 1 without a hearing unless the municipality or other interested party and the distributor concerned consent thereto. Hearing

(4) Where the rates, meter rentals and other charges are those to be paid to a publicly-owned utility and the Ontario Municipal Board has made an order with respect thereto, the Board shall have regard to such order. Public utilities

17. The Board may at any time and from time to time rehear or review any application before deciding it and may by order rescind, change, alter or vary any order made by it or made under *The Fuel Supply Act*, *The Natural Gas Conservation Act* or *The Well Drillers Act*. Power of review
Rev. Stat.,
cc. 152, 251,
423

18.—(1) No order shall be made that has the effect of destroying, suspending, limiting or interfering with the rights of any person without such notice as the Board considers proper having first been given to such person and without such person being given a reasonable opportunity of presenting his views to the Board. Notice

(2) An order of the Board is a good and sufficient defence to any action or other proceeding brought or taken against any person producing, storing, transmitting, distributing, selling, disposing of, supplying or using natural gas in so far as the act or omission that is the subject of such action or other proceeding is in accordance with the order. Obedience to orders of Board a good defence

19. A certified copy of an order of the Board under this or any other Act may be filed in the office of the Registrar of the Supreme Court and thereupon it becomes a judgment or order of the Supreme Court enforceable in the same manner as a judgment or order of that court to the like effect. Enforcement of orders

EXPLANATORY NOTE

This new Act will take the place of *The Fuel Supply Act*, *The Natural Gas Conservation Act* and *The Well Drillers Act*.

It establishes a branch of government known as the Ontario Fuel Board and empowers the Board,

- (i) to control and regulate natural gas in Ontario at all times; and
- (ii) to maintain adequate coal, coke and lignite supplies in Ontario in emergencies.

The following Bills are complementary:

Bill No. 95 *An Act to amend The Public Utilities Act.*

Bill No. 96 *An Act to amend The Municipal Franchises Act.*

Bill No. 97 *An Act to amend The Gas Pipe Lines Act, 1951.*

Bill No. 98 *An Act respecting Persons who bore or drill Wells for Water.*

BILL

An Act to establish the Ontario Fuel Board

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,

- (a) "Board" means Ontario Fuel Board established under this Act; Interpre-
tation
- (b) "fuel" means natural gas, coal, coke or lignite;
- (c) "inspector" means inspector appointed under this Act;
- (d) "natural gas" includes any mixture of natural gas and manufactured gas, and any mixture of natural gas and propane or butane or other hydro-carbon;
- (e) "person" in addition to its meaning in *The Interpretation Act* includes a municipality; Rev. Stat.,
c. 184
- (f) "well" means a well bored, drilled or dug or a shaft sunk for oil or natural gas.

2.—(1) There shall be a board known as the Ontario Fuel Board which shall consist of not less than three and not more than five commissioners as the Lieutenant-Governor in Council may from time to time determine. Ontario
Fuel Board
established

(2) The commissioners shall be appointed by the Lieutenant-Governor in Council and one of them shall be designated as chairman and one of them as vice-chairman. Appoint-
ment

3. Vacancies in the membership of the Board caused by death, resignation or otherwise may be filled by the Lieutenant-Governor in Council. Vacancies

4. Two members of the Board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board, except that where in the opinion of the chairman Quorum

or vice-chairman of the Board an emergency exists, the chairman or vice-chairman, as the case may be, constitutes a quorum of the Board.

Power to administer oaths

5. Every member of the Board has for the purposes of this Act the same powers as a commissioner for taking affidavits in Ontario.

Staff

6. The staff of the Board shall consist of a secretary and such inspectors and other officers and employees as may be deemed necessary.

Action not to lie for things done under Act

7. No action or other proceeding lies against the Board or any member of the Board or any officer, agent or employee of the Board for anything done or purporting to be done under or in pursuance of this Act.

Certified copies of documents

8. Upon the application of any person and on payment of the prescribed fee, the secretary shall deliver to such person a certified copy of any regulation or order of the Board.

Assistance

9. The Lieutenant-Governor in Council upon the recommendation of the Board may appoint from time to time one or more persons having technical or special knowledge of the matter in question to inquire into and report to the Board and to assist the Board in any capacity in respect of any matter before it.

Money

10. The moneys required for the purposes of the Board shall be paid out of the Consolidated Revenue Fund.

Execution of orders

11. Every order or other document made or issued by the Board is effective if signed by two members of the Board, one of whom shall be the chairman or the vice-chairman of the Board.

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12. An order of the Board may be general or particular in its application territorially or as to time or otherwise.

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(2) Where an order is made under subsection 1 and agreement has not been or cannot be reached as to the amount to be paid by a person to another person, the Board, after having given such persons an opportunity to be heard, may by order fix such amount. ^{Amount to be paid}

16.—(1) Without restricting the generality of section 15, the Board may make orders fixing the rates, meter rentals and other charges to be paid by ultimate consumers of natural gas. ^{Rates}

(2) No new rates, meter rentals or other charges and no alteration of existing rates, meter rentals or other charges to be charged to ultimate consumers of natural gas shall be put into effect until ordered by the Board. ^{New rates}

(3) No order shall be made under subsection 1 without a hearing unless the municipality or other interested party and the distributor concerned consent thereto. ^{Hearing}

(4) Where the rates, meter rentals and other charges are those to be paid to a publicly-owned utility and the Ontario Municipal Board has made an order with respect thereto, the Board shall have regard to such order. ^{Public utilities}

17. The Board may at any time and from time to time rehear or review any application before deciding it and may by order rescind, change, alter or vary any order made by it or made under *The Fuel Supply Act*, *The Natural Gas Conservation Act* or *The Well Drillers Act*. ^{Power of review}
 ^{Rev. Stat., cc. 152, 251, 423}

18.—(1) No order shall be made that has the effect of destroying, suspending, limiting or interfering with the rights of any person without such notice as the Board considers proper having first been given to such person and without such person being given a reasonable opportunity of presenting his views to the Board. ^{Notice}

(2) An order of the Board is a good and sufficient defence to any action or other proceeding brought or taken against any person producing, storing, transmitting, distributing, selling, disposing of, supplying or using natural gas in so far as the act or omission that is the subject of such action or other proceeding is in accordance with the order. ^{Obedience to orders of Board a good defence}

19. A certified copy of an order of the Board under this or any other Act may be filed in the office of the Registrar of the Supreme Court and thereupon it becomes a judgment or order of the Supreme Court enforceable in the same manner as a judgment or order of that court to the like effect. ^{Enforcement of orders}

Costs **20.**—(1) The costs of and incidental to any proceeding before the Board shall be in its discretion and may be fixed in any case at a sum certain or may be taxed.

Idem (2) The Board may order by whom and to whom any costs are to be paid and by whom they are to be taxed and allowed.

Idem (3) The Board may prescribe a scale under which such costs shall be taxed.

Sittings, witnesses, etc. **21.**—(1) The Board may hear any application or deal with any matter at any place in Ontario that it may appoint and has the power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as may be requisite and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

Witness fees (2) Every person summoned to attend before the Board shall, in the discretion of the Board, receive the like fees and allowances for so doing as if summoned to attend before the Supreme Court.

Stated case **22.**—(1) The Board may, at the request of the Lieutenant-Governor in Council or of its own motion or upon the application of any party to proceedings before the Board and upon such security being given as it directs, state a case in writing for the opinion of the Court of Appeal upon any question that, in the opinion of the Board, is a question of law.

Idem (2) The Court of Appeal shall hear and determine the stated case and remit it to the Board with the opinion of the Court thereon.

Lieutenant-Governor may rescind orders of Board **23.** The Lieutenant-Governor in Council may at any time upon petition of any party, all parties first having been given such notice as the Lieutenant-Governor in Council deems appropriate, vary or rescind any order of the Board whether the order was made *inter partes* or otherwise, and any order that the Lieutenant-Governor in Council makes with respect thereto is binding upon the Board and all parties.

Appeal to Court of Appeal **24.**—(1) An appeal lies to the Court of Appeal from any order of the Board made under section 14 or 15 upon a question of jurisdiction or upon a question of law or from any order of the Board made under section 16 upon any question whatever, but no such appeal lies unless leave to appeal is obtained from the Court within one month of the making of the order sought to be appealed from or within such further time as the Court under the special circumstances of the case allows.

(2) Upon such leave being obtained, the registrar shall set the appeal down for hearing at the next sittings of the Court and the party appealing shall, within ten days, give to the parties affected by the appeal, or to the solicitors by whom such parties were represented before the Board, and to the Board, notice in writing that the case has been so set down, and the appeal shall be heard and disposed of by the Court as speedily as practicable. Notice of appeal

(3) The Board is entitled to be heard by counsel or otherwise upon the argument of any such appeal. Board may be heard

(4) The Court of Appeal shall certify its opinion to the Board and the Board shall make an order in accordance with such opinion. Board to act on Court's opinion

(5) The Supreme Court may fix the costs and fees to be taxed, allowed and paid upon appeals under this section and may make rules of practice respecting such appeals, but until such rules are made the rules of practice applicable to appeals from a judge of the Supreme Court to the Court of Appeal are applicable to appeals under this section. Costs, rules of practice

(6) The Board, or any member thereof, is not liable for costs in connection with any appeal or application for leave to appeal under this section. Board not liable for costs

(7) Every order of the Board takes effect at the time prescribed in the order and its operation is not suspended by an appeal to the Court of Appeal, unless the Court otherwise orders. Orders to take effect notwithstanding appeal

25. No owner or lessee of land shall at any time consume more than a reasonable quantity of gas under a right given to him by his lease or other agreement and the Board, at the request of any person, may determine and by order fix what is a reasonable quantity in any case. Right of land owner to consume gas

26. If the owner of any petroleum or natural gas rights within any portion of an area designated as a natural gas storage area and the person storing or proposing to store natural gas therein are unable to agree as to the amount, time or manner of payment of the compensation, if any, for the petroleum and natural gas rights or the right to store natural gas, the judge of the county or district court of any county or district in which any part of the natural gas storage area is situate, on the application of either party, may determine the matter in dispute and the decision of the judge thereon shall be final and conclusive. Determination of compensation for storage rights

27. Where the Board is of the opinion that a well may produce helium, argon or any other of the rare gases in Rare gases

commercial quantities, the Board may order the well to be closed until such steps have been taken as the Board directs for the conservation or production of the helium, argon or other of the rare gases.

Power to enter property, etc.

28. For the purposes of this Act, any member of the Board or any inspector or other officer or employee of the Board or any other person authorized by the Board may at any time enter upon, pass over, take up or use any private property or the property of any municipality or local board thereof or of the Crown or any agency of the Crown.

Failure to comply with order, etc.

29.—(1) Where a person fails to do anything prescribed by order of the Board or by the regulations under this Act, the Board may cause such thing to be done, and the expenses so incurred shall, when certified by the Board in writing, be a debt due from such person to the Crown and shall be recoverable with costs by action in a court of competent jurisdiction.

Abandoned pipe lines and wells

(2) In the exercise of its powers under subsection 1 with respect to an abandoned pipe line or well, the Board may take possession of and remove and sell by public auction any pipe, casing, tubing and equipment recovered from or connected with the line or well, and any surplus proceeds of such sale over and above the expenses of the removal and sale shall be paid to the owner of the line or well.

Prohibitions

30. No person shall acquire any oil or natural gas rights or bore, drill or prospect for oil or natural gas or produce, transmit or distribute natural gas unless he is the holder of a licence for such purpose.

Idem

31. No person shall use natural gas for any industrial purpose unless he is the holder of a permit for such purpose.

Offences and penalties

32. Every person who,

- (a) contravenes or fails to comply with any provision of this Act or the regulations made under this Act or any order of the Board; or
- (b) unduly wastes or causes to be unduly wasted any natural gas; or
- (c) tampers or interferes with any works, pipe line, plant, machinery or equipment for the production, storage, transmission, distribution or measurement of natural gas without authority so to do,

is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000 or to imprisonment for a term of not more than one year, or both.

33. The provisions of this Act, including the powers to make orders and regulations, apply to the transmission, distribution and use of and to the rates chargeable for any manufactured gas that may be produced at any plant designated by the Lieutenant-Governor in Council.

Extension
of Act to
plants
manufactur-
ing gas

34. Subject to the approval of the Lieutenant-Governor in Council, the Board may, where it considers such steps are necessary for the maintenance of the coal, coke and lignite supplies of the Province, make orders to control the acquisition, preparation, transportation and distribution of coal, coke and lignite for such periods as may be considered proper.

Coal, etc.

35. Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,

Power to
make regu-
lations

- (a) regulating and controlling the construction, erection, alteration, installation or acquisition of works, pipe lines, plant, machinery or equipment for the production, storage, transmission, distribution or measurement of natural gas;
- (b) regulating and controlling the installation, use and removal of appliances using natural gas;
- (c) limiting, restricting or taking away any rights to the use and consumption of natural gas without charge or at a reduced rate;
- (d) designating any area as a natural gas storage area in respect of any geological formation or formations for the injection, storage and removal of natural gas, and for prohibiting therein drilling or boring or sinking or operating shafts or wells of any kind without the consent of the Board;
- (e) requiring dry and abandoned wells to be plugged and protected and prescribing the methods and requirements to be observed in plugging and protecting such wells;
- (f) respecting the method of boring, drilling, digging or sinking wells, and the protection of wells during such operations;
- (g) providing for the issue of licences for machines for boring or drilling wells;
- (h) requiring persons prospecting for oil or natural gas to furnish such reports, returns, geological and other information and samples as may be prescribed;

- (i) regulating and controlling the location and spacing of wells;
- (j) for the conservation of natural gas and oil;
- (k) providing for the issue of permits for the installation of appliances for the use of natural gas;
- (l) providing for the issue of permits for the use of natural gas for industrial purposes;
- (m) providing for the issue of licences for the acquisition of oil or natural gas rights, the prospecting for oil or natural gas or the production, transmission or distribution of natural gas;
- (n) prescribing terms and conditions upon which any permit or licence may be issued;
- (o) prescribing the fee payable for any permit or licence or any renewal thereof;
- (p) providing for the renewal, suspension or cancellation of any permit or licence;
- (q) requiring and prescribing the form of and the particulars to be contained in annual or other returns to the Board by persons producing, storing, transmitting or distributing natural gas and oil;
- (r) prescribing rules of practice and procedure applicable to proceedings before the Board under this or any other Act, the form of documents to be used in such proceedings and the fees payable therein and for certified copies of documents;
- (s) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Conflict

36.—(1) In the event of conflict between this Act and any general or special Act, this Act prevails.

Idem

(2) In the event of conflict between any regulation or order made under this Act and any regulation, order, rule or decision made under any general or special Act, the regulation or order made under this Act prevails.

Existing regulations and orders continued
Rev. Stat., cc. 152, 251, 423

37. Every regulation and order made under *The Fuel Supply Act*, *The Natural Gas Conservation Act* or *The Well Drillers Act* that is in force on the day this Act comes into force shall remain in force until rescinded or amended by the Board.

38. Every order referred to in section 37 and all other documents, papers and records relevant thereto in the possession of the Minister of Mines, the Fuel Controller, the Natural Gas Commissioner and the Natural Gas Referee when this Act comes into force shall be transferred to and remain in the possession of the Board.

Transfer of documents to Board

39. *The Fuel Supply Act, The Natural Gas Conservation Act, The Natural Gas Conservation Amendment Act, 1951, The Natural Gas Conservation Amendment Act, 1952 and The Well Drillers Act* are repealed.

Rev. Stat.,
cc. 152, 251;
1951, c. 54;
1952, c. 67;
Rev. Stat.,
c. 423,
repealed

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

Commencement

41. This Act may be cited as *The Ontario Fuel Board Act, 1954*.

Short title

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Fuel Board

1st Reading

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- (a) "Board" means Ontario Fuel Board established under this Act;
- (b) "fuel" means natural gas, coal, coke or lignite;
- (c) "inspector" means inspector appointed under this Act;
- (d) "natural gas" includes any mixture of natural gas and manufactured gas, and any mixture of natural gas and propane or butane or other hydro-carbon;
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established

(2) The commissioners shall be appointed by the Lieutenant-Governor in Council and one of them shall be designated as chairman and one of them as vice-chairman. Appoint-
ment

3. Vacancies in the membership of the Board caused by death, resignation or otherwise may be filled by the Lieutenant-Governor in Council. Vacancies

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19. A certified copy of an order of the Board under this or any other Act may be filed in the office of the Registrar of the Supreme Court and thereupon it becomes a judgment or order of the Supreme Court enforceable in the same manner as a judgment or order of that court to the like effect. Enforcement of orders

Costs **20.**—(1) The costs of and incidental to any proceeding before the Board shall be in its discretion and may be fixed in any case at a sum certain or may be taxed.

Idem (2) The Board may order by whom and to whom any costs are to be paid and by whom they are to be taxed and allowed.

Idem (3) The Board may prescribe a scale under which such costs shall be taxed.

Sittings, witnesses, etc. **21.**—(1) The Board may hear any application or deal with any matter at any place in Ontario that it may appoint and has the power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as may be requisite and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

Witness fees (2) Every person summoned to attend before the Board shall, in the discretion of the Board, receive the like fees and allowances for so doing as if summoned to attend before the Supreme Court.

Stated case **22.**—(1) The Board may, at the request of the Lieutenant-Governor in Council or of its own motion or upon the application of any party to proceedings before the Board and upon such security being given as it directs, state a case in writing for the opinion of the Court of Appeal upon any question that, in the opinion of the Board, is a question of law.

Idem (2) The Court of Appeal shall hear and determine the stated case and remit it to the Board with the opinion of the Court thereon.

Lieutenant-Governor may rescind orders of Board **23.** The Lieutenant-Governor in Council may at any time upon petition of any party, all parties first having been given such notice as the Lieutenant-Governor in Council deems appropriate, vary or rescind any order of the Board whether the order was made *inter partes* or otherwise, and any order that the Lieutenant-Governor in Council makes with respect thereto is binding upon the Board and all parties.

Appeal to Court of Appeal **24.**—(1) An appeal lies to the Court of Appeal from any order of the Board made under section 14 or 15 upon a question of jurisdiction or upon a question of law or from any order of the Board made under section 16 upon any question whatever, but no such appeal lies unless leave to appeal is obtained from the Court within one month of the making of the order sought to be appealed from or within such further time as the Court under the special circumstances of the case allows.

(2) Upon such leave being obtained, the registrar shall set the appeal down for hearing at the next sittings of the Court and the party appealing shall, within ten days, give to the parties affected by the appeal, or to the solicitors by whom such parties were represented before the Board, and to the Board, notice in writing that the case has been so set down, and the appeal shall be heard and disposed of by the Court as speedily as practicable. Notice of appeal

(3) The Board is entitled to be heard by counsel or otherwise upon the argument of any such appeal. Board may be heard

(4) The Court of Appeal shall certify its opinion to the Board and the Board shall make an order in accordance with such opinion. Board to act on Court's opinion

(5) The Supreme Court may fix the costs and fees to be taxed, allowed and paid upon appeals under this section and may make rules of practice respecting such appeals, but until such rules are made the rules of practice applicable to appeals from a judge of the Supreme Court to the Court of Appeal are applicable to appeals under this section. Costs, rules of practice

(6) The Board, or any member thereof, is not liable for costs in connection with any appeal or application for leave to appeal under this section. Board not liable for costs

(7) Every order of the Board takes effect at the time prescribed in the order and its operation is not suspended by an appeal to the Court of Appeal, unless the Court otherwise orders. Orders to take effect notwithstanding appeal

25. No owner or lessee of land shall at any time consume more than a reasonable quantity of gas under a right given to him by his lease or other agreement and the Board, at the request of any person, may determine and by order fix what is a reasonable quantity in any case. Right of land owner to consume gas

26. If the owner of any petroleum or natural gas rights within any portion of an area designated as a natural gas storage area and the person storing or proposing to store natural gas therein are unable to agree as to the amount, time or manner of payment of the compensation, if any, for the petroleum and natural gas rights or the right to store natural gas, the judge of the county or district court of any county or district in which any part of the natural gas storage area is situate, on the application of either party, may determine the matter in dispute and the decision of the judge thereon shall be final and conclusive. Determination of compensation for storage rights

27. Where the Board is of the opinion that a well may produce helium, argon or any other of the rare gases in Rare gases

commercial quantities, the Board may order the well to be closed until such steps have been taken as the Board directs for the conservation or production of the helium, argon or other of the rare gases.

Power to enter property, etc.

28. For the purposes of this Act, any member of the Board or any inspector or other officer or employee of the Board or any other person authorized by the Board may at any time enter upon, pass over, take up or use any private property or the property of any municipality or local board thereof or of the Crown or any agency of the Crown.

Failure to comply with order, etc.

29.—(1) Where a person fails to do anything prescribed by order of the Board or by the regulations under this Act, the Board may cause such thing to be done, and the expenses so incurred shall, when certified by the Board in writing, be a debt due from such person to the Crown and shall be recoverable with costs by action in a court of competent jurisdiction.

Abandoned pipe lines and wells

(2) In the exercise of its powers under subsection 1 with respect to an abandoned pipe line or well, the Board may take possession of and remove and sell by public auction any pipe, casing, tubing and equipment recovered from or connected with the line or well, and any surplus proceeds of such sale over and above the expenses of the removal and sale shall be paid to the owner of the line or well.

Prohibitions

30. No person shall acquire any oil or natural gas rights or bore, drill or prospect for oil or natural gas or produce, transmit or distribute natural gas unless he is the holder of a licence for such purpose.

Idem

31. No person shall use natural gas for any industrial purpose unless he is the holder of a permit for such purpose.

Offences and penalties

32. Every person who,

- (a) contravenes or fails to comply with any provision of this Act or the regulations made under this Act or any order of the Board; or
- (b) unduly wastes or causes to be unduly wasted any natural gas; or
- (c) tampers or interferes with any works, pipe line, plant, machinery or equipment for the production, storage, transmission, distribution or measurement of natural gas without authority so to do,

is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000 or to imprisonment for a term of not more than one year, or both.

33. The provisions of this Act, including the powers to make orders and regulations, apply to the transmission, distribution and use of and to the rates chargeable for any manufactured gas that may be produced at any plant designated by the Lieutenant-Governor in Council.

Extension
of Act to
plants
manufacturing
gas

34. Subject to the approval of the Lieutenant-Governor in Council, the Board may, where it considers such steps are necessary for the maintenance of the coal, coke and lignite supplies of the Province, make orders to control the acquisition, preparation, transportation and distribution of coal, coke and lignite for such periods as may be considered proper.

Coal, etc.

35. Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,

Power to
make regu-
lations

- (a) regulating and controlling the construction, erection, alteration, installation or acquisition of works, pipe lines, plant, machinery or equipment for the production, storage, transmission, distribution or measurement of natural gas;
- (b) regulating and controlling the installation, use and removal of appliances using natural gas;
- (c) limiting, restricting or taking away any rights to the use and consumption of natural gas without charge or at a reduced rate;
- (d) designating any area as a natural gas storage area in respect of any geological formation or formations for the injection, storage and removal of natural gas, and for prohibiting therein drilling or boring or sinking or operating shafts or wells of any kind without the consent of the Board;
- (e) requiring dry and abandoned wells to be plugged and protected and prescribing the methods and requirements to be observed in plugging and protecting such wells;
- (f) respecting the method of boring, drilling, digging or sinking wells, and the protection of wells during such operations;
- (g) providing for the issue of licences for machines for boring or drilling wells;
- (h) requiring persons prospecting for oil or natural gas to furnish such reports, returns, geological and other information and samples as may be prescribed;

- (i) regulating and controlling the location and spacing of wells;
- (j) for the conservation of natural gas and oil;
- (k) providing for the issue of permits for the installation of appliances for the use of natural gas;
- (l) providing for the issue of permits for the use of natural gas for industrial purposes;
- (m) providing for the issue of licences for the acquisition of oil or natural gas rights, the prospecting for oil or natural gas or the production, transmission or distribution of natural gas;
- (n) prescribing terms and conditions upon which any permit or licence may be issued;
- (o) prescribing the fee payable for any permit or licence or any renewal thereof;
- (p) providing for the renewal, suspension or cancellation of any permit or licence;
- (q) requiring and prescribing the form of and the particulars to be contained in annual or other returns to the Board by persons producing, storing, transmitting or distributing natural gas and oil;
- (r) prescribing rules of practice and procedure applicable to proceedings before the Board under this or any other Act, the form of documents to be used in such proceedings and the fees payable therein and for certified copies of documents;
- (s) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Conflict

36.—(1) In the event of conflict between this Act and any general or special Act, this Act prevails.

Idem

(2) In the event of conflict between any regulation or order made under this Act and any regulation, order, rule or decision made under any general or special Act, the regulation or order made under this Act prevails.

Existing regulations and orders continued
Rev. Stat., cc. 152, 251, 423

37. Every regulation and order made under *The Fuel Supply Act*, *The Natural Gas Conservation Act* or *The Well Drillers Act* that is in force on the day this Act comes into force shall remain in force until rescinded or amended by the Board.

38. Every order referred to in section 37 and all other documents, papers and records relevant thereto in the possession of the Minister of Mines, the Fuel Controller, the Natural Gas Commissioner and the Natural Gas Referee when this Act comes into force shall be transferred to and remain in the possession of the Board.

Transfer of documents to Board

39. *The Fuel Supply Act, The Natural Gas Conservation Act, The Natural Gas Conservation Amendment Act, 1951, The Natural Gas Conservation Amendment Act, 1952 and The Well Drillers Act* are repealed.

Rev. Stat.,
cc. 152, 251;
1951, c. 54;
1952, c. 67;
Rev. Stat.,
c. 423,
repealed

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

Commencement

41. This Act may be cited as *The Ontario Fuel Board Act, 1954*.

Short title

An Act to establish the Ontario
Fuel Board

1st Reading

March 16th, 1954

2nd Reading

March 19th, 1954

3rd Reading

April 1st, 1954

MR. PORTER

No. 95

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Public Utilities Act

MR. PORTER

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

EXPLANATORY NOTE

This Bill is complementary to Bill No. 94 entitled *An Act to establish the Ontario Fuel Board*.

Section 67 of the Act, which deals with the rights of municipalities and companies that sell or distribute natural or manufactured gas containing sulphuretted hydrogen, is amended to transfer jurisdiction from the Ontario Municipal Board to the Ontario Fuel Board.

No. 95

1954

BILL

An Act to amend The Public Utilities Act

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

1.—(1) Subsection 3 of section 67 of *The Public Utilities Act* is amended by striking out the word "Municipal" in the first line and inserting in lieu thereof the word "Fuel". Rev. Stat., c. 320, s. 67, subs. 3, amended

(2) Subsection 5 of the said section 67 is amended by striking out the word "Municipal" in the second line and inserting in lieu thereof the word "Fuel". Rev. Stat., c. 320, s. 67, subs. 5, amended

(3) Subsection 6 of the said section 67 is amended by striking out the word "Municipal" in the fourth line and inserting in lieu thereof the word "Fuel". Rev. Stat., c. 320, s. 67, subs. 6, amended

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

3. This Act may be cited as *The Public Utilities Amendment Act, 1954*. Short title

An Act to amend The Public
Utilities Act

1st Reading

March 16th, 1954

2nd Reading

3rd Reading

MR. PORTER

No. 95

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Public Utilities Act

MR. PORTER

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



No. 95

1954

BILL

An Act to amend The Public Utilities Act

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

1.—(1) Subsection 3 of section 67 of *The Public Utilities Act* is amended by striking out the word “Municipal” in the first line and inserting in lieu thereof the word “Fuel”. Rev. Stat.,
c. 320, s. 67,
subs. 3,
amended

(2) Subsection 5 of the said section 67 is amended by striking out the word “Municipal” in the second line and inserting in lieu thereof the word “Fuel”. Rev. Stat.,
c. 320, s. 67,
subs. 5,
amended

(3) Subsection 6 of the said section 67 is amended by striking out the word “Municipal” in the fourth line and inserting in lieu thereof the word “Fuel”. Rev. Stat.,
c. 320, s. 67,
subs. 6,
amended

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 Public Utilities Amendment Act, 1954*. Short title

An Act to amend The Public
Utilities Act

1st Reading

March 16th, 1954

2nd Reading

March 19th, 1954

3rd Reading

April 1st, 1954

MR. PORTER

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Municipal Franchises Act

MR. PORTER

EXPLANATORY NOTES

This Bill is complementary to Bill No. 94 entitled *An Act to establish the Ontario Fuel Board*.

SECTION 1. The purpose of the new clause is to enable a company transmitting gas to pass through a municipality without distributing gas in that municipality except to a distributor of gas.

SECTION 2. Section 8 of the Act prohibits the construction of gas works or the supplying of gas in a municipality without the approval of the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council cannot give his approval unless the Ontario Municipal Board certifies that the public convenience and necessity would appear to require such approval.

Section 2 of this Bill transfers these powers to the Ontario Fuel Board.

BILL

An Act to amend The Municipal Franchises Act

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

1. Section 6 of *The Municipal Franchises Act* is amended by adding thereto the following clause: Rev. Stat.,
c. 249, c. 6,
amended

- (aa) granting the right of passing through the municipality with a line to transmit gas not intended to be distributed from such line in the municipality or only intended to be distributed from such line in the municipality to a person engaged in the transmission or distribution of gas.

2.—(1) Subsection 1 and 2 of section 8 of *The Municipal Franchises Act* are repealed and the following substituted therefor: Rev. Stat.,
c. 249, s. 8,
subss. 1, 2,
re-enacted

- (1) Notwithstanding anything in this or in any other general or special Act, no person shall construct any works to supply or supply, Approval
for con-
struction of
gas works
or supply of
gas in muni-
cipality
- (a) natural gas in any municipality in which such person was not on the 1st day of April, 1933, supplying gas; or
- (b) gas in any municipality in which such person was not on the 1st day of April, 1933, supplying gas and in which gas was then being supplied,

without the approval of the Ontario Fuel Board and such approval shall not be given unless public convenience and necessity appear to require that such approval be given.

- (2) The approval of the Ontario Fuel Board shall be in the form of a certificate. Form of
approval

Rev. Stat.,
c. 249, s. 8,
subs. 3,
amended

(2) Subsection 3 of the said section 8 is amended by striking out the word "Municipal" in the first line and inserting in lieu thereof the word "Fuel".

Rev. Stat.,
c. 249, s. 8,
subs. 4,
amended

(3) Subsection 4 of the said section 8 is amended by striking out the word "Municipal" in the third line and inserting in lieu thereof the word "Fuel".

Rev. Stat.,
c. 249, s. 8,
subs. 5,
amended

(4) Subsection 5 of the said section 8 is amended by striking out the word "Municipal" in the first line and inserting in lieu thereof the word "Fuel".

Rev. Stat.,
c. 249, s. 8,
subs. 6,
amended

(5) Subsection 6 of the said section 8 is amended by striking out the word "Municipal" in the third line and inserting in lieu thereof the word "Fuel".

Rev. Stat.,
c. 249, s. 8,
subs. 7,
amended

(6) Subsection 7 of the said section 8 is amended by striking out the words "*The Ontario Municipal Board Act*" in the first and second lines and inserting in lieu thereof the words "*The Ontario Fuel Board Act, 1954*".

Rev. Stat.,
c. 249,
amended

3. *The Municipal Franchises Act* is amended by adding thereto the following section:

Interpretation

9.—(1) In this section, "natural gas" includes any mixture of natural gas and manufactured gas, and any mixture of natural gas and propane or butane or other hydro-carbon.

Natural gas franchise by-laws to be approved by Fuel Board

(2) No by-law granting,

(a) the right to construct or operate works for the distribution of natural gas;

(b) the right to supply natural gas to a municipal corporation or to the inhabitants of a municipality;

(c) the right to extend or add to the works mentioned in clause *a* or the services mentioned in clause *b*;

(d) a renewal of or an extension of the term of any right mentioned in clause *a* or *b*,

shall be submitted to the municipal electors for their assent unless the terms and conditions upon which and the period for which such right is to be granted, renewed or extended have first been approved by the Ontario Fuel Board.

SECTION 3. This section is new. It is self-explanatory.

(3) The Ontario Fuel Board has and may exercise juris-^{Jurisdiction} diction and power necessary for the purposes of this ^{of Fuel} section and may give or refuse its approval. ^{Board}

(4) Upon an application for approval under this section, ^{Application} the provisions of section 8 apply *mutatis mutandis*. ^{of s. 8}

4. This Act comes into force on a day to be named by the ^{Commence-} Lieutenant-Governor by his Proclamation. ^{ment}

5. This Act may be cited as *The Municipal Franchises* ^{Short title} *Amendment Act, 1954*.



An Act to amend The Municipal
Franchises Act

1st Reading

March 16th, 1954

2nd Reading

3rd Reading

MR. PORTER

No. 96

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Municipal Franchises Act

MR. PORTER

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



BILL

An Act to amend The Municipal Franchises Act

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

1. Section 6 of *The Municipal Franchises Act* is amended by adding thereto the following clause: Rev. Stat., c. 249, c. 6, amended

- (aa) granting the right of passing through the municipality with a line to transmit gas not intended to be distributed from such line in the municipality or only intended to be distributed from such line in the municipality to a person engaged in the transmission or distribution of gas.

2.—(1) Subsection 1 and 2 of section 8 of *The Municipal Franchises Act* are repealed and the following substituted therefor: Rev. Stat., c. 249, s. 8, subss. 1, 2, re-enacted

- (1) Notwithstanding anything in this or in any other general or special Act, no person shall construct any works to supply or supply, Approval for construction of gas works or supply of gas in municipality
- (a) natural gas in any municipality in which such person was not on the 1st day of April, 1933, supplying gas; or
- (b) gas in any municipality in which such person was not on the 1st day of April, 1933, supplying gas and in which gas was then being supplied,

without the approval of the Ontario Fuel Board and such approval shall not be given unless public convenience and necessity appear to require that such approval be given.

(2) The approval of the Ontario Fuel Board shall be in the form of a certificate. Form of approval

Rev. Stat.,
c. 249, s. 8,
subs. 3,
amended

(2) Subsection 3 of the said section 8 is amended by striking out the word "Municipal" in the first line and inserting in lieu thereof the word "Fuel".

Rev. Stat.,
c. 249, s. 8,
subs. 4,
amended

(3) Subsection 4 of the said section 8 is amended by striking out the word "Municipal" in the third line and inserting in lieu thereof the word "Fuel".

Rev. Stat.,
c. 249, s. 8,
subs. 5,
amended

(4) Subsection 5 of the said section 8 is amended by striking out the word "Municipal" in the first line and inserting in lieu thereof the word "Fuel".

Rev. Stat.,
c. 249, s. 8,
subs. 6,
amended

(5) Subsection 6 of the said section 8 is amended by striking out the word "Municipal" in the third line and inserting in lieu thereof the word "Fuel".

Rev. Stat.,
c. 249, s. 8,
subs. 7,
amended

(6) Subsection 7 of the said section 8 is amended by striking out the words "*The Ontario Municipal Board Act*" in the first and second lines and inserting in lieu thereof the words "*The Ontario Fuel Board Act, 1954*".

Rev. Stat.,
c. 249,
amended

3. *The Municipal Franchises Act* is amended by adding thereto the following section:

Interpre-
tation

9.—(1) In this section, "natural gas" includes any mixture of natural gas and manufactured gas, and any mixture of natural gas and propane or butane or other hydro-carbon.

Natural gas
franchise
by-laws to
be approved
by Fuel
Board

(2) No by-law granting,

(a) the right to construct or operate works for the distribution of natural gas;

(b) the right to supply natural gas to a municipal corporation or to the inhabitants of a municipality;

(c) the right to extend or add to the works mentioned in clause *a* or the services mentioned in clause *b*;

(d) a renewal of or an extension of the term of any right mentioned in clause *a* or *b*,

shall be submitted to the municipal electors for their assent unless the terms and conditions upon which and the period for which such right is to be granted, renewed or extended have first been approved by the Ontario Fuel Board.

- (3) The Ontario Fuel Board has and may exercise jurisdiction and power necessary for the purposes of this section and may give or refuse its approval. ^{Jurisdiction of Fuel Board}
- (4) Upon an application for approval under this section, the provisions of section 8 apply *mutatis mutandis*. ^{Application of s. 8}
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 Municipal Franchises Amendment Act, 1954*. ^{Short title}



An Act to amend The Municipal
Franchises Act

1st Reading

March 16th, 1954

2nd Reading

March 19th, 1954

3rd Reading

April 1st, 1954

MR. PORTER

No. 97

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Gas Pipe Lines Act, 1951

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTE

This Bill is complementary to Bill No. 94 entitled *An Act to establish the Ontario Fuel Board*.

It transfers the powers of the Ontario Municipal Board under this Act to the Ontario Fuel Board.

No. 97

1954

BILL

An Act to amend The Gas Pipe Lines 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 *a* of section 1 of *The Gas Pipe Lines Act, 1951* ^{1951, c. 30, s. 1, cl. a,} is amended by striking out the word "Municipal" and inserting ^{amended} in lieu thereof the word "Fuel".

2. Subsection 2 of section 8 of *The Gas Pipe Lines Act, 1951* ^{1951, c. 30, s. 8, subs. 2,} is amended by striking out the words "*The Ontario Municipal Board Act*" in the first line and inserting in lieu thereof the words "*The Ontario Fuel Board Act, 1954*".

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

4. This Act may be cited as *The Gas Pipe Lines Amendment* ^{Short title} *Act, 1954*.

An Act to amend The Gas Pipe Lines
Act, 1951

1st Reading

March 16th, 1954

2nd Reading

3rd Reading

MR. PORTER

No. 97

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Gas Pipe Lines Act, 1951

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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No. 97

1954

BILL

An Act to amend The Gas Pipe Lines 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 *a* of section 1 of *The Gas Pipe Lines Act, 1951* ^{1951, c. 30,} is amended by striking out the word "Municipal" and inserting ^{s. 1, cl. *a*,} in lieu thereof the word "Fuel".

2. Subsection 2 of section 8 of *The Gas Pipe Lines Act, 1951* ^{1951, c. 30,} is amended by striking out the words "*The Ontario Municipal* ^{s. 8, subs. 2,} *Board Act*" in the first line and inserting in lieu thereof the words "*The Ontario Fuel Board Act, 1954*".

3. This Act comes into force on a day to be named by the ^{Commence-} Lieutenant-Governor by his Proclamation. _{ment}

4. This Act may be cited as *The Gas Pipe Lines Amendment* ^{Short title} *Act, 1954*.

BILL

An Act to amend The Gas Pipe Lines.
Act, 1951

1st Reading

March 16th, 1954

2nd Reading

March 19th, 1954

3rd Reading

April 1st, 1954

MR. PORTER

No. 98

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
**An Act respecting Persons who bore or drill
Wells for Water**

MR. PORTER

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

EXPLANATORY NOTE

The Well Drillers Act, which deals with water wells as well as gas and oil wells, is being replaced so far as gas and oil wells are concerned by *The Ontario Fuel Board Act, 1954*. See Bill No. 94.

This bill is complementary and covers the field heretofore occupied by *The Well Drillers Act* in so far as it dealt with water wells.

There is no change in the principles involved.

BILL

An Act respecting Persons who bore or drill Wells for Water

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

- Interpre-
tation
1. In this Act,
 - (a) "inspector" means inspector appointed under this Act;
 - (b) "licence" means licence issued under this Act;
 - (c) "licensee" means the holder of a licence;
 - (d) "Minister" means Minister of Mines;
 - (e) "regulations" means regulations made under this Act. R.S.O. 1950, c. 423, s. 1, *part, amended.*

 2. No person shall bore or drill a well for water unless he is the holder of a licence. R.S.O. 1950, c. 423, s. 4 (1), *part.* Licence
required

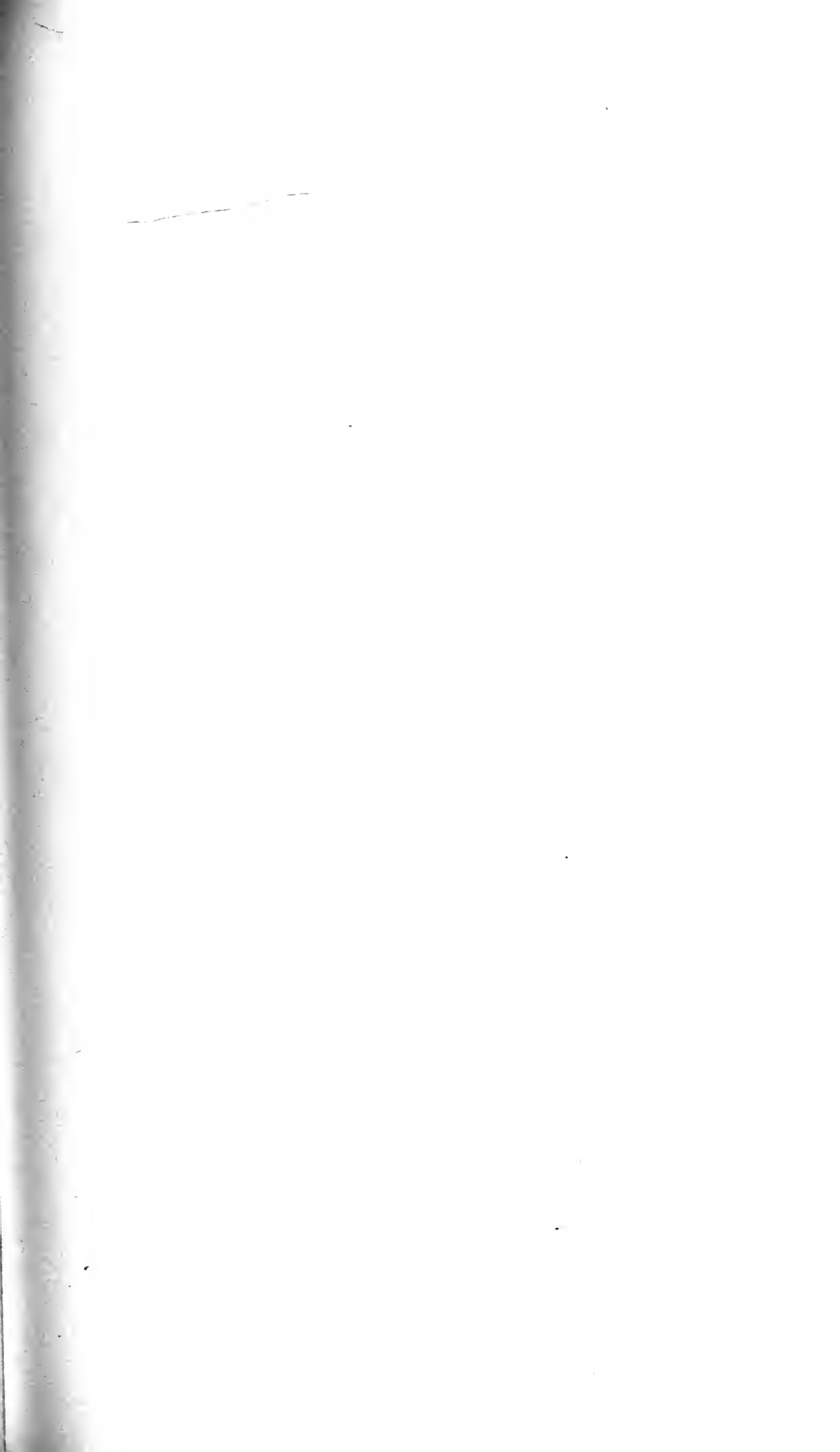
 3. Upon application therefor in the prescribed form, the Minister may issue a licence to any person to bore or drill wells for water and may, upon application therefor in the prescribed form, renew any such licence. C.R.O. 1950, Regs. 368, reg. 2, *amended.* Issue and
renewal

 4. Every licence and renewal thereof expires on the 31st day of December following the date of issue or renewal. C.R.O. 1950, Regs. 368, reg. 4 (1). Expiry

 5. The Minister may suspend or cancel a licence at any time. C.R.O. 1950, Regs. 368, reg. 6, *amended.* Suspension
and cancel-
lation

 6. Every licensee while boring or drilling a well for water shall carry his licence on his person and produce it for examination upon the request of an inspector. C.R.O. 1950, Regs. 368, reg. 4 (2), *amended.* Duty to
carry
licence

- Returns** **7.** Every licensee within one month after the completion of the boring or drilling of a well for water shall make a return in the prescribed form to the Minister. C.R.O. 1950, Regs. 368. reg. 7, *amended*.
- Appointment of inspectors** **8.**—(1) The Lieutenant-Governor in Council may appoint one or more inspectors for the purposes of this Act. R.S.O. 1950, c. 423, s. 5, *part*.
- Power to enter** (2) An inspector may enter upon any premises upon which a well is being or has been bored or drilled for water and make such examination, inspection or inquiry as he deems necessary for the purposes of this Act. R.S.O. 1950, c. 423, s. 5, *part, amended*.
- Regulations** **9.** The Lieutenant-Governor in Council may make regulations,
- (a) prescribing the form of the application for a licence, the licence, the application for the renewal of a licence, the renewal, and the return mentioned in section 7;
- (b) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 423, s. 2 (1), *part, amended*.
- Penalty** **10.** Every person who contravenes any provision of this Act or of the regulations is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100. R.S.O. 1950, c. 423, s. 15, *amended*.
- 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 Water-well Drillers Act, 1954*.







An Act respecting Persons who bore or drill
Wells for Water

1st Reading

March 16th, 1954

2nd Reading

3rd Reading

MR. PORTER

No. 98

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act respecting Persons who bore or drill
Wells for Water

MR. PORTER

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



BILL

An Act respecting Persons who bore or drill Wells for Water

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

Interpre-
tation

1. In this Act,

- (a) "inspector" means inspector appointed under this Act;
- (b) "licence" means licence issued under this Act;
- (c) "licensee" means the holder of a licence;
- (d) "Minister" means Minister of Mines;
- (e) "regulations" means regulations made under this Act. R.S.O. 1950, c. 423, s. 1, *part, amended.*

2. No person shall bore or drill a well for water unless he is the holder of a licence. R.S.O. 1950, c. 423, s. 4 (1), *part.*

Licence
required

3. Upon application therefor in the prescribed form, the Minister may issue a licence to any person to bore or drill wells for water and may, upon application therefor in the prescribed form, renew any such licence. C.R.O. 1950, Regs. 368, reg. 2, *amended.*

Issue and
renewal

4. Every licence and renewal thereof expires on the 31st day of December following the date of issue or renewal. C.R.O. 1950, Regs. 368, reg. 4 (1).

Expiry

5. The Minister may suspend or cancel a licence at any time. C.R.O. 1950, Regs. 368, reg. 6, *amended.*

Suspension
and cancel-
lation

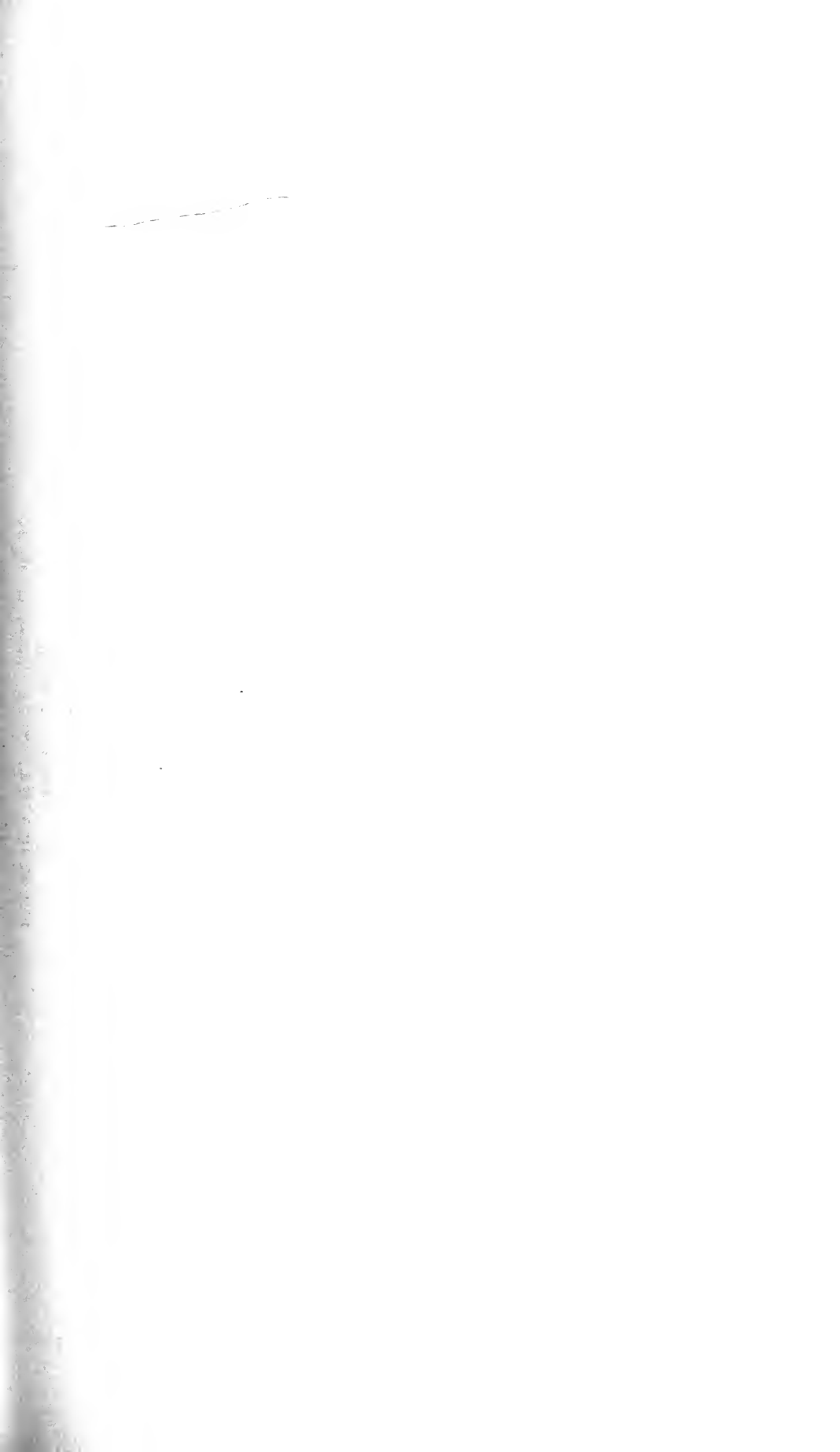
6. Every licensee while boring or drilling a well for water shall carry his licence on his person and produce it for examination upon the request of an inspector. C.R.O. 1950, Regs. 368, reg. 4 (2), *amended.*

Duty to
carry
licence

- Returns **7.** Every licensee within one month after the completion of the boring or drilling of a well for water shall make a return in the prescribed form to the Minister. C.R.O. 1950, Regs. 368. reg. 7, *amended*.
- Appointment of inspectors **8.**—(1) The Lieutenant-Governor in Council may appoint one or more inspectors for the purposes of this Act. R.S.O. 1950, c. 423, s. 5, *part*.
- Power to enter (2) An inspector may enter upon any premises upon which a well is being or has been bored or drilled for water and make such examination, inspection or inquiry as he deems necessary for the purposes of this Act. R.S.O. 1950, c. 423, s. 5, *part, amended*.
- Regulations **9.** The Lieutenant-Governor in Council may make regulations,
- (a) prescribing the form of the application for a licence, the licence, the application for the renewal of a licence, the renewal, and the return mentioned in section 7;
- (b) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 423, s. 2 (1), *part, amended*.
- Penalty **10.** Every person who contravenes any provision of this Act or of the regulations is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100. R.S.O. 1950, c. 423, s. 15, *amended*.
- 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 Water-well Drillers Act, 1954*.







An Act respecting Persons who bore or drill
Wells for Water

1st Reading

March 16th, 1954

2nd Reading

March 19th, 1954

3rd Reading

March 30th, 1954

MR. PORTER

No. 99

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Petty Trespass Act

MR. PORTER

EXPLANATORY NOTE

Clause *c* of subsection 1 and subsection 2 of the proposed section 1 of the Act are new.

These new provisions will make it unlawful to park a motor vehicle on private property where notice prohibiting such parking has been given.

BILL

An Act to amend The Petty Trespass 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 Petty Trespass Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 275, s. 1,
re-enacted

1.—(1) Every person who unlawfully enters or in any other way trespasses upon another person's land, Offence of
trespass

(a) that is enclosed;

(b) that is a garden or lawn; or

(c) with respect to which he has had notice by word of mouth, or in writing, or by posters or sign boards so placed as to be visible from every point of access to the land, not to trespass,

and whether or not any damage has been occasioned thereby, is guilty of an offence and on summary conviction is liable to a penalty of not less than \$1 and not more than \$10.

(2) Where an offence under subsection 1 is committed by means of a motor vehicle, the driver of the motor vehicle, not being the owner, is liable to the penalty provided under subsection 1 and the owner of the motor vehicle is also liable to the penalty provided under subsection 1 unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent. Trespass
by means
of motor
vehicle

2. This Act may be cited as *The Petty Trespass Amendment Act, 1954*. Short title

An Act to amend The Petty
Trespass Act

1st Reading

March 16th, 1954

2nd Reading

3rd Reading

MR. PORTER

No. 99

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Petty Trespass Act

MR. PORTER

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



BILL

An Act to amend The Petty Trespass 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 Petty Trespass Act* is repealed and the following substituted therefor: Rev. Stat., c. 275, s. 1, re-enacted

1.—(1) Every person who unlawfully enters or in any other way trespasses upon another person's land, Offence of trespass

(a) that is enclosed;

(b) that is a garden or lawn; or

(c) with respect to which he has had notice by word of mouth, or in writing, or by posters or sign boards so placed as to be visible from every point of access to the land, not to trespass,

and whether or not any damage has been occasioned thereby, is guilty of an offence and on summary conviction is liable to a penalty of not less than \$1 and not more than \$10.

(2) Where an offence under subsection 1 is committed by means of a motor vehicle, the driver of the motor vehicle, not being the owner, is liable to the penalty provided under subsection 1 and the owner of the motor vehicle is also liable to the penalty provided under subsection 1 unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent. Trespass by means of motor vehicle

2. This Act may be cited as *The Petty Trespass Amendment Act, 1954*. Short title

An Act to amend The Petty
Trespass Act

1st Reading

March 16th, 1954

2nd Reading

March 19th, 1954

3rd Reading

March 30th, 1954

MR. PORTER

No. 100

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

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

EXPLANATORY NOTE

The amendments are related to the scheme of contributions toward the cost of poliomyelitis treatment.

No. 100

1954

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 5 of *The Public Health Act*, as amended by section 1 of *The Public Health Amendment Act, 1951* and section 2 of *The Public Health Amendment Act, 1953*, is further amended by adding thereto the following clause: Rev. Stat., c. 306, s. 5, amended

(zs) designating institutions to which the Minister may make contributions toward the cost of the maintenance, treatment and special treatment of persons in such institutions who are suffering from poliomyelitis or from impairment of muscular function as a result of having been infected with poliomyelitis and prescribing the methods of determining the amounts of contributions and the manner and times of payment thereof. contributions for poliomyelitis treatment

2. *The Public Health Act* is amended by adding thereto the following section: Rev. Stat., c. 306, amended

54a. The Minister, out of such moneys as are appropriated by the Legislature therefor, may make contributions to institutions designated by the regulations toward the cost of the maintenance, treatment and special treatment of persons in such institutions who are suffering from poliomyelitis or from impairment of muscular function as a result of having been infected with poliomyelitis in such amounts, in such manner and at such times as the regulations prescribe. Contributions toward cost of treatment of poliomyelitis

3. This Act may be cited as *The Public Health Amendment Act, 1954*. Short title

BILL

An Act to amend The Public
Health Act

1st Reading

March 16th, 1954

2nd Reading

3rd Reading

MR. PHILLIPS

No. 100

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

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



No. 100

1954

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 5 of *The Public Health Act*, as amended by section 1 of *The Public Health Amendment Act, 1951* and section 2 of *The Public Health Amendment Act, 1953*, is further amended by adding thereto the following clause:

(zs) designating institutions to which the Minister may make contributions toward the cost of the maintenance, treatment and special treatment of persons in such institutions who are suffering from poliomyelitis or from impairment of muscular function as a result of having been infected with poliomyelitis and prescribing the methods of determining the amounts of contributions and the manner and times of payment thereof.

2. *The Public Health Act* is amended by adding thereto the following section:

54a. The Minister, out of such moneys as are appropriated by the Legislature therefor, may make contributions to institutions designated by the regulations toward the cost of the maintenance, treatment and special treatment of persons in such institutions who are suffering from poliomyelitis or from impairment of muscular function as a result of having been infected with poliomyelitis, in such amounts, in such manner and at such times as the regulations prescribe.

3. This Act may be cited as *The Public Health Amendment Act, 1954*.

An Act to amend The Public
Health Act

1st Reading

March 16th, 1954

2nd Reading

March 23rd, 1954

3rd Reading

March 30th, 1954

MR. PHILLIPS

No. 101

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
**An Act to amend The Ontario School
Trustees' Council Act, 1953**

MR. DUNLOP

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

EXPLANATORY NOTE

The Ontario School Trustees' Council is composed of two representatives appointed by each of seven school trustees' associations. This Bill provides for the appointment of alternate representatives to act in the absence of representatives, and provides for the filling of vacancies in the offices of representatives and alternates.

No. 101

1954

BILL

An Act to amend The Ontario School Trustees' Council Act, 1953

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 Ontario School Trustees' Council Act, 1953* is amended by adding thereto the following subsections: c. 77, s. 3, amended

- (4) At its first meeting in each year, each member association may appoint an alternate representative Alternate representative for each representative appointed by it and, when a representative is unable to attend a meeting of the Council, his alternate representative may attend the meeting and shall have all the powers and duties of the representative thereat.
- (5) No person shall be appointed as an alternate representative idem unless he is qualified to be a member of the Council and no alternate representative shall be eligible to be an officer of the Council.
- (6) Vacancies Vacancies arising from death, resignation or otherwise of a representative or alternate representative shall be filled forthwith by the appointing member association, and the person appointed to fill the vacancy shall hold office for the unexpired term of the person whose place has become vacant.

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

3. This Act may be cited as *The Ontario School Trustees' Council Amendment Act, 1954*. Short title

An Act to amend The Ontario School
Trustees' Council Act, 1953

1st Reading

March 16th, 1954

2nd Reading

3rd Reading

MR. DUNLOP

No. 101

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Ontario School
Trustees' Council Act, 1953

MR. DUNLOP

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



No. 101

1954

BILL

An Act to amend The Ontario School Trustees' Council Act, 1953

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 Ontario School Trustees' Council Act, 1953*, is amended by adding thereto the following subsections: ^{c. 77, s. 3, amended}

- (4) At its first meeting in each year, each member association may appoint an alternate representative for each representative appointed by it and, when a representative is unable to attend a meeting of the Council, his alternate representative may attend the meeting and shall have all the powers and duties of the representative thereat. ^{Alternate representatives}
- (5) No person shall be appointed as an alternate representative unless he is qualified to be a member of the Council and no alternate representative shall be eligible to be an officer of the Council. ^{Idem}
- (6) Vacancies arising from death, resignation or otherwise of a representative or alternate representative shall be filled forthwith by the appointing member association, and the person appointed to fill the vacancy shall hold office for the unexpired term of the person whose place has become vacant. ^{Vacancies}

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

3. This Act may be cited as *The Ontario School Trustees' Council Amendment Act, 1954*. ^{Short title}

An Act to amend The Ontario School
Trustees' Council Act, 1953

1st Reading

March 16th, 1954

2nd Reading

March 19th, 1954

3rd Reading

March 30th, 1954

MR. DUNLOP

No. 102

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
**An Act to provide Protection for Persons
Working in Trenches**

MR. DALEY

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

EXPLANATORY NOTE

This is a new Act designed to provide protection for persons working in trenches. It provides that trenches must be shored and timbered in accordance with standards to be set out in regulations and provides for an inspection system to be administered in municipalities by inspectors appointed by the councils of municipalities and in territory without municipal organization by inspectors appointed by the Lieutenant-Governor in Council. It further prohibits the employment in trenches of persons under 16 years of age.

BILL

An Act to provide Protection for Persons Working in Trenches

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

1. In this Act,

Interpreta-
tion

- (a) "inspector" means an inspector appointed under this Act or under a municipal by-law for the purpose of enforcing this Act;
- (b) "regulations" means regulations made under this Act;
- (c) "trench" means any excavation in the ground where the depth of the excavation exceeds the width.

2. This Act does not apply,

Application

- (a) to any part of a trench where the trench is four feet or less in depth;
- (b) to a trench where the work therein is done only by the owner thereof in person;
- (c) to a trench into which no person is required to enter for any purpose;
- (d) to a mine within the meaning of *The Mining Act*.

Rev. Stat.,
c. 236

3.—(1) The council of every local municipality shall, by by-law, appoint one or more inspectors to enforce this Act in the municipality. Inspectors,
in munic-
ipalities

(2) The Lieutenant-Governor in Council may appoint one or more inspectors to enforce this Act in territory without municipal organization. in unorgan-
ized terri-
tory

4.—(1) An inspector may enter any land for the purpose of carrying out an inspection under this Act. Power of
entry

Obstruction
of inspector

(2) No person shall obstruct an inspector in the performance of his duties or furnish him with false information.

Order of
inspector

5.—(1) Where an inspector finds that any provision of this Act is being violated, he may give such order in writing as he thinks necessary to secure compliance with this Act, and until such order is carried out the work upon that part of the trench in which the violation occurs shall be suspended.

Penalty

(2) Every person to whom an order of an inspector is directed who violates or knowingly permits any person under his direction or control to violate such order or to carry on work in violation of subsection 1 shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$100 for every day upon which the violation continues.

Inspector
to be noti-
fied of
proposed
trench

6. The owner of land on which it is proposed to excavate a trench, or if a contractor is to excavate a trench, the contractor, shall before commencing work on the trench give notice in writing to an inspector appointed to enforce this Act in the jurisdiction in which the proposed trench is to be excavated stating,

- (a) the name and address of the owner of the land on which the trench is to be excavated and of the contractor, if any;
- (b) the location of the proposed trench;
- (c) the particulars as to the depth and width of the proposed trench;
- (d) the proposed date of commencing work on the trench; and
- (e) the name and address of the person who will be in charge of the work in connection with the trench.

Duties of
owner and
contractor

7. It is the duty of the owner of land on which a trench is being excavated, or if the work on the trench is being done by a contractor, it is the duty of the contractor, to ensure that the provisions of this Act and the regulations are complied with.

Shoring and
timbering

8.—(1) The sides of all trenches exceeding four feet in depth shall be securely shored and timbered with good quality material in accordance with the regulations and the shoring and timbering shall extend at least one foot above the top of the trench.

(2) Subsection 1 does not apply where the trench is cut Application in solid rock or where the sides of the trench are sloped to within four feet of the bottom of the trench so that the sloped sides of the trench do not have more than one foot of vertical rise to each foot of horizontal run.

(3) Where the sides of a trench are sloped as prescribed Trench with sloping sides in subsection 2 but not to within four feet of the bottom of the trench, the vertical walls of the trench shall be shored and timbered with good quality material in accordance with the regulations and the shoring and timbering shall extend at least one foot above the vertical walls and be fitted with toe-boards to prevent material rolling down the slope and falling into the part of the trench with vertical walls.

(4) Drawings and specifications for the shoring and timbering Drawings for shoring and timbering of all trenches to exceed thirty feet in depth and all trenches to exceed twelve feet in width shall be submitted in duplicate to the inspector appointed to enforce this Act in the jurisdiction in which the trench is to be excavated and the trench shall not be commenced until the drawings and specifications have been approved by the inspector and the shoring and timbering shall conform to such approved plans.

(5) Shoring and timbering shall be carried along with When shoring and timbering to be done the excavating of a trench but when conditions permit may be done before the excavating commences.

9. Ladders or other means of escape satisfactory to an Ladders to be provided inspector shall be provided in every trench and such ladders or other means of escape shall be spaced at intervals of not more than fifty feet in each trench and shall extend above the top of the trench.

10.—(1) Where staging or scaffolding for handling by Staging and scaffolding hand in relays materials excavated from the trench is erected independently of the shoring or timbering on the sides of the trench, it shall be structurally adequate to protect persons working thereon or in the trench from collapse of the staging or scaffolding or from falling objects.

(2) Where the staging or scaffolding is attached to the Idem shoring and timbering on the sides of the trench, the shoring and timbering shall be sufficiently reinforced to withstand the additional load thereby imposed on the shoring and timbering.

11.—(1) The person in charge of work in connection Handling of high explosives by inexperienced persons with a trench shall not allow or designate any person inexperienced in handling dynamite or other high explosives to handle, transport, prepare or use dynamite or other high explosives in connection with such work.

Posting
of names

(2) The person in charge of work in connection with a trench shall post up in the field office and at the magazines the names of all persons designated to handle, transport, prepare or use dynamite or other high explosives.

Blaster
designated

(3) The person in charge of work in connection with a trench shall designate one person to be in charge of blasting operations in each section of the trench affected by the blasting operations and such designated person shall enforce his orders and directions and supervise the fixing of all charges and all other blasting operations.

Firing
circuits

(4) Every firing circuit in connection with blasting operations shall be broken outside the trench at a point and in a manner satisfactory to an inspector.

Quantity
of high
explosives
in trench

(5) No greater quantity of dynamite or other high explosives than is required for immediate use in a trench shall be taken into a trench.

Gases in
trench

12.—(1) The person in charge of the work in connection with a trench shall take precautions to ensure that no harmful gases or fumes are present in the trench to such a degree as may endanger the health and safety of persons working therein.

Mechanical
ventilation
required

(2) Where gases and fumes are likely to be present in a trench, or tests show their presence therein, sufficient mechanical ventilation to protect the health and safety of persons working therein shall be provided.

Gases in
trench from
internal
combustion
engine

13. No internal combustion engine shall be operated in a trench unless adequate provisions are made to ensure that exhaust gases and fumes are discharged to a point sufficiently remote from the trench to prevent their return to or accumulation in the trench.

Rock-drilling
operations

14. Where rock-drilling operations are carried on in a trench, the person in charge of the work in connection with the trench shall ensure that an adequate supply of water is provided at the drill hole to control the dissemination of dust into the breathing zone of the drill operator or other persons working in the trench.

Placing
material
near trench

15. No tools, machinery, timber, rock or other material shall be placed or stored within two feet of the edge of a trench.

Operation
of vehicles,
etc., close
to trench

16. The person in charge of the work in connection with a trench shall ensure that no vehicle, machinery or horse is driven or operated or located so close to the edge of a trench

in which persons are working as to endanger the stability of the walls of the trench by vibration or otherwise.

17.—(1) Such fences, guards or barricades as will prevent persons from falling into a trench shall be provided at or near the sides of all trenches and shall be kept in place at all times except when such fences, guards or barricades will interfere with the excavation or other work being done. Guards and barricades

(2) When operations are suspended and during darkness such fences, guards or barricades as will prevent persons from falling into a trench shall be provided at or near the sides of all trenches and all piles of excavated material or other material, tools and machinery shall be marked by lighted lanterns or flares where necessary to prevent accidents. Idem

18. The person in charge of work in connection with a trench shall not allow any person to enter the trench if the provisions of this Act and the regulations with respect to such trench have not been complied with. Persons entering trenches

19. No person shall move, alter or destroy any shoring or timbering or any fence, guard or barricade that is required by this Act and the regulations to be provided in connection with a trench for the protection of persons without the permission of the owner of the land on which the trench is excavated or, if the work on the trench is being done by a contractor, without the permission of the contractor. Moving or altering fences, etc.

20. No person shall work in a trench exceeding six feet in depth unless he is wearing a hat manufactured for the purpose of protecting persons from falling objects while working in a trench. Protective hats

21. During periods of temporary shut-down, no person shall be allowed to work alone in a trench exceeding twenty feet in depth unless another person is on duty outside the trench in close proximity to the part of the trench in which the other person is working. Solitary workers

22. No person under sixteen years of age shall be allowed to enter or work in a trench. Persons under 16

23. Nothing in this Act affects the authority of a municipality to pass by-laws relating to matters mentioned in this Act or affects any such by-law in so far as it imposes additional or more stringent requirements than those imposed by this Act and the regulations. By-laws

Penalty

24. Every person who violates any provision of this Act or the regulations shall be guilty of an offence and on summary conviction, where a penalty for such offence is not otherwise provided, shall be liable to a penalty of not more than \$500.

Application of penalties

25. Every penalty collected for an offence under this Act committed in a local municipality shall be paid to the treasurer of the local municipality in which the offence was committed, and every penalty collected for an offence under this Act committed in territory without municipal organization shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund.

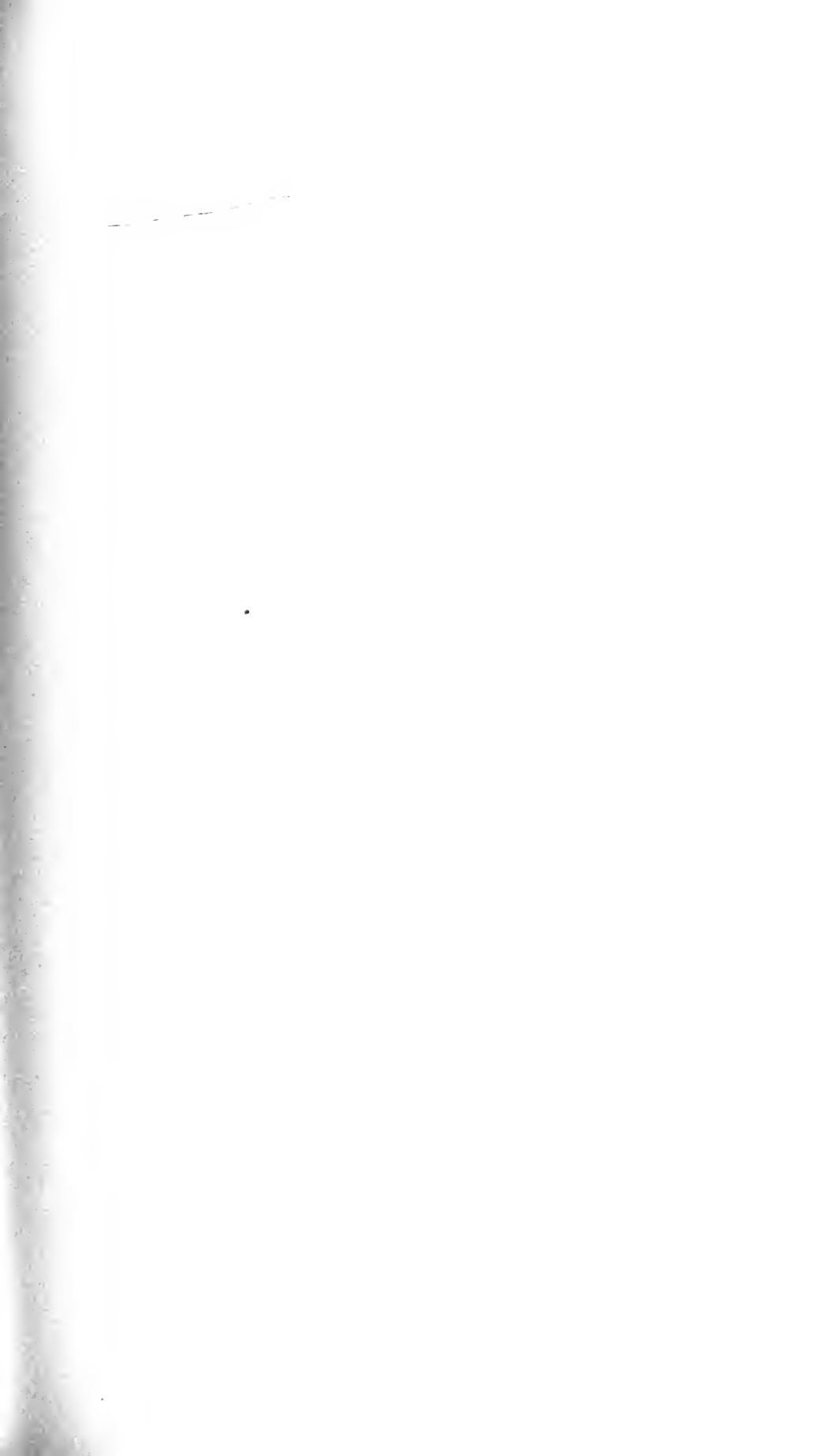
Regulations

26. The Lieutenant-Governor in Council may make regulations,

- (a) regulating the methods of shoring and timbering and the size, composition and arrangement of materials that shall be used therefor;
- (b) providing for fees to be paid for the inspection of trenches in territory without municipal organization and for the payment of the expenses of inspectors and prescribing the amounts of such fees and expenses to be paid;
- (c) providing for fees to be paid for the examination of drawings and specifications of shoring and timbering for trenches in territory without municipal organization required to be submitted to an inspector for approval, and prescribing the amounts of such fees;
- (d) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Short title

27. This Act may be cited as *The Trench Excavators Protection Act, 1954*.







An Act to provide Protection for
Persons Working in Trenches

1st Reading

March 16th, 1954

2nd Reading

3rd Reading

MR. DALEY

No. 102

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
**An Act to provide Protection for Persons
Working in Trenches**

MR. DALEY

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



BILL

An Act to provide Protection for Persons Working in Trenches

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

1. In this Act,

Interpreta-
tion

- (a) "inspector" means an inspector appointed under this Act or under a municipal by-law for the purpose of enforcing this Act;
- (b) "regulations" means regulations made under this Act;
- (c) "trench" means any excavation in the ground where the depth of the excavation exceeds the width.

2. This Act does not apply,

Application

- (a) to any part of a trench where the trench is four feet or less in depth;
- (b) to a trench where the work therein is done only by the owner thereof in person;
- (c) to a trench into which no person is required to enter for any purpose;
- (d) to a mine within the meaning of *The Mining Act*.

Rev. Stat.,
c. 236

3.—(1) The council of every local municipality shall, by by-law, appoint one or more inspectors to enforce this Act in the municipality. Inspectors, in municipal-
ities

(2) The Lieutenant-Governor in Council may appoint one or more inspectors to enforce this Act in territory without municipal organization. in unorgan-
ized terri-
tory

4.—(1) An inspector may enter any land for the purpose of carrying out an inspection under this Act. Power of
entry

Obstruction of inspector (2) No person shall obstruct an inspector in the performance of his duties or furnish him with false information.

Order of inspector

5.—(1) Where an inspector finds that any provision of this Act is being violated, he may give such order in writing as he thinks necessary to secure compliance with this Act, and until such order is carried out the work upon that part of the trench in which the violation occurs shall be suspended.

Penalty

(2) Every person to whom an order of an inspector is directed who violates or knowingly permits any person under his direction or control to violate such order or to carry on work in violation of subsection 1 shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$100 for every day upon which the violation continues.

Inspector to be notified of proposed trench

6. The owner of land on which it is proposed to excavate a trench, or if a contractor is to excavate a trench, the contractor, shall before commencing work on the trench give notice in writing to an inspector appointed to enforce this Act in the jurisdiction in which the proposed trench is to be excavated stating,

- (a) the name and address of the owner of the land on which the trench is to be excavated and of the contractor, if any;
- (b) the location of the proposed trench;
- (c) the particulars as to the depth and width of the proposed trench;
- (d) the proposed date of commencing work on the trench; and
- (e) the name and address of the person who will be in charge of the work in connection with the trench.

Duties of owner and contractor

7. It is the duty of the owner of land on which a trench is being excavated, or if the work on the trench is being done by a contractor, it is the duty of the contractor, to ensure that the provisions of this Act and the regulations are complied with.

Shoring and timbering

8.—(1) The sides of all trenches exceeding four feet in depth shall be securely shored and timbered with good quality material in accordance with the regulations and the shoring and timbering shall extend at least one foot above the top of the trench.

(2) Subsection 1 does not apply where the trench is cut in solid rock or where the sides of the trench are sloped to within four feet of the bottom of the trench so that the sloped sides of the trench do not have more than one foot of vertical rise to each foot of horizontal run. Application

(3) Where the sides of a trench are sloped as prescribed in subsection 2 but not to within four feet of the bottom of the trench, the vertical walls of the trench shall be shored and timbered with good quality material in accordance with the regulations and the shoring and timbering shall extend at least one foot above the vertical walls and be fitted with toe-boards to prevent material rolling down the slope and falling into the part of the trench with vertical walls. Trench with sloping sides

(4) Drawings and specifications for the shoring and timbering of all trenches to exceed thirty feet in depth and all trenches to exceed twelve feet in width shall be submitted in duplicate to the inspector appointed to enforce this Act in the jurisdiction in which the trench is to be excavated and the trench shall not be commenced until the drawings and specifications have been approved by the inspector and the shoring and timbering shall conform to such approved plans. Drawings for shoring and timbering

(5) Shoring and timbering shall be carried along with the excavating of a trench but when conditions permit may be done before the excavating commences. When shoring and timbering to be done

9. Ladders or other means of escape satisfactory to an inspector shall be provided in every trench and such ladders or other means of escape shall be spaced at intervals of not more than fifty feet in each trench and shall extend above the top of the trench. Ladders to be provided

10.—(1) Where staging or scaffolding for handling by hand in relays materials excavated from the trench is erected independently of the shoring or timbering on the sides of the trench, it shall be structurally adequate to protect persons working thereon or in the trench from collapse of the staging or scaffolding or from falling objects. Staging and scaffolding

(2) Where the staging or scaffolding is attached to the shoring and timbering on the sides of the trench, the shoring and timbering shall be sufficiently reinforced to withstand the additional load thereby imposed on the shoring and timbering. Idem

11.—(1) The person in charge of work in connection with a trench shall not allow or designate any person inexperienced in handling dynamite or other high explosives to handle, transport, prepare or use dynamite or other high explosives in connection with such work. Handling of high explosives by inexperienced persons

Posting
of names

(2) The person in charge of work in connection with a trench shall post up in the field office and at the magazines the names of all persons designated to handle, transport, prepare or use dynamite or other high explosives.

Blaster
designated

(3) The person in charge of work in connection with a trench shall designate one person to be in charge of blasting operations in each section of the trench affected by the blasting operations and such designated person shall enforce his orders and directions and supervise the fixing of all charges and all other blasting operations.

Firing
circuits

(4) Every firing circuit in connection with blasting operations shall be broken outside the trench at a point and in a manner satisfactory to an inspector.

Quantity
of high
explosives
in trench

(5) No greater quantity of dynamite or other high explosives than is required for immediate use in a trench shall be taken into a trench.

Gases in
trench

12.—(1) The person in charge of the work in connection with a trench shall take precautions to ensure that no harmful gases or fumes are present in the trench to such a degree as may endanger the health and safety of persons working therein.

Mechanical
ventilation
required

(2) Where gases and fumes are likely to be present in a trench, or tests show their presence therein, sufficient mechanical ventilation to protect the health and safety of persons working therein shall be provided.

Gases in
trench from
internal
combustion
engine

13. No internal combustion engine shall be operated in a trench unless adequate provisions are made to ensure that exhaust gases and fumes are discharged to a point sufficiently remote from the trench to prevent their return to or accumulation in the trench.

Rock-drilling
operations

14. Where rock-drilling operations are carried on in a trench, the person in charge of the work in connection with the trench shall ensure that an adequate supply of water is provided at the drill hole to control the dissemination of dust into the breathing zone of the drill operator or other persons working in the trench.

Placing
material
near trench

15. No tools, machinery, timber, rock or other material shall be placed or stored within two feet of the edge of a trench.

Operation
of vehicles,
etc., close
to trench

16. The person in charge of the work in connection with a trench shall ensure that no vehicle, machinery or horse is driven or operated or located so close to the edge of a trench

in which persons are working as to endanger the stability of the walls of the trench by vibration or otherwise.

17.—(1) Such fences, guards or barricades as will prevent persons from falling into a trench shall be provided at or near the sides of all trenches and shall be kept in place at all times except when such fences, guards or barricades will interfere with the excavation or other work being done. Guards and barricades

(2) When operations are suspended and during darkness Idem such fences, guards or barricades as will prevent persons from falling into a trench shall be provided at or near the sides of all trenches and all piles of excavated material or other material, tools and machinery shall be marked by lighted lanterns or flares where necessary to prevent accidents.

18. The person in charge of work in connection with a trench shall not allow any person to enter the trench if the provisions of this Act and the regulations with respect to such trench have not been complied with. Persons entering trenches

19. No person shall move, alter or destroy any shoring or timbering or any fence, guard or barricade that is required by this Act and the regulations to be provided in connection with a trench for the protection of persons without the permission of the owner of the land on which the trench is excavated or, if the work on the trench is being done by a contractor, without the permission of the contractor. Moving or altering fences, etc.

20. No person shall work in a trench exceeding six feet in depth unless he is wearing a hat manufactured for the purpose of protecting persons from falling objects while working in a trench. Protective hats

21. During periods of temporary shut-down, no person shall be allowed to work alone in a trench exceeding twenty feet in depth unless another person is on duty outside the trench in close proximity to the part of the trench in which the other person is working. Solitary workers

22. No person under sixteen years of age shall be allowed to enter or work in a trench. Persons under 16

23. Nothing in this Act affects the authority of a municipality to pass by-laws relating to matters mentioned in this Act or affects any such by-law in so far as it imposes additional or more stringent requirements than those imposed by this Act and the regulations. By-laws

Penalty

24. Every person who violates any provision of this Act or the regulations shall be guilty of an offence and on summary conviction, where a penalty for such offence is not otherwise provided, shall be liable to a penalty of not more than \$500.

Application of penalties

25. Every penalty collected for an offence under this Act committed in a local municipality shall be paid to the treasurer of the local municipality in which the offence was committed, and every penalty collected for an offence under this Act committed in territory without municipal organization shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund.

Regulations

26. The Lieutenant-Governor in Council may make regulations,

- (a) regulating the methods of shoring and timbering and the size, composition and arrangement of materials that shall be used therefor;
- (b) providing for fees to be paid for the inspection of trenches in territory without municipal organization and for the payment of the expenses of inspectors and prescribing the amounts of such fees and expenses to be paid;
- (c) providing for fees to be paid for the examination of drawings and specifications of shoring and timbering for trenches in territory without municipal organization required to be submitted to an inspector for approval, and prescribing the amounts of such fees;
- (d) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Short title

27. This Act may be cited as *The Trench Excavators Protection Act, 1954*.







An Act to provide Protection for
Persons Working in Trenches

1st Reading

March 16th, 1954

2nd Reading

March 23rd, 1954

3rd Reading

March 30th, 1954

MR. DALEY

No. 103

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend the
The Elevators and Lifts Act, 1953

MR. DALEY

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

EXPLANATORY NOTES

SECTION 1. The words are deleted in order to confine the definition to the common type of escalator, that is, one operating between two floors.

SECTION 2. Self-explanatory.

SECTION 3. Self-explanatory.

SECTION 4. Self-explanatory.

BILL

An Act to amend the The Elevators and Lifts Act, 1953

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

1. Clause *h* of section 1 of *The Elevators and Lifts Act, 1953* is amended by striking out the words "or more" in the fourth line, so that the clause shall read as follows: 1953, c. 33, s. 1, cl. h, amended

(*h*) "escalator" means a power-driven, inclined, continuous stairway or runway affixed to a building or structure that is used for lifting or lowering persons and that serves two floors or permanent levels of the building or structure, and includes its hoistway enclosure.

2. *The Elevators and Lifts Act, 1953* is amended by adding thereto the following section: 1953, c. 33, amended

19a. If the regulations provide qualifications for attendants or require attendants to be licensed, no person other than a qualified attendant or a licensed attendant, as the case may be, shall operate an elevator or incline lift. Idem

3. Section 20 of *The Elevators and Lifts Act, 1953* is amended by adding thereto the following subsection: 1953, c. 33, s. 20, amended

(2) No person shall operate an elevator, dumb-waiter, escalator, manlift or incline lift or cause or permit it to be operated in an unsafe manner. Idem

4. *The Elevators and Lifts Act, 1953* is amended by adding thereto the following section: 1953, c. 33, amended

21a. The prohibitions contained in sections 18, 19, 20 and 21 do not apply to an inspector, or a person authorized by an inspector, during the installation, alteration, repair, testing, or inspection of an elevator, dumb-waiter, escalator, manlift or incline lift. Exception, ss. 18-21

1953,
c. 33, s. 25,
subs. 1, cl. *i*,
amended

5.—(1) Clause *i* of subsection 1 of section 25 of *The Elevators and Lifts Act, 1953* is amended by striking out the words “prescribing conditions respecting” in the first line and inserting in lieu thereof the word “regulating”, so that the clause shall read as follows:

- (*i*) regulating the use, location, design, construction, installation, operation, maintenance, ventilation, drainage, lighting, heating, alteration, repair, testing and inspection of elevators, dumb-waiters, escalators, manlifts or incline lifts and equipment used in connection therewith.

1953,
c. 33, s. 25,
subs. 1, cl. *j*,
re-enacted

(2) Clause *j* of subsection 1 of the said section 25 is repealed and the following substituted therefor:

- (*j*) prescribing requirements as to the form and substance of the drawings and specifications to be submitted under this Act and the qualifications of persons by whom such drawings and specifications are to be prepared and certified and the fees to be paid upon submission of such drawings and specifications.

1953,
c. 33, s. 25,
subs. 1, cl. *o*,
re-enacted

(3) Clause *o* of subsection 1 of the said section 25 is repealed and the following substituted therefor:

- (*o*) prescribing qualifications for attendants or providing for and requiring the licensing of attendants.

1953,
c. 33, s. 25,
subs. 1, cl. *q*,
amended

(4) Clause *q* of subsection 1 of the said section 25 is amended by striking out the words “or for the examination of drawings and specifications submitted for approval under this Act and designating the amount of such fees” in the second, third and fourth lines, so that the clause shall read as follows:

- (*q*) providing for fees to be paid on the grant or transfer of licences.

1953,
c. 33, s. 25,
subs. 1,
amended

(5) Subsection 1 of the said section 25 is amended by adding thereto the following clause:

- (*qq*) prescribing the fees to be paid for inspections by inspectors.

1953,
c. 33, s. 25,
subs. 1, cl. *r*,
re-enacted

(6) Clause *r* of subsection 1 of the said section 25 is repealed and the following substituted therefor:

- (*r*) prescribing the circumstances under which expenses or special fees, or both, are to be paid and prescribing the special fees and designating the persons by whom such expenses or fees, or both, are to be paid.

SECTION 5—Subsection 1. The substitution of the word “regulating” broadens the scope of the clause.

Subsection 2. The scope of the clause is broadened.

Subsection 3. The scope of the clause is broadened.

Subsection 4. The words deleted appear in clause *j* as re-enacted.

Subsection 5. Self-explanatory.

Subsection 6. The scope of the clause is broadened.

SECTION 6. This provision is new. It is self-explanatory.

6. Section 26 of *The Elevators and Lifts Act, 1953* is amended by adding thereto the following subsection: 1953, c. 33, s. 26, amended

(3) Subsection 1 does not apply to by-laws or parts of by-laws prescribing fire safety requirements for hoistway enclosures, and in the event of conflict between any such by-law and this Act or the regulations, the provision prescribing the more stringent requirements prevails. Exception, fire safety requirements

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

8. This Act may be cited as *The Elevators and Lifts Amendment Act, 1954*. Short title

An Act to amend The Elevators and
Lifts Act, 1953

1st Reading.

March 16th, 1954

2nd Reading

3rd Reading

MR. DALEY

No. 103

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend
The Elevators and Lifts Act, 1953

MR. DALEY

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



No. 103

1954

BILL

An Act to amend The Elevators and Lifts Act, 1953

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

1. Clause *h* of section 1 of *The Elevators and Lifts Act, 1953* is amended by striking out the words "or more" in the fourth line, so that the clause shall read as follows: 1953, c. 33, s. 1, cl. h, amended

(*h*) "escalator" means a power-driven, inclined, continuous stairway or runway affixed to a building or structure that is used for lifting or lowering persons and that serves two floors or permanent levels of the building or structure, and includes its hoistway enclosure.

2. *The Elevators and Lifts Act, 1953* is amended by adding thereto the following section: 1953, c. 33, amended

19*a*. If the regulations provide qualifications for attendants or require attendants to be licensed, no person other than a qualified attendant or a licensed attendant, as the case may be, shall operate an elevator or incline lift. Idem

3. Section 20 of *The Elevators and Lifts Act, 1953* is amended by adding thereto the following subsection: 1953, c. 33, s. 20, amended

(2) No person shall operate an elevator, dumb-waiter, escalator, manlift or incline lift or cause or permit it to be operated in an unsafe manner. Idem

4. *The Elevators and Lifts Act, 1953* is amended by adding thereto the following section: 1953, c. 33, amended

21*a*. The prohibitions contained in sections 18, 19, 20 and 21 do not apply to an inspector, or a person authorized by an inspector, during the installation, alteration, repair, testing, or inspection of an elevator, dumb-waiter, escalator, manlift or incline lift. Exception, ss. 18-21

1953,
c. 33, s. 25,
subs. 1, cl. *i*,
amended

5.—(1) Clause *i* of subsection 1 of section 25 of *The Elevators and Lifts Act, 1953* is amended by striking out the words “prescribing conditions respecting” in the first line and inserting in lieu thereof the word “regulating”, so that the clause shall read as follows:

- (*i*) regulating the use, location, design, construction, installation, operation, maintenance, ventilation, drainage, lighting, heating, alteration, repair, testing and inspection of elevators, dumb-waiters, escalators, manlifts or incline lifts and equipment used in connection therewith.

1953,
c. 33, s. 25,
subs. 1, cl. *j*,
re-enacted

(2) Clause *j* of subsection 1 of the said section 25 is repealed and the following substituted therefor:

- (*j*) prescribing requirements as to the form and substance of the drawings and specifications to be submitted under this Act and the qualifications of persons by whom such drawings and specifications are to be prepared and certified and the fees to be paid upon submission of such drawings and specifications.

1953,
c. 33, s. 25,
subs. 1, cl. *o*,
re-enacted

(3) Clause *o* of subsection 1 of the said section 25 is repealed and the following substituted therefor:

- (*o*) prescribing qualifications for attendants or providing for and requiring the licensing of attendants.

1953,
c. 33, s. 25,
subs. 1, cl. *q*,
amended

(4) Clause *q* of subsection 1 of the said section 25 is amended by striking out the words “or for the examination of drawings and specifications submitted for approval under this Act and designating the amount of such fees” in the second, third and fourth lines, so that the clause shall read as follows:

- (*q*) providing for fees to be paid on the grant or transfer of licences.

1953,
c. 33, s. 25,
subs. 1,
amended

(5) Subsection 1 of the said section 25 is amended by adding thereto the following clause:

- (*qq*) prescribing the fees to be paid for inspections by inspectors.

1953,
c. 33, s. 25,
subs. 1, cl. *r*,
re-enacted

(6) Clause *r* of subsection 1 of the said section 25 is repealed and the following substituted therefor:

- (*r*) prescribing the circumstances under which expenses or special fees, or both, are to be paid and prescribing the special fees and designating the persons by whom such expenses or fees, or both, are to be paid.

6. Section 26 of *The Elevators and Lifts Act, 1953* is amended by adding thereto the following subsection: 1953, c. 33, s. 26, amended

(3) Subsection 1 does not apply to by-laws or parts of by-laws prescribing fire safety requirements for hoistway enclosures, and in the event of conflict between any such by-law and this Act or the regulations, the provision prescribing the more stringent requirements prevails. Exception, fire safety requirements

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

8. This Act may be cited as *The Elevators and Lifts Amendment Act, 1954*. Short title





An Act to amend The Elevators and
Lifts Act, 1953

1st Reading

March 16th, 1954

2nd Reading

March 23rd, 1954

3rd Reading

March 30th, 1954

MR. DALEY

No. 104

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Conservation
Authorities Act

MR. WARRENDER

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

EXPLANATORY NOTES

SECTIONS 1 and 3. Although this Act has been administered by the Minister of Planning and Development, the creation of authorities and a number of other matters have been dealt with by the Minister of Public Works. Almost all of these matters are, by these amendments, transferred to the Minister of Planning and Development.

SECTION 2. Section 2 of the Act, which now provides that the Act does not apply to any part of Ontario lying within a territorial district, is repealed so that the Act will in future apply anywhere in Ontario.

SECTION 4. At present three is the maximum number of representatives that a municipality may send to a meeting for the creation of an authority and the maximum number of members a municipality may appoint to an authority. Section 3 is amended to authorize four representatives and members from a municipality having a population between 100,000 and 250,000 and five representatives and members from a municipality having a population of 250,000 or more.

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 by adding thereto the following clause: Rev. Stat.,
c. 62, s. 1,
amended

(e) "Minister" means Minister of Planning and Development.

2. Section 2 of *The Conservation Authorities Act* is repealed. Rev. Stat.,
c. 62, s. 2,
repealed

3. *The Conservation Authorities Act* is amended by striking out the words "of Public Works" where they occur, Rev. Stat.,
c. 62,
amended

(a) in the third and sixth lines respectively of subsection 1 of section 3;

(b) in the first line of subsection 1 of section 4;

(c) in the third line of section 5;

(d) in the fifth line of clause *b* of subsection 1 of section 6;

(e) in the first line of subsection 4 of section 6;

(f) in the fourth line of clause *b* of section 7;

(g) in the second and third lines of subsection 3 of section 8;

(h) in the seventh line of subsection 1 of section 19.

4. Clauses *a*, *b* and *c* of subsection 2 of section 3 of *The Conservation Authorities Act* are repealed and the following substituted therefor: Rev. Stat.,
c. 62, s. 3,
subs. 2, 1
cls. a-c,
re-enacted

- (a) where the population is 250,000 or more, five representatives;
- (b) where the population is 100,000 or more but less than 250,000, four representatives;
- (c) where the population is 50,000 or more but less than 100,000, three representatives;
- (d) where the population is 10,000 or more but less than 50,000, two representatives; and
- (e) where the population is less than 10,000, one representative.

Rev. Stat.,
c. 62,
amended

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

Amalgama-
tion of
authorities

6a.—(1) Where,

- (a) two or more authorities have been established for two or more adjoining watersheds or parts thereof; and
- (b) one or more of such authorities by resolution requests the Minister to call a meeting to consider the establishment of one authority to have jurisdiction over the areas then under the separate jurisdictions of such authorities,

the Minister shall fix a time and place for such meeting and shall forthwith notify the secretary-treasurer of each of the authorities concerned and the council of each municipality which is a participating municipality with respect to any of the authorities concerned.

Representa-
tives

(2) With respect to each municipality so notified, subsection 2 of section 3 shall apply.

Quorum

(3) At any meeting called under this section, a quorum shall consist of two-thirds of the representatives which the municipalities notified are entitled to appoint but where not less than three representatives are present at a meeting or adjourned meeting they may adjourn the meeting or adjourned meeting from time to time.

Establish-
ment of new
authority

(4) Upon receipt by the Minister of a resolution passed at a meeting or adjourned meeting held under subsection 3 and at which a quorum was present, by

SECTION 5. A new section 6a is added to authorize the amalgamation of two or more authorities established for two or more adjoining watersheds.

SECTION 6. New provisions are added to section 15 of the Act to give authorities power to enter into agreements with private landowners to facilitate schemes or projects and to acquire and use lands for recreation purposes.

SECTION 7. When an authority has apportioned the benefit of a scheme among the participating municipalities it is required under subsection 1 of section 16 to notify the municipalities and under subsection 2 any dissatisfied municipality may on ten days notice to the authority apply to the Municipal Board for a review of the apportionment. Subsection 2 of section 16 is rewritten to require that the application for review be made within one month after the municipality is notified of the apportionment.

not less than two-thirds of the representatives present thereat, requesting the establishment of one authority for the watersheds or parts of watersheds concerned, the Lieutenant-Governor in Council may establish an authority accordingly, dissolve the existing authorities, and designate the municipalities which shall be the participating municipalities and the area over which the authority shall have jurisdiction.

- (5) Upon the establishment of a new authority and the dissolution of the existing authorities under subsection 4, all the assets and liabilities of the dissolved authorities shall vest in and become assets and liabilities of the new authority. Assets and liabilities of former authorities

6. Section 15 of *The Conservation Authorities Act* is amended by adding thereto the following clauses: Rev. Stat., c. 62, s. 15, amended

- (ee) to enter into agreements with owners of private lands to facilitate the due carrying out of any scheme or conservation project;

.

- (gg) to acquire lands, with the approval of the Minister, and to use lands acquired in connection with a scheme, for recreation purposes, and to erect, or permit to be erected, buildings, booths and facilities for such purposes and to make charges for admission thereto and the use thereof.

7. Subsection 2 of section 16 of *The Conservation Authorities Act* is repealed and the following substituted therefor: Rev. Stat., c. 62, s. 16, subs. 2, re-enacted

- (2) Any municipal council which is dissatisfied with any such apportionment may, within one month after it receives notice of the apportionment, notify the secretary of the Ontario Municipal Board and the authority in writing by prepaid registered mail that it applies for a review of the apportionment by the Ontario Municipal Board. Review of apportionment by Municipal Board

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

9. This Act may be cited as *The Conservation Authorities Amendment Act, 1954*. Short title

An Act to amend The Conservation
Authorities Act

1st Reading

March 16th, 1954

2nd Reading

3rd Reading

MR. WARRENDER

No. 104

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Conservation
Authorities Act

MR. WARRENDER

TORONTO
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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 by adding thereto the following clause:

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

(*ee*) "Minister" means Minister of Planning and Development.

2. Section 2 of *The Conservation Authorities Act* is repealed.

Rev. Stat.,
c. 62, s. 2,
repealed

3. *The Conservation Authorities Act* is amended by striking out the words "of Public Works" where they occur,

Rev. Stat.,
c. 62,
amended

(*a*) in the third and sixth lines respectively of subsection 1 of section 3;

(*b*) in the first line of subsection 1 of section 4;

(*c*) in the third line of section 5;

(*d*) in the fifth line of clause *b* of subsection 1 of section 6;

(*e*) in the first line of subsection 4 of section 6;

(*f*) in the fourth line of clause *b* of section 7;

(*g*) in the second and third lines of subsection 3 of section 8;

(*h*) in the seventh line of subsection 1 of section 19.

4. Clauses *a*, *b* and *c* of subsection 2 of section 3 of *The Conservation Authorities Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 62, s. 3,
subs. 2,
cls. *a-c*,
re-enacted

- (a) where the population is 250,000 or more, five representatives;
- (b) where the population is 100,000 or more but less than 250,000, four representatives;
- (c) where the population is 50,000 or more but less than 100,000, three representatives;
- (d) where the population is 10,000 or more but less than 50,000, two representatives; and
- (e) where the population is less than 10,000, one representative.

Rev. Stat.,
c. 62,
amended

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

Amalgama-
tion of
authorities

6a.—(1) Where,

- (a) two or more authorities have been established for two or more adjoining watersheds or parts thereof; and
- (b) one or more of such authorities by resolution requests the Minister to call a meeting to consider the establishment of one authority to have jurisdiction over the areas then under the separate jurisdictions of such authorities,

the Minister shall fix a time and place for such meeting and shall forthwith notify the secretary-treasurer of each of the authorities concerned and the council of each municipality which is a participating municipality with respect to any of the authorities concerned.

Representa-
tives

- (2) With respect to each municipality so notified, subsection 2 of section 3 shall apply.

Quorum

- (3) At any meeting called under this section, a quorum shall consist of two-thirds of the representatives which the municipalities notified are entitled to appoint but where not less than three representatives are present at a meeting or adjourned meeting they may adjourn the meeting or adjourned meeting from time to time.

Establish-
ment of new
authority

- (4) Upon receipt by the Minister of a resolution passed at a meeting or adjourned meeting held under subsection 3 and at which a quorum was present, by

not less than two-thirds of the representatives present thereat, requesting the establishment of one authority for the watersheds or parts of watersheds concerned, the Lieutenant-Governor in Council may establish an authority accordingly, dissolve the existing authorities, and designate the municipalities which shall be the participating municipalities and the area over which the authority shall have jurisdiction.

- (5) Upon the establishment of a new authority and the dissolution of the existing authorities under sub-section 4, all the assets and liabilities of the dissolved authorities shall vest in and become assets and liabilities of the new authority. Assets and liabilities of former authorities

6. Section 15 of *The Conservation Authorities Act* is amended by adding thereto the following clauses: Rev. Stat., c. 62, s. 15, amended

(*ee*) to enter into agreements with owners of private lands to facilitate the due carrying out of any scheme or conservation project;

.

(*gg*) to acquire lands, with the approval of the Minister, and to use lands acquired in connection with a scheme, for recreation purposes, and to erect, or permit to be erected, buildings, booths and facilities for such purposes and to make charges for admission thereto and the use thereof.

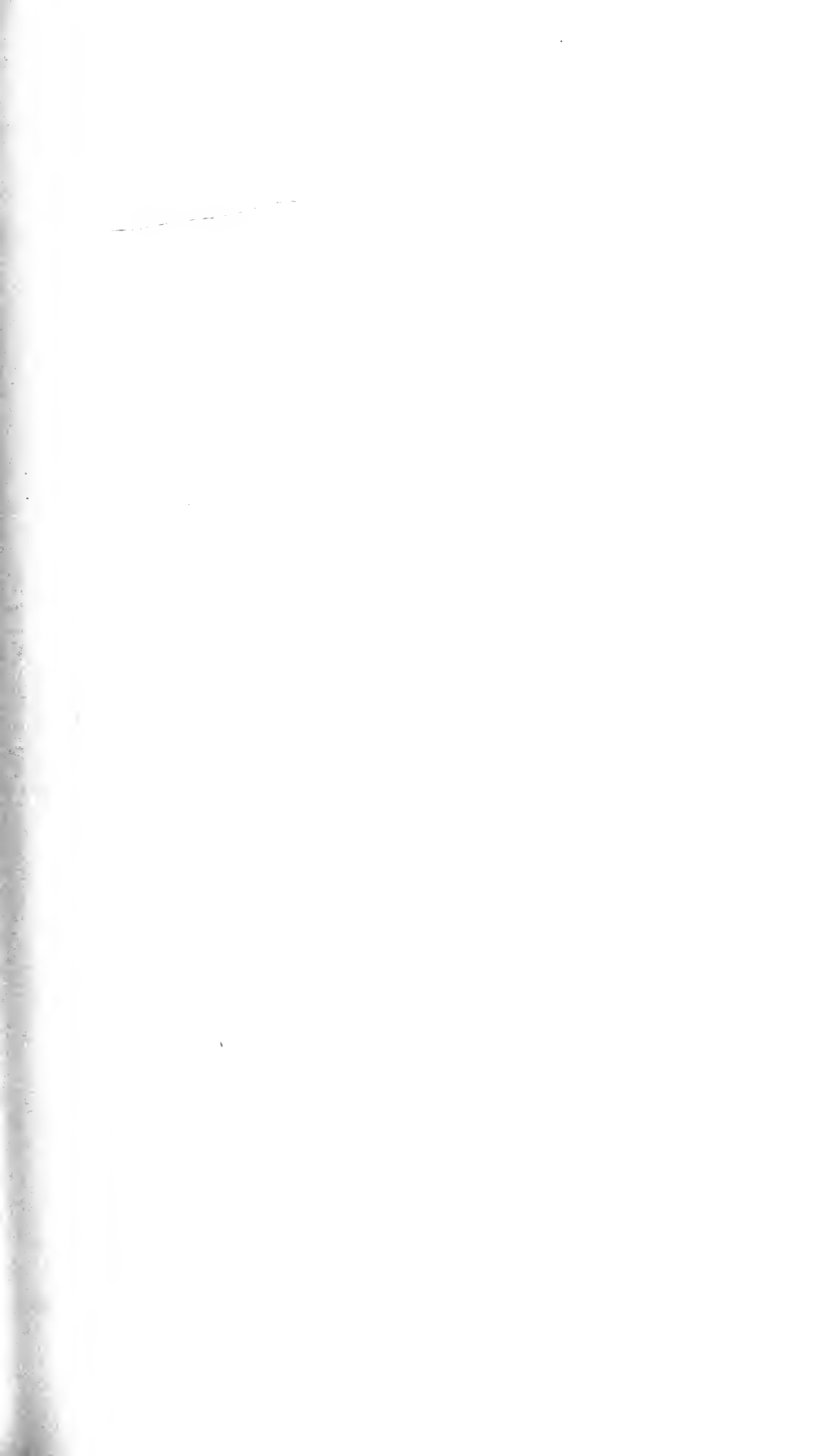
7. Subsection 2 of section 16 of *The Conservation Authorities Act* is repealed and the following substituted therefor: Rev. Stat., c. 62, s. 16, subs. 2, re-enacted

(2) Any municipal council which is dissatisfied with any such apportionment may, within one month after it receives notice of the apportionment, notify the secretary of the Ontario Municipal Board and the authority in writing by prepaid registered mail that it applies for a review of the apportionment by the Ontario Municipal Board. Review of apportionment by Municipal Board

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

9. This Act may be cited as *The Conservation Authorities Amendment Act, 1954*. Short title





An Act to amend The Conservation
Authorities Act

1st Reading

March 16th, 1954

2nd Reading

March 23rd, 1954

3rd Reading

March 31st, 1954

MR. WARRENDER

No. 105

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Planning Act

MR. WARRENDER

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

EXPLANATORY NOTES

SECTION 1. The present definition of planning area refers only to municipalities. As a planning area may now include territory without municipal organization, the definition is rewritten.

SECTION 2. The authority to establish subsidiary planning areas is rewritten to provide for such areas consisting of more than one municipality and to provide authority for the Minister to define the functions of the board of a subsidiary planning area.

SECTION 3. The appointments of members of certain planning boards require the approval of the Minister. This amendment ensures that in such cases a member holds office not only until his successor is appointed but also, to ensure that there is no interval during which a vacancy would exist, until the appointment of the successor is approved.

SECTION 4. This amendment corrects a typographical error.

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 *h* of section 1 of *The Planning Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 277, s. 1,
cl. *h*,
re-enacted

(*h*) "planning area" means a planning area defined by the Minister under this Act.

2. Subsection 4 of section 2 of *The Planning Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 277, s. 2,
subs. 4,
re-enacted

(4) 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 subsidiary planning area consisting in whole or in part of land that is within one or more planning areas, and may define the functions of the planning board of the subsidiary planning area.

Subsidiary
planning
areas

3. Subsection 5 of section 4 of *The Planning Act* is amended by inserting after the word "appointed" in the second line the words "and such appointments are approved, where approval thereof is required", so that the subsection shall read as follows:

Rev. Stat.,
c. 277, s. 4,
subs. 5,
amended

(5) The members of the planning board shall hold office until their successors are appointed and such appointments are approved, where approval thereof is required, and shall be eligible for reappointment.

Reappoint-
ment

4. Subsection 4 of section 7 of *The Planning Act*, as re-enacted by section 6 of *The Planning Amendment Act, 1952*, is amended by striking out the figure "1" in the seventh line and inserting in lieu thereof the figure "2", so that the subsection shall read as follows:

Rev. Stat.,
c. 277, s. 7,
(1952, c. 75,
s. 6),
subs. 4,
amended

Notice

- (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 2.

Rev. Stat.,
c. 277,
amended

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

Audit of
planning
boards
accounts
Rev. Stat.,
c. 243

- 7b. Notwithstanding subsection 2 of section 245 of *The Municipal Act*, where the planning area includes more than one municipality or parts thereof, the accounts and transactions of the planning board shall be audited by an auditor of the designated municipality.

Rev. Stat.,
c. 277, s. 11,
re-enacted

6. Section 11 of *The Planning Act* is repealed and the following substituted therefor:

Lodging of
official plan

- 11.—(1) At least two, or as many as may be required, certified copies of the official plan shall be lodged by the planning board in the office of the Minister and one certified copy in the office of the clerk of each municipality designated by the Minister within the planning area, and the copies shall be available at such places for public inspection during office hours.

Idem

- (2) A duplicate original of the official plan shall be lodged by the planning board in every registry office of lands within the planning area, where it shall be made available to the public as a production.

Rev. Stat.,
c. 277, s. 15,
(1952, c. 75,
s. 7),
subs. 1,
amended

7.—(1) Subsection 1 of section 15 of *The Planning Act*, as re-enacted by section 7 of *The Planning Amendment Act, 1952*, is amended by striking out the word "itself" in the fourth line and inserting in lieu thereof the words "its members", so that the subsection shall read as follows:

Committee
of adjust-
ment

- (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 its members 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.

SECTION 5. Under subsection 2 of section 245 of *The Municipal Act*, where a local board functions in more than one municipality, its accounts and transactions shall be audited by an auditor of the municipality in which the local board functions most. This does not work satisfactorily with respect to planning boards so a new section is added providing that the auditor shall be an auditor of the designated municipality in the planning area.

SECTION 6. The present subsection 1 of section 11 requires the deposit of a certified copy of an official plan in the office of the clerk of every municipality in the planning area. Since an official plan may not in some cases affect all the municipalities in the planning area, the provision is amended so that the copy will be lodged only in such municipalities as the Minister designates.

The requirement in subsection 2 for lodging duplicate originals of official plans in registry offices is limited to the lodging of one duplicate original.

SECTION 7. The present subsections state that the planning board may constitute itself or not less than three of its members as a committee of adjustment. The amendments are to make it clear that what the board really does is constitute "its members" or not less than three of them as the committee.

SECTION 8—Subsection 1. The power of a committee of adjustment to permit a change in use of land which, on the day of the passing of a zoning by-law, was used for a purpose prohibited by the by-law, is revised so that the committee may authorize a change to a similar use or to a use that is more compatible with the permitted uses. The present authority is limited to authorizing a change to a use that conforms more closely to the permitted uses.

Subsection 2. [Under subsections 10 to 19 of section 15*a*, an appeal may be taken to the Municipal Board from a decision of a committee of adjustment. If no appeal is taken the Minister has the option of either approving the decision or referring the matter to the Municipal Board. These subsections are rewritten to simplify and shorten the procedure. The Minister is now given a right of appeal from the decision of the committee. If no appeal is taken by the Minister or any other person within the required time the decision of the committee is final, and there is no need of obtaining the Minister's approval.]

(2) Subsection 1a of the said section 15, as enacted by section 4 of *The Planning Amendment Act, 1953*, is amended by striking out the word "itself" in the fifth line and inserting in lieu thereof the words "its members", so that the subsection shall read as follows:

Rev. Stat.,
c. 277, s. 15,
subs. 1a
(1953, c. 80,
s. 4),
amended

- (1a) Where no committee of adjustment is constituted for a municipality that is within or partly within a planning area consisting of more than one municipality, the planning board of such planning area may constitute its members or not less than three of its members as the committee of adjustment for the municipality or that part of the municipality that is within the planning area.

Idem

8.—(1) Subclause ii of clause a of subsection 2 of section 15a of *The Planning Act, 1952*, as enacted by section 7 of *The Planning Amendment Act, 1952*, is amended by striking out the words "conforms more closely to" in the third and fourth lines and inserting in lieu thereof the words "is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with", so that the subclause shall read as follows:

Rev. Stat.,
c. 277, s. 15a
(1952, c. 75,
s. 7),
subs. 2, cl. a,
subcl. ii,
amended

- (ii) the use of such land, building or structure for a purpose which, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with 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.

Rev. Stat.,
c. 277, s. 15a
(1952, c. 75,
s. 7),
subss. 10-17,
re-enacted
subss. 18, 19,
repealed

(2) Subsections 10 to 19 of the said section 15a are repealed and the following substituted therefor:

- (10) The secretary-treasurer shall send by registered mail,
- (a) two copies of the decision, certified by him, to the Minister; and
- (b) one copy of the decision, certified by him, to the applicant and to each person who appeared in person or by counsel at the hearing and filed with the secretary-treasurer a written request for notice of the decision,

Notice of
decision

together with a notice of the last day for appealing to the Ontario Municipal Board.

- Appeal (11) The applicant, the Minister, or any other 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 secretary of the Ontario Municipal Board and, except where the appellant is the Minister, to the Minister, within fourteen days after the sending of the notice under subsection 10.
- Where no appeal (12) If within such fourteen days no notice of appeal is given, the decision of the committee is final and binding, and the Minister shall notify the secretary-treasurer that no appeal has been taken and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality.
- Hearing (13) On an appeal to the Ontario Municipal Board, the Board shall hold a hearing of which notice shall be given to the Minister, the applicant, the secretary-treasurer of the committee and to such other persons, and in such manner as the Board may determine.
- Powers of Municipal Board (14) The Ontario Municipal Board may dismiss the appeal, and may make any decision that the committee could have made on the original application, and the order of the Board is final and binding.
- Costs (15) The costs on the appeal are in the discretion of the Ontario Municipal Board.
- Notice of decision (16) When the Ontario Municipal Board makes an order on an appeal, the secretary of the Board shall send a copy thereof to the Minister and to the secretary-treasurer of the committee.
- Idem (17) The secretary-treasurer shall send to the applicant a copy of the order of the Ontario Municipal Board on the appeal and shall file a copy of the order with the clerk of the municipality.

Rev. Stat.,
c. 277, s. 16a
(1952, c. 75,
s. 8),
subs. 1, cl. a,
amended

9. Clause *a* of subsection 1 of section 16a of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1952*, is amended by inserting after the word "redesign" in the second line the word "resubdivision", so that the clause shall read as follows:

- (a) "redevelopment" means the planning or replanning, design or redesign, resubdivision, clearance, development, reconstruction and rehabilitation, or any of them, of a redevelopment area, and the provision of

SECTION 9. The definition of "redevelopment" is amended to make it clear that a redevelopment plan may be carried out in respect of an area which, although perhaps not built up, is improperly subdivided for the uses for which the area is suited.

SECTION 10. Subsection 1a of section 24 now authorizes a subdivision control by-law to provide that where land is within a registered plan of subdivision, no person shall convey the land by part lot description without the consent of the planning board or where there is no planning board, of the Minister. The amendment will authorize a by-law to designate specific plans of subdivision or parts thereof, to which the prohibition will apply.

SECTION 11. The provision requiring application for approval of subdivision plans is amended so that the applicant must be the owner or must be authorized by the owner to make the application. This will avoid the work that has been involved in the past in processing applications by unauthorized persons which are later abandoned.

- 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.

10. Subsection 1a of section 24 of *The Planning Act*, as enacted by subsection 3 of section 6 of *The Planning Amendment Act, 1953*, is repealed and the following substituted therefor: Rev. Stat., c. 277, s. 24, subs. 1a (1953, c. 80, s. 6, subs. 3), re-enacted

(1a) The by-law may provide that where land is described in accordance with and is, Part lots

- (a) within a registered plan of subdivision; or
- (b) within a registered plan of subdivision, or a part thereof, designated in the by-law,

no person shall convey a part of any lot or block of the land by way of deed or transfer on any sale, or enter into an agreement of sale and purchase, or enter into any agreement that has the effect of granting the use of or right in the land directly or by entitlement to renewal for a period of twenty-one years or more unless a consent thereto is given in the manner provided in clause *d* of subsection 1.

11. Subsection 1 of section 26 of *The Planning Act* is amended by striking out the words "the person desiring to register the plan" in the third and fourth lines and inserting in lieu thereof the words "the owner of the land or someone authorized by him in writing", so that the subsection shall read as follows: Rev. Stat., c. 277, s. 26, subs. 1, amended

- (1) When land is to be subdivided for the purpose of being sold, conveyed or leased in lots by reference to a registered plan of subdivision, the owner of the land or someone authorized by him in writing shall forward at least eight, or as many as may be required, copies of a draft plan thereof drawn to scale, together with an application for approval, to the Minister. Application for approval of subdivision plans

12. This Act comes into force on the 1st day of June, 1954. Commencement

13. This Act may be cited as *The Planning Amendment Act, 1954*. Short title

BILL

An Act to amend The Planning Act

1st Reading

March 16th, 1954

2nd Reading

3rd Reading

MR. WARRENDER

No. 105

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Planning Act

MR. WARRENDER

*(Reprinted for consideration by the Committee of the
Whole House)*

TORONTO
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EXPLANATORY NOTES

SECTION 1. The present definition of planning area refers only to municipalities. As a planning area may now include territory without municipal organization, the definition is rewritten.

SECTION 2. The authority to establish subsidiary planning areas is rewritten to provide for such areas consisting of more than one municipality and to provide authority for the Minister to define the functions of the board of a subsidiary planning area.

SECTION 3. The appointments of members of certain planning boards require the approval of the Minister. This amendment ensures that in such cases a member holds office not only until his successor is appointed but also, to ensure that there is no interval during which a vacancy would exist, until the appointment of the successor is approved.

SECTION 4. This amendment corrects a typographical error.

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 *h* of section 1 of *The Planning Act* is repealed and the following substituted therefor: Rev. Stat., c. 277, s. 1, cl. *h*, re-enacted

(*h*) "planning area" means a planning area defined by the Minister under this Act.

2. Subsection 4 of section 2 of *The Planning Act* is repealed and the following substituted therefor: Rev. Stat., c. 277, s. 2, subs. 4, re-enacted

(4) 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 subsidiary planning area consisting in whole or in part of land that is within one or more planning areas, and may define the functions of the planning board of the subsidiary planning area. Subsidiary planning areas

3. Subsection 5 of section 4 of *The Planning Act* is amended by inserting after the word "appointed" in the second line the words "and such appointments are approved, where approval thereof is required", so that the subsection shall read as follows: Rev. Stat., c. 277, s. 4, subs. 5, amended

(5) The members of the planning board shall hold office until their successors are appointed and such appointments are approved, where approval thereof is required, and shall be eligible for reappointment. Reappointment

4. Subsection 4 of section 7 of *The Planning Act*, as re-enacted by section 6 of *The Planning Amendment Act, 1952*, is amended by striking out the figure "1" in the seventh line and inserting in lieu thereof the figure "2", so that the subsection shall read as follows: Rev. Stat., c. 277, s. 7, (1952, c. 75, s. 6), subs. 4, amended

Notice

- (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 2.

Rev. Stat.,
c. 277,
amended

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

Audit of
planning
boards
accounts
Rev. Stat.,
c. 243

- 7b. Notwithstanding subsection 2 of section 245 of *The Municipal Act*, where the planning area includes more than one municipality or parts thereof, the accounts and transactions of the planning board shall be audited by an auditor of the designated municipality.

Rev. Stat.,
c. 277, s. 11,
re-enacted

6. Section 11 of *The Planning Act* is repealed and the following substituted therefor:

Lodging of
official plan

- 11.—(1) At least two, or as many as may be required, certified copies of the official plan shall be lodged by the planning board in the office of the Minister and one certified copy in the office of the clerk of each municipality designated by the Minister within the planning area, and the copies shall be available at such places for public inspection during office hours.

Idem

- (2) A duplicate original of the official plan shall be lodged by the planning board in every registry office of lands within the planning area, where it shall be made available to the public as a production.

Rev. Stat.,
c. 277, s. 15
(1952, c. 75,
s. 7),
subs. 1,
amended

7.—(1) Subsection 1 of section 15 of *The Planning Act*, as re-enacted by section 7 of *The Planning Amendment Act, 1952*, is amended by striking out the word "itself" in the fourth line and inserting in lieu thereof the words "its members", so that the subsection shall read as follows:

Committee
of adjust-
ment

- (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 its members 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.

SECTION 5. Under subsection 2 of section 245 of *The Municipal Act*, where a local board functions in more than one municipality, its accounts and transactions shall be audited by an auditor of the municipality in which the local board functions most. This does not work satisfactorily with respect to planning boards so a new section is added providing that the auditor shall be an auditor of the designated municipality in the planning area.

SECTION 6. The present subsection 1 of section 11 requires the deposit of a certified copy of an official plan in the office of the clerk of every municipality in the planning area. Since an official plan may not in some cases affect all the municipalities in the planning area, the provision is amended so that the copy will be lodged only in such municipalities as the Minister designates.

The requirement in subsection 2 for lodging duplicate originals of official plans in registry offices is limited to the lodging of one duplicate original.

SECTION 7. The present subsections state that the planning board may constitute itself or not less than three of its members as a committee of adjustment. The amendments are to make it clear that what the board really does is constitute "its members" or not less than three of them as the committee.

SECTION 8—Subsection 1. The power of a committee of adjustment to permit a change in use of land which, on the day of the passing of a zoning by-law, was used for a purpose prohibited by the by-law, is revised so that the committee may authorize a change to a similar use or to a use that is more compatible with the permitted uses. The present authority is limited to authorizing a change to a use that conforms more closely to the permitted uses.

Subsection 2. Under subsections 10 to 19 of section 15*a*, an appeal may be taken to the Municipal Board from a decision of a committee of adjustment. If no appeal is taken the Minister has the option of either approving the decision or referring the matter to the Municipal Board. These subsections are rewritten to simplify and shorten the procedure. The Minister is now given a right of appeal from the decision of the committee. If no appeal is taken by the Minister or any other person within the required time the decision of the committee is final, and there is no need of obtaining the Minister's approval.

(2) Subsection 1a of the said section 15, as enacted by section 4 of *The Planning Amendment Act, 1953*, is amended by striking out the word "itself" in the fifth line and inserting in lieu thereof the words "its members", so that the subsection shall read as follows:

Rev. Stat.,
c. 277, s. 15,
subs. 1a
(1953, c. 80,
s. 4),
amended

- (1a) Where no committee of adjustment is constituted for a municipality that is within or partly within a planning area consisting of more than one municipality, the planning board of such planning area may constitute its members or not less than three of its members as the committee of adjustment for the municipality or that part of the municipality that is within the planning area.

8.—(1) Subclause ii of clause a of subsection 2 of section 15a of *The Planning Act*, as enacted by section 7 of *The Planning Amendment Act, 1952*, is amended by striking out the words "conforms more closely to" in the third and fourth lines and inserting in lieu thereof the words "is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with", so that the subclause shall read as follows:

Rev. Stat.,
c. 277, s. 15a
(1952, c. 75,
s. 7),
subs. 2, cl. a,
subcl. ii,
amended

- (ii) the use of such land, building or structure for a purpose which, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with 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.

Rev. Stat.,
c. 277, s. 15a
(1952, c. 75,
s. 7),
subs. 10-17,
re-enacted
repealed
subs. 18, 19,

(2) Subsections 10 to 19 of the said section 15a are repealed and the following substituted therefor:

- (10) The secretary-treasurer shall send by registered mail,
- (a) two copies of the decision, certified by him, to the Minister; and
 - (b) one copy of the decision, certified by him, to the applicant and to each person who appeared in person or by counsel at the hearing and filed with the secretary-treasurer a written request for notice of the decision,

Notice of
decision

together with a notice of the last day for appealing to the Ontario Municipal Board.

- Appeal (11) The applicant, the Minister, or any other 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 secretary of the Ontario Municipal Board and, except where the appellant is the Minister, to the Minister, within fourteen days after the sending of the notice under subsection 10.
- Where no appeal (12) If within such fourteen days no notice of appeal is given, the decision of the committee is final and binding, and the Minister shall notify the secretary-treasurer that no appeal has been taken and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality.
- Hearing (13) On an appeal to the Ontario Municipal Board, the Board shall hold a hearing of which notice shall be given to the Minister, the applicant, the secretary-treasurer of the committee and to such other persons and in such manner as the Board may determine.
- Powers of Municipal Board (14) The Ontario Municipal Board may dismiss the appeal, and may make any decision that the committee could have made on the original application, and the order of the Board is final and binding.
- Costs (15) The costs on the appeal are in the discretion of the Ontario Municipal Board.
- Notice of decision (16) When the Ontario Municipal Board makes an order on an appeal, the secretary of the Board shall send a copy thereof to the Minister and to the secretary-treasurer of the committee.
- Idem (17) The secretary-treasurer shall send to the applicant a copy of the order of the Ontario Municipal Board on the appeal and shall file a copy of the order with the clerk of the municipality.

Rev. Stat.,
c. 277, s. 16a
(1952, c. 75,
s. 8),
subs. 1, cl. 7a,
amended

9. Clause *a* of subsection 1 of section 16a of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1952*, is amended by inserting after the word "redesign" in the second line the word "resubdivision", so that the clause shall read as follows:

- (a) "redevelopment" means the planning or replanning, design or redesign, resubdivision, clearance, development, reconstruction and rehabilitation, or any of them, of a redevelopment area, and the provision of

SECTION 9. The definition of "redevelopment" is amended to make it clear that a redevelopment plan may be carried out in respect of an area which, although perhaps not built up, is improperly subdivided for the uses for which the area is suited.

SECTION 10. Subsection 1*a* of section 24 now authorizes a subdivision control by-law to provide that where land is within a registered plan of subdivision, no person shall convey the land by part lot description without the consent of the planning board or where there is no planning board, of the Minister. The revision of subsection 1*a* will authorize a by-law to designate specific plans of subdivision, or parts thereof, to which the prohibition will apply and the new subsection 2*b* provides for the giving of notice to all owners of land within a registered plan of subdivision, or within a part thereof, to which the prohibition will apply.

SECTION 11. The provision requiring application for approval of subdivision plans is amended so that the applicant must be the owner or must be authorized by the owner to make the application. This will avoid the work that has been involved in the past in processing applications by unauthorized persons which are later abandoned.

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.

10.—(1) Subsection 1a of section 24 of *The Planning Act*, as enacted by subsection 3 of section 6 of *The Planning Amendment Act, 1953*, is repealed and the following substituted therefor: Rev. Stat., c. 277, s. 24, subs. 1a (1953, c. 80, s. 6, subs. 3) re-enacted

(1a) The by-law may provide that where land is described in accordance with and is, Part lots

(a) within a registered plan of subdivision; or

(b) within a registered plan of subdivision, or a part thereof, designated in the by-law,

no person shall convey a part of any lot or block of the land by way of deed or transfer on any sale, or enter into an agreement of sale and purchase, or enter into any agreement that has the effect of granting the use of or right in the land directly or by entitlement to renewal for a period of twenty-one years or more unless a consent thereto is given in the manner provided in clause *d* of subsection 1.

(2) The said section 24, as amended by section 9 of *The Planning Amendment Act, 1952* and section 6 of *The Planning Amendment Act, 1953*, is further amended by adding thereto the following subsection: Rev. Stat., c. 277, s. 24, amended

(2b) Where the by-law contains provisions authorized by subsection 1a, 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 land within any registered plan of subdivision, or within any part of a registered plan of subdivision, to which such provisions apply. Notice

11. Subsection 1 of section 26 of *The Planning Act* is amended by striking out the words "the person desiring to register the plan" in the third and fourth lines and inserting in lieu thereof the words "the owner of the land or someone authorized by him in writing", so that the subsection shall read as follows: Rev. Stat., c. 277, s. 26 subs. 1, amended

(1) When land is to be subdivided for the purpose of being sold, conveyed or leased in lots by reference to a registered plan of subdivision, the owner of the land or someone authorized by him in writing shall forward at least eight, or as many as may be required, copies of a draft plan thereof drawn to scale, together with an application for approval of subdivision plans, to the Minister.

12. This Act comes into force on the 1st day of June, 1954. Commencement

13. This Act may be cited as *The Planning Amendment Act, 1954*. Short title







An Act to amend The Planning Act

1st Reading

March 16th, 1954

2nd Reading

March 23rd, 1954

3rd Reading

MR. WARRENDER

*(Reprinted for consideration by the Committee
of the Whole House)*

No. 105

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

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c. 277, s. 1,
cl. *h*,
re-enacted

(*h*) "planning area" means a planning area defined by the Minister under this Act.

2. Subsection 4 of section 2 of *The Planning Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 277, s. 2,
subs. 4,
re-enacted

(4) 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 subsidiary planning area consisting in whole or in part of land that is within one or more planning areas, and may define the functions of the planning board of the subsidiary planning area.

Subsidiary
planning
areas

3. Subsection 5 of section 4 of *The Planning Act* is amended by inserting after the word "appointed" in the second line the words "and such appointments are approved, where approval thereof is required", so that the subsection shall read as follows:

Rev. Stat.,
c. 277, s. 4,
subs. 5,
amended

(5) The members of the planning board shall hold office until their successors are appointed and such appointments are approved, where approval thereof is required, and shall be eligible for reappointment.

Reappoint-
ment

4. Subsection 4 of section 7 of *The Planning Act*, as enacted by section 6 of *The Planning Amendment Act, 1952*, is amended by striking out the figure "1" in the seventh line and inserting in lieu thereof the figure "2", so that the subsection shall read as follows:

Rev. Stat.,
c. 277, s. 7,
(1952, c. 75,
s. 6),
subs. 4,
amended

- Notice (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 2.
- Rev. Stat.,
c. 277,
amended **5.** *The Planning Act* is amended by adding thereto the following section:
- Audit of
planning
boards
accounts
Rev. Stat.,
c. 243 7b. Notwithstanding subsection 2 of section 245 of *The Municipal Act*, where the planning area includes more than one municipality or parts thereof, the accounts and transactions of the planning board shall be audited by an auditor of the designated municipality.
- Rev. Stat.,
c. 277, s. 11,
re-enacted **6.** Section 11 of *The Planning Act* is repealed and the following substituted therefor:
- Lodging of
official plan 11.—(1) At least two, or as many as may be required, certified copies of the official plan shall be lodged by the planning board in the office of the Minister and one certified copy in the office of the clerk of each municipality designated by the Minister within the planning area, and the copies shall be available at such places for public inspection during office hours.
- Idem (2) A duplicate original of the official plan shall be lodged by the planning board in every registry office of lands within the planning area, where it shall be made available to the public as a production.
- Rev. Stat.,
c. 277, s. 15
(1952, c. 75,
s. 7),
subs. 1,
amended **7.**—(1) Subsection 1 of section 15 of *The Planning Act*, as re-enacted by section 7 of *The Planning Amendment Act, 1952*, is amended by striking out the word “itself” in the fourth line and inserting in lieu thereof the words “its members”, so that the subsection shall read as follows:
- Committee
of adjust-
ment (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 its members 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.

(2) Subsection 1a of the said section 15, as enacted by Rev. Stat., c. 277, s. 15, subs. 1a (1953, c. 80, s. 4), amended section 4 of *The Planning Amendment Act, 1953*, is amended by striking out the word "itself" in the fifth line and inserting in lieu thereof the words "its members", so that the subsection shall read as follows:

- (1a) Where no committee of adjustment is constituted Idem for a municipality that is within or partly within a planning area consisting of more than one municipality, the planning board of such planning area may constitute its members or not less than three of its members as the committee of adjustment for the municipality or that part of the municipality that is within the planning area.

8.—(1) Subclause ii of clause a of subsection 2 of section 15a Rev. Stat., c. 277, s. 15a (1952, c. 75, s. 7), subs. 2, cl. a (1952, c. 75, s. 7), subcl. ii, amended of *The Planning Act*, as enacted by section 7 of *The Planning Amendment Act, 1952*, is amended by striking out the words "conforms more closely to" in the third and fourth lines and inserting in lieu thereof the words "is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with", so that the subclause shall read as follows:

- (ii) the use of such land, building or structure for a purpose which, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with 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.

(2) Subsections 10 to 19 of the said section 15a are repealed Rev. Stat., c. 277, s. 15a (1952, c. 75, s. 7), subss. 10-17, re-enacted (1952, c. 75, s. 7), subss. 18, 19, repealed and the following substituted therefor:

(10) The secretary-treasurer shall send by registered mail, Notice of decision

- (a) two copies of the decision, certified by him, to the Minister; and
- (b) one copy of the decision, certified by him, to the applicant and to each person who appeared in person or by counsel at the hearing and filed with the secretary-treasurer a written request for notice of the decision,

together with a notice of the last day for appealing to the Ontario Municipal Board.

- Appeal (11) The applicant, the Minister, or any other 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 secretary of the Ontario Municipal Board and, except where the appellant is the Minister, to the Minister, within fourteen days after the sending of the notice under subsection 10.
- Where no appeal (12) If within such fourteen days no notice of appeal is given, the decision of the committee is final and binding, and the Minister shall notify the secretary-treasurer that no appeal has been taken and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality.
- Hearing (13) On an appeal to the Ontario Municipal Board, the Board shall hold a hearing of which notice shall be given to the Minister, the applicant, the secretary-treasurer of the committee and to such other persons and in such manner as the Board may determine.
- Powers of Municipal Board (14) The Ontario Municipal Board may dismiss the appeal, and may make any decision that the committee could have made on the original application, and the order of the Board is final and binding.
- Costs (15) The costs on the appeal are in the discretion of the Ontario Municipal Board.
- Notice of decision (16) When the Ontario Municipal Board makes an order on an appeal, the secretary of the Board shall send a copy thereof to the Minister and to the secretary-treasurer of the committee.
- Idem (17) The secretary-treasurer shall send to the applicant a copy of the order of the Ontario Municipal Board on the appeal and shall file a copy of the order with the clerk of the municipality.

Rev. Stat.,
c. 277, s. 16a
(1952, c. 75,
s. 8),
subs. 1, cl. 1a,
amended

9. Clause *a* of subsection 1 of section 16a of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1952*, is amended by inserting after the word "redesign" in the second line the word "resubdivision", so that the clause shall read as follows:

- (a) "redevelopment" means the planning or replanning, design or redesign, resubdivision, 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.

10.—(1) Subsection 1a of section 24 of *The Planning Act*, as enacted by subsection 3 of section 6 of *The Planning Amendment Act, 1953*, is repealed and the following substituted therefor: Rev. Stat., c. 277, s. 24, subs. 1a (1953, c. 80, s. 6, subs. 3) re-enacted

(1a) The by-law may provide that where land is described in accordance with and is, Part lots

(a) within a registered plan of subdivision; or

(b) within a registered plan of subdivision, or a part thereof, designated in the by-law,

no person shall convey a part of any lot or block of the land by way of deed or transfer on any sale, or enter into an agreement of sale and purchase, or enter into any agreement that has the effect of granting the use of or right in the land directly or by entitlement to renewal for a period of twenty-one years or more unless a consent thereto is given in the manner provided in clause *d* of subsection 1.

(2) The said section 24, as amended by section 9 of *The Planning Amendment Act, 1952* and section 6 of *The Planning Amendment Act, 1953*, is further amended by adding thereto the following subsection: Rev. Stat., c. 277, s. 24 amended

(2b) Where the by-law contains provisions authorized by subsection 1a, 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 land within any registered plan of subdivision, or within any part of a registered plan of subdivision, to which such provisions apply. Notice

11. Subsection 1 of section 26 of *The Planning Act* is amended by striking out the words “the person desiring to register the plan” in the third and fourth lines and inserting in lieu thereof the words “the owner of the land or someone authorized by him in writing”, so that the subsection shall read as follows: Rev. Stat., c. 277, s. 26 subs. 1, amended

(1) When land is to be subdivided for the purpose of being sold, conveyed or leased in lots by reference to a registered plan of subdivision, the owner of the land or someone authorized by him in writing shall forward at least eight, or as many as may be required, copies of a draft plan thereof drawn to scale, together with an application for approval, to the Minister.

Application for approval of subdivision plans

12. This Act comes into force on the 1st day of June, 1954.

Commencement

13. This Act may be cited as *The Planning Amendment Act, 1954*.

Short title







An Act to amend The Planning Act

1st Reading

March 16th, 1954

2nd Reading

March 23rd, 1954

3rd Reading

March 31st, 1954

MR. WARRENDER

No. 106

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

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 NOTE

The amendment is designed to assist public hospitals financially by increasing payments by municipalities for the hospital care and treatment of indigent persons.

No. 106

1954

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. Section 16 of *The Public Hospitals Act* is repealed and the following substituted therefor: Rev. Stat., c. 307, s. 16, re-enacted

16. When any patient in a hospital is an indigent person or a dependent of an indigent person, the municipality in which such person was resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at the following rates: Municipal liability for indigents

- (a) in the case of a hospital which in the regulations is classed as a Group A hospital, at the rate of \$6 per day;
- (b) in the case of a hospital which in the regulations is classed as a Group B hospital, at the rate of \$5.25 per day;
- (c) in the case of a hospital which in the regulations is classed as a Group C or Group D hospital, at the rate of \$4.50 per day; and
- (d) in the case of all other hospitals, at the rate of \$3.75 per day.

2. This Act shall be deemed to have come into force on the 1st day of January, 1954. Commencement

3. This Act may be cited as *The Public Hospitals Amendment Act, 1954*. Short title

EXPLANATORY NOTE

The amendment is designed to assist public hospitals financially by increasing payments by municipalities for the hospital care and treatment of indigent persons.

No. 106

1954

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. Section 16 of *The Public Hospitals Act* is repealed and the following substituted therefor: Rev. Stat., c. 307, s. 16, re-enacted

16. When any patient in a hospital is an indigent person or a dependent of an indigent person, the municipality in which such person was resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at the following rates: Municipal liability for indigents

- (a) in the case of a hospital which in the regulations is classed as a Group A hospital, at the rate of \$6 per day;
- (b) in the case of a hospital which in the regulations is classed as a Group B hospital, at the rate of \$5.25 per day;
- (c) in the case of a hospital which in the regulations is classed as a Group C or Group D hospital, at the rate of \$4.50 per day; and
- (d) in the case of all other hospitals, at the rate of \$3.75 per day.

2. This Act shall be deemed to have come into force on the 1st day of January, 1954. Commencement

3. This Act may be cited as *The Public Hospitals Amendment Act, 1954*. Short title

An Act to amend The Public Hospitals
Act

1st Reading

March 18th, 1954

2nd Reading

3rd Reading

MR. PHILLIPS

No. 106

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

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



No. 106

1954

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. Section 16 of *The Public Hospitals Act* is repealed and the following substituted therefor: Rev. Stat., c. 307, s. 16, re-enacted
 16. When any patient in a hospital is an indigent person or a dependent of an indigent person, the municipality in which such person was resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at the following rates: Municipal liability for indigents
 - (a) in the case of a hospital which in the regulations is classed as a Group A hospital, at the rate of \$6 per day;
 - (b) in the case of a hospital which in the regulations is classed as a Group B hospital, at the rate of \$5.25 per day;
 - (c) in the case of a hospital which in the regulations is classed as a Group C or Group D hospital, at the rate of \$4.50 per day; and
 - (d) in the case of all other hospitals, at the rate of \$3.75 per day.
2. This Act shall be deemed to have come into force on the 1st day of January, 1954. Commencement
3. This Act may be cited as *The Public Hospitals Amendment Act, 1954*. Short title

An Act to amend The Public Hospitals
Act

1st Reading

March 18th, 1954

2nd Reading

March 23rd, 1954

3rd Reading

March 31st, 1954

MR. PHILLIPS

No. 107

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Charitable Institutions Act

MR. GOODFELLOW

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

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The effect of these amendments is to increase the amount of provincial aid in the cases mentioned.

BILL

An Act to amend The Charitable Institutions 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 7a of *The Charitable Institutions Act*, as enacted by section 1 of *The Charitable Institutions Amendment Act, 1951*, is amended by striking out the symbol and figures "\$1,000" in the seventh line and inserting in lieu thereof the symbol and figures "\$2,000", so that the subsection shall read as follows:

Rev. Stat.,
c. 49, s. 7a
(1951,
c. 9, s. 1),
subs. 1,
amended

- (1) The Minister may approve the site and plans of a new building of any charitable institution and when they are so approved the Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund to the charitable institution of an amount calculated upon the total bed capacity of the new building at the rate of \$2,000 per bed.

Provincial
subsidy on
new
buildings

2.—(1) Clause b of subsection 1 of section 8 of *The Charitable Institutions Act* is amended by striking out the word "five" in the fourth line and inserting in lieu thereof the word "twenty" and by striking out the word "ten" in the eighth line and inserting in lieu thereof the word "twenty", so that the clause shall read as follows:

Rev. Stat.,
c. 49, s. 8,
subs. 1, cl. b,
amended

- (b) For every infant or child an inmate of an orphanage or infants' home, if such infant or child is an orphan or neglected or abandoned or the infant or child of an indigent person, twenty cents per day for each day's actual maintenance of such inmate during the preceding calendar year, and if any such inmate is an infant under one year of age and is being nursed by its mother in such institution, twenty cents per day for each day's actual maintenance of such inmate.

Orphanages,
etc.

Rev. Stat.,
c. 49, s. 8,
subs. 1, cl. c,
amended

(2) Clause *c* of subsection 1 of the said section 8 is amended by striking out the word "ten" in the third line and inserting in lieu thereof the word "twenty", so that the clause shall read as follows:

Female
refuges

(c) For every adult, friendless and indigent female person an inmate of any such refuge, orphanage or infants' home, twenty cents per day for each day's actual maintenance of such inmate during the preceding calendar year.

Commence-
ment

3.—(1) Section 1 comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Idem

(2) Section 2 shall be deemed to have come into force on the 1st day of January, 1954.

Short title

4. This Act may be cited as *The Charitable Institutions Amendment Act, 1954*.

SECTION 3—Subsection 1. The increased provincial subsidy calculated on total bed capacity is effective on Proclamation.

Subsection 2. This will enable the increased provincial aid provided for in section 2 of the Bill to be paid in respect of the calendar year 1954.





An Act to amend The Charitable
Institutions Act

1st Reading

March 18th, 1954

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 107

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Charitable Institutions Act

MR. GOODFELLOW

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



BILL

An Act to amend The Charitable Institutions 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 7a of *The Charitable Institutions Act*, as enacted by section 1 of *The Charitable Institutions Amendment Act, 1951*, is amended by striking out the symbol and figures "\$1,000" in the seventh line and inserting in lieu thereof the symbol and figures "\$2,000", so that the subsection shall read as follows: Rev. Stat., c. 49, s. 7a (1951), c. 9, s. 1), subs. 1, amended

(1) The Minister may approve the site and plans of a new building of any charitable institution and when they are so approved the Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund to the charitable institution of an amount calculated upon the total bed capacity of the new building at the rate of \$2,000 per bed. Provincial subsidy on new buildings

2.—(1) Clause b of subsection 1 of section 8 of *The Charitable Institutions Act* is amended by striking out the word "five" in the fourth line and inserting in lieu thereof the word "twenty" and by striking out the word "ten" in the eighth line and inserting in lieu thereof the word "twenty", so that the clause shall read as follows: Rev. Stat., c. 49, s. 8, subs. 1, cl. b, amended

(b) For every infant or child an inmate of an orphanage or infants' home, if such infant or child is an orphan or neglected or abandoned or the infant or child of an indigent person, twenty cents per day for each day's actual maintenance of such inmate during the preceding calendar year, and if any such inmate is an infant under one year of age and is being nursed by its mother in such institution, twenty cents per day for each day's actual maintenance of such inmate. Orphanages, etc.

Rev. Stat.,
c. 49, s. 8,
subs. 1, cl. c.
amended

(2) Clause *c* of subsection 1 of the said section 8 is amended by striking out the word "ten" in the third line and inserting in lieu thereof the word "twenty", so that the clause shall read as follows:

Female
refuges

(c) For every adult, friendless and indigent female person an inmate of any such refuge, orphanage or infants' home, twenty cents per day for each day's actual maintenance of such inmate during the preceding calendar year.

Commence-
ment

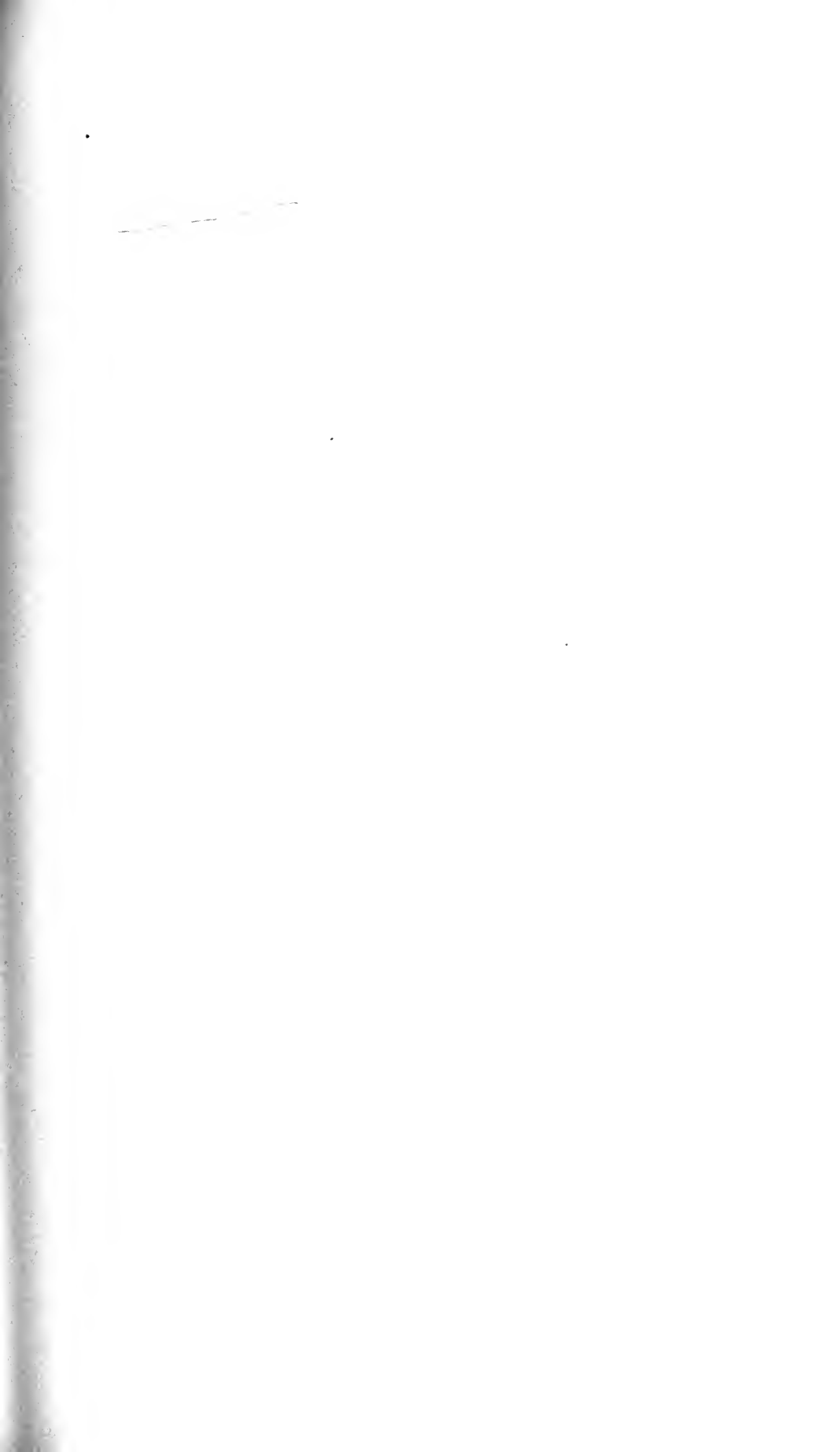
3.—(1) Section 1 comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Idem

(2) Section 2 shall be deemed to have come into force on the 1st day of January, 1954.

Short title

4. This Act may be cited as *The Charitable Institutions Amendment Act, 1954*.







BILL

An Act to amend The Charitable
Institutions Act

1st Reading

March 18th, 1954

2nd Reading

March 24th, 1954

3rd Reading

March 31st, 1954

MR. GOODFELLOW

No. 108

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend
The Mothers' Allowances Act, 1952

MR. GOODFELLOW

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

EXPLANATORY NOTES

SECTION 1. This amendment is designed to simplify the administration of the Act in dealing particularly with children from sixteen to eighteen years of age.

SECTION 2. The addition of the new clause brings the section into line with the corresponding section of *The Disabled Persons' Allowances Act, 1952*, and is necessary to ensure proper administration of the Act.

No. 108

1954

BILL

An Act to amend The Mothers' Allowances Act, 1952

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

1. Subsections 3 and 4 of section 2 of *The Mothers' Allowances Act, 1952* are repealed and the following substituted therefor: 1952, c. 62, s. 2, subs. 3, re-enacted; subs. 4, repealed

(3) No allowance shall be paid under this Act in respect of a child under eighteen years of age, other than a child coming within subsection 5 or under school age, unless the child is attending school or is on vacation from school and the Director is satisfied that the child will return to school at the end of the vacation period. Allowances in respect of children

2. Section 6 of *The Mothers' Allowances Act, 1952* is amended by adding thereto the following clause: 1952, c. 62, s. 6, amended

(aa) adding further qualifications to those specified in this Act for applicants for allowances.

3. This Act may be cited as *The Mothers' Allowances Amendment Act, 1954*. Short title

BILL

An Act to amend The Mothers'
Allowances Act, 1952

1st Reading

March 18th, 1954

2nd Reading

3rd Reading

MR. GOODFELLOW

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

**An Act to amend
The Mothers' Allowances Act, 1952**

MR. GOODFELLOW



No. 108

1954

BILL

An Act to amend The Mothers' Allowances Act, 1952

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

1. Subsections 3 and 4 of section 2 of *The Mothers' Allowances Act, 1952* are repealed and the following substituted therefor:

| |
|--|
| 1952, c. 62, s. 2, subs. 3, re-enacted; subs. 4, repealed |
|--|

- (3) No allowance shall be paid under this Act in respect of a child under eighteen years of age, other than a child coming within subsection 5 or under school age, unless the child is attending school or is on vacation from school and the Director is satisfied that the child will return to school at the end of the vacation period.

| |
|---|
| Allowances in respect of children |
|---|

2. Section 6 of *The Mothers' Allowances Act, 1952* is amended by adding thereto the following clause:

| |
|----------------------------------|
| 1952, c. 62, s. 6, amended |
|----------------------------------|

 - (aa) adding further qualifications to those specified in this Act for applicants for allowances.

3. This Act may be cited as *The Mothers' Allowances Amendment Act, 1954*.

| |
|-------------|
| Short title |
|-------------|

BILL

An Act to amend 'The Mothers'
Allowances Act, 1952

1st Reading

March 18th, 1954

2nd Reading

March 24th, 1954

3rd Reading

March 31st, 1954

MR. GODFELLOW

No. 109

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
**An Act to amend The Farm Products
Marketing Act**

MR. GOODFELLOW

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

EXPLANATORY NOTES

SECTION 1. Marketing is re-defined to include assembling and packing.

SECTION 2—Subsections 1 and 3. At present any person or class of persons may be exempted from the operation of a scheme, etc. The amendments provide that any regulated product or any class, variety, grade or size thereof may also be exempted from a scheme, etc.

Subsection 2. The amendment is designed to clarify the provisions re pooling.

BILL

An Act to amend The Farm Products Marketing Act

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

1. Clause *e* of section 1 of *The Farm Products Marketing Act*, as amended by section 1 of *The Farm Products Marketing Amendment Act, 1951*, is repealed and the following substituted therefor: Rev. Stat., c. 131, s. 1, cl. *e*, re-enacted

(*e*) "marketing" includes advertising, assembling, buying, financing, packing, selling, transporting, shipping for sale or storage and offering for sale, but does not include buying and selling by retail except where the buying is done by a central organization and the selling by retail is done through more than five outlets.

2.—(1) Clause *e* of subsection 1 of section 3 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: Rev. Stat., c. 131, s. 3, subs. 1, cl. *e*, re-enacted

(*e*) to exempt from any scheme or any order of the Board or any agreement or award filed with the Board any class, variety, grade or size of regulated product, or any person or class of persons engaged in the producing or marketing of any regulated product or any class, variety, grade or size of regulated product.

(2) Clause *ff* of subsection 1 of the said section 3, as enacted by subsection 2 of section 2 of *The Farm Products Marketing Amendment Act, 1951*, is repealed and the following substituted therefor: Rev. Stat., c. 131, s. 3, subs. 1, cl. *ff* (1951, c. 25, s. 2, subs. 2), re-enacted

(*ff*) to authorize any marketing agency appointed under a scheme to conduct a pool or pools for the distribution of all moneys received from the sale of the regulated product and requiring any such marketing agency, after deducting all necessary and proper

disbursements and expenses, to distribute the proceeds of sale in such manner that each person receives a share of the total proceeds in relation to the amount, variety, size, grade and class of the regulated product delivered by him and to make an initial payment on delivery of the product and subsequent payments until the total net proceeds are distributed.

Rev. Stat.,
c. 131, s. 3,
subs. 1, cl. g,
subcl. i, re-
enacted

(3) Subclause i of clause g of subsection 1 of the said section 3 is repealed and the following substituted therefor:

- (i) to exempt from any scheme or any order of the local board any class, variety, grade or size of regulated product, or any person or class of persons engaged in the producing or marketing of any regulated product or any class, variety, grade or size of regulated product.

Rev. Stat.,
c. 131, s. 4,
subs. 1,
amended

(4) Subsection 1 of the said section 3, as amended by subsection 2 of section 2 of *The Farm Products Marketing Amendment Act, 1951* and section 1 of *The Farm Products Marketing Amendment Act, 1953*, is further amended by adding thereto the following clause:

- (hh) to provide for the administration and disposition of any moneys or securities furnished as proof of financial responsibility.

Rev. Stat.,
c. 131, s. 4,
subs. 1, re-
enacted

3.—(1) Subsection 1 of section 4 of *The Farm Products Marketing Act* is repealed and the following substituted therefor:

Approval of
scheme of
marketing

- (1) Where the Board receives from any group of persons engaged in the production of any farm product within Ontario a petition or request asking that a scheme for the marketing or regulating of the farm product, including the establishment of a local board, be adopted, and the petition or request is made by producers representing at least 10 per cent of all producers engaged in the production of that farm product within Ontario or that part of Ontario to which the proposed scheme is to apply, the Board shall submit to a vote of the persons engaged in the production of that farm product in Ontario or in that part of Ontario to which the proposed scheme is to apply, as the case may be, the questions of the approval of the scheme.

Rev. Stat.,
c. 131, s. 4,
amended

(2) The said section 4 is amended by adding thereto the following subsections:

Subsection 4. The provisions dealing with the disposition of moneys or securities furnished as proof of financial responsibility are at present in the regulations. The amendment gives this power to the Board.

SECTION 3. The provisions dealing with the establishment of a scheme are re-enacted to clarify the procedure for taking a vote of producers.

SECTIONS 4 and 5. The amendments are required to bring the sections into line with the amendments in *The Farm Products Marketing Amendment Act, 1953* requiring the filing with the Board of all agreements and awards.

- (1a) Where the question of the approval of a scheme is submitted to a vote, the Board may recommend the adoption of the scheme if the percentage of the persons voting in favour of the establishment of the scheme is not less than such percentage of all persons eligible to vote as the regulations prescribe. Submission of question of approval of scheme to vote
- (1b) Where the question of the approval of a scheme has been submitted to the producers and the percentage of persons voting in favour is less than that required under subsection 1a, no further question of the approval of such scheme shall be submitted to the producers within two years from the date of such submission. Resubmission of question, limitation
- (1c) The Board may authorize a marketing agency to conduct a pool or pools under a scheme if the question of such authorization is submitted to a vote of producers engaged in the production of that farm product within Ontario or that part of Ontario to which the scheme applies or the proposed scheme is to apply, as the case may be, and the percentage of the producers voting in favour of the authorization is not less than such percentage of all producers eligible to vote as the regulations prescribe. Authorization to conduct pool

4. Section 5 of *The Farm Products Marketing Act* is amended by inserting after the word "board" in the fourth line the words "or of any agreement or award filed with the Board", so that the section shall read as follows: Rev. Stat., c. 131, s. 5, amended

5. Every person who violates any of the provisions of this Act or the regulations, or of any scheme declared to be in force under this Act, or any order or direction of the Board or of any local board, or of any agreement or award filed with the Board, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$50 and for a subsequent offence to a penalty of not less than \$50 and not more than \$500. Penalty

5. Section 6 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: Rev. Stat., c. 131, s. 6, re-enacted

- 6.—(1) Every person who fails to pay at least the minimum price established in any agreement or award filed with the Board for any regulated product, in addition to the penalty provided for in section 5, shall be liable to a penalty of an amount equal to the amount of such minimum price less any amount paid by such person as payment in full or part payment for such regulated product. Failure to pay minimum price

Distribution
of penalty
recovered

- (2) The penalties imposed under this section shall be paid to the Board and the Board may distribute the money so received *pro rata* among the persons who failed to receive at least the minimum price, or the Board may, subject to the approval of the Minister, pay the money so received to the Treasurer of Ontario and it shall form part of the Consolidated Revenue Fund.

Rev. Stat.,
c. 131, s. 7,
subs. 1,
cl. a, re-
enacted

6.—(1) Clause *a* of subsection 1 of section 7 of *The Farm Products Marketing Act* is repealed and the following substituted therefor:

- (a) regulating and controlling the marketing of regulated products;
- (aa) designating an agency engaged in any phase of marketing through which a regulated product shall be marketed and requiring such regulated product to be marketed through such agency subject to the determinations of any negotiating agency established in connection with the scheme under which such product is marketed.

Rev. Stat.,
c. 131, s. 7,
subs. 1,
amended

(2) Subsection 1 of the said section 7, as amended by section 4 of *The Farm Products Marketing Amendment Act, 1951*, is further amended by adding thereto the following clause:

- (dd) prescribing the manner of taking votes of persons engaged in the production of farm products and the percentages of votes required under section 4.

Rev. Stat.,
c. 131, s. 7,
subs. 1,
cls. h, i, j,
repealed

(3) Clauses *h*, *i* and *j* of subsection 1 of the said section 7 are repealed.

Commence-
ment

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

Short title

8. This Act may be cited as *The Farm Products Marketing Amendment Act, 1954*.

SECTION 6—Subsection 1. The amendment is to clarify the authority of the Board to make regulations regulating and controlling the marketing of regulated products.

Subsection 2. The Board is given authority to make regulations as provided in clause *dd*.

Subsection 3. The authority to require persons purchasing regulated products for re-sale to furnish security or proof of financial responsibility and the disposition thereof in the regulations is repealed as the Board has this authority in its general powers.





BILL

An Act to amend The Farm Products
Marketing Act

1st Reading

March 18th, 1954

2nd Reading

3rd Reading

MR. GODFELLOW

No. 109

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
**An Act to amend The Farm Products
Marketing Act**

MR. GOODFELLOW

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



BILL

An Act to amend The Farm Products Marketing Act

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

1. Clause *e* of section 1 of *The Farm Products Marketing Act*, as amended by section 1 of *The Farm Products Marketing Amendment Act, 1951*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 131, s. 1,
cl. *e*, re-
enacted

- (e) "marketing" includes advertising, assembling, buying, financing, packing, selling, transporting, shipping for sale or storage and offering for sale, but does not include buying and selling by retail except where the buying is done by a central organization and the selling by retail is done through more than five outlets.

2.—(1) Clause *e* of subsection 1 of section 3 of *The Farm Products Marketing Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 131, s. 3,
subs. 1,
cl. *e*, re-
enacted

- (e) to exempt from any scheme or any order of the Board or any agreement or award filed with the Board any class, variety, grade or size of regulated product, or any person or class of persons engaged in the producing or marketing of any regulated product or any class, variety, grade or size of regulated product.

(2) Clause *ff* of subsection 1 of the said section 3, as enacted by subsection 2 of section 2 of *The Farm Products Marketing Amendment Act, 1951*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 131, s. 3,
subs. 1,
cl. *ff*
(1951, c. 25,
s. 2, subs. 2).
re-enacted

- (*ff*) to authorize any marketing agency appointed under a scheme to conduct a pool or pools for the distribution of all moneys received from the sale of the regulated product and requiring any such marketing agency, after deducting all necessary and proper

disbursements and expenses, to distribute the proceeds of sale in such manner that each person receives a share of the total proceeds in relation to the amount, variety, size, grade and class of the regulated product delivered by him and to make an initial payment on delivery of the product and subsequent payments until the total net proceeds are distributed.

Rev. Stat.,
c. 131, s. 3,
subs. 1, cl. g,
subcl. 1, re-
enacted

(3) Subclause i of clause g of subsection 1 of the said section 3 is repealed and the following substituted therefor:

- (i) to exempt from any scheme or any order of the local board any class, variety, grade or size of regulated product, or any person or class of persons engaged in the producing or marketing of any regulated product or any class, variety, grade or size of regulated product.

Rev. Stat.,
c. 131, s. 4,
subs. 1,
amended

(4) Subsection 1 of the said section 3, as amended by subsection 2 of section 2 of *The Farm Products Marketing Amendment Act, 1951* and section 1 of *The Farm Products Marketing Amendment Act, 1953*, is further amended by adding thereto the following clause:

- (hh) to provide for the administration and disposition of any moneys or securities furnished as proof of financial responsibility.

Rev. Stat.,
c. 131, s. 4,
subs. 1, re-
enacted

3.—(1) Subsection 1 of section 4 of *The Farm Products Marketing Act* is repealed and the following substituted therefor:

Approval of
scheme of
marketing

- (1) Where the Board receives from any group of persons engaged in the production of any farm product within Ontario a petition or request asking that a scheme for the marketing or regulating of the farm product, including the establishment of a local board, be adopted, and the petition or request is made by producers representing at least 10 per cent of all producers engaged in the production of that farm product within Ontario or that part of Ontario to which the proposed scheme is to apply, the Board shall submit to a vote of the persons engaged in the production of that farm product in Ontario or in that part of Ontario to which the proposed scheme is to apply, as the case may be, the questions of the approval of the scheme.

Rev. Stat.,
c. 131, s. 4,
amended

(2) The said section 4 is amended by adding thereto the following subsections:

(1a) Where the question of the approval of a scheme is submitted to a vote, the Board may recommend the adoption of the scheme if the percentage of the persons voting in favour of the establishment of the scheme is not less than such percentage of all persons eligible to vote as the regulations prescribe.

Submission of question of approval of scheme to vote

(1b) Where the question of the approval of a scheme has been submitted to the producers and the percentage of persons voting in favour is less than that required under subsection 1a, no further question of the approval of such scheme shall be submitted to the producers within two years from the date of such submission.

Resubmission of question, limitation

(1c) The Board may authorize a marketing agency to conduct a pool or pools under a scheme if the question of such authorization is submitted to a vote of producers engaged in the production of that farm product within Ontario or that part of Ontario to which the scheme applies or the proposed scheme is to apply, as the case may be, and the percentage of the producers voting in favour of the authorization is not less than such percentage of all producers eligible to vote as the regulations prescribe.

Authorization to conduct pool

4. Section 5 of *The Farm Products Marketing Act* is amended by inserting after the word "board" in the fourth line the words "or of any agreement or award filed with the Board", so that the section shall read as follows:

Rev. Stat., c. 131, s. 5, amended

5. Every person who violates any of the provisions of this Act or the regulations, or of any scheme declared to be in force under this Act, or any order or direction of the Board or of any local board, or of any agreement or award filed with the Board, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$50 and for a subsequent offence to a penalty of not less than \$50 and not more than \$500.

Penalty

5. Section 6 of *The Farm Products Marketing Act* is repealed and the following substituted therefor:

Rev. Stat., c. 131, s. 6, re-enacted

6.—(1) Every person who fails to pay at least the minimum price established in any agreement or award filed with the Board for any regulated product, in addition to the penalty provided for in section 5, shall be liable to a penalty of an amount equal to the amount of such minimum price less any amount paid by such person as payment in full or part payment for such regulated product.

Failure to pay minimum price

Distribution
of penalty
recovered

- (2) The penalties imposed under this section shall be paid to the Board and the Board may distribute the money so received *pro rata* among the persons who failed to receive at least the minimum price, or the Board may, subject to the approval of the Minister, pay the money so received to the Treasurer of Ontario and it shall form part of the Consolidated Revenue Fund.

Rev. Stat.,
c. 131, s. 7,
subs. 1,
cl. a, re-
enacted

6.—(1) Clause *a* of subsection 1 of section 7 of *The Farm Products Marketing Act* is repealed and the following substituted therefor:

- (a) regulating and controlling the marketing of regulated products;
- (aa) designating an agency engaged in any phase of marketing through which a regulated product shall be marketed and requiring such regulated product to be marketed through such agency subject to the determinations of any negotiating agency established in connection with the scheme under which such product is marketed.

Rev. Stat.,
c. 131, s. 7,
subs. 1,
amended

(2) Subsection 1 of the said section 7, as amended by section 4 of *The Farm Products Marketing Amendment Act, 1951*, is further amended by adding thereto the following clause:

- (dd) prescribing the manner of taking votes of persons engaged in the production of farm products and the percentages of votes required under section 4.

Rev. Stat.,
c. 131, s. 7,
subs. 1,
cls. h, i, j,
repealed

(3) Clauses *h*, *i* and *j* of subsection 1 of the said section 7 are repealed.

Commence-
ment

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

Short title

8. This Act may be cited as *The Farm Products Marketing Amendment Act, 1954*.



BILL

An Act to amend The Farm Products
Marketing Act

1st Reading

March 18th, 1954

2nd Reading

April 1st, 1954

3rd Reading

April 5th, 1954

MR. GODFELLOW

No. 110

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Labour Relations Act

MR. DALEY

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

EXPLANATORY NOTES

SECTION 1—Subsection 1. The words added are self-explanatory. They are needed for the purposes of the amendments made to section 36 of the Act. See section 10 of this bill.

Subsection 2. This provision is new. It is necessary for the purposes of the amendments made to section 36 of the Act. See section 10 of this bill.

SECTION 2—Subsections 1 and 2. The words added in the two subsections will enable the Board to deal more effectively with contests between an industrial union and a craft union.

BILL

An Act to amend The Labour Relations 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 *c* of subsection 1 of section 1 of *The Labour Relations Act* is amended by striking out the word “representing” in the third line and inserting in lieu thereof the words “that, or a council of trade unions that, represents”, so that the clause shall read as follows: Rev. Stat., c. 194, s. 1, subs. 1, cl. c, amended

(*c*) “collective agreement” means an agreement in writing between an employer or an employers’ organization, on the one hand, and a trade union that, or a council of trade unions that, represents employees of the employer or employees of members of the employers’ organization, on the other hand, containing provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, the employers’ organization, the trade union or the employees.

(2) Subsection 1 of the said section 1 is amended by adding thereto the following clause: Rev. Stat., c. 194, s. 1, subs. 1, amended

(*dd*) “council of trade unions” includes an allied council, a trades council, a joint board and any other association of trade unions.

2.—(1) Subsection 1 of section 6 of *The Labour Relations Act* is amended by adding at the end thereof the words “and the Board may, before determining the unit, conduct a vote of any of the employees of the employer for the purpose of ascertaining the wishes of the employees as to the appropriateness of the unit”, so that the subsection shall read as follows: Rev. Stat., c. 194, s. 6, subs. 1, amended

(1) Upon an application for certification the Board shall determine the unit of employees that is appropriate for collective bargaining, but which in every case Board to determine appropriateness of units

shall consist of more than one employee, and the Board may, before determining the unit, conduct a vote of any of the employees of the employer for the purpose of ascertaining the wishes of the employees as to the appropriateness of the unit.

Rev. Stat.,
c. 194, s. 6,
subs. 2,
amended

(2) Subsection 2 of the said section 6 is amended by adding at the end thereof the words "and the Board may include in such unit persons who according to established trade union practice are commonly associated in their work and bargaining with such group", so that the subsection shall read as follows:

Craft units

(2) Any group of employees who exercise technical skills or who are members of a craft by reason of which they are distinguishable from the other employees and commonly bargain separately and apart from other employees through a trade union that according to established trade union practice pertains to such skills or craft shall be deemed by the Board to be a unit appropriate for collective bargaining if the application is made by a trade union pertaining to such skills or craft, and the Board may include in such unit persons who according to established trade union practice are commonly associated in their work and bargaining with such group.

Rev. Stat.,
c. 194, s. 8,
amended

3. Section 8 of *The Labour Relations Act* is amended by striking out the words "if it" in the fifth line and inserting in lieu thereof the words "and no employer or employers' organization shall be required to bargain with a trade union on behalf of any person employed as a guard if, in either case, the trade union", so that the section shall read as follows:

Security
guards

8. The Board shall not include in a bargaining unit with other employees any person employed as a guard to protect the property of his employer and no trade union shall be certified as bargaining agent for a bargaining unit of such guards and no employer or employers' organization shall be required to bargain with a trade union on behalf of any person employed as a guard if, in either case, the trade union admits to membership or is chartered by, or is affiliated, directly or indirectly, with an organization that admits to membership persons other than such guards.

Rev. Stat.,
c. 194, s. 11,
amended

4. Section 11 of *The Labour Relations Act* is amended by striking out the figures "20" in the first line and inserting in lieu thereof the word "fifteen", so that the section shall read as follows:

SECTION 3. The purpose of this amendment is to extend to collective bargaining certain provisions relating to guards that now apply only to certification.

SECTION 4. When a trade union desires to bargain with an employer with a view to making a collective agreement, the union gives the employer written notice and the bargaining must commence within fifteen days instead of twenty days after the notice has been given.

SECTION 5. Clauses *c* and *d* are new. Their addition will clarify the employee representation required during collective bargaining.

SECTION 6—Subsections 1 and 2. The period between the giving of the notice for collective bargaining and the request for conciliation services in cases in which some progress is being made is reduced from fifty to thirty-five days.

11. The parties shall meet within fifteen days from the giving of the notice or within such further period as the parties may agree upon and they shall bargain in good faith and make every reasonable effort to make a collective agreement.

Obligation to bargain

5. Section 12 of *The Labour Relations Act* is repealed and the following substituted therefor:

Rev. Stat., c. 194, s. 12, re-enacted

12. During bargaining, a trade union shall be represented by a bargaining committee,

Composition of bargaining committee

- (a) consisting of employees of the employer who are in the bargaining unit; or
- (b) in the case of bargaining between a trade union and an employers' organization, consisting of employees of one or more members of such organization who are in the bargaining unit; or
- (c) in the case of bargaining between a trade union and a group of employers bargaining jointly or through representatives of such employers, consisting of employees of one or more of the employers in such group who are in the bargaining unit; or
- (d) in the case of bargaining between a council of trade unions and an employer, an employers' organization, or a group of employers bargaining jointly, consisting of employees of such employer, or of one or more members of such organization or of one or more of the employers in such group, as the case may be, who are in the bargaining unit,

and in any case a bargaining committee may include one or more officers or other representatives of the trade union.

6.—(1) Subsection 1 of section 13 of *The Labour Relations Act* is amended by striking out the figures "50" in the first line and inserting in lieu thereof the word "thirty-five", so that the subsection shall read as follows:

Rev. Stat., c. 194, s. 13, subs. 1, amended

- (1) Where thirty-five days or more have elapsed from the giving of the notice and it appears that a collective agreement will not be made within a reasonable time, either party may file with the Board a request that conciliation services be made available to the parties,

Requests for conciliation services

whereupon the Board shall grant the request, but before doing so it may postpone consideration of the request from time to time to a specified date and direct the parties to continue to bargain in the meantime.

Rev. Stat.,
c. 194, s. 13,
subs. 2,
amended

(2) Subsection 2 of the said section 13 is amended by striking out the word "fifty-day" in the fourth line and inserting in lieu thereof the word "thirty-five-day" so that the subsection shall read as follows:

Idem

(2) Upon the joint request of the parties, or upon the request of either of them, the Board, if it is satisfied that no progress in bargaining is being made, may grant the request for conciliation services notwithstanding that the thirty-five-day period mentioned in subsection 1 has not elapsed.

Rev. Stat.,
c. 194, s. 15,
re-enacted

7. Section 15 of *The Labour Relations Act* is repealed and the following substituted therefor:

Conciliation
board,
appointment
of members

15. If the conciliation officer is unable to effect a collective agreement within the time allowed under section 14,

(a) the Minister shall forthwith by notice in writing request each of the parties, within five days of the receipt of the notice, to recommend one person to be a member of a conciliation board, and upon the receipt of the recommendations or upon the expiration of the five-day period he shall appoint two members, who, in his opinion, represent the points of view of the respective parties, and the two members so appointed may, within three days after they are appointed, jointly recommend a third person to be a member and chairman of the board, and upon the receipt of the recommendation or upon the expiration of the three-day period, he shall appoint a third person to be a member and chairman of the board; or

(b) the Minister shall forthwith by notice in writing inform each of the parties that he does not deem it advisable to appoint a conciliation board.

Rev. Stat.,
c. 194, s. 32,
amended

8.—(1) Section 32 of *The Labour Relations Act* is amended by adding thereto the following subsection:

SECTION 7. The time for making nominations to conciliation boards is reduced from seven to five days in the case of a member and from five to three days in the case of the chairman, and the Minister is empowered to refuse to appoint a conciliation board whenever he deems such course to be advisable (clause *b*).

SECTION 8—Subsection 1. This provision is designed to expedite arbitration proceedings.

Subsection 2. The new feature of the subsection is the inclusion of "council of trade unions".

SECTION 9. These amendments are necessary because of the inclusion in the Act of "council of trade unions".

(3a) Notwithstanding subsection 3, if there is failure to appoint an arbitrator or to constitute a board of arbitration under a collective agreement, the Minister upon the request of either party may appoint the arbitrator or make such appointments as are necessary to constitute the board of arbitration, as the case may be, and any person so appointed by the Minister shall be deemed to have been appointed in accordance with the collective agreement.

Appointment
of arbitrator
by Minister

(2) Subsection 4 of the said section 32 is repealed and the following substituted therefor:

Rev. Stat.,
c. 194, s. 32,
subs. 4,
re-enacted

(4) The decision of an arbitrator or of an arbitration board is binding,

Effect of
arbitrator's
decision

(a) upon the parties; and

(b) in the case of a collective agreement between a trade union and an employers' organization, upon the employers covered by the agreement who are affected by the decision; and

(c) in the case of a collective agreement between a council of trade unions and an employer or an employers' organization, upon the members or affiliates of the council and the employer or the employers covered by the agreement, as the case may be, who are affected by the decision; and

(d) upon the employees covered by the agreement who are affected by the decision,

and such parties, employers, trade unions and employees shall do or abstain from doing anything required of them by the decision.

9. Subsection 1 of section 33 of *The Labour Relations Act* is amended by inserting after the word "to" where it occurs in the second line of clause *a*, the first time in the second line of clause *b* and in the first line of clause *c*, respectively, the words "or is bound by", so that the subsection shall read as follows:

Rev. Stat.,
c. 194, s. 33,
subs. 1,
amended

(1) Notwithstanding anything in this Act, the parties to a collective agreement may include in its provisions,

Permissive
provisions

(a) for requiring, as a condition of employment, membership in the trade union that is a party to or is bound by the agreement or

granting a preference of employment to members of such trade union, or requiring the payment of dues or contributions to such trade union;

- (b) for permitting an employee who represents the trade union that is a party to or is bound by the agreement to attend to the business of the trade union during working hours without deduction of the time so occupied in the computation of the time worked for the employer and without deduction of wages in respect of the time so occupied;
- (c) for permitting the trade union that is a party to or is bound by the agreement to use the employers' premises for the purposes of the trade union without payment therefor.

Rev. Stat.,
c. 194, s. 36,
re-enacted

10. Section 36 of *The Labour Relations Act* is repealed and the following substituted therefor:

Binding
effect of
collective
agreements
on members
of employers'
organizations

36.—(1) A collective agreement between an employers' organization and a trade union shall, subject to and for the purposes of this Act, be binding upon each person who was a member of the employers' organization at the time the agreement was entered into and on whose behalf the employers' organization bargained with the trade union as if it was made between each of such persons and the trade union, and if any such person ceases to be a member of the employers' organization during the term of operation of the agreement, he shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union.

Duty to
disclose

(2) When an employers' organization commences to bargain with a trade union, it shall deliver to the trade union a list of the names of the employers on whose behalf it is bargaining and, in default of so doing, it shall be deemed to bargain for all members of the employers' organization for whose employees the trade union is entitled to bargain and to make a collective agreement at that time, except any employer who, either by himself or through the employers' organization, has notified the trade union in writing before the agreement was entered into that he will not be bound by a collective agreement between the employers' organization and the trade union.

SECTION 10. The purpose of the re-enactment of this section is to facilitate collective bargaining between trade unions and employers' organizations and contains similar provisions with respect to bargaining between councils of trade unions and employers or employers' organizations.

SECTION 11. The notice referred to is the notice that either party to a collective agreement may give within two months before the agreement ceases to operate of its desire to bargain for a renewal of the agreement or for a new agreement.

(3) A collective agreement between a council of trade unions and an employer or an employers' organization shall, subject to and for the purposes of this Act, be binding upon each trade union that was a member of or affiliated with the council of trade unions at the time the agreement was entered into and on whose behalf the council of trade unions bargained with the employer or employers' organization as if it was made between each of such trade unions and the employer or employers' organization, and if any such trade union ceases to be a member of or affiliated with the council of trade unions during the term of operation of the agreement, it shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the employer or employers' organization, as the case may be.

Binding effect of collective agreements on members or affiliates of councils of trade unions

(4) Where a council of trade unions commences to bargain with an employer or an employers' organization, it shall deliver to the employer or employers' organization a list of the names of the trade unions on whose behalf it is bargaining and, in default of so doing, it shall be deemed to bargain for all members or affiliates of the council of trade unions for whose employees the respective trade unions are entitled to bargain and to make a collective agreement at that time with the employer or the employers' organization, except any trade union that, either by itself or through the council of trade unions, has notified the employer or employers' organization in writing before the agreement is entered into that it will not be bound by a collective agreement between the council of trade unions and the employer or employers' organization.

Duty to disclose

11.—(1) Subsection 3 of section 38 of *The Labour Relations Act* is amended by inserting after the word "union" in the second line the words "or council of trade unions", so that the subsection shall read as follows:

Rev. Stat., c. 194, s. 38, subs. 3, amended

(3) Where notice is given by or to an employers' organization that has a collective agreement with a trade union or council of trade unions, it shall be deemed to be a notice given by or to each member of the employers' organization who is bound by the agreement.

Effect of notice

(2) The said section 38 is amended by adding thereto the following subsection:

Rev. Stat., c. 194, s. 38, amended

Idem

- (4) Where notice is given by or to a council of trade unions that has a collective agreement with an employer or employers' organization, it shall be deemed to be a notice given by or to each member or affiliate of the council of trade unions that is bound by the agreement.

Rev. Stat.,
c. 194, s. 44,
re-enacted

12. Section 44 of *The Labour Relations Act* is repealed and the following substituted therefor:

Application
for termina-
tion after
conciliation
following
notice under
s. 10

44.—(1) Where a trade union has not made a collective agreement within one year after its certification and notice has been given under section 10 and the Board has granted a request for conciliation services, no application for a declaration that the trade union no longer represents the employees in the bargaining unit determined in the certificate shall be made,

(a) unless a conciliation board has been appointed and thirty days have elapsed after the conciliation board has reported to the Minister; or

(b) unless thirty days have elapsed after the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board.

Application
for certi-
fication or
termination
after
conciliation
services
granted

(2) Where notice has been given under section 38 and the Board has granted a request for conciliation services, no application for certification of a bargaining agent of any of the employees in the bargaining unit as defined in the collective agreement and no application for a declaration that the trade union that was a party to the collective agreement no longer represents the employees in the bargaining unit as defined in the agreement shall be made after the date when the agreement ceased to operate or the date when the request for conciliation services was granted, whichever is later,

(a) unless following the granting of the request a collective agreement has been made between the parties and it has operated for at least ten months; or

(b) where no such agreement has been made, unless

(i) at least twelve months have elapsed from the date of the granting of the request, or

SECTION 12. The section is re-enacted in order to protect bargaining rights during the period of conciliation more effectively than is the case under the present section.

SECTION 13. This section is new. It is self-explanatory.

SECTION 14. See note to section 7 of this bill. This amendment is complementary.

- (ii) a conciliation board has been appointed and thirty days have elapsed after the conciliation board has reported to the Minister, or
- (iii) thirty days have elapsed after the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board,

whichever is later.

13. *The Labour Relations Act* is amended by adding thereto the following section: Rev. Stat.,
c. 194,
amended

- 47a.**—(1) No employer, employers' organization or person acting on behalf of an employer or an employers' organization shall, so long as a trade union continues to be entitled to represent the employees in a bargaining unit, bargain with or enter into a collective agreement with any person or another trade union or a council of trade unions on behalf of or purporting, designed or intended to be binding upon the employees in the bargaining unit or any of them. Employers
not to
interfere
with bar-
gaining
rights
- (2) No trade union, council of trade unions or person acting on behalf of a trade union or council of trade unions shall, so long as another trade union continues to be entitled to represent the employees in a bargaining unit, bargain with or enter into a collective agreement with an employer or an employers' organization on behalf of or purporting, designed or intended to be binding upon the employers in the bargaining unit or any of them. Trade unions
not to
interfere
with bargain-
ing rights

14. Subsection 2 of section 49 of *The Labour Relations Act* is amended by adding at the end thereof the words "or the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board", so that the subsection shall read as follows: Rev. Stat.,
c. 194, s. 49,
subs. 2,
amended

- (2) Where no collective agreement is in operation, no employee shall strike and no employer shall lock out an employee until a trade union has become entitled to give and has given notice under section 10 or has given notice under section 38 on behalf of the employee to his employer, or in the case of a notice under section 38, has received such notice, and conciliation services have been granted and seven days have elapsed after the conciliation board no agree-
ment

has reported to the Minister or the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board.

Rev. Stat.,
c. 194, s. 50,
amended

15. Section 50 of *The Labour Relations Act* is amended by inserting after the word "union" where it occurs in the first and second lines, respectively, the words "or council of trade unions", so that the section shall read as follows:

Unlawful
strikes

50. No trade union or council of trade unions shall call or authorize, and no officer, official or agent of a trade union or council of trade unions shall counsel, procure, support or encourage an unlawful strike.

Rev. Stat.,
c. 194, s. 53,
re-enacted

16. Section 53 of *The Labour Relations Act* is repealed and the following substituted therefor:

Working
conditions
may not be
altered

53. Where notice has been given under section 10 or section 38 and no collective agreement is in operation, no employer shall, except with the consent of the trade union, alter the rates of wages or any other term or condition of employment or any right, privilege or duty of the employer, the trade union or the employees, and no trade union shall, except with the consent of the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the trade union or the employees,

(a) until conciliation services have been granted and seven days have elapsed after the conciliation board has reported to the Minister or the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board; or

(b) until the right of the trade union to represent the employees has been terminated,

whichever occurs first.

Rev. Stat.,
c. 194, s. 55,
amended

17. Section 55 of *The Labour Relations Act* is amended by inserting after the word "union" in the first line the words "council of trade unions", so that the section shall read as follows:

Direction
to file con-
stitution, etc.

55. The Board may direct any trade union, council of trade unions or employers' organization to file with the Board within the time prescribed in the direction a copy of its constitution and by-laws and a statutory declaration of its president or secretary setting forth the names and addresses of its officers.

SECTION 15. Self-explanatory.

SECTION 16. Section 53 of the Act is re-enacted in order to make it clear that neither an employer nor a trade union can alter the working conditions during the period of negotiation of a new collective agreement, except where there is mutual consent.

SECTION 17. Self-explanatory.

SECTION 18. Self-explanatory.

SECTION 19. Self-explanatory.

SECTION 20. The expression "council of trade unions" is added; otherwise these provisions are unchanged.

18. Section 59 of *The Labour Relations Act* is amended by Rev. Stat.,
c. 194, s. 59,
amended striking out the words "calls or authorizes a strike" in the first line and inserting in lieu thereof the words "or a council of trade unions calls or authorizes a strike or employees engage in a strike", so that the section shall read as follows:

59. Where a trade union or a council of trade unions Declaration
of unlawful
strikes calls or authorizes a strike or employees engage in a strike which the employer or employers' organization concerned alleges is unlawful, the employer or employers' organization may apply to the Board for a declaration that the strike is unlawful and the Board may make such a declaration.

19. Section 60 of *The Labour Relations Act* is amended by Rev. Stat.,
c. 194, s. 60,
amended inserting after the word "union" where it occurs in the third and fourth lines, respectively, the words "or the council of trade unions", so that the section shall read as follows:

60. Where an employer or employers' organization calls Declaration
of unlawful
lock-outs or authorizes a lock-out which any of the employees or the trade union or the council of trade unions concerned alleges is unlawful, any of the employees or the trade union or the council of trade unions may apply to the Board for a declaration that the lock-out is unlawful and the Board may make such a declaration.

20. Subsections 1 and 2 of section 61 of *The Labour Relations Act* are repealed and the following substituted Rev. Stat.,
c. 194, s. 61,
subss. 1, 2,
re-enacted therefor:

- (1) Every person, trade union, council of trade unions or employers' organization that fails to Offences and
penalties comply with any provision of this Act or of any decision, order, direction, declaration or ruling made under this Act is guilty of an offence and on summary conviction is liable,
- (a) if an individual, to a penalty of not more than \$100; or
 - (b) if a corporation, trade union, council of trade unions or employers' organization, to a penalty of not more than \$1,000.
- (2) Each day that any person, trade union, council of Continued
offences trade unions or employers' organization fails to comply with any provision of this Act or of any decision, order, direction, declaration or ruling made under this Act shall be deemed to constitute a separate offence.

Rev. Stat.,
c. 194, s. 63,
amended

21. Section 63 of *The Labour Relations Act* is amended by inserting after the word "union" in the first line the words "council of trade unions", so that the section shall read as follows:

Parties to
offences

63. If a corporation, trade union, council of trade unions or employers' organization is guilty of an offence under this Act, every officer, official or agent thereof who assented to the commission of the offence shall be deemed to be a party to and guilty of the offence.

Rev. Stat.,
c. 194, s. 64,
re-enacted

22. Section 64 of *The Labour Relations Act* is repealed and the following substituted therefor:

Style of
prosecution

64. A prosecution for an offence under this Act may be instituted against a trade union or council of trade unions or employers' organization in the name of the union, council or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or council of trade unions or employers' organization within the scope of his authority to act on behalf of the union, council or organization shall be deemed to be an act or thing done or omitted by the union, council or organization.

Rev. Stat.,
c. 194, s. 66,
subs. 4,
amended

23. Subsection 4 of section 66 of *The Labour Relations Act* is amended by adding at the end thereof the words "and when the vice-chairman acts as chairman of the Board it shall be presumed conclusively that he is acting in accordance with this subsection", so that the subsection shall read as follows:

Vice-
chairman

(4) The Lieutenant-Governor in Council may appoint a vice-chairman who shall act as chairman and as a member of the Board only,

(a) at such times or in such matters as the chairman may direct; and

(b) at such times as the chairman is unable to act,

and when the vice-chairman acts as chairman of the Board it shall be presumed conclusively that he is acting in accordance with this subsection.

Rev. Stat.,
c. 194, s. 67,
subs. 2, cl. h,
amended

24.—(1) Clause *h* of subsection 2 of section 67 of *The Labour Relations Act* is amended by inserting after the word "employees" in the third line the words "or any of the employees affected by an unsuccessful application for certification or any trade union representing any of the employees affected by such an application", so that the clause shall read as follows:

SECTION 21. Self-explanatory.

SECTION 22. The expression "council of trade unions" and the word "council" are added; otherwise the section is unchanged.

SECTION 23. Self-explanatory.

SECTION 24—Subsection 1. This amendment will enable the Board to deal more effectively with successive applications affecting the same group of employees.

Subsection 2. The power of the Board is extended to cover the matter mentioned in the new clause *z*.

SECTION 25—Subsection 1. The words inserted in clause *b* are self-explanatory. The subsection in which the clause appears gives the Board exclusive and final jurisdiction over the matters specified in the clauses.

Subsection 2. Self-explanatory. See section 8 of the Act (section 3 of this bill).

SECTION 26. The secrecy aspect of information given to a conciliation officer is strengthened.

(h) to bar an unsuccessful applicant for certification or for a declaration that a trade union no longer represents the employees or any of the employees affected by an unsuccessful application for certification or any trade union representing any of the employees affected by such an application from filing a new application for any period that the Board may specify not exceeding ten months.

(2) Subsection 2 of the said section 67 is amended by adding thereto the following clause: Rev. Stat.,
c. 194, s. 67,
subs. 2,
amended

(i) to determine the form in which evidence of membership in a trade union or of objection by employees to certification of a trade union or of the signification by employees that they no longer wish to be represented by a trade union shall be presented to the Board.

25.—(1) Clause b of subsection 1 of section 68 of *The Labour Relations Act* is amended by inserting after the word “union” in the first line the words “council of trade unions”, so that the clause shall read as follows: Rev. Stat.,
c. 194, s. 68,
subs. 1, cl. b,
amended

(b) as to whether an organization is a trade union, council of trade unions or an employers' organization.

(2) Subsection 2 of the said section 68 is amended by inserting after the word “employee” in the third line the words “or as to whether a person is a guard”, so that the subsection shall read as follows: Rev. Stat.,
c. 194, s. 68,
subs. 2,
amended

(2) If in the course of bargaining for a collective agreement, or if during the period of operation of a collective agreement, any question arises as to whether a person is an employee or as to whether a person is a guard, the question may be referred to the Board and the decision of the Board thereon shall be final and conclusive for all purposes. Idem

26. Subsection 2 of section 72 of *The Labour Relations Act* is amended by striking out the words “no conciliation officer shall be” in the fifth line and inserting in lieu thereof the words “the Minister, the Deputy Minister of Labour, the chief conciliation officer of the Department of Labour or any conciliation officer appointed under this Act is not”, so that the subsection shall read as follows: Rev. Stat.,
c. 194, s. 72,
subs. 2,
amended

(2) No information or material furnished to or received by a conciliation officer under this Act and no report of a conciliation officer shall be disclosed except to Secrecy of
information;
given con-
ciliation
officers;
not com-
pellable
witnesses

the Minister, the Deputy Minister of Labour or the chief conciliation officer of the Department of Labour, and the Minister, the Deputy Minister of Labour, the chief conciliation officer of the Department of Labour or any conciliation officer appointed under this Act is not a competent or compellable witness in any proceedings before any court or other tribunal respecting any such information, material or report.

Short title

27. This Act may be cited as *The Labour Relations Amendment Act, 1954*.







An Act to amend
The Labour Relations Act

1st Reading

March 18th, 1954

2nd Reading

3rd Reading

MR. DALEY

No. 110

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Labour Relations Act

MR. DALEY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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BILL

An Act to amend The Labour Relations 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 *c* of subsection 1 of section 1 of *The Labour Relations Act* is amended by striking out the word “representing” in the third line and inserting in lieu thereof the words “that, or a council of trade unions that, represents”, so that the clause shall read as follows: Rev. Stat., c. 194, s. 1, subs. 1, cl. c, amended

(c) “collective agreement” means an agreement in writing between an employer or an employers’ organization, on the one hand, and a trade union that, or a council of trade unions that, represents employees of the employer or employees of members of the employers’ organization, on the other hand, containing provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, the employers’ organization, the trade union or the employees.

(2) Subsection 1 of the said section 1 is amended by adding thereto the following clause: Rev. Stat., c. 194, s. 1, subs. 1, amended

(*dd*) “council of trade unions” includes an allied council, a trades council, a joint board and any other association of trade unions.

2.—(1) Subsection 1 of section 6 of *The Labour Relations Act* is amended by adding at the end thereof the words “and the Board may, before determining the unit, conduct a vote of any of the employees of the employer for the purpose of ascertaining the wishes of the employees as to the appropriateness of the unit”, so that the subsection shall read as follows: Rev. Stat., c. 194, s. 6, subs. 1, amended

(1) Upon an application for certification the Board shall determine the unit of employees that is appropriate for collective bargaining, but which in every case Board to determine appropriate-ness of units

shall consist of more than one employee, and the Board may, before determining the unit, conduct a vote of any of the employees of the employer for the purpose of ascertaining the wishes of the employees as to the appropriateness of the unit.

Rev. Stat.,
c. 194, s. 6,
subs. 2,
amended

(2) Subsection 2 of the said section 6 is amended by adding at the end thereof the words "and the Board may include in such unit persons who according to established trade union practice are commonly associated in their work and bargaining with such group", so that the subsection shall read as follows:

Craft units

(2) Any group of employees who exercise technical skills or who are members of a craft by reason of which they are distinguishable from the other employees and commonly bargain separately and apart from other employees through a trade union that according to established trade union practice pertains to such skills or craft shall be deemed by the Board to be a unit appropriate for collective bargaining if the application is made by a trade union pertaining to such skills or craft, and the Board may include in such unit persons who according to established trade union practice are commonly associated in their work and bargaining with such group.

Rev. Stat.,
c. 194, s. 8,
amended

3. Section 8 of *The Labour Relations Act* is amended by striking out the words "if it" in the fifth line and inserting in lieu thereof the words "and no employer or employers' organization shall be required to bargain with a trade union on behalf of any person employed as a guard if, in either case, the trade union", so that the section shall read as follows:

Security
guards

8. The Board shall not include in a bargaining unit with other employees any person employed as a guard to protect the property of his employer and no trade union shall be certified as bargaining agent for a bargaining unit of such guards and no employer or employers' organization shall be required to bargain with a trade union on behalf of any person employed as a guard if, in either case, the trade union admits to membership or is chartered by, or is affiliated, directly or indirectly, with an organization that admits to membership persons other than such guards.

Rev. Stat.,
c. 194, s. 11,
amended

4. Section 11 of *The Labour Relations Act* is amended by striking out the figures "20" in the first line and inserting in lieu thereof the word "fifteen", so that the section shall read as follows:

11. The parties shall meet within fifteen days from the giving of the notice or within such further period as the parties may agree upon and they shall bargain in good faith and make every reasonable effort to make a collective agreement.

Obligation
to bargain

5. Section 12 of *The Labour Relations Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 194, s. 12,
re-enacted

12. During bargaining, a trade union shall be represented by a bargaining committee,

Composition
of bargaining
committee

- (a) consisting of employees of the employer who are in the bargaining unit; or
- (b) in the case of bargaining between a trade union and an employers' organization, consisting of employees of one or more members of such organization who are in the bargaining unit; or
- (c) in the case of bargaining between a trade union and a group of employers bargaining jointly or through representatives of such employers, consisting of employees of one or more of the employers in such group who are in the bargaining unit; or
- (d) in the case of bargaining between a council of trade unions and an employer, an employers' organization, or a group of employers bargaining jointly, consisting of employees of the employer, or of one or more members of such organization or of one or more of the employers in such group, as the case may be, who are in the bargaining unit,

and in any case a bargaining committee may include one or more officers or other representatives of the trade union.

6.—(1) Subsection 1 of section 13 of *The Labour Relations Act* is amended by striking out the figures "50" in the first line and inserting in lieu thereof the word "thirty-five", so that the subsection shall read as follows:

Rev. Stat.,
c. 194, s. 13,
subs. 1,
amended

- (1) Where thirty-five days or more have elapsed from the giving of the notice and it appears that a collective agreement will not be made within a reasonable time, either party may file with the Board a request that conciliation services be made available to the parties,

Requests
for con-
ciliation
services

whereupon the Board shall grant the request, but before doing so it may postpone consideration of the request from time to time to a specified date and direct the parties to continue to bargain in the meantime.

Rev. Stat.,
c. 194, s. 13,
subs. 2,
amended

(2) Subsection 2 of the said section 13 is amended by striking out the word "fifty-day" in the fourth line and inserting in lieu thereof the word "thirty-five-day" so that the subsection shall read as follows:

Idem

(2) Upon the joint request of the parties, or upon the request of either of them, the Board, if it is satisfied that no progress in bargaining is being made, may grant the request for conciliation services notwithstanding that the thirty-five-day period mentioned in subsection 1 has not elapsed.

Rev. Stat.,
c. 194, s. 15,
re-enacted

7. Section 15 of *The Labour Relations Act* is repealed and the following substituted therefor:

Conciliation
board,
appointment
of members

15. If the conciliation officer is unable to effect a collective agreement within the time allowed under section 14,

(a) the Minister shall forthwith by notice in writing request each of the parties, within five days of the receipt of the notice, to recommend one person to be a member of a conciliation board, and upon the expiration of the five-day period he shall appoint two members, who, in his opinion, represent the points of view of the respective parties, and the two members so appointed may, within three days after they are appointed, jointly recommend a third person to be a member and chairman of the board, and upon the receipt of the recommendation or upon the expiration of the three-day period, he shall appoint a third person to be a member and chairman of the board; or

(b) the Minister shall forthwith by notice in writing inform each of the parties that he does not deem it advisable to appoint a conciliation board.

Rev. Stat.,
c. 194, s. 32,
amended

8.—(1) Section 32 of *The Labour Relations Act* is amended by adding thereto the following subsection:

(3a) Notwithstanding subsection 3, if there is failure to appoint an arbitrator or to constitute a board of arbitration under a collective agreement, the Minister upon the request of either party may appoint the arbitrator or make such appointments as are necessary to constitute the board of arbitration, as the case may be, and any person so appointed by the Minister shall be deemed to have been appointed in accordance with the collective agreement.

(2) Subsection 4 of the said section 32 is repealed and the following substituted therefor:

(4) The decision of an arbitrator or of an arbitration board is binding,

(a) upon the parties; and

(b) in the case of a collective agreement between a trade union and an employers' organization, upon the employers covered by the agreement who are affected by the decision; and

(c) in the case of a collective agreement between a council of trade unions and an employer or an employers' organization, upon the members or affiliates of the council and the employer or the employers covered by the agreement, as the case may be, who are affected by the decision; and

(d) upon the employees covered by the agreement who are affected by the decision,

and such parties, employers, trade unions and employees shall do or abstain from doing anything required of them by the decision.

9. Subsection 1 of section 33 of *The Labour Relations Act* is amended by inserting after the word "to" where it occurs in the second line of clause *a*, the first time in the second line of clause *b* and in the first line of clause *c*, respectively, the words "or is bound by", so that the subsection shall read as follows:

(1) Notwithstanding anything in this Act, the parties to a collective agreement may include in its provisions,

(a) for requiring, as a condition of employment, membership in the trade union that is a party to or is bound by the agreement or

granting a preference of employment to members of such trade union, or requiring the payment of dues or contributions to such trade union;

- (b) for permitting an employee who represents the trade union that is a party to or is bound by the agreement to attend to the business of the trade union during working hours without deduction of the time so occupied in the computation of the time worked for the employer and without deduction of wages in respect of the time so occupied;
- (c) for permitting the trade union that is a party to or is bound by the agreement to use the employers' premises for the purposes of the trade union without payment therefor.

Rev. Stat.,
c. 194, s. 36,
re-enacted

10. Section 36 of *The Labour Relations Act* is repealed and the following substituted therefor:

Binding
effect of
collective
agreements
on members
of employers'
organizations

36.—(1) A collective agreement between an employers' organization and a trade union shall, subject to and for the purposes of this Act, be binding upon each person who was a member of the employers' organization at the time the agreement was entered into and on whose behalf the employers' organization bargained with the trade union as if it was made between each of such persons and the trade union, and if any such person ceases to be a member of the employers' organization during the term of operation of the agreement, he shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union.

Duty to
disclose

(2) When an employers' organization commences to bargain with a trade union, it shall deliver to the trade union a list of the names of the employers on whose behalf it is bargaining and, in default of so doing, it shall be deemed to bargain for all members of the employers' organization for whose employees the trade union is entitled to bargain and to make a collective agreement at that time, except any employer who, either by himself or through the employers' organization, has notified the trade union in writing before the agreement was entered into that he will not be bound by a collective agreement between the employers' organization and the trade union.

(3) A collective agreement between a council of trade unions and an employer or an employers' organization shall, subject to and for the purposes of this Act, be binding upon each trade union that was a member of or affiliated with the council of trade unions at the time the agreement was entered into and on whose behalf the council of trade unions bargained with the employer or employers' organization as if it was made between each of such trade unions and the employer or employers' organization, and if any such trade union ceases to be a member of or affiliated with the council of trade unions during the term of operation of the agreement, it shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the employer or employers' organization, as the case may be.

Binding effect of collective agreements on members or affiliates of councils of trade unions

(4) Where a council of trade unions commences to bargain with an employer or an employers' organization, it shall deliver to the employer or employers' organization a list of the names of the trade unions on whose behalf it is bargaining and, in default of so doing, it shall be deemed to bargain for all members or affiliates of the council of trade unions for whose employees the respective trade unions are entitled to bargain and to make a collective agreement at that time with the employer or the employers' organization, except any trade union that, either by itself or through the council of trade unions, has notified the employer or employers' organization in writing before the agreement is entered into that it will not be bound by a collective agreement between the council of trade unions and the employer or employers' organization.

Duty to disclose

11.—(1) Subsection 3 of section 38 of *The Labour Relations Act* is amended by inserting after the word "union" in the second line the words "or council of trade unions", so that the subsection shall read as follows:

Rev. Stat., c. 194, s. 38, subs. 3, amended

(3) Where notice is given by or to an employers' organization that has a collective agreement with a trade union or council of trade unions, it shall be deemed to be a notice given by or to each member of the employers' organization who is bound by the agreement.

Effect of notice

(2) The said section 38 is amended by adding thereto the following subsection:

Rev. Stat., c. 194, s. 38, amended

Idem

- (4) Where notice is given by or to a council of trade unions that has a collective agreement with an employer or employers' organization, it shall be deemed to be a notice given by or to each member or affiliate of the council of trade unions that is bound by the agreement.

Rev. Stat.,
c. 194, s. 44,
re-enacted

12. Section 44 of *The Labour Relations Act* is repealed and the following substituted therefor:

Application
for termina-
tion after
conciliation
following
notice under
s. 10

44.—(1) Where a trade union has not made a collective agreement within one year after its certification and notice has been given under section 10 and the Board has granted a request for conciliation services, no application for a declaration that the trade union no longer represents the employees in the bargaining unit determined in the certificate shall be made,

(a) unless a conciliation board has been appointed and thirty days have elapsed after the conciliation board has reported to the Minister; or

(b) unless thirty days have elapsed after the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board.

Application
for certi-
fication or
termination
after
conciliation
services
granted

(2) Where notice has been given under section 38 and the Board has granted a request for conciliation services, no application for certification of a bargaining agent of any of the employees in the bargaining unit as defined in the collective agreement and no application for a declaration that the trade union that was a party to the collective agreement no longer represents the employees in the bargaining unit as defined in the agreement shall be made after the date when the agreement ceased to operate or the date when the request for conciliation services was granted, whichever is later,

(a) unless following the granting of the request a collective agreement has been made between the parties and it has operated for at least ten months; or

(b) where no such agreement has been made, unless

(i) at least twelve months have elapsed from the date of the granting of the request, or

- (ii) a conciliation board has been appointed and thirty days have elapsed after the conciliation board has reported to the Minister, or
- (iii) thirty days have elapsed after the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board,

whichever is later.

13. *The Labour Relations Act* is amended by adding thereto the following section: Rev. Stat.,
c. 194,
amended

47a.—(1) No employer, employers' organization or person acting on behalf of an employer or an employers' organization shall, so long as a trade union continues to be entitled to represent the employees in a bargaining unit, bargain with or enter into a collective agreement with any person or another trade union or a council of trade unions on behalf of or purporting, designed or intended to be binding upon the employees in the bargaining unit or any of them. Employers
not to
interfere
with bar-
gaining
rights

(2) No trade union, council of trade unions or person acting on behalf of a trade union or council of trade unions shall, so long as another trade union continues to be entitled to represent the employees in a bargaining unit, bargain with or enter into a collective agreement with an employer or an employers' organization on behalf of or purporting, designed or intended to be binding upon the employers in the bargaining unit or any of them. Trade unions
not to
interfere
with bargain-
ing rights

14. Subsection 2 of section 49 of *The Labour Relations Act* is amended by adding at the end thereof the words "or the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board", so that the subsection shall read as follows: Rev. Stat.,
c. 194, s. 49,
subs. 2,
amended

(2) Where no collective agreement is in operation, no employee shall strike and no employer shall lock out an employee until a trade union has become entitled to give and has given notice under section 10 or has given notice under section 38 on behalf of the employee to his employer, or in the case of a notice under section 38, has received such notice, and conciliation services have been granted and seven days have elapsed after the conciliation board no agree-
ment

has reported to the Minister or the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board.

Rev. Stat.,
c. 194, s. 50,
amended

15. Section 50 of *The Labour Relations Act* is amended by inserting after the word "union" where it occurs in the first and second lines, respectively, the words "or council of trade unions", so that the section shall read as follows:

Unlawful
strikes

50. No trade union or council of trade unions shall call or authorize, and no officer, official or agent of a trade union or council of trade unions shall counsel, procure, support or encourage an unlawful strike.

Rev. Stat.,
c. 194, s. 53,
re-enacted

16. Section 53 of *The Labour Relations Act* is repealed and the following substituted therefor:

Working
conditions
may not be
altered

53. Where notice has been given under section 10 or section 38 and no collective agreement is in operation, no employer shall, except with the consent of the trade union, alter the rates of wages or any other term or condition of employment or any right, privilege or duty of the employer, the trade union or the employees, and no trade union shall, except with the consent of the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the trade union or the employees,

(a) until conciliation services have been granted and seven days have elapsed after the conciliation board has reported to the Minister or the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board; or

(b) until the right of the trade union to represent the employees has been terminated,

whichever occurs first.

Rev. Stat.,
c. 194, s. 55,
amended

17. Section 55 of *The Labour Relations Act* is amended by inserting after the word "union" in the first line the words "council of trade unions", so that the section shall read as follows:

Direction
to file con-
stitution, etc.

55. The Board may direct any trade union, council of trade unions or employers' organization to file with the Board within the time prescribed in the direction a copy of its constitution and by-laws and a statutory declaration of its president or secretary setting forth the names and addresses of its officers.

18. Section 59 of *The Labour Relations Act* is amended by Rev. Stat.,
striking out the words "calls or authorizes a strike" in the first c. 194, s. 59,
amended line and inserting in lieu thereof the words "or a council of
trade unions calls or authorizes a strike or employees engage
in a strike", so that the section shall read as follows:

59. Where a trade union or a council of trade unions Declaration
of unlawful
strikes
calls or authorizes a strike or employees engage in a
strike which the employer or employers' organization
concerned alleges is unlawful, the employer or
employers' organization may apply to the Board for
a declaration that the strike is unlawful and the
Board may make such a declaration.

19. Section 60 of *The Labour Relations Act* is amended by Rev. Stat.,
inserting after the word "union" where it occurs in the third c. 194, s. 60,
amended and fourth lines, respectively, the words "or the council of
trade unions", so that the section shall read as follows:

60. Where an employer or employers' organization calls Declaration
of unlawful
lock-outs
or authorizes a lock-out which any of the employees
or the trade union or the council of trade unions
concerned alleges is unlawful, any of the employees
or the trade union or the council of trade unions
may apply to the Board for a declaration that the
lock-out is unlawful and the Board may make such
a declaration.

20. Subsections 1 and 2 of section 61 of *The Labour* Rev. Stat.,
c. 194, s. 61,
subss. 1, 2,
re-enacted
Relations Act are repealed and the following substituted
therefor:

(1) Every person, trade union, council of trade Offences and
penalties
unions or employers' organization that fails to
comply with any provision of this Act or of any
decision, order, direction, declaration or ruling made
under this Act is guilty of an offence and on summary
conviction is liable,

(a) if an individual, to a penalty of not more than
\$100; or

(b) if a corporation, trade union, council of trade
unions or employers' organization, to a
penalty of not more than \$1,000.

(2) Each day that any person, trade union, council of Continued
offences
trade unions or employers' organization fails to
comply with any provision of this Act or of any
decision, order, direction, declaration or ruling made
under this Act shall be deemed to constitute a sepa-
rate offence.

Rev. Stat.,
c. 194, s. 63,
amended

21. Section 63 of *The Labour Relations Act* is amended by inserting after the word "union" in the first line the words "council of trade unions", so that the section shall read as follows:

Parties to
offences

63. If a corporation, trade union, council of trade unions or employers' organization is guilty of an offence under this Act, every officer, official or agent thereof who assented to the commission of the offence shall be deemed to be a party to and guilty of the offence.

Rev. Stat.,
c. 194, s. 64,
re-enacted

22. Section 64 of *The Labour Relations Act* is repealed and the following substituted therefor:

Style of
prosecution

64. A prosecution for an offence under this Act may be instituted against a trade union or council of trade unions or employers' organization in the name of the union, council or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or council of trade unions or employers' organization within the scope of his authority to act on behalf of the union, council or organization shall be deemed to be an act or thing done or omitted by the union, council or organization.

Rev. Stat.,
c. 194, s. 66,
subs. 4,
amended

23. Subsection 4 of section 66 of *The Labour Relations Act* is amended by adding at the end thereof the words "and when the vice-chairman acts as chairman of the Board it shall be presumed conclusively that he is acting in accordance with this subsection", so that the subsection shall read as follows:

Vice-
chairman

(4) The Lieutenant-Governor in Council may appoint a vice-chairman who shall act as chairman and as a member of the Board only,

(a) at such times or in such matters as the chairman may direct; and

(b) at such times as the chairman is unable to act,

and when the vice-chairman acts as chairman of the Board it shall be presumed conclusively that he is acting in accordance with this subsection.

Rev. Stat.,
c. 194, s. 67,
subs. 2, cl. h,
amended

24.—(1) Clause *h* of subsection 2 of section 67 of *The Labour Relations Act* is amended by inserting after the word "employees" in the third line the words "or any of the employees affected by an unsuccessful application for certification or any trade union representing any of the employees affected by such an application", so that the clause shall read as follows:

- (h) to bar an unsuccessful applicant for certification or for a declaration that a trade union no longer represents the employees or any of the employees affected by an unsuccessful application for certification or any trade union representing any of the employees affected by such an application from filing a new application for any period that the Board may specify not exceeding ten months.

(2) Subsection 2 of the said section 67 is amended by adding thereto the following clause: Rev. Stat.,
c. 194, s. 67,
subs. 2,
amended

- (i) to determine the form in which evidence of membership in a trade union or of objection by employees to certification of a trade union or of the signification by employees that they no longer wish to be represented by a trade union shall be presented to the Board.

25.—(1) Clause *b* of subsection 1 of section 68 of *The Labour Relations Act* is amended by inserting after the word “union” in the first line the words “council of trade unions”, so that the clause shall read as follows: Rev. Stat.,
c. 194, s. 68,
subs. 1, cl. b,
amended

- (b) as to whether an organization is a trade union, council of trade unions or an employers’ organization.

(2) Subsection 2 of the said section 68 is amended by inserting after the word “employee” in the third line the words “or as to whether a person is a guard”, so that the subsection shall read as follows: Rev. Stat.,
c. 194, s. 68,
subs. 2,
amended

- (2) If in the course of bargaining for a collective agreement, or if during the period of operation of a collective agreement, any question arises as to whether a person is an employee or as to whether a person is a guard, the question may be referred to the Board and the decision of the Board thereon shall be final and conclusive for all purposes. Idem

26. Subsection 2 of section 72 of *The Labour Relations Act* is amended by striking out the words “no conciliation officer shall be” in the fifth line and inserting in lieu thereof the words “the Minister, the Deputy Minister of Labour, the chief conciliation officer of the Department of Labour or any conciliation officer appointed under this Act is not”, so that the subsection shall read as follows: Rev. Stat.,
c. 194, s. 72,
subs. 2,
amended

- (2) No information or material furnished to or received by a conciliation officer under this Act and no report of a conciliation officer shall be disclosed except to Secrecy of
information
given con-
ciliation
officers;
not com-
pellable
witnesses

the Minister, the Deputy Minister of Labour or the chief conciliation officer of the Department of Labour, and the Minister, the Deputy Minister of Labour, the chief conciliation officer of the Department of Labour or any conciliation officer appointed under this Act is not a competent or compellable witness in any proceedings before any court or other tribunal respecting any such information, material or report.

Short title

27. This Act may be cited as *The Labour Relations Amendment Act, 1954*.







An Act to amend
The Labour Relations Act

1st Reading

March 18th, 1954

2nd Reading

March 25th, 1954

3rd Reading

April 1st, 1954

MR. DALEY

No. 111

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Public Parks Act

MR. DUNBAR

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

EXPLANATORY NOTES

SECTION 1. Authority is provided for a board of park management to prescribe fees for the use of facilities provided in any park and, with the approval of the council of the municipality, to prescribe fees for entrance to any park.

SECTION 2. Under section 4 of the Act, the board of park management is composed of the head of the council of the municipality and six residents or ratepayers of the municipalities who must not be members of the council. A new section 4*a* is added to authorize the council to provide that the board shall be composed of not less than three and not more than seven resident ratepayers, and where the board is composed of five or more persons, at least two shall be members of the council.

BILL

An Act to amend The Public Parks 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 Public Parks Act* is amended by adding thereto the following subsections:
 - (2) The board of park management may pass by-laws for prescribing fees to be payable for the use of any facilities provided in any park. Rev. Stat., c. 314, s. 2, amended
Fees, for use of facilities;
 - (3) The board of park management, with the approval of the council of the municipality, may pass by-laws for prescribing fees to be payable for entrance to any park. for entrance
2. *The Public Parks Act* is amended by adding thereto the following section:
 - 4a.—(1) Notwithstanding sections 4 and 5, the council of the municipality may by by-law provide that the board shall be composed of such number of resident ratepayers, not less than three and not more than seven, as the by-law provides, but where the board is to be composed of five or more persons at least two shall be members of the council. Rev. Stat., c. 314, amended
Alternative composition of board
 - (2) The members of the board shall be appointed annually by the council. Appoint-ments
 - (3) A majority of the members of the board shall be a quorum. Quorum
 - (4) Subsections 2, 4 to 12 and 14 of section 5 shall apply *mutatis mutandis* when the board is composed as provided in this section. Application of s. 5, subss. 2, 4-12, 14
3. This Act comes into force on the day it receives Royal Assent. Commence-ment
4. This Act may be cited as *The Public Parks Amendment Act, 1954*. Short title

An Act to amend The Public Parks Act

1st Reading

March 18th, 1954

2nd Reading

3rd Reading

MR. DUNBAR

No. 111

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Public Parks Act

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No. 111

1954

BILL

An Act to amend The Public Parks 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 Public Parks Act* is amended by adding thereto the following subsections: Rev. Stat., c. 314, s. 2, amended

- (2) The board of park management may pass by-laws for prescribing fees to be payable for the use of any facilities provided in any park. Fees, for use of facilities;
- (3) The board of park management, with the approval of the council of the municipality, may pass by-laws for prescribing fees to be payable for entrance to any park. for entrance

2. *The Public Parks Act* is amended by adding thereto the following section: Rev. Stat., c. 314, amended

4a.—(1) Notwithstanding sections 4 and 5, the council of the municipality may by by-law provide that the board shall be composed of such number of resident ratepayers, not less than three and not more than seven, as the by-law provides, but where the board is to be composed of five or more persons at least two shall be members of the council. Alternative composition of board

- (2) The members of the board shall be appointed annually by the council. Appoint-ments
- (3) A majority of the members of the board shall be a quorum. Quorum
- (4) Subsections 2, 4 to 12 and 14 of section 5 shall apply *mutatis mutandis* when the board is composed as provided in this section. Application of s. 5, subss. 2, 4-12, 14

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

4. This Act may be cited as *The Public Parks Amendment Act, 1954*. Short title

An Act to amend The Public Parks Act

1st Reading

March 18th, 1954

2nd Reading

March 24th, 1954

3rd Reading

March 31st, 1954

MR. DUNBAR

No. 112

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

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

EXPLANATORY NOTES

SECTION 1—Subsection 1. Subsection 2 of section 53 states what the composition of the council of a township in a territorial district shall be. Under the revision of Part 1 (see Bill No. 56) provision is made for the first time for the incorporation of villages in territorial districts. Subsection 2 of section 53 is therefore repealed and a new section 53*a* is added by section 2 of this Bill establishing the composition of the council of a village and a township in a territorial district.

Subsection 2. Subsection 7*a* of section 53 of the Act provides that a by-law establishing a village or township council of a reeve and deputy reeve and a councillor for each ward need not be submitted to the electors if a by-law for the division of the municipality into wards has received the assent of the electors. The subsection is amended so that it applies also where a question as to the division of the municipality into wards has received the assent of the electors.

SECTION 2. See explanatory note to section 1, subsection 1.

SECTION 3—Subsection 1. Under clause *f* of subsection 1 of section 56 a trustee of a police village is disqualified from being a member of a municipal council. The clause is amended so that he is disqualified only if he has not filed his resignation with the township clerk before the opening of the nomination meeting.

Subsection 2. Under clause *u* of subsection 1 of section 56 a tenant who at the time of the nomination owes more than three months rent upon the property in respect of which he qualifies is disqualified from being a member of a municipal council. The clause is amended so that the disqualification is effective if he owes such rent at the time of the opening of the nomination meeting.

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.—(1) Subsection 2 of section 53 of *The Municipal Act* Rev. Stat., c. 243, s. 53, subs. 2, repealed is repealed.

(2) Subsection 7a of the said section 53, as enacted by section 2 of *The Municipal Amendment Act, 1953*, is amended Rev. Stat., c. 243, s. 53, subs. 7a (1953, c. 70, s. 2), amended by inserting after the word "by-law" in the fourth line the words "or a question", so that the subsection shall read as follows:

(7a) Notwithstanding subsection 7, a by-law for the purpose mentioned in subsection 5 may be passed without the assent of the municipal electors if a by-law or a question for the division of the municipality into wards has received the assent of the municipal electors. Where assent unnecessary

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

53a. In unorganized territory, the council of a village and the council of a township shall consist of a reeve and four councillors. Village and township in unorganized territory

3.—(1) Clause *f* of subsection 1 of section 56 of *The Municipal Act* is amended by adding at the end thereof the words "unless he has before the opening of the nomination meeting filed his resignation with the township clerk", so that the clause shall read as follows: Rev. Stat., c. 243, s. 56, subs. 1, cl. f, amended

(*f*) a trustee of a police village unless he has before the opening of the nomination meeting filed his resignation with the township clerk.

(2) Clause *u* of subsection 1 of the said section 56 is amended by striking out the word "nomination" in the first line and inserting in lieu thereof the words "opening of the nomination meeting", so that the clause shall read as follows: Rev. Stat., c. 243, s. 56, subs. 1, cl. u, amended

- (u) a tenant who at the time of the opening of the nomination meeting owes more than three months rent upon the property in respect of which he qualifies.

Rev. Stat.,
c. 243, s. 58,
subs. 1,
amended

4.—(1) Subsection 1 of section 58 of *The Municipal Act* is amended by striking out the words "*The Voters' Lists Act*" in the second and third lines and inserting in lieu thereof the words "*The Voters' Lists Act, 1951*", so that the subsection, exclusive of the clauses, shall read as follows:

Qualification
to be entered
on voters'
list
1951, c. 93

- (1) Every person shall be entitled to be entered on the voters' list prepared under Part I or II of *The Voters' Lists Act, 1951*, who is,

.

Rev. Stat.,
c. 243, s. 58,
subs. 5,
amended

(2) Subsection 5 of the said section 58 is amended by striking out the words "*The Voters' Lists Act*" in the eleventh and twelfth lines and inserting in lieu thereof the words "*The Voters' Lists Act, 1951*", so that the subsection shall read as follows:

Farmers'
sons,
daughters
and sisters
Rev. Stat.,
c. 24

- (5) A person not entitled under *The Assessment Act* to be entered on the last revised assessment roll as a farmer's son, or farmer's daughter, or a farmer's sister, by reason of not having resided on the farm as therein required, shall be entitled to be entered on the voters' list if he or she has the other qualifications of a farmer's son, or a farmer's daughter, or a farmer's sister as prescribed by that Act and has resided on the farm of his or her father or mother or brother for the 12 months next preceding the date of the final revision of the assessment roll or for the 12 months next preceding the last day for making complaint to the judge under *The Voters' Lists Act, 1951*, and where under the provisions hereof a farmer's son is entered on the list his wife, if otherwise qualified, shall also be entered thereon.

1951, c. 93

Rev. Stat.,
c. 243, s. 60,
amended

5. Section 60 of *The Municipal Act* is amended by inserting after the word "list" in the fifth line the words "or from the tenant not residing in the municipality at the date of and for one month next before the election in the case of a voter who is the husband or wife of the tenant", so that the section shall read as follows:

Qualifica-
tions not to
be ques-
tioned at
election
except as to
non-
residence

- 60. Except as to the disqualification arising from not residing in the municipality at the time of the election in the case of a farmer's son, or farmer's daughter,

SECTION 4. Complementary to the revision of *The Voters' Lists Act* in 1951.

SECTION 5. Under section 59 of *The Municipal Act* the husband or wife of a tenant is not entitled to vote unless the tenant resides in the municipality at the time of the election and has resided therein for the immediately preceding month. The amendment to section 60 makes it clear that the question of such a person's residence qualification can be raised at the election.

SECTION 6. Section 61 of *The Municipal Act* provides that "the husband or wife of a tenant who is disqualified from voting under sections 59 and 60 shall also be disqualified from voting". Formerly sections 59 and 60 disqualified a tenant from voting if he did not reside in the municipality at the time of and for one month before the election. However, some years ago the sections were amended so as to disqualify not the tenant but the husband or wife of the tenant. Therefore, section 61 is now an unnecessary duplication of the disqualification and is repealed.

SECTION 7. Complementary to the revision of *The Voters' Lists Act* in 1951.

SECTION 8. This amendment removes a reference to first, second and third deputy reeves, offices which are no longer provided for in *The Municipal Act*.

SECTION 9. Under subsection 15 of section 111a, which is the authority for advance polls at municipal elections, the returning officer is required to note upon the voters' list supplied to each deputy returning officer the fact that certain voters have voted at the advance poll. Since in some instances the deputy returning officers pick up their voters' lists before they could be corrected in this way, the subsection is amended to provide that the returning officer may instead give a certificate to each deputy returning officer listing the names of the voters of his subdivision who have voted at the advance poll.

or farmer's sister voter, or from the non-payment of taxes in the case of a voter whose name appears on the defaulters' list, or from the tenant not residing in the municipality at the date of and for one month next before the election in the case of a voter who is the husband or wife of the tenant, no question as to the qualifications of any person whose name is entered on the proper list of voters shall be raised at an election.

6. Section 61 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 61,
repealed

7. Section 100 of *The Municipal Act* is amended by striking out the words "the first and second parts of the last voters' list certified under *The Voters' Lists Act*" in the second and third lines and inserting in lieu thereof the words "the last municipal voters' list certified under *The Voters' Lists Act, 1951*", so that the section shall read as follows:

Rev. Stat.,
c. 243, s. 100,
amended

100. The proper list of voters to be used at an election shall be the last municipal voters' list certified under *The Voters' Lists Act, 1951*, with the supplementary list, if any, under section 102 or the list provided for by section 103.

Proper
voters' list
to be used
at an
election
1951, c. 93

8. Clause *a* of subsection 1 of section 108 of *The Municipal Act* is amended by striking out the word "first" in the first line and the words "second deputy reeve, third deputy reeve" in the second line, so that the clause shall read as follows:

Rev. Stat.,
c. 243, s. 108,
subs. 1,
cl. a,
amended

(a) once only for mayor, controller, reeve, deputy reeve.

9. Subsection 15 of section 111*a* of *The Municipal Act*, as enacted by section 8 of *The Municipal Amendment Act, 1952*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 243,
s. 111^a
(1952,
c. 63, s. 8),
subs. 15,
re-enacted

- (15) Upon receiving from the deputy returning officer the list mentioned in subsection 14, the returning officer shall,
- (a) 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; or
- (b) make a certificate (Form 10*a*) for each polling subdivision, showing the name and address of each voter listed on the voters' list for such polling subdivision who has voted at an advance poll, and shall furnish such certificate

Noting
deputy
returning
officers'
lists or
certificate
as to voters

before the opening of the poll on voting day to the deputy returning officer of the polling subdivision and the deputy returning officer shall before opening the poll make an entry in the voters' list supplied to him, opposite the name of each voter whose name appears on the certificate, showing that such voter has polled his vote.

Rev. Stat.,
c. 243, s. 234,
amended

10. Section 234 of *The Municipal Act* is amended by adding thereto the following subsection:

Index of
restricted
area by-laws,
etc.

(1a) The clerk shall keep an index book in which he shall enter the number and date of,

Rev. Stat.,
c. 243

(a) every subsisting by-law heretofore passed under section 390 of *The Municipal Act* or a predecessor of that section;

(b) every by-law hereafter passed under section 390 of *The Municipal Act*;

(c) every other subsisting by-law, and every other by-law hereafter passed, that affects land but does not directly affect the title to land.

Rev. Stat.,
c. 243, s. 263,
subs. 4,
amended

11.—(1) Subsection 4 of section 263 of *The Municipal Act* is amended by striking out the words "*The Theatres and Cinematographs Act*" in the first line and inserting in lieu thereof the words "*The Theatres Act, 1953*", so that the subsection shall read as follows:

Discretion
as to
granting or
refusing a
licence
1953, c. 104

(4) Subject to *The Theatres Act, 1953*, the granting or refusing of a licence to any person to carry on a particular trade, calling, business or occupation, or of revoking a licence under any of the powers conferred upon a council or a board of commissioners of police by this or any other Act, shall be in its discretion, and it shall not be bound to give any reason for refusing or revoking a licence and its action shall not be open to question or review by any court.

Rev. Stat.,
c. 243, s. 263,
subss. 7, 8,
re-enacted

(2) Subsections 7 and 8 of the said section 263 are repealed and the following substituted therefor:

Suspension
of licences

(7) Where, under this or any other Act, a board of commissioners of police is authorized to pass by-laws for licensing any trade, calling, business or occupation or the person carrying on or engaged in

SECTION 10. This amendment will require the clerk of each municipality to keep a separate index book with respect to all zoning by-laws and other by-laws affecting land that do not directly affect the title to land.

SECTION 11—Subsection 1. *The Theatres and Cinematographs Act* was replaced by *The Theatres Act, 1953* which has now been proclaimed in force. This amendment brings the reference up to date.

Subsection 2. Subsections 7 and 8 of section 263 of *The Municipal Act* provide for an appeal to a Supreme Court judge from any decision of a board of commissioners of police in refusing or revoking a licence. These provisions are repealed by this amendment so that there will be no appeal in such cases in future.

The new subsections 7 and 8 as re-enacted by this amendment authorize boards of commissioners of police, in licensing by-laws, to authorize the chief constable to suspend licences.

SECTION 12. Complementary to the revision of *The Voters' Lists Act* in 1951.

SECTION 13. Complementary to the revision of *The Voters' Lists Act* in 1951.

SECTION 14. Section 298 is amended so as to authorize debentures to be dated prior to the date of the debenture by-law in certain circumstances.

it, and for revoking such licences, the board may by by-law authorize the chief constable of the municipality to suspend any such licence for such time and subject to such terms and conditions as the by-law may provide.

- (8) No suspension of a licence by a chief constable shall ^{Idem} be effective after the expiration of two weeks from the date of suspension or after the time of the next meeting of the board after the suspension, whichever occurs first.

12. Subsection 1 of section 277 of *The Municipal Act* is ^{Rev. Stat., c. 243, s. 277, subs. 1, amended} amended by striking out the words "*The Voters' Lists Act*", in the seventh line and inserting in lieu thereof the words "*The Voters' Lists Act, 1951*", so that the subsection shall read as follows:

- (1) Where the proposed by-law is a money by-law or one ^{Preparation of list of voters} on which all the municipal electors are not entitled to vote, the clerk, after the passing of the by-law for taking the vote, and not later than the tenth day before the day appointed for taking the vote, shall prepare a list of the persons entitled to vote on the proposed by-law and, subject to section 278 and to section 25 of *The Voters' Lists Act, 1951*, the ^{1951, c. 93} list so prepared shall be final and conclusive as to the right of every person named therein to vote, and that no person not named therein is entitled to vote.

13. Subsection 3 of section 278 of *The Municipal Act* is ^{Rev. Stat., c. 243, s. 278, subs. 3, amended} amended by striking out the words "*The Voters' Lists Act*" in the second and third lines and inserting in lieu thereof the words "*The Voters' Lists Act, 1951*", so that the subsection shall read as follows:

- (3) The proceedings shall be the same, as nearly as may ^{Proceedings} be, as prescribed by subsection 2 of section 23 of *The Voters' Lists Act, 1951*. 1951, c. 93

14. Subsection 8 of section 298 of *The Municipal Act* is ^{Rev. Stat., c. 243, s. 298, subs. 8, amended} amended by adding at the end thereof the words "and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year", so that the subsection shall read as follows:

- (8) Notwithstanding the provisions of the by-law, the ^{Idem} debentures may bear date at any time within the period of two years or five years, as the case may be,

mentioned in subsection 6 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Rev. Stat.,
c. 243,
amended

15. *The Municipal Act* is amended by adding thereto the following section:

Consolidat-
ing
debenture
by-laws

298a.—(1) Notwithstanding this or any other Act, where separate debenture by-laws have been passed authorizing the borrowing of sums for two or more purposes, instead of borrowing the separate sums thereby authorized to be borrowed and issuing debentures therefor, the council may by by-law, hereinafter called a consolidating by-law, provide for borrowing the aggregate of such sums and for issuing one series of debentures therefor.

Recitals

(2) The consolidating by-law shall clearly specify, by recital or otherwise, in respect of what separate by-laws it is passed.

Rates need
not be
imposed by
consolidat-
ing by-law

(3) It shall not be necessary that the consolidating by-law shall impose any rate to provide for the payment of debentures issued under it or the interest thereon, but the rates imposed by the separate by-laws shall be levied, collected and applied for that purpose.

Consolidat-
ing by-law
may
authorize
debentures
of different
terms of
years

(4) A consolidating by-law passed under this section may authorize the issue of debentures in one series notwithstanding that some of the debentures may be for different terms of years from the other debentures to be issued thereunder, provided that the sum to be raised in each year under the consolidating by-law shall equal the aggregate of the sums which would have been raised under the separate by-laws had no consolidating by-law been passed.

Reference
to separate
by-laws not
required in
debentures

(5) Debentures issued pursuant to a consolidating by-law passed under this section need not refer to the separate by-laws in respect of which the consolidating by-law is passed.

Rev. Stat.,
c. 243, s. 300,
subs. 3,
cl. i,
amended

16. Clause *i* of subsection 3 of section 300 of *The Municipal Act* is amended by striking out the words "section 48 of *The High Schools Act*, or subsection 2 of section 3 of *The Continuation Schools Act*" in the third and fourth lines and inserting in lieu thereof the words "subsection 1 of section 7 or section 29 of *The Secondary Schools and Boards of Education Act, 1954*", so that the clause shall read as follows:

SECTION 15. Under subsection 12 of section 298 of *The Municipal Act* it is possible to borrow for two or more purposes in one debenture by-law. Under the new section 298a it will be possible to issue debentures under one consolidating by-law to provide the moneys required to be raised under any number of separate debenture by-laws. This authority already exists in section 50 of *The Local Improvement Act* in respect of local improvements and by this amendment the authority is extended to all municipal undertakings.

SECTION 16. Complementary to the revision of *The High Schools Act* and *The Continuation Schools Act* as parts of *The Secondary Schools and Boards of Education Act, 1954*. (See Bill No. 63.)

SECTION 17. This amendment is required to clarify the meaning of the subsection but does not change the principle in any way.

SECTION 18. This amendment makes it clear that a municipality has the right to repair its buildings and make additions to or alterations of its buildings.

SECTION 19—Subsection 1. The power presently given by section 411 (which is repealed by section 26 of this Bill) to regulate and govern dry cleaners is extended to give the power to all municipalities.

- (i) for borrowing money for any of the purposes mentioned in section 56 or 58 of *The Public Schools Act*,^{Rev. Stat., c. 316} or subsection 1 of section 7 or section 29 of *The Secondary Schools and Boards of Education Act, 1954*;^{1954, c...}
or

17. Subsection 2 of section 311 of *The Municipal Act* is^{Rev. Stat., c. 243, s. 311,} amended by inserting after the word "and" where it occurs^{subs. 2,} the second time in the fifth line the word "for", so that the^{amended} subsection shall read as follows:

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

18. Subsection 1 of section 345 of *The Municipal Act* is^{Rev. Stat., c. 243, s. 345,} amended by striking out the words "buildings thereon" in^{subs. 1,} the third and fourth lines and inserting in lieu thereof the^{amended} words "and repairing buildings thereon, and for making additions to or alterations of such buildings", so that the subsection shall read as follows:

- (1) The council of every corporation may pass by-laws^{Power to acquire or expropriate land} for acquiring or expropriating any land required for the purposes of the corporation, and for erecting and repairing buildings thereon, and for making additions to or alterations of such buildings, and may sell or otherwise dispose of the same when no longer so required.

19.—(1) Section 386 of *The Municipal Act* is amended by^{Rev. Stat., c. 243, s. 386,} adding thereto the following paragraph:^{amended}

- 19a. For regulating and governing the business of dry^{Licensing, etc., dry} cleaning, dry dyeing, cleaning and pressing and^{cleaners, etc.} spotting or stain removing; for licensing any person using any land in the municipality for the purposes of any such business including land used for the purpose of receiving articles or goods to be subjected to any such process and for the distribution of articles or goods which have been subjected to any such process; for authorizing the architect or other person named in the by-law to allow such variation from the standard requirements in the case of any

existing business as he may approve; for establishing a maximum and minimum tariff of charges to be made by any person engaging in any such business and for revoking any such licence.

Application
of by-law

- (a) Where the council of a town, village or township has passed a by-law under this section the by-law of the county shall not be in force in the town, village or township while the by-law of the town, village or township remains in force.

Rev. Stat.,
c. 243, s. 386,
par. 24,
amended

(2) Paragraph 24 of the said section 386 is amended by striking out the words "*The Department of Education Act*" in the third line and inserting in lieu thereof the words "*The Department of Education Act, 1954*", so that the paragraph shall read as follows:

Community
programmes

1954, c...

24. For carrying on any community or joint community programme of recreation within the meaning of the regulations under *The Department of Education Act, 1954*, and for expending money or for granting money in aid for such purposes.

Rev. Stat.,
c. 243, s. 386,
par. 48
(1953, c. 70,
s. 10,
subs. 4),
cl. i,
amended

(3) Clause *i* of paragraph 48 of the said section 386, as re-enacted by subsection 4 of section 10 of *The Municipal Amendment Act, 1953*, is amended by striking out the words "the council shall" in the tenth line and inserting in lieu thereof the words "and a pension plan has been provided for him with an insurer licensed under *The Insurance Act*, the council shall, on the written request of the employee", so that the clause shall read as follows:

Transfer of
pension
money

- (i) Where an employee, on or after the 1st day of March, 1948, has become or becomes a member of,
- (i) the civil service of Ontario or Canada,
 - (ii) the civic service of any other municipality or local board, or
 - (iii) the staff of any board, commission or public institution established under any Act of the Legislature,

Rev. Stat.,
c. 183

and a pension plan has been provided for him with an insurer licensed under *The Insurance Act*, the council shall, on the written request of the employee, by by-law authorize the transfer of and shall transfer a sum equal to the credit of the employee in its pension plan heretofore or hereafter established

Subsection 2. Complementary to the revision of *The Department of Education Act, 1954*. (See Bill No. 33.)

Subsection 3. Clause *i* of paragraph 48 of section 386 now makes it mandatory that an employee's credit in a municipal pension plan be transferred where he transfers to other civic or civil service. This is not possible with the Federal Government annuities, so the clause is made to apply only to plans with insurers and the transfer is made optional with the employee.

Subsection 4. Clause *k* of paragraph 48 provides that a pension plan may not permit cash withdrawals except if his credits will not purchase an annuity of \$50. The minimum annuity that may be purchased with the Federal Government is \$120, and the clause is amended accordingly. In addition the cash payment in some plans will not permit a withdrawal of both the contributions and interest, so the requirement that interest be paid is removed.

Subsection 5. This is a technical amendment only.

Subsection 6. All municipalities are authorized to provide by contract, and to contribute toward the cost of, various types of insurance and hospital, medical, etc., services.

under this or any other general or special Act, including the payments and deductions in accordance with clauses *c* and *e* together with interest thereon, to any like fund or plan maintained to provide superannuation benefits or pensions for the members of such civil or civic service or staff, as the case may be, where such fund or plan allows such transfers thereto.

(4) Clause *k* of paragraph 48 of the said section 386 is amended by striking out the symbol and figures "\$50" in the fifth line and inserting in lieu thereof the symbol and figures "\$120" and by striking out the words "the sum equal to his contributions together with interest thereon" in the seventh, eighth and ninth lines and inserting in lieu thereof the words "a sum not less than his contributions", so that the clause shall read as follows:

Rev. Stat.,
c. 243, s. 386,
par. 48
(1953, c. 70,
s. 10,
subs. 4),
cl. *k*,
amended

(*k*) No pension plan provided in accordance with this paragraph shall permit any cash withdrawal except where the moneys standing to the credit of an employee will produce an annuity of less than \$120 at normal retirement date, and the plan shall provide that in that case the employee shall be paid a sum not less than his contributions upon leaving the service of the municipality or local board.

Cash with-
drawals

(5) Clause *l* of paragraph 48 of the said section 386 is amended by striking out the word "clause" in the first line and inserting in lieu thereof the words and letter "clauses *i* and", so that the clause shall read as follows:

Rev. Stat.,
c. 243, s. 386,
par. 48
(1953, c. 70,
s. 10,
subs. 4),
cl. *l*,
amended

(*l*) Subject to clauses *i* and *k*, a pension plan shall provide that where an employee leaves the service of a municipality or local board before reaching normal retirement age he shall receive a paid-up policy providing for such annuity, commencing on retirement date and payable in monthly instalments, as the funds standing to his credit, together with interest thereon, will then purchase.

Leaving
service
before
retirement
age

(6) The said section 386 is amended by adding thereto the following paragraph:

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

49a. For providing, by contract either with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act*,

Insurance
hospitaliza-
tion, etc.

Rev. Stat.,
cc. 183, 285

(i) group life insurance for employees or any class thereof,

- (ii) group accident insurance or group sickness insurance for employees or any class thereof and their wives and children, and
- (iii) hospital, medical, surgical, nursing or dental services or payment therefor for employees or any class thereof and their wives and children,

and for contributing toward the cost thereof.

- (a) No by-law under this paragraph shall authorize contributions by the municipality in excess of the total of those made by the employees.
- (b) "Employee" in this paragraph means an employee as defined in paragraph 48.

Rev. Stat.,
c. 243, s. 386,
par. 52, cl. e
(1951, c. 53,
s. 15,
subs. 2),
amended

(7) Clause *e* of paragraph 52 of the said section 386, as enacted by subsection 2 of section 15 of *The Municipal Amendment Act, 1951*, is amended by striking out the words "one year" in the third line and inserting in lieu thereof the words "not more than five years", so that the clause shall read as follows:

Levy

- (e) The capital cost or part thereof to be levied against lands under clause *a* shall be raised by a special levy against the lands in not more than five years in accordance with the schedule appended to the by-law.

Rev. Stat.,
c. 243, s. 386,
par. 53, cl. e,
re-enacted

(8) Clause *e* of paragraph 53 of the said section 386 is repealed and the following substituted therefor:

- (e) The council may appoint not less than three and not more than seven resident ratepayers to act on its behalf as a board of management for any undertaking under this paragraph and where the board is composed of five or more persons, at least two shall be members of the council.
- (ee) Where two or more municipalities have entered into an agreement under clause *d*, each member of the board shall be a resident ratepayer of one of such municipalities and where the board is composed of five or more persons, at least two shall be appointed from among the members of the councils of such municipalities.

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

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

Subsection 7. Paragraph 52 of section 386 authorizes the establishment of parking lots on a basis comparable to a local improvement plan. Under the present clause *e* the capital cost to be levied against the benefiting lands is to be raised by a special levy in one year. The amendment authorizes levies in not more than five years.

Subsection 8. At present the council of a municipality that has established a memorial arena, auditorium, etc., may appoint a board of management for the undertaking composed of three resident ratepayers. This provision is rewritten so that the board may be composed of not less than three and not more than seven resident ratepayers.

SECTION 20—Subsection 1. Under paragraph 1 of section 400 (which is repealed by section 23 of this Bill) cities having a population of 50,000 are authorized to pass by-laws authorizing the municipal architect or another officer to permit deviations from building by-laws. Under the new paragraph added to section 388 (1) by this amendment, the power is extended to all local municipalities but it is made clear that the power must not be exercised in respect of restricted area by-laws and the power is given only if the municipal architect or building inspector is an architect or professional engineer.

Subsection 2. *The Theatres and Cinematographs Act* was replaced by *The Theatres Act, 1953* which has now been proclaimed in force. This amendment brings the reference up to date.

Subsection 3. Local municipalities are given power to pass by-laws regulating and controlling the excavation of trenches and matters relating thereto.

SECTION 21. Section 392 gives power to the councils of urban municipalities and of townships bordering on a city having a population of not less than 100,000 to pass by-laws respecting markets, weighing machines and various other matters. The section is amended so as to give this power to the councils of all townships having a population of 10,000 or more.

8a. For authorizing the municipal architect or building inspector to permit, in special cases which in his judgment warrant it, such deviation as he may deem proper from the by-laws regulating the erection of buildings, except by-laws passed under section 390. Deviations from building by-laws

(a) This paragraph applies only to municipalities where the municipal architect or building inspector, as the case may be, is a member or licensee of the Ontario Association of Architects under *The Architects Act* or a member or licensee of the Association of Professional Engineers of the Province of Ontario under *The Professional Engineers Act*. Limited application of paragraph
Rev. Stat.,
cc. 21, 292

(2) Paragraph 13 of subsection 1 of the said section 388 is amended by striking out the words "*The Theatres and Cinematographs Act*" in the second and third lines and inserting in lieu thereof the words "*The Theatres Act, 1953*", so that the paragraph, exclusive of the clauses, shall read as follows: Rev. Stat.,
c. 243, s. 388,
subs. 1,
par. 13,
amended

13. For regulating, subject to the provisions of *The Egress from Public Buildings Act, The Theatres Act, 1953* and *The Factory, Shop and Office Building Act*, Doors of public buildings
Rev. Stat.,
cc. 111, 126;
1953, c. 104

(3) Subsection 1 of the said section 388 is amended by adding thereto the following paragraph: Rev. Stat.,
c. 243, s. 388,
subs. 1,
amended

88a. For regulating and controlling the excavating of trenches and persons doing work in connection therewith and prescribing requirements in respect of the excavating and use of trenches for the protection of persons working therein; and for requiring the submission of plans of trenches and of the shoring and timbering thereof and for charging fees for the inspection and approval of such plans, and for providing for the issue of permits certifying to such approval without which permit no trench may be excavated and for fixing the fees for such permits and for revoking such permits. Excavating trenches

21. Section 392 of *The Municipal Act* is amended by inserting after the word "municipalities" in the second line the words "and of townships having a population of not less than 10,000", so that the first three lines of the section shall read as follows: Rev. Stat.,
c. 243, s. 392,
amended

392. Subject to section 393, by-laws may be passed by the councils of urban municipalities and of townships having a population of not less than 10,000 and of townships bordering on a city having a population of not less than 100,000: Market by-laws

Rev. Stat.,
c. 243, s. 399,
subs. 4,
re-enacted

22. Subsection 4 of section 399 of *The Municipal Act*, as amended by subsection 2 of section 20 of *The Municipal Amendment Act, 1951*, is repealed and the following substituted therefor:

Exceptions

- (4) Subject to subsections 5 to 9, no by-law passed under this section shall apply to any apparatus, device, mechanism or structure referred to in paragraph 1 of subsection 1 on premises which, on the day of the passing of the by-law, are used for the reduction, refining or smelting of ores or minerals or the manufacturing of cement, brick or tiles or as dwelling houses, except apartment houses, so long as the premises continue to be used for such purposes.

Rev. Stat.,
c. 243, s. 400,
par. 1,
repealed

23. Paragraph 1 of section 400 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 406,
par. 1,
amended

24.—(1) Paragraph 1 of section 406 of *The Municipal Act* is amended by inserting after the word "hire" in the third line the words "or any class or classes thereof" and by inserting after the word "fares" in the eighth line the words "for limiting the number of cabs, buses, motor or other vehicles used for hire, or any class or classes thereof", so that the paragraph shall read as follows:

Teamsters,
cab owners,
cab drivers,
vehicles for
hire, etc.

1. For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, buses, motor or other vehicles used for hire or any class or classes thereof; for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within the municipality or to any point not more than three miles beyond its limits, and for providing for the collection of such rates or fares; for limiting the number of cabs, buses, motor or other vehicles used for hire, or any class or classes thereof; and for revoking any such licence.

Rev. Stat.,
c. 243, s. 406,
par. 5
(1953, c. 70,
s. 15),
amended

(2) Clause *a* of paragraph 5 of the said section 406, as enacted by section 15 of *The Municipal Amendment Act, 1953*, is amended by striking out the words "for gain" in the second line and by inserting after the word "himself" in the fifth and sixth lines the words "his immediate family", so that the clause shall read as follows:

- (a) In this paragraph, "taxi-cab broker" means any person who accepts calls in any manner for taxi-cabs used for hire and which are owned by persons other than himself, his immediate family or his employer.

SECTION 22. Paragraph 1 of subsection 1 of section 399 authorized all local municipalities to pass by-laws regulating smoke-producing equipment. At the present time, subsection 4 provides that, subject to subsections 5 to 9, no such by-law applies to any smoke-producing equipment on premises which in the case of cities over 100,000 were used for certain purposes on April 1st, 1949, or which in the case of other cities and towns were used for such purposes on April 1st, 1951. The purpose of the amendment is to provide that the by-laws will not apply to smoke-producing equipment on premises used for these various purposes on the day of the passing of the by-law instead of the specific days set out heretofore.

SECTION 23. Paragraph 1 of section 400 authorizes the councils of cities having a population of 50,000 or more to pass by-laws for authorizing the city architect or other officer designated to permit in special cases deviations from building by-laws. This authority is extended with certain restrictions to all local municipalities under subsection 1 of section 20 of this Bill.

SECTION 24—Subsection 1. The authority under which teamsters, cab drivers, etc., are licensed is amended to authorize the by-law to deal with any class or classes thereof and authority is also given to limit the number of cabs, etc.

Subsection 2. Paragraph 5 of section 406 authorizes the passing of by-laws for licensing, regulating and governing taxi-cab brokers. The amendment changes the definition of taxi-cab broker so that the profit motive will no longer be a requisite in the definition, and the members of the immediate family of the owner are exempted.

SECTION 25. Section 407 gives power to the councils of counties and towns, townships bordering on a city and boards of commissioners of police of cities to pass by-laws licensing and regulating salvage shops, second-hand goods shops and dealers in second-hand goods. The amendment extends this power to all local municipalities.

SECTION 26. Section 411 authorizes the councils of counties, cities and towns, and of townships bordering on a city having a population of not less than 100,000, to pass by-laws licensing, regulating and governing dry cleaners. This power is given to the councils of all municipalities by subsection 1 of section 19 of this Bill.

SECTION 27. Section 412 gives power to the councils of certain classes of municipalities, including townships bordering on a city having a population of not less than 100,000, to pass by-laws regulating the sale of meat, and licensing and regulating tobacconists and photographers. The amendment extends this power to all townships.

SECTION 28. *The Theatres and Cinematographs Act* was replaced by *The Theatres Act, 1953* which has now been proclaimed in force. This amendment brings the reference up to date.

SECTION 29. Subsection 6 of section 469 of *The Municipal Act* is re-enacted to provide that a by-law closing a highway passed by the council of a township that is separated for municipal purposes from the county in which it is situated requires the approval of a judge of the county court rather than the approval of the county council.

25. Section 407 of *The Municipal Act* is amended by striking out the words "and towns and of townships bordering on a city" in the first and second lines and inserting in lieu thereof the words "towns, villages and townships", so that the first three lines of the section shall read as follows:

Rev. Stat.,
c. 243, s. 407,
amended

407. By-laws may be passed by the councils of counties, towns, villages and townships and by boards of commissioners of police of cities:

.

26. Section 411 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 411,
repealed

27. Section 412 of *The Municipal Act* is amended by striking out the words "of townships bordering on a city having a population of not less than 100,000" in the second and third lines and inserting in lieu thereof the word "township", so that the first five lines of the section shall read as follows:

Rev. Stat.,
c. 243, s. 412,
amended

412. By-laws may be passed by the councils of towns and villages and townships and of cities having a population of less than 100,000 and by boards of commissioners of police of cities having a population of not less than 100,000:

.

28. Paragraph 4 of section 413 of *The Municipal Act* is amended by striking out the words "*The Theatres and Cinematographs Act*" in the second line and inserting in lieu thereof the words "*The Theatres Act, 1953*", so that the paragraph shall read as follows:

Rev. Stat.,
c. 243, s. 413,
par. 4,
amended

4. For regulating and licensing, subject to the provisions of *The Theatres Act, 1953*, exhibitions held for hire or gain, theatres, music halls, bowling alleys, moving picture shows, public halls and all places of amusement, and for prohibiting the location of them, or a particular class of them, on land abutting on any highway or part of a highway to be named in the by-law and for revoking any such licence.

Exhibitions,
bowling
alleys, etc.
1953, c. 104

29. Subsection 6 of section 469 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 243, s. 469,
subs. 6,
re-enacted

(6) A by-law of the council of a township passed under clause *c* of subsection 1,

Approval
of judge
or county
council to
township
by-law

(a) in the case of a township in unorganized territory, shall not have any force until approved by a judge of the district court of the district in which the township is situated;

- (b) in the case of a township separated for municipal purposes from the county in which it is situated, shall not have any force until approved by a judge of the county court of the county in which the township is situated; and
- (c) in the case of other townships, shall not have any force until confirmed by a by-law of the council of the county in which the township is situated passed at an ordinary meeting of the council held not sooner than three months or later than one year after the passing of the by-law by the council of the township.

Rev. Stat.,
c. 243, s. 476,
subs. 4,
repealed

30. Subsection 4 of section 476 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 478,
subs. 1,
par. 7,
amended

31. Paragraph 7 of subsection 1 of section 478 of *The Municipal Act* is amended by striking out the word "township" in the first line and inserting in lieu thereof the word "municipality", so that the paragraph shall read as follows:

By municipa-
lities in
unorganized
territory

7. By the council of a municipality in unorganized territory for opening, widening, maintaining or improving any highway or constructing, maintaining or improving any bridge in an adjoining municipality or in a municipality situate in such adjoining municipality or in an adjoining unorganized township or in adjoining unsurveyed territory or for granting aid to any adjoining municipality or to any municipality situate in such adjoining municipality for any of such purposes.

Rev. Stat.,
c. 243, s. 479,
par. 5,
amended

32. Paragraph 5 of section 479 of *The Municipal Act* is amended by striking out the words "*The Crown Timber Act*" in the third line and inserting in lieu thereof the words "*The Crown Timber Act, 1952*", so that the paragraph shall read as follows:

Timber on
road
allowances
1952, c. 15

5. For preserving or selling the timber or trees on any original allowance for road, subject however to the rights, if any, of a Crown timber licensee under *The Crown Timber Act, 1952* and, in the case of an unopened original allowance for road, subject also to the approval of the Minister of Lands and Forests.

Rev. Stat.,
c. 243, s. 480,
subs. 2,
repealed

33. Subsection 2 of section 480 of *The Municipal Act* is repealed.

SECTION 30. Under subsection 2 of section 476 no highway less than 66 feet in width or, except in a city or town, more than 100 feet in width, may be laid out by a municipality without the approval of the Municipal Board or by a private person without the approval of the Municipal Board and the municipal council. Subsection 4 of section 476 provides that subsection 2 does not apply to a township in a territorial district and further provides that a highway less than 66 feet in width may be laid out by the council of such a township subject to the regulations of the Department of Lands and Forests. It is now considered that roads in townships in the territorial districts should be subject to the same restrictions as in townships in counties and the subsection is therefore repealed.

SECTION 31. Under paragraph 7 of subsection 1 of section 478 the council of a township in a territorial district is authorized to pass by-laws for road or bridge construction in adjoining municipalities or in adjoining unorganized territory and for granting aid to adjoining municipalities for such purposes. The paragraph is amended so as to extend this power to all municipalities in territorial districts.

SECTION 32. Complementary to the revision of *The Crown Timber Act* in 1952.

SECTION 33. Subsection 1 of section 480 authorizes municipalities to purchase road-making machinery and to issue debentures for the purpose. Subsection 2 provides that the debentures shall be issued on the instalment plan. All municipal debentures are normally serial debentures now, so subsection 2 is repealed.

SECTION 34. Section 500 of *The Municipal Act* now makes subsections 2, 3, 5, 6 and 9 of section 12 applicable to applications for the erection of police villages in counties or the increase in area thereof. These provisions dealt with applications to county councils for the erection of villages and, as under Bill No. 56, the county no longer has such power, the provisions were omitted in the revision of Part I of the Act. This amendment therefor writes these provisions into section 500.

34. Section 500 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 243, s. 500,
re-enacted

500.—(1) The following rules shall apply in proceedings under sections 498 and 499:

Rules of
procedure
re ss. 498,
499

1. Opposite the name of every petitioner in the petition there shall be shown, by reference to the number of the lot, the land owned or occupied by him, and, where it is or forms part of a lot on a registered plan, the reference shall be to the number of the lot according to the plan; and the petition shall also show whether the petitioner is a freeholder or resident tenant.
 2. A petition shall be deemed to be presented when it is lodged with the clerk and the sufficiency of the petition shall be determined by him and his certificate shall be conclusive in reference thereto.
 3. The population of the locality shall be determined in case of dispute in such manner and by such means as the council determines.
 4. The by-law shall not be passed before the expiration of one month after the presentation of the petition nor until further notice has been given of the meeting of the council at which it is intended to take it into consideration.
 5. The notice shall be published at least once a week for two successive weeks during the two months next preceding the meeting and shall contain a description of the locality sufficiently full to indicate the land which is intended to be included in the proposed police village or to be added to the police village, as the case may be.
 6. The clerk shall, forthwith after it is passed, transmit a certified copy of the by-law to the Provincial Secretary who shall cause notice of it to be published in *The Ontario Gazette*.
- (2) After the expiration of three months from the publication of the notice of the by-law, and after the final disposition of any application to quash it made within that period if the application is unsuccessful,

the by-law shall not be liable to be quashed on any ground and the police village thereby erected or the land thereby added, as the case may be, shall be deemed to have been duly erected or added in accordance with this Act.

Rev. Stat.,
c. 243,
amended

35. *The Municipal Act* is amended by adding thereto the following Form:

FORM 10a

(Section 111a (15))

CERTIFICATE AS TO VOTERS WHO HAVE VOTED
AT ADVANCE POLL

I,, Returning Officer for the municipal election for the of, certify that the following voters listed on the Voters' List for Polling Subdivision No. of the of have voted at an advance poll held for this election:

| Name | Address |
|-------|---------|
| | |
| | |

Given under my hand this day of
19.....

A. B.

Returning Officer.

Tornado relief grants

36. Every municipality shall be deemed to have had authority to pass by-laws for making grants to tornado-relief committees established to assist persons who or whose property suffered injury or damage through the tornadoes that occurred in Ontario on or about the 21st and 24th days of May, 1953.

Sick leave credit plans

37. Paragraph 49, except clause *b* thereof, of section 386 of *The Municipal Act*, as re-enacted by subsection 5 of section 10 of *The Municipal Amendment Act, 1953*, does not apply to any municipal plan of sick leave credit gratuities established before the 2nd day of April, 1953.

Commencement

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

Short title

39. This Act may be cited as *The Municipal Amendment Act 1954 (No. 2)*.

SECTION 35. Complementary to section 9 of this Bill.

SECTION 36. Self-explanatory.

SECTION 37. Paragraph 49 of section 386 of *The Municipal Act*, as re-enacted in 1953, provided a limitation on the maximum benefit under a sick leave credit plan of one-half of the number of days standing to the employee's credit. This section of the Bill will permit any plan established before the effective date of the 1953 re-enactment to continue without being subject to the limitation referred to.





An Act to amend The Municipal Act

1st Reading

March 18th, 1954

2nd Reading

3rd Reading

MR. DUNBAR

No. 112

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Municipal Act

MR. DUNBAR

(Reprinted as amended by the Committee on Municipal Law)

TORONTO
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EXPLANATORY NOTES

SECTION 1—Subsection 1. Subsection 2 of section 53 states what the composition of the council of a township in a territorial district shall be. Under the revision of Part I (see Bill No. 56) provision is made for the first time for the incorporation of villages in territorial districts. Subsection 2 of section 53 is therefore repealed and a new section 53*a* is added by section 2 of this Bill establishing the composition of the council of a village and a township in a territorial district.

Subsection 2. Subsection 7*a* of section 53 of the Act provides that a by-law establishing a village or township council of a reeve and deputy reeve and a councillor for each ward need not be submitted to the electors if a by-law for the division of the municipality into wards has received the assent of the electors. The subsection is amended so that it applies also where a question as to the division of the municipality into wards has received the assent of the electors.

SECTION 2. See explanatory note to section 1, subsection 1.

SECTION 3—Subsection 1. Under clause *f* of subsection 1 of section 56 a trustee of a police village is disqualified from being a member of a municipal council. The clause is amended so that he is disqualified only if he has not filed his resignation with the township clerk before the opening of the nomination meeting.

Subsection 2. Under clause *u* of subsection 1 of section 56 a tenant who at the time of the nomination owes more than three months rent upon the property in respect of which he qualifies is disqualified from being a member of a municipal council. The clause is amended so that the disqualification is effective if he owes such rent at the time of the opening of the nomination meeting.

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.—(1) Subsection 2 of section 53 of *The Municipal Act* is repealed. Rev. Stat., c. 243, s. 53, subs. 2, repealed

(2) Subsection 7a of the said section 53, as enacted by section 2 of *The Municipal Amendment Act, 1953*, is amended by inserting after the word "by-law" in the fourth line the words "or a question", so that the subsection shall read as follows: Rev. Stat., c. 243, s. 53, subs. 7a (1953, c. 70, s. 2), amended

(7a) Notwithstanding subsection 7, a by-law for the purpose mentioned in subsection 5 may be passed without the assent of the municipal electors if a by-law or a question for the division of the municipality into wards has received the assent of the municipal electors. Where assent unnecessary

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

53a. In unorganized territory, the council of a village and the council of a township shall consist of a reeve and four councillors. Village and township in unorganized territory

3.—(1) Clause *f* of subsection 1 of section 56 of *The Municipal Act* is amended by adding at the end thereof the words "unless he has before the opening of the nomination meeting filed his resignation with the township clerk", so that the clause shall read as follows: Rev. Stat., c. 243, s. 56, subs. 1, cl. f, amended

(*f*) a trustee of a police village unless he has before the opening of the nomination meeting filed his resignation with the township clerk.

(2) Clause *u* of subsection 1 of the said section 56 is amended by striking out the word "nomination" in the first line and inserting in lieu thereof the words "opening of the nomination meeting", so that the clause shall read as follows: Rev. Stat., c. 243, s. 56, subs. 1, cl. u, amended

- (u) a tenant who at the time of the opening of the nomination meeting owes more than three months rent upon the property in respect of which he qualifies.

Rev. Stat.,
c. 243, s. 58,
subs. 1,
amended

4.—(1) Subsection 1 of section 58 of *The Municipal Act* is amended by striking out the words "*The Voters' Lists Act*" in the second and third lines and inserting in lieu thereof the words "*The Voters' Lists Act, 1951*", so that the subsection, exclusive of the clauses, shall read as follows:

Qualification
to be entered
on voters'
list
1951, c. 93

- (1) Every person shall be entitled to be entered on the voters' list prepared under Part I or II of *The Voters' Lists Act, 1951*, who is,

.

Rev. Stat.,
c. 243, s. 58,
subs. 5,
amended

(2) Subsection 5 of the said section 58 is amended by striking out the words "*The Voters' Lists Act*" in the eleventh and twelfth lines and inserting in lieu thereof the words "*The Voters' Lists Act, 1951*", so that the subsection shall read as follows:

Farmers'
sons,
daughters
and sisters
Rev. Stat.,
c. 24

- (5) A person not entitled under *The Assessment Act* to be entered on the last revised assessment roll as a farmer's son, or farmer's daughter, or a farmer's sister, by reason of not having resided on the farm as therein required, shall be entitled to be entered on the voters' list if he or she has the other qualifications of a farmer's son, or a farmer's daughter, or a farmer's sister as prescribed by that Act and has resided on the farm of his or her father or mother or brother for the 12 months next preceding the date of the final revision of the assessment roll or for the 12 months next preceding the last day for making complaint to the judge under *The Voters' Lists Act, 1951*, and where under the provisions hereof a farmer's son is entered on the list his wife, if otherwise qualified, shall also be entered thereon.

1951, c. 93

Rev. Stat.,
c. 243, s. 60,
amended

5. Section 60 of *The Municipal Act* is amended by inserting after the word "list" in the fifth line the words "or from the tenant not residing in the municipality at the date of and for one month next before the election in the case of a voter who is the husband or wife of the tenant", so that the section shall read as follows:

Qualifica-
tions not to
be ques-
tioned at
election
except as to
non-
residence

60. Except as to the disqualification arising from not residing in the municipality at the time of the election in the case of a farmer's son, or farmer's daughter,

SECTION 4. Complementary to the revision of *The Voters' Lists Act* in 1951.

SECTION 5. Under section 59 of *The Municipal Act* the husband or wife of a tenant is not entitled to vote unless the tenant resides in the municipality at the time of the election and has resided therein for the immediately preceding month. The amendment to section 60 makes it clear that the question of such a person's residence qualification can be raised at the election.

SECTION 6. Section 61 of *The Municipal Act* provides that "the husband or wife of a tenant who is disqualified from voting under sections 59 and 60 shall also be disqualified from voting". Formerly sections 59 and 60 disqualified a tenant from voting if he did not reside in the municipality at the time of and for one month before the election. However, some years ago the sections were amended so as to disqualify not the tenant but the husband or wife of the tenant. Therefore, section 61 is now an unnecessary duplication of the disqualification and is repealed.

SECTION 7. Complementary to the revision of *The Voters' Lists Act* in 1951.

SECTION 8. This amendment removes a reference to first, second and third deputy reeves, offices which are no longer provided for in *The Municipal Act*.

SECTION 9. Under subsection 15 of section 111a, which is the authority for advance polls at municipal elections, the returning officer is required to note upon the voters' list supplied to each deputy returning officer the fact that certain voters have voted at the advance poll. Since in some instances the deputy returning officers pick up their voters' lists before they could be corrected in this way, the subsection is amended to provide that the returning officer may instead give a certificate to each deputy returning officer listing the names of the voters of his subdivision who have voted at the advance poll.

or farmer's sister voter, or from the non-payment of taxes in the case of a voter whose name appears on the defaulters' list, or from the tenant not residing in the municipality at the date of and for one month next before the election in the case of a voter who is the husband or wife of the tenant, no question as to the qualifications of any person whose name is entered on the proper list of voters shall be raised at an election.

6. Section 61 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 61,
repealed

7. Section 100 of *The Municipal Act* is amended by striking out the words "the first and second parts of the last voters' list certified under *The Voters' Lists Act*" in the second and third lines and inserting in lieu thereof the words "the last municipal voters' list certified under *The Voters' Lists Act, 1951*", so that the section shall read as follows:

Rev. Stat.,
c. 243, s. 100,
amended

100. The proper list of voters to be used at an election shall be the last municipal voters' list certified under *The Voters' Lists Act, 1951*, with the supplementary list, if any, under section 102 or the list provided for by section 103.

Proper
voters' list
to be used
at an
election
1951, c. 93

8. Clause *a* of subsection 1 of section 108 of *The Municipal Act* is amended by striking out the word "first" in the first line and the words "second deputy reeve, third deputy reeve" in the second line, so that the clause shall read as follows:

Rev. Stat.,
c. 243, s. 108,
subs. 1,
cl. a,
amended

(a) once only for mayor, controller, reeve, deputy reeve.

9. Subsection 15 of section 111a of *The Municipal Act*, as enacted by section 8 of *The Municipal Amendment Act, 1952*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 243,
s. 111a
(1952,
c. 63, s. 8),
subs. 15,
re-enacted

- (15) Upon receiving from the deputy returning officer the list mentioned in subsection 14, the returning officer shall,
- (a) 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; or
- (b) make a certificate (Form 10a) for each polling subdivision, showing the name and address of each voter listed on the voters' list for such polling subdivision who has voted at an advance poll, and shall furnish such certificate

Noting
deputy
returning
officers'
lists or
certificate
as to voters

before the opening of the poll on voting day to the deputy returning officer of the polling subdivision and the deputy returning officer shall before opening the poll make an entry in the voters' list supplied to him, opposite the name of each voter whose name appears on the certificate, showing that such voter has polled his vote.

Rev. Stat.,
c. 243, s. 234,
amended

10. Section 234 of *The Municipal Act* is amended by adding thereto the following subsection:

Index of
restricted
area by-laws,
etc.

(1a) The clerk shall keep an index book in which he shall enter the number and date of,

Rev. Stat.,
c. 243

(a) every subsisting by-law heretofore passed under section 390 of *The Municipal Act* or a predecessor of that section;

(b) every by-law hereafter passed under section 390 of *The Municipal Act*;

(c) every other subsisting by-law, and every other by-law hereafter passed, that affects land but does not directly affect the title to land.

Rev. Stat.,
c. 243, s. 263,
subs. 4,
amended

11.—(1) Subsection 4 of section 263 of *The Municipal Act* is amended by striking out the words "*The Theatres and Cinematographs Act*" in the first line and inserting in lieu thereof the words "*The Theatres Act, 1953*", so that the subsection shall read as follows:

Discretion
as to
granting or
refusing a
licence
1953, c. 104

(4) Subject to *The Theatres Act, 1953*, the granting or refusing of a licence to any person to carry on a particular trade, calling, business or occupation, or of revoking a licence under any of the powers conferred upon a council or a board of commissioners of police by this or any other Act, shall be in its discretion, and it shall not be bound to give any reason for refusing or revoking a licence and its action shall not be open to question or review by any court.

Rev. Stat.,
c. 243, s. 263,
subs. 7, 8,
re-enacted

(2) Subsections 7 and 8 of the said section 263 are repealed and the following substituted therefor:

Suspension
of licences

(7) Where, under this or any other Act, a board of commissioners of police is authorized to pass by-laws for licensing any trade, calling, business or occupation or the person carrying on or engaged in

SECTION 10. This amendment will require the clerk of each municipality to keep a separate index book with respect to all zoning by-laws and other by-laws affecting land that do not directly affect the title to land.

SECTION 11—Subsection 1. *The Theatres and Cinematographs Act* was replaced by *The Theatres Act, 1953* which has now been proclaimed in force. This amendment brings the reference up to date.

Subsection 2. The new subsections 7 and 8 of section 263 of the Act, as re-enacted by this amendment, authorize boards of commissioners of police, in licensing by-laws, to authorize the chief constable to suspend licences.

Subsections 9 and 10 (subsections 7 and 8 of the present section) are amended to remove the right of appeal from a decision of a police commission refusing to grant a licence but preserve the right of appeal from a decision revoking a licence.

SECTION 12. Complementary to the revision of *The Voters' Lists Act* in 1951.

SECTION 13. Complementary to the revision of *The Voters' Lists Act* in 1951.

it, and for revoking such licences, the board may by by-law authorize the chief constable of the municipality to suspend any such licence for such time and subject to such terms and conditions as the by-law may provide.

- (8) No suspension of a licence by a chief constable shall ^{idem} be effective after the expiration of two weeks from the date of suspension or after the time of the next meeting of the board after the suspension, whichever occurs first.

- (9) Notwithstanding subsection 4, the decision of a board of commissioners of police in revoking a licence shall be subject to an appeal therefrom to a judge of the Supreme Court whose decision shall be final. ^{Appeal from revocation of licence}

- (10) The practice and procedure on and in relation to an appeal made under subsection 9 shall be the same, as nearly as may be, as in the case of an appeal from a decision of the Master of the Supreme Court in an action or proceeding in the Supreme Court. ^{Practice on appeal}

12. Subsection 1 of section 277 of *The Municipal Act* is amended by striking out the words "*The Voters' Lists Act*" in the seventh line and inserting in lieu thereof the words "*The Voters' Lists Act, 1951*", so that the subsection shall read as follows: ^{Rev. Stat., c. 243, s. 277, subs. 1, amended}

- (1) Where the proposed by-law is a money by-law or one on which all the municipal electors are not entitled to vote, the clerk, after the passing of the by-law for taking the vote, and not later than the tenth day before the day appointed for taking the vote, shall prepare a list of the persons entitled to vote on the proposed by-law and, subject to section 278 and to section 25 of *The Voters' Lists Act, 1951*, the list so prepared shall be final and conclusive as to the right of every person named therein to vote, and that no person not named therein is entitled to vote. ^{Preparation of list of voters} 1951, c. 93

13. Subsection 3 of section 278 of *The Municipal Act* is amended by striking out the words "*The Voters' Lists Act*" in the second and third lines and inserting in lieu thereof the words "*The Voters' Lists Act, 1951*", so that the subsection shall read as follows: ^{Rev. Stat., c. 243, s. 278, subs. 3, amended}

- (3) The proceedings shall be the same, as nearly as may be, as prescribed by subsection 2 of section 23 of *The Voters' Lists Act, 1951*. ^{Proceedings} 1951, c. 93

Rev. Stat.,
c. 243, s. 298,
subs. 8,
amended

14. Subsection 8 of section 298 of *The Municipal Act* is amended by adding at the end thereof the words "and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year", so that the subsection shall read as follows:

Idem

- (8) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 6 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Rev. Stat.,
c. 243,
amended

15. *The Municipal Act* is amended by adding thereto the following section:

Consolidat-
ing
debenture
by-laws

298a.—(1) Notwithstanding this or any other Act, where separate debenture by-laws have been passed authorizing the borrowing of sums for two or more purposes, instead of borrowing the separate sums thereby authorized to be borrowed and issuing debentures therefor, the council may by by-law, hereinafter called a consolidating by-law, provide for borrowing the aggregate of such sums and for issuing one series of debentures therefor.

Recitals

- (2) The consolidating by-law shall clearly specify, by recital or otherwise, in respect of what separate by-laws it is passed.

Rates need
not be
imposed by
consolidat-
ing by-law

- (3) It shall not be necessary that the consolidating by-law shall impose any rate to provide for the payment of debentures issued under it or the interest thereon, but the rates imposed by the separate by-laws shall be levied, collected and applied for that purpose.

Consolidat-
ing by-law
may
authorize
debentures
of different
terms of
years

- (4) A consolidating by-law passed under this section may authorize the issue of debentures in one series notwithstanding that some of the debentures may be for different terms of years from the other debentures to be issued thereunder, provided that the sum to be raised in each year under the consolidating by-law shall equal the aggregate of the sums which would have been raised under the separate by-laws had no consolidating by-law been passed.

Reference
to separate
by-laws not
required in
debentures

- (5) Debentures issued pursuant to a consolidating by-law passed under this section need not refer to the separate by-laws in respect of which the consolidating by-law is passed.

SECTION 14. Section 298 is amended so as to authorize debentures to be dated prior to the date of the debenture by-law in certain circumstances.

SECTION 15. Under subsection 12 of section 298 of *The Municipal Act* it is possible to borrow for two or more purposes in one debenture by-law. Under the new section 298a it will be possible to issue debentures under one consolidating by-law to provide the moneys required to be raised under any number of separate debenture by-laws. This authority already exists in section 50 of *The Local Improvement Act* in respect of local improvements and by this amendment the authority is extended to all municipal undertakings.

SECTION 16. Complementary to the revision of *The High Schools Act* and *The Continuation Schools Act* as parts of *The Secondary Schools and Boards of Education Act, 1954*. (See Bill No. 63.)

SECTION 17. This amendment is required to clarify the meaning of the subsection but does not change the principle in any way.

SECTION 18. This amendment makes it clear that a municipality has the right to repair its buildings and make additions to or alterations of its buildings.

SECTION 19—Subsection 1. The power presently given by section 411 (which is repealed by section 26 of this Bill) to regulate and govern dry cleaners is extended to give the power to all municipalities.

16. Clause *i* of subsection 3 of section 300 of *The Municipal Act* is amended by striking out the words "section 48 of *The High Schools Act*, or subsection 2 of section 3 of *The Continuation Schools Act*" in the third and fourth lines and inserting in lieu thereof the words "subsection 1 of section 7 or section 29 of *The Secondary Schools and Boards of Education Act, 1954*", so that the clause shall read as follows:

Rev. Stat.,
c. 243, s. 300,
subs. 3,
cl. i,
amended

- (i) for borrowing money for any of the purposes mentioned in section 56 or 58 of *The Public Schools Act*, or subsection 1 of section 7 or section 29 of *The Secondary Schools and Boards of Education Act, 1954*;
or

Rev. Stat.,
c. 316
1954, c...

17. Subsection 2 of section 311 of *The Municipal Act* is amended by inserting after the word "and" where it occurs the second time in the fifth line the word "for", so that the subsection shall read as follows:

Rev. Stat.,
c. 243, s. 311,
subs. 2,
amended

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

Allowances
to be made
in
estimates

18. Subsection 1 of section 345 of *The Municipal Act* is amended by striking out the words "buildings thereon" in the third and fourth lines and inserting in lieu thereof the words "and repairing buildings thereon, and for making additions to or alterations of such buildings", so that the subsection shall read as follows:

Rev. Stat.,
c. 243, s. 345,
subs. 1,
amended

- (1) The council of every corporation may pass by-laws for acquiring or expropriating any land required for the purposes of the corporation, and for erecting and repairing buildings thereon, and for making additions to or alterations of such buildings, and may sell or otherwise dispose of the same when no longer so required.

Power to
acquire or
expropriate
land

19.—(1) Section 386 of *The Municipal Act* is amended by adding thereto the following paragraph:

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

- 19a. For regulating and governing the business of dry cleaning, dry dyeing, cleaning and pressing and spotting or stain removing; for licensing any person using any land in the municipality for the purposes

Licensing,
etc., dry
cleaners, etc.

of any such business including land used for the purpose of receiving articles or goods to be subjected to any such process and for the distribution of articles or goods which have been subjected to any such process; for authorizing the architect or other person named in the by-law to allow such variation from the standard requirements in the case of any existing business as he may approve; for establishing a maximum and minimum tariff of charges to be made by any person engaging in any such business and for revoking any such licence.

Application
of by-law

- (a) Where the council of a town, village or township has passed a by-law under this section the by-law of the county shall not be in force in the town, village or township while the by-law of the town, village or township remains in force.

Rev. Stat.,
c. 243, s. 386,
par. 24,
amended

(2) Paragraph 24 of the said section 386 is amended by striking out the words "*The Department of Education Act*" in the third line and inserting in lieu thereof the words "*The Department of Education Act, 1954*", so that the paragraph shall read as follows:

Community
programmes

1954, c...

24. For carrying on any community or joint community programme of recreation within the meaning of the regulations under *The Department of Education Act, 1954*, and for expending money or for granting money in aid for such purposes.

Rev. Stat.,
c. 243, s. 386,
par. 48
(1953, c. 70,
s. 10,
subs. 4),
cl. i,
amended

(3) Clause *i* of paragraph 48 of the said section 386, as re-enacted by subsection 4 of section 10 of *The Municipal Amendment Act, 1953*, is amended by striking out the words "the council shall" in the tenth line and inserting in lieu thereof the words "and a pension plan has been provided for him with an insurer licensed under *The Insurance Act*, the council shall, on the written request of the employee", so that the clause shall read as follows:

Transfer of
pension
money

- (i) Where an employee, on or after the 1st day of March, 1948, has become or becomes a member of,
- (i) the civil service of Ontario or Canada,
 - (ii) the civic service of any other municipality or local board, or
 - (iii) the staff of any board, commission or public institution established under any Act of the Legislature,

Subsection 2. Complementary to the revision of *The Department of Education Act, 1954*. (See Bill No. 33.)

Subsection 3. Clause *i* of paragraph 48 of section 386 now makes it mandatory that an employee's credit in a municipal pension plan be transferred where he transfers to other civic or civil service. This is not possible with the Federal Government annuities, so the clause is made to apply only to plans with insurers and the transfer is made optional with the employee.

Subsection 4. Clause *k* of paragraph 48 provides that a pension plan may not permit cash withdrawals except if his credits will not purchase an annuity of \$50. The minimum annuity that may be purchased with the Federal Government is \$120, and the clause is amended accordingly. In addition the cash payment in some plans will not permit a withdrawal of both the contributions and interest, so the requirement that interest be paid is removed.

Subsection 5. This is a technical amendment only.

Subsection 6. All municipalities are authorized to provide by contract, and to contribute toward the cost of, various types of insurance and hospital, medical, etc., services.

and a pension plan has been provided for him with an insurer licensed under *The Insurance Act*, the council shall, on the written request of the employee, by by-law authorize the transfer of and shall transfer a sum equal to the credit of the employee in its pension plan heretofore or hereafter established under this or any other general or special Act, including the payments and deductions in accordance with clauses *c* and *e* together with interest thereon, to any like fund or plan maintained to provide superannuation benefits or pensions for the members of such civil or civic service or staff, as the case may be, where such fund or plan allows such transfers thereto.

(4) Clause *k* of paragraph 48 of the said section 386 is amended by striking out the symbol and figures "\$50" in the fifth line and inserting in lieu thereof the symbol and figures "\$120" and by striking out the words "the sum equal to his contributions together with interest thereon" in the seventh, eighth and ninth lines and inserting in lieu thereof the words "a sum not less than his contributions", so that the clause shall read as follows:

(k) No pension plan provided in accordance with this paragraph shall permit any cash withdrawal except where the moneys standing to the credit of an employee will produce an annuity of less than \$120 at normal retirement date, and the plan shall provide that in that case the employee shall be paid a sum not less than his contributions upon leaving the service of the municipality or local board.

(5) Clause *l* of paragraph 48 of the said section 386 is amended by striking out the word "clause" in the first line and inserting in lieu thereof the words and letter "clauses *i* and", so that the clause shall read as follows:

(l) Subject to clauses *i* and *k*, a pension plan shall provide that where an employee leaves the service of a municipality or local board before reaching normal retirement age he shall receive a paid-up policy providing for such annuity, commencing on retirement date and payable in monthly instalments, as the funds standing to his credit, together with interest thereon, will then purchase.

(6) The said section 386 is amended by adding thereto the following paragraph:

49a. For providing, by contract either with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act*,

- (i) group life insurance for employees or any class thereof,
- (ii) group accident insurance or group sickness insurance for employees or any class thereof and their wives and children, and
- (iii) hospital, medical, surgical, nursing or dental services or payment therefor for employees or any class thereof and their wives and children,

and for contributing toward the cost thereof.

- (a) No by-law under this paragraph shall authorize contributions by the municipality in excess of the total of those made by the employees.
- (b) "Employee" in this paragraph means an employee as defined in paragraph 48.

Rev. Stat.,
c. 243, s. 386,
par. 52, cl. e,
(1951, c. 53,
s. 15,
subs. 2),
amended

(7) Clause *e* of paragraph 52 of the said section 386, as enacted by subsection 2 of section 15 of *The Municipal Amendment Act, 1951*, is amended by striking out the words "one year" in the third line and inserting in lieu thereof the words "not more than five years", so that the clause shall read as follows:

Levy

- (e) The capital cost or part thereof to be levied against lands under clause *a* shall be raised by a special levy against the lands in not more than five years in accordance with the schedule appended to the by-law.

Rev. Stat.,
c. 243, s. 386,
par. 53, cl. e,
re-enacted

(8) Clause *e* of paragraph 53 of the said section 386 is repealed and the following substituted therefor:

- (e) The council may appoint not less than three and not more than seven resident ratepayers to act on its behalf as a board of management for any undertaking under this paragraph and where the board is composed of five or more persons, at least two shall be members of the council.
- (ee) Where two or more municipalities *have* entered into an agreement under clause *d*, each member of the board shall be a resident ratepayer of one of such municipalities and where the board is composed of five or more persons, at least two shall be appointed from among the members of the councils of such municipalities.

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

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

Subsection 7. Paragraph 52 of section 386 authorizes the establishment of parking lots on a basis comparable to a local improvement plan. Under the present clause *e* the capital cost to be levied against the benefiting lands is to be raised by a special levy in one year. The amendment authorizes levies in not more than five years.

Subsection 8. At present the council of a municipality that has established a memorial arena, auditorium, etc., may appoint a board of management for the undertaking composed of three resident ratepayers. This provision is rewritten so that the board may be composed of not less than three and not more than seven resident ratepayers.

SECTION 20—Subsection 1. Under paragraph 1 of section 400 (which is repealed by section 23 of this Bill) cities having a population of 50,000 are authorized to pass by-laws authorizing the municipal architect or another officer to permit deviations from building by-laws. Under the new paragraph added to section 388 (1) by this amendment, the power is extended to all local municipalities but it is made clear that the power must not be exercised in respect of restricted area by-laws and the power is given only if the municipal architect or building inspector is an architect or professional engineer.

Subsection 2. *The Theatres and Cinematographs Act* was replaced by *The Theatres Act, 1953* which has now been proclaimed in force. This amendment brings the reference up to date.

Subsection 3. Local municipalities are given power to pass by-laws regulating and controlling the excavation of trenches and matters relating thereto.

SECTION 21. Section 392 gives power to the councils of urban municipalities and of townships bordering on a city having a population of not less than 100,000 to pass by-laws respecting markets, weighing machines and various other matters. The section is amended so as to give this power to the councils of all townships having a population of 10,000 or more.

8a. For authorizing the municipal architect or building inspector to permit, in special cases which in his judgment warrant it, such deviation as he may deem proper from the by-laws regulating the erection of buildings, except by-laws passed under section 390. Deviations from building by-laws

(a) This paragraph applies only to municipalities where the municipal architect or building inspector, as the case may be, is a member or licensee of the Ontario Association of Architects under *The Architects Act* or a member or licensee of the Association of Professional Engineers of the Province of Ontario under *The Professional Engineers Act*. Limited application of paragraph
Rev. Stat., cc. 21, 292

(2) Paragraph 13 of subsection 1 of the said section 388 is amended by striking out the words "*The Theatres and Cinematographs Act*" in the second and third lines and inserting in lieu thereof the words "*The Theatres Act, 1953*", so that the paragraph, exclusive of the clauses, shall read as follows: Rev. Stat., c. 243, s. 388, subs. 1, par. 13, amended

13. For regulating, subject to the provisions of *The Egress from Public Buildings Act, The Theatres Act, 1953* and *The Factory, Shop and Office Building Act*, Doors of public buildings
Rev. Stat., cc. 111, 126; 1953, c. 104

(3) Subsection 1 of the said section 388 is amended by adding thereto the following paragraph: Rev. Stat., c. 243, s. 388, subs. 1, amended

88a. For regulating and controlling the excavating of trenches and persons doing work in connection therewith and prescribing requirements in respect of the excavating and use of trenches for the protection of persons working therein; and for requiring the submission of plans of trenches and of the shoring and timbering thereof and for charging fees for the inspection and approval of such plans, and for providing for the issue of permits certifying to such approval without which permit no trench may be excavated and for fixing the fees for such permits and for revoking such permits. Excavating trenches

21. Section 392 of *The Municipal Act* is amended by inserting after the word "municipalities" in the second line the words "and of townships having a population of not less than 10,000", so that the first three lines of the section shall read as follows: Rev. Stat., c. 243, s. 392, amended

392. Subject to section 393, by-laws may be passed by the councils of urban municipalities and of townships having a population of not less than 10,000 and of townships bordering on a city having a population of not less than 100,000: Market by-laws

Rev. Stat.,
c. 243, s. 399,
subs. 4,
re-enacted

22. Subsection 4 of section 399 of *The Municipal Act*, as amended by subsection 2 of section 20 of *The Municipal Amendment Act, 1951*, is repealed and the following substituted therefor:

Exceptions

- (4) Subject to subsections 5 to 9, no by-law passed under this section shall apply to any apparatus, device, mechanism or structure referred to in paragraph 1 of subsection 1 on premises which, on the day of the passing of the by-law, are used for the reduction, refining or smelting of ores or minerals or the manufacturing of cement, brick or tiles or as dwelling houses, except apartment houses, so long as the premises continue to be used for such purposes.

Rev. Stat.,
c. 243, s. 400,
par. 1,
repealed

23. Paragraph 1 of section 400 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 406,
par. 1,
amended

24.—(1) Paragraph 1 of section 406 of *The Municipal Act* is amended by inserting after the word “hire” in the third line the words “or any class or classes thereof” and by inserting after the word “fares” in the eighth line the words “for limiting the number of cabs, buses, motor or other vehicles used for hire, or any class or classes thereof”, so that the paragraph shall read as follows:

Teamsters,
cab owners,
cab drivers,
vehicles for
hire, etc.

1. For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, buses, motor or other vehicles used for hire or any class or classes thereof; for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within the municipality or to any point not more than three miles beyond its limits, and for providing for the collection of such rates or fares; for limiting the number of cabs, buses, motor or other vehicles used for hire, or any class or classes thereof; and for revoking any such licence.

Rev. Stat.,
c. 243, s. 406,
par. 5
(1953, c. 70,
s. 15),
amended

(2) Clause *a* of paragraph 5 of the said section 406, as enacted by section 15 of *The Municipal Amendment Act, 1953*, is amended by striking out the words “for gain” in the second line and by inserting after the word “himself” in the fifth and sixth lines the words “his immediate family”, so that the clause shall read as follows:

- (a) In this paragraph, “taxi-cab broker” means any person who accepts calls in any manner for taxi-cabs used for hire and which are owned by persons other than himself, his immediate family or his employer.

SECTION 22. Paragraph 1 of subsection 1 of section 399 authorized all local municipalities to pass by-laws regulating smoke-producing equipment. At the present time, subsection 4 provides that, subject to subsections 5 to 9, no such by-law applies to any smoke-producing equipment on premises which in the case of cities over 100,000 were used for certain purposes on April 1st, 1949, or which in the case of other cities and towns were used for such purposes on April 1st, 1951. The purpose of the amendment is to provide that the by-laws will not apply to smoke-producing equipment on premises used for these various purposes on the day of the passing of the by-law instead of the specific days set out heretofore.

SECTION 23. Paragraph 1 of section 400 authorizes the councils of cities having a population of 50,000 or more to pass by-laws for authorizing the city architect or other officer designated to permit in special cases deviations from building by-laws. This authority is extended with certain restrictions to all local municipalities under subsection 1 of section 20 of this Bill.

SECTION 24—Subsection 1. The authority under which teamsters, cab drivers, etc., are licensed is amended to authorize the by-law to deal with any class or classes thereof and authority is also given to limit the number of cabs, etc.

Subsection 2. Paragraph 5 of section 406 authorizes the passing of by-laws for licensing, regulating and governing taxi-cab brokers. The amendment changes the definition of taxi-cab broker so that the profit motive will no longer be a requisite in the definition, and the members of the immediate family of the owner are exempted.

SECTION 25. Section 407 gives power to the councils of counties and towns, townships bordering on a city and boards of commissioners of police of cities to pass by-laws licensing and regulating salvage shops, second-hand goods shops and dealers in second-hand goods. The amendment extends this power to all local municipalities.

SECTION 26. Section 411 authorizes the councils of counties, cities and towns, and of townships bordering on a city having a population of not less than 100,000, to pass by-laws licensing, regulating and governing dry cleaners. This power is given to the councils of all municipalities by subsection 1 of section 19 of this Bill.

SECTION 27. Section 412 gives power to the councils of certain classes of municipalities, including townships bordering on a city having a population of not less than 100,000, to pass by-laws regulating the sale of meat, and licensing and regulating tobacconists and photographers. The amendment extends this power to all townships.

SECTION 28. *The Theatres and Cinematographs Act* was replaced by *The Theatres Act, 1953* which has now been proclaimed in force. This amendment brings the reference up to date.

SECTION 29. Subsection 6 of section 469 of *The Municipal Act* is re-enacted to provide that a by-law closing a highway passed by the council of a township that is separated for municipal purposes from the county in which it is situated requires the approval of a judge of the county court rather than the approval of the county council.

25. Section 407 of *The Municipal Act* is amended by striking out the words "and towns and of townships bordering on a city" in the first and second lines and inserting in lieu thereof the words "towns, villages and townships", so that the first three lines of the section shall read as follows:

407. By-laws may be passed by the councils of counties, towns, villages and townships and by boards of commissioners of police of cities:

26. Section 411 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 411,
repealed

27. Section 412 of *The Municipal Act* is amended by striking out the words "of townships bordering on a city having a population of not less than 100,000" in the second and third lines and inserting in lieu thereof the word "township", so that the first five lines of the section shall read as follows:

Rev. Stat.,
c. 243, s. 412,
amended

412. By-laws may be passed by the councils of towns and villages and townships and of cities having a population of less than 100,000 and by boards of commissioners of police of cities having a population of not less than 100,000:

28. Paragraph 4 of section 413 of *The Municipal Act* is amended by striking out the words "*The Theatres and Cinematographs Act*" in the second line and inserting in lieu thereof the words "*The Theatres Act, 1953*", so that the paragraph shall read as follows:

Rev. Stat.,
c. 243, s. 413,
par. 4,
amended

4. For regulating and licensing, subject to the provisions of *The Theatres Act, 1953*, exhibitions held for hire or gain, theatres, music halls, bowling alleys, moving picture shows, public halls and all places of amusement, and for prohibiting the location of them, or a particular class of them, on land abutting on any highway or part of a highway to be named in the by-law and for revoking any such licence.

Exhibitions,
bowling
alleys, etc.
1953, c. 104

29. Subsection 6 of section 469 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 243, s. 469,
subs. 6,
re-enacted

(6) A by-law of the council of a township passed under clause *c* of subsection 1,

Approval
of judge
or county
council to
township
by-law

(a) in the case of a township in unorganized territory, shall not have any force until approved by a judge of the district court of the district in which the township is situated;

- (b) in the case of a township separated for municipal purposes from the county in which it is situated, shall not have any force until approved by a judge of the county court of the county in which the township is situated; and
- (c) in the case of other townships, shall not have any force until confirmed by a by-law of the council of the county in which the township is situated passed at an ordinary meeting of the council held not sooner than three months or later than one year after the passing of the by-law by the council of the township.

Rev. Stat.,
c. 243, s. 476,
subs. 4,
repealed

30. Subsection 4 of section 476 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 478,
subs. 1,
par. 7,
amended

31. Paragraph 7 of subsection 1 of section 478 of *The Municipal Act* is amended by striking out the word "township" in the first line and inserting in lieu thereof the word "municipality", so that the paragraph shall read as follows:

By municip-
alities in
unorganized
territory

7. By the council of a municipality in unorganized territory for opening, widening, maintaining or improving any highway or constructing, maintaining or improving any bridge in an adjoining municipality or in a municipality situate in such adjoining municipality or in an adjoining unorganized township or in adjoining unsurveyed territory or for granting aid to any adjoining municipality or to any municipality situate in such adjoining municipality for any of such purposes.

Rev. Stat.,
c. 243, s. 479,
par. 5,
amended

32. Paragraph 5 of section 479 of *The Municipal Act* is amended by striking out the words "*The Crown Timber Act*" in the third line and inserting in lieu thereof the words "*The Crown Timber Act, 1952*", so that the paragraph shall read as follows:

Timber on
road
allowances
1952, c. 15

5. For preserving or selling the timber or trees on any original allowance for road, subject however to the rights, if any, of a Crown timber licensee under *The Crown Timber Act, 1952* and, in the case of an unopened original allowance for road, subject also to the approval of the Minister of Lands and Forests.

Rev. Stat.,
c. 243, s. 480,
subs. 2,
repealed

33. Subsection 2 of section 480 of *The Municipal Act* is repealed.

SECTION 30. Under subsection 2 of section 476 no highway less than 66 feet in width or, except in a city or town, more than 100 feet in width, may be laid out by a municipality without the approval of the Municipal Board or by a private person without the approval of the Municipal Board and the municipal council. Subsection 4 of section 476 provides that subsection 2 does not apply to a township in a territorial district and further provides that a highway less than 66 feet in width may be laid out by the council of such a township subject to the regulations of the Department of Lands and Forests. It is now considered that roads in townships in the territorial districts should be subject to the same restrictions as in townships in counties and the subsection is therefore repealed.

SECTION 31. Under paragraph 7 of subsection 1 of section 478 the council of a township in a territorial district is authorized to pass by-laws for road or bridge construction in adjoining municipalities or in adjoining unorganized territory and for granting aid to adjoining municipalities for such purposes. The paragraph is amended so as to extend this power to all municipalities in territorial districts.

SECTION 32. Complementary to the revision of *The Crown Timber Act* in 1952.

SECTION 33. Subsection 1 of section 480 authorizes municipalities to purchase road-making machinery and to issue debentures for the purpose. Subsection 2 provides that the debentures shall be issued on the instalment plan. All municipal debentures are normally serial debentures now, so subsection 2 is repealed.

SECTION 34. Section 500 of *The Municipal Act* now makes subsections 2, 3, 5, 6 and 9 of section 12 applicable to applications for the erection of police villages in counties or the increase in area thereof. These provisions dealt with applications to county councils for the erection of villages and, as under Bill No. 56, the county no longer has such power, the provisions were omitted in the revision of Part I of the Act. This amendment therefor writes these provisions into section 500.

34. Section 500 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 243, s. 500,
re-enacted

- 500.—(1) The following rules shall apply in proceedings under sections 498 and 499: Rules of
procedure
re ss. 498,
499

1. Opposite the name of every petitioner in the petition there shall be shown, by reference to the number of the lot, the land owned or occupied by him, and, where it is or forms part of a lot on a registered plan, the reference shall be to the number of the lot according to the plan; and the petition shall also show whether the petitioner is a freeholder or resident tenant.
 2. A petition shall be deemed to be presented when it is lodged with the clerk and the sufficiency of the petition shall be determined by him and his certificate shall be conclusive in reference thereto.
 3. The population of the locality shall be determined in case of dispute in such manner and by such means as the council determines.
 4. The by-law shall not be passed before the expiration of one month after the presentation of the petition nor until further notice has been given of the meeting of the council at which it is intended to take it into consideration.
 5. The notice shall be published at least once a week for two successive weeks during the two months next preceding the meeting and shall contain a description of the locality sufficiently full to indicate the land which is intended to be included in the proposed police village or to be added to the police village, as the case may be.
 6. The clerk shall, forthwith after it is passed, transmit a certified copy of the by-law to the Provincial Secretary who shall cause notice of it to be published in *The Ontario Gazette*.
- (2) After the expiration of three months from the publication of the notice of the by-law, and after the final disposition of any application to quash it made within that period if the application is unsuccessful,

the by-law shall not be liable to be quashed on any ground and the police village thereby erected or the land thereby added, as the case may be, shall be deemed to have been duly erected or added in accordance with this Act.

Rev. Stat.,
c. 243,
amended

35. *The Municipal Act* is amended by adding thereto the following Form:

FORM 10a

(Section 111a (15))

CERTIFICATE AS TO VOTERS WHO HAVE VOTED
AT ADVANCE POLL

I,, Returning Officer for the municipal election for the of, certify that the following voters listed on the Voters' List for Polling Subdivision No. of the of have voted at an advance poll held for this election:

| Name | Address |
|-------|---------|
| | |
| | |

Given under my hand this day of,
19.....

A. B.
Returning Officer.

Tornado relief grants

36. Every municipality shall be deemed to have had authority to pass by-laws for making grants to tornado-relief committees established to assist persons who or whose property suffered injury or damage through the tornadoes that occurred in Ontario on or about the 21st and 24th days of May, 1953.

Sick leave credit plans

37. Paragraph 49, except clause *b* thereof, of section 386 of *The Municipal Act*, as re-enacted by subsection 5 of section 10 of *The Municipal Amendment Act, 1953*, does not apply to any municipal plan of sick leave credit gratuities established before the 2nd day of April, 1953.

Commencement

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

Short title

39. This Act may be cited as *The Municipal Amendment Act 1954 (No. 2)*.

SECTION 35. Complementary to section 9 of this Bill.

SECTION 36. Self-explanatory.

SECTION 37. Paragraph 49 of section 386 of *The Municipal Act*, as re-enacted in 1953, provided a limitation on the maximum benefit under a sick leave credit plan of one-half of the number of days standing to the employee's credit. This section of the Bill will permit any plan established before the effective date of the 1953 re-enactment to continue without being subject to the limitation referred to.





An Act to amend The Municipal Act

1st Reading

March 18th, 1954

2nd Reading

March 24th, 1954

3rd Reading

MR. DUNBAR

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

No. 112

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

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.**—(1) Subsection 2 of section 53 of *The Municipal Act* Rev. Stat., c. 243, s. 53, subs. 2, repealed is repealed.
- (2) Subsection 7a of the said section 53, as enacted by *Rev. Stat., c. 243, s. 53, subs. 7a* section 2 of *The Municipal Amendment Act, 1953*, is amended (1953, c. 70, s. 2), amended by inserting after the word “by-law” in the fourth line the words “or a question”, so that the subsection shall read as follows:
- (7a) Notwithstanding subsection 7, a by-law for the purpose mentioned in subsection 5 may be passed without the assent of the municipal electors if a by-law or a question for the division of the municipality into wards has received the assent of the municipal electors. Where assent unnecessary
- 2.** *The Municipal Act* is amended by adding thereto the following section: Rev. Stat., c. 243, amended
- 53a. In unorganized territory, the council of a village and the council of a township shall consist of a reeve and four councillors. Village and township in unorganized territory
- 3.**—(1) Clause *f* of subsection 1 of section 56 of *The Municipal Act* is amended by adding at the end thereof the words “unless he has before the opening of the nomination meeting filed his resignation with the township clerk”, so that the clause shall read as follows: Rev. Stat., c. 243, s. 56, subs. 1, cl. f, amended
- (*f*) a trustee of a police village unless he has before the opening of the nomination meeting filed his resignation with the township clerk.
- (2) Clause *u* of subsection 1 of the said section 56 is amended by striking out the word “nomination” in the first line and inserting in lieu thereof the words “opening of the nomination meeting”, so that the clause shall read as follows: Rev. Stat., c. 243, s. 56, subs. 1, cl. u, amended

- (u) a tenant who at the time of the opening of the nomination meeting owes more than three months rent upon the property in respect of which he qualifies.

Rev. Stat.,
c. 243, s. 58,
subs. 1,
amended

4.—(1) Subsection 1 of section 58 of *The Municipal Act* is amended by striking out the words "*The Voters' Lists Act*" in the second and third lines and inserting in lieu thereof the words "*The Voters' Lists Act, 1951*", so that the subsection, exclusive of the clauses, shall read as follows:

Qualification
to be entered
on voters'
list
1951, c. 93

- (1) Every person shall be entitled to be entered on the voters' list prepared under Part I or II of *The Voters' Lists Act, 1951*, who is,

.

Rev. Stat.,
c. 243, s. 58,
subs. 5,
amended

(2) Subsection 5 of the said section 58 is amended by striking out the words "*The Voters' Lists Act*" in the eleventh and twelfth lines and inserting in lieu thereof the words "*The Voters' Lists Act, 1951*", so that the subsection shall read as follows:

Farmers'
sons,
daughters
and sisters
Rev. Stat.,
c. 24

- (5) A person not entitled under *The Assessment Act* to be entered on the last revised assessment roll as a farmer's son, or farmer's daughter, or a farmer's sister, by reason of not having resided on the farm as therein required, shall be entitled to be entered on the voters' list if he or she has the other qualifications of a farmer's son, or a farmer's daughter, or a farmer's sister as prescribed by that Act and has resided on the farm of his or her father or mother or brother for the 12 months next preceding the date of the final revision of the assessment roll or for the 12 months next preceding the last day for making complaint to the judge under *The Voters' Lists Act, 1951*, and where under the provisions hereof a farmer's son is entered on the list his wife, if otherwise qualified, shall also be entered thereon.

1951, c. 93

Rev. Stat.,
c. 243, s. 60,
amended

5. Section 60 of *The Municipal Act* is amended by inserting after the word "list" in the fifth line the words "or from the tenant not residing in the municipality at the date of and for one month next before the election in the case of a voter who is the husband or wife of the tenant", so that the section shall read as follows:

Qualifica-
tions not to
be ques-
tioned at
election
except as to
non-
residence

60. Except as to the disqualification arising from not residing in the municipality at the time of the election in the case of a farmer's son, or farmer's daughter,

or farmer's sister voter, or from the non-payment of taxes in the case of a voter whose name appears on the defaulters' list, or from the tenant not residing in the municipality at the date of and for one month next before the election in the case of a voter who is the husband or wife of the tenant, no question as to the qualifications of any person whose name is entered on the proper list of voters shall be raised at an election.

6. Section 61 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 61,
repealed

7. Section 100 of *The Municipal Act* is amended by striking out the words "the first and second parts of the last voters' list certified under *The Voters' Lists Act*" in the second and third lines and inserting in lieu thereof the words "the last municipal voters' list certified under *The Voters' Lists Act, 1951*", so that the section shall read as follows:

Rev. Stat.,
c. 243, s. 100,
amended

100. The proper list of voters to be used at an election shall be the last municipal voters' list certified under *The Voters' Lists Act, 1951*, with the supplementary list, if any, under section 102 or the list provided for by section 103.

Proper
voters' list
to be used
at an
election
1951, c. 93

8. Clause *a* of subsection 1 of section 108 of *The Municipal Act* is amended by striking out the word "first" in the first line and the words "second deputy reeve, third deputy reeve" in the second line, so that the clause shall read as follows:

Rev. Stat.,
c. 243, s. 108,
subs. 1,
cl. a,
amended

(a) once only for mayor, controller, reeve, deputy reeve.

9. Subsection 15 of section 111a of *The Municipal Act*, as enacted by section 8 of *The Municipal Amendment Act, 1952*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 243,
s. 111a
(1952,
c. 63, s. 8),
subs. 15,
re-enacted

(15) Upon receiving from the deputy returning officer the list mentioned in subsection 14, the returning officer shall,

Noting
deputy
returning
officers'
lists or
certificate
as to voters

(a) 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; or

(b) make a certificate (Form 10a) for each polling subdivision, showing the name and address of each voter listed on the voters' list for such polling subdivision who has voted at an advance poll, and shall furnish such certificate

before the opening of the poll on voting day to the deputy returning officer of the polling subdivision and the deputy returning officer shall before opening the poll make an entry in the voters' list supplied to him, opposite the name of each voter whose name appears on the certificate, showing that such voter has polled his vote.

Rev. Stat.,
c. 243, s. 234,
amended

10. Section 234 of *The Municipal Act* is amended by adding thereto the following subsection:

Index of
restricted
area by-laws,
etc.

(1a) The clerk shall keep an index book in which he shall enter the number and date of,

Rev. Stat.,
c. 243

(a) every subsisting by-law heretofore passed under section 390 of *The Municipal Act* or a predecessor of that section;

(b) every by-law hereafter passed under section 390 of *The Municipal Act*;

(c) every other subsisting by-law, and every other by-law hereafter passed, that affects land but does not directly affect the title to land.

Rev. Stat.,
c. 243, s. 263,
subs. 4,
amended

11.—(1) Subsection 4 of section 263 of *The Municipal Act* is amended by striking out the words "*The Theatres and Cinematographs Act*" in the first line and inserting in lieu thereof the words "*The Theatres Act, 1953*", so that the subsection shall read as follows:

Discretion
as to
granting or
refusing a
licence
1953, c. 104

(4) Subject to *The Theatres Act, 1953*, the granting or refusing of a licence to any person to carry on a particular trade, calling, business or occupation, or of revoking a licence under any of the powers conferred upon a council or a board of commissioners of police by this or any other Act, shall be in its discretion, and it shall not be bound to give any reason for refusing or revoking a licence and its action shall not be open to question or review by any court.

Rev. Stat.,
c. 243, s. 263,
subs. 7, 8,
re-enacted

(2) Subsections 7 and 8 of the said section 263 are repealed and the following substituted therefor:

Suspension
of licences

(7) Where, under this or any other Act, a board of commissioners of police is authorized to pass by-laws for licensing any trade, calling, business or occupation or the person carrying on or engaged in

it, and for revoking such licences, the board may by by-law authorize the chief constable of the municipality to suspend any such licence for such time and subject to such terms and conditions as the by-law may provide.

- (8) No suspension of a licence by a chief constable shall ^{Idem} be effective after the expiration of two weeks from the date of suspension or after the time of the next meeting of the board after the suspension, whichever occurs first.
- (9) Notwithstanding subsection 4, the decision of a ^{Appeal from} board of commissioners of police in revoking a ^{revocation} licence shall be subject to an appeal therefrom to a judge of the Supreme Court whose decision shall be final.
- (10) The practice and procedure on and in relation to an ^{Practice} appeal made under subsection 9 shall be the same, ^{on appeal} as nearly as may be, as in the case of an appeal from a decision of the Master of the Supreme Court in an action or proceeding in the Supreme Court.

12. Subsection 1 of section 277 of *The Municipal Act* is ^{Rev. Stat.,} amended by striking out the words "*The Voters' Lists Act*", ^{c. 243, s. 277,} in the seventh line and inserting in lieu thereof the words "*The* ^{subs. 1,} *Voters' Lists Act, 1951*", so that the subsection shall read as ^{amended} follows:

- (1) Where the proposed by-law is a money by-law or one ^{Preparation} on which all the municipal electors are not entitled ^{of list of} to vote, the clerk, after the passing of the by-law ^{voters} for taking the vote, and not later than the tenth day before the day appointed for taking the vote, shall prepare a list of the persons entitled to vote on the proposed by-law and, subject to section 278 and to section 25 of *The Voters' Lists Act, 1951*, the ^{1951, c. 93} list so prepared shall be final and conclusive as to the right of every person named therein to vote, and that no person not named therein is entitled to vote.

13. Subsection 3 of section 278 of *The Municipal Act* is ^{Rev. Stat.,} amended by striking out the words "*The Voters' Lists Act*", ^{c. 243, s. 278,} in the second and third lines and inserting in lieu thereof ^{subs. 3,} the words "*The Voters' Lists Act, 1951*", so that the sub- ^{amended} section shall read as follows:

- (3) The proceedings shall be the same, as nearly as may ^{Proceedings} be, as prescribed by subsection 2 of section 23 of *The Voters' Lists Act, 1951*. 1951, c. 93

Rev. Stat.,
c. 243, s. 298,
subs. 8,
amended

14. Subsection 8 of section 298 of *The Municipal Act* is amended by adding at the end thereof the words "and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year", so that the subsection shall read as follows:

Idem

(8) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 6 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Rev. Stat.,
c. 243,
amended

15. *The Municipal Act* is amended by adding thereto the following section:

Consolidat-
ing
debenture
by-laws

298a.—(1) Notwithstanding this or any other Act, where separate debenture by-laws have been passed authorizing the borrowing of sums for two or more purposes, instead of borrowing the separate sums thereby authorized to be borrowed and issuing debentures therefor, the council may by by-law, hereinafter called a consolidating by-law, provide for borrowing the aggregate of such sums and for issuing one series of debentures therefor.

Recitals

(2) The consolidating by-law shall clearly specify, by recital or otherwise, in respect of what separate by-laws it is passed.

Rates need
not be
imposed by
consolidat-
ing by-law

(3) It shall not be necessary that the consolidating by-law shall impose any rate to provide for the payment of debentures issued under it or the interest thereon, but the rates imposed by the separate by-laws shall be levied, collected and applied for that purpose.

Consolidat-
ing by-law
may
authorize
debentures
of different
terms of
years

(4) A consolidating by-law passed under this section may authorize the issue of debentures in one series notwithstanding that some of the debentures may be for different terms of years from the other debentures to be issued thereunder, provided that the sum to be raised in each year under the consolidating by-law shall equal the aggregate of the sums which would have been raised under the separate by-laws had no consolidating by-law been passed.

Reference
to separate
by-laws not
required in
debentures

(5) Debentures issued pursuant to a consolidating by-law passed under this section need not refer to the separate by-laws in respect of which the consolidating by-law is passed.

16. Clause *i* of subsection 3 of section 300 of *The Municipal Act* is amended by striking out the words "section 48 of *The High Schools Act*, or subsection 2 of section 3 of *The Continuation Schools Act*" in the third and fourth lines and inserting in lieu thereof the words "subsection 1 of section 7 or section 29 of *The Secondary Schools and Boards of Education Act, 1954*", so that the clause shall read as follows:

- (i) for borrowing money for any of the purposes mentioned in section 56 or 58 of *The Public Schools Act*, or subsection 1 of section 7 or section 29 of *The Secondary Schools and Boards of Education Act, 1954*;
- or

17. Subsection 2 of section 311 of *The Municipal Act* is amended by inserting after the word "and" where it occurs the second time in the fifth line the word "for", so that the subsection shall read as follows:

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

18. Subsection 1 of section 345 of *The Municipal Act* is amended by striking out the words "buildings thereon" in the third and fourth lines and inserting in lieu thereof the words "and repairing buildings thereon, and for making additions to or alterations of such buildings", so that the subsection shall read as follows:

- (1) The council of every corporation may pass by-laws for acquiring or expropriating any land required for the purposes of the corporation, and for erecting and repairing buildings thereon, and for making additions to or alterations of such buildings, and may sell or otherwise dispose of the same when no longer so required.

19.—(1) Section 386 of *The Municipal Act* is amended by adding thereto the following paragraph:

- 19a. For regulating and governing the business of dry cleaning, dry dyeing, cleaning and pressing and spotting or stain removing; for licensing any person using any land in the municipality for the purposes

of any such business including land used for the purpose of receiving articles or goods to be subjected to any such process and for the distribution of articles or goods which have been subjected to any such process; for authorizing the architect or other person named in the by-law to allow such variation from the standard requirements in the case of any existing business as he may approve; for establishing a maximum and minimum tariff of charges to be made by any person engaging in any such business and for revoking any such licence.

Application
of by-law

- (a) Where the council of a town, village or township has passed a by-law under this section the by-law of the county shall not be in force in the town, village or township while the by-law of the town, village or township remains in force.

Rev. Stat.,
c. 243, s. 386,
par. 24,
amended

(2) Paragraph 24 of the said section 386 is amended by striking out the words "*The Department of Education Act*" in the third line and inserting in lieu thereof the words "*The Department of Education Act, 1954*", so that the paragraph shall read as follows:

Community
programmes
1954, c...

24. For carrying on any community or joint community programme of recreation within the meaning of the regulations under *The Department of Education Act, 1954*, and for expending money or for granting money in aid for such purposes.

Rev. Stat.,
c. 243, s. 386,
par. 48
(1953, c. 70,
s. 10,
subs. 4),
cl. i,
amended

(3) Clause *i* of paragraph 48 of the said section 386, as re-enacted by subsection 4 of section 10 of *The Municipal Amendment Act, 1953*, is amended by striking out the words "the council shall" in the tenth line and inserting in lieu thereof the words "and a pension plan has been provided for him with an insurer licensed under *The Insurance Act*, the council shall, on the written request of the employee", so that the clause shall read as follows:

Transfer of
pension
money

- (i) Where an employee, on or after the 1st day of March, 1948, has become or becomes a member of,
- (i) the civil service of Ontario or Canada,
 - (ii) the civic service of any other municipality or local board, or
 - (iii) the staff of any board, commission or public institution established under any Act of the Legislature,

and a pension plan has been provided for him with an insurer licensed under *The Insurance Act*, the council shall, on the written request of the employee, by by-law authorize the transfer of and shall transfer a sum equal to the credit of the employee in its pension plan heretofore or hereafter established under this or any other general or special Act, including the payments and deductions in accordance with clauses *c* and *e* together with interest thereon, to any like fund or plan maintained to provide superannuation benefits or pensions for the members of such civil or civic service or staff, as the case may be, where such fund or plan allows such transfers thereto.

(4) Clause *k* of paragraph 48 of the said section 386 is amended by striking out the symbol and figures "\$50" in the fifth line and inserting in lieu thereof the symbol and figures "\$120" and by striking out the words "the sum equal to his contributions together with interest thereon" in the seventh, eighth and ninth lines and inserting in lieu thereof the words "a sum not less than his contributions", so that the clause shall read as follows:

(*k*) No pension plan provided in accordance with this paragraph shall permit any cash withdrawal except where the moneys standing to the credit of an employee will produce an annuity of less than \$120 at normal retirement date, and the plan shall provide that in that case the employee shall be paid a sum not less than his contributions upon leaving the service of the municipality or local board.

(5) Clause *l* of paragraph 48 of the said section 386 is amended by striking out the word "clause" in the first line and inserting in lieu thereof the words and letter "clauses *i* and", so that the clause shall read as follows:

(*l*) Subject to clauses *i* and *k*, a pension plan shall provide that where an employee leaves the service of a municipality or local board before reaching normal retirement age he shall receive a paid-up policy providing for such annuity, commencing on retirement date and payable in monthly instalments, as the funds standing to his credit, together with interest thereon, will then purchase.

(6) The said section 386 is amended by adding thereto the following paragraph:

49a. For providing, by contract either with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act*,

- (i) group life insurance for employees or any class thereof,
- (ii) group accident insurance or group sickness insurance for employees or any class thereof and their wives and children, and
- (iii) hospital, medical, surgical, nursing or dental services or payment therefor for employees or any class thereof and their wives and children,

and for contributing toward the cost thereof.

- (a) No by-law under this paragraph shall authorize contributions by the municipality in excess of the total of those made by the employees.
- (b) "Employee" in this paragraph means an employee as defined in paragraph 48.

Rev. Stat.,
c. 243, s. 386,
par. 52, cl. e
(1951, c. 53,
s. 15,
subs. 2),
amended

(7) Clause *e* of paragraph 52 of the said section 386, as enacted by subsection 2 of section 15 of *The Municipal Amendment Act, 1951*, is amended by striking out the words "one year" in the third line and inserting in lieu thereof the words "not more than five years", so that the clause shall read as follows:

Levy

- (e) The capital cost or part thereof to be levied against lands under clause *a* shall be raised by a special levy against the lands in not more than five years in accordance with the schedule appended to the by-law.

Rev. Stat.,
c. 243, s. 388,
par. 53, cl. e, repealed
re-enacted

(8) Clause *e* of paragraph 53 of the said section 386 is repealed and the following substituted therefor:

- (e) The council may appoint not less than three and not more than seven resident ratepayers to act on its behalf as a board of management for any undertaking under this paragraph and where the board is composed of five or more persons, at least two shall be members of the council.
- (ee) Where two or more municipalities have entered into an agreement under clause *d*, each member of the board shall be a resident ratepayer of one of such municipalities and where the board is composed of five or more persons, at least two shall be appointed from among the members of the councils of such municipalities.

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

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

8a. For authorizing the municipal architect or building inspector to permit, in special cases which in his judgment warrant it, such deviation as he may deem proper from the by-laws regulating the erection of buildings, except by-laws passed under section 390. Deviations from building by-laws

(a) This paragraph applies only to municipalities where the municipal architect or building inspector, as the case may be, is a member or licensee of the Ontario Association of Architects under *The Architects Act* or a member or licensee of the Association of Professional Engineers of the Province of Ontario under *The Professional Engineers Act*. Limited application of paragraph
Rev. Stat.,
cc. 21, 292

(2) Paragraph 13 of subsection 1 of the said section 388 is amended by striking out the words "*The Theatres and Cinematographs Act*" in the second and third lines and inserting in lieu thereof the words "*The Theatres Act, 1953*", so that the paragraph, exclusive of the clauses, shall read as follows: Rev. Stat.,
c. 243, s. 388,
subs. 1,
par. 13,
amended

13. For regulating, subject to the provisions of *The Egress from Public Buildings Act, The Theatres Act, 1953* and *The Factory, Shop and Office Building Act*, Doors of public buildings
Rev. Stat.,
cc. 111, 126;
1953, c. 104

(3) Subsection 1 of the said section 388 is amended by adding thereto the following paragraph: Rev. Stat.,
c. 243, s. 388,
subs. 1,
amended

88a. For regulating and controlling the excavating of trenches and persons doing work in connection therewith and prescribing requirements in respect of the excavating and use of trenches for the protection of persons working therein; and for requiring the submission of plans of trenches and of the shoring and timbering thereof and for charging fees for the inspection and approval of such plans, and for providing for the issue of permits certifying to such approval without which permit no trench may be excavated and for fixing the fees for such permits and for revoking such permits. Excavating trenches

21. Section 392 of *The Municipal Act* is amended by inserting after the word "municipalities" in the second line the words "and of townships having a population of not less than 10,000", so that the first three lines of the section shall read as follows: Rev. Stat.,
c. 243, s. 392,
amended

392. Subject to section 393, by-laws may be passed by the councils of urban municipalities and of townships having a population of not less than 10,000 and of townships bordering on a city having a population of not less than 100,000: Market by-laws

Rev. Stat.,
c. 243, s. 399,
subs. 4,
re-enacted

22. Subsection 4 of section 399 of *The Municipal Act*, as amended by subsection 2 of section 20 of *The Municipal Amendment Act, 1951*, is repealed and the following substituted therefor:

Exceptions

- (4) Subject to subsections 5 to 9, no by-law passed under this section shall apply to any apparatus, device, mechanism or structure referred to in paragraph 1 of subsection 1 on premises which, on the day of the passing of the by-law, are used for the reduction, refining or smelting of ores or minerals or the manufacturing of cement, brick or tiles or as dwelling houses, except apartment houses, so long as the premises continue to be used for such purposes.

Rev. Stat.,
c. 243, s. 400,
par. 1,
repealed

23. Paragraph 1 of section 400 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 406,
par. 1,
amended

24.—(1) Paragraph 1 of section 406 of *The Municipal Act* is amended by inserting after the word "hire" in the third line the words "or any class or classes thereof" and by inserting after the word "fares" in the eighth line the words "for limiting the number of cabs, buses, motor or other vehicles used for hire, or any class or classes thereof", so that the paragraph shall read as follows:

Teamsters,
cab owners,
cab drivers,
vehicles for
hire, etc.

1. For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, buses, motor or other vehicles used for hire or any class or classes thereof; for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within the municipality or to any point not more than three miles beyond its limits, and for providing for the collection of such rates or fares; for limiting the number of cabs, buses, motor or other vehicles used for hire, or any class or classes thereof; and for revoking any such licence.

Rev. Stat.,
c. 243, s. 406,
par. 5,
(1953, c. 70,
s. 15),
amended

(2) Clause *a* of paragraph 5 of the said section 406, as enacted by section 15 of *The Municipal Amendment Act, 1953*, is amended by striking out the words "for gain" in the second line and by inserting after the word "himself" in the fifth and sixth lines the words "his immediate family", so that the clause shall read as follows:

- (a) In this paragraph, "taxi-cab broker" means any person who accepts calls in any manner for taxi-cabs used for hire and which are owned by persons other than himself, his immediate family or his employer.

25. Section 407 of *The Municipal Act* is amended by striking out the words "and towns and of townships bordering on a city" in the first and second lines and inserting in lieu thereof the words "towns, villages and townships", so that the first three lines of the section shall read as follows:

407. By-laws may be passed by the councils of counties, towns, villages and townships and by boards of commissioners of police of cities:

.

26. Section 411 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 411,
repealed

27. Section 412 of *The Municipal Act* is amended by striking out the words "of townships bordering on a city having a population of not less than 100,000" in the second and third lines and inserting in lieu thereof the word "township", so that the first five lines of the section shall read as follows:

Rev. Stat.,
c. 243, s. 412,
amended

412. By-laws may be passed by the councils of towns and villages and townships and of cities having a population of less than 100,000 and by boards of commissioners of police of cities having a population of not less than 100,000:

.

28. Paragraph 4 of section 413 of *The Municipal Act* is amended by striking out the words "*The Theatres and Cinematographs Act*" in the second line and inserting in lieu thereof the words "*The Theatres Act, 1953*", so that the paragraph shall read as follows:

Rev. Stat.,
c. 243, s. 413,
par. 4,
amended

4. For regulating and licensing, subject to the provisions of *The Theatres Act, 1953*, exhibitions held for hire or gain, theatres, music halls, bowling alleys, moving picture shows, public halls and all places of amusement, and for prohibiting the location of them, or a particular class of them, on land abutting on any highway or part of a highway to be named in the by-law and for revoking any such licence.

Exhibitions,
bowling
alleys, etc.
1953, c. 104

29. Subsection 6 of section 469 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 243, s. 469,
subs. 6,
re-enacted

(6) A by-law of the council of a township passed under clause *c* of subsection 1,

(a) in the case of a township in unorganized territory, shall not have any force until approved by a judge of the district court of the district in which the township is situated;

Approval
of judge
or county
council to
township
by-law

- (b) in the case of a township separated for municipal purposes from the county in which it is situated, shall not have any force until approved by a judge of the county court of the county in which the township is situated; and
- (c) in the case of other townships, shall not have any force until confirmed by a by-law of the council of the county in which the township is situated passed at an ordinary meeting of the council held not sooner than three months or later than one year after the passing of the by-law by the council of the township.

Rev. Stat.,
c. 243, s. 476,
subs. 4,
repealed

30. Subsection 4 of section 476 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 478,
subs. 1,
par. 7,
amended

31. Paragraph 7 of subsection 1 of section 478 of *The Municipal Act* is amended by striking out the word "township" in the first line and inserting in lieu thereof the word "municipality", so that the paragraph shall read as follows:

By municip-
alities in
unorganized
territory

7. By the council of a municipality in unorganized territory for opening, widening, maintaining or improving any highway or constructing, maintaining or improving any bridge in an adjoining municipality or in a municipality situate in such adjoining municipality or in an adjoining unorganized township or in adjoining unsurveyed territory or for granting aid to any adjoining municipality or to any municipality situate in such adjoining municipality for any of such purposes.

Rev. Stat.,
c. 243, s. 479,
par. 5,
amended

32. Paragraph 5 of section 479 of *The Municipal Act* is amended by striking out the words "*The Crown Timber Act*" in the third line and inserting in lieu thereof the words "*The Crown Timber Act, 1952*", so that the paragraph shall read as follows:

Timber on
road
allowances
1952, c. 15

5. For preserving or selling the timber or trees on any original allowance for road, subject however to the rights, if any, of a Crown timber licensee under *The Crown Timber Act, 1952* and, in the case of an unopened original allowance for road, subject also to the approval of the Minister of Lands and Forests.

Rev. Stat.,
c. 243, s. 480,
subs. 2,
repealed

33. Subsection 2 of section 480 of *The Municipal Act* is repealed.

34. Section 500 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 243, s. 500,
re-enacted

500.—(1) The following rules shall apply in proceedings under sections 498 and 499:

Rules of
procedure
re ss. 498,
499

1. Opposite the name of every petitioner in the petition there shall be shown, by reference to the number of the lot, the land owned or occupied by him, and, where it is or forms part of a lot on a registered plan, the reference shall be to the number of the lot according to the plan; and the petition shall also show whether the petitioner is a freeholder or resident tenant.
 2. A petition shall be deemed to be presented when it is lodged with the clerk and the sufficiency of the petition shall be determined by him and his certificate shall be conclusive in reference thereto.
 3. The population of the locality shall be determined in case of dispute in such manner and by such means as the council determines.
 4. The by-law shall not be passed before the expiration of one month after the presentation of the petition nor until further notice has been given of the meeting of the council at which it is intended to take it into consideration.
 5. The notice shall be published at least once a week for two successive weeks during the two months next preceding the meeting and shall contain a description of the locality sufficiently full to indicate the land which is intended to be included in the proposed police village or to be added to the police village, as the case may be.
 6. The clerk shall, forthwith after it is passed, transmit a certified copy of the by-law to the Provincial Secretary who shall cause notice of it to be published in *The Ontario Gazette*.
- (2) After the expiration of three months from the publication of the notice of the by-law, and after the final disposition of any application to quash it made within that period if the application is unsuccessful,

the by-law shall not be liable to be quashed on any ground and the police village thereby erected or the land thereby added, as the case may be, shall be deemed to have been duly erected or added in accordance with this Act.

Rev. Stat.,
c. 243,
amended

35. *The Municipal Act* is amended by adding thereto the following Form:

FORM 10a

(Section 111a (15))

CERTIFICATE AS TO VOTERS WHO HAVE VOTED
AT ADVANCE POLL

I,, Returning Officer for the municipal election for the of, certify that the following voters listed on the Voters' List for Polling Subdivision No. of the of have voted at an advance poll held for this election:

| <i>Name</i> | <i>Address</i> |
|-------------|----------------|
| | |
| | |

Given under my hand this day of,
19.....

A. B.

Returning Officer.

Tornado
relief grants

36. Every municipality shall be deemed to have had authority to pass by-laws for making grants to tornado-relief committees established to assist persons who or whose property suffered injury or damage through the tornadoes that occurred in Ontario on or about the 21st and 24th days of May, 1953.

Sick leave
credit plans

37. Paragraph 49, except clause *b* thereof, of section 386 of *The Municipal Act*, as re-enacted by subsection 5 of section 10 of *The Municipal Amendment Act, 1953*, does not apply to any municipal plan of sick leave credit gratuities established before the 2nd day of April, 1953.

Commence-
ment

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

Short title

39. This Act may be cited as *The Municipal Amendment Act 1954 (No. 2)*.



An Act to amend The Municipal Act

1st Reading

March 18th, 1954

2nd Reading

March 24th, 1954

3rd Reading

April 5th, 1954

MR. DUNBAR

No. 113

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

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 NOTE

SECTION 1. The present definition of "voters' list" in *The Assessment Act* refers to the "alphabetical list referred to in *The Voters' Lists Act*". Since the 1951 re-enactment of *The Voters' Lists Act* municipal voters' lists are made up in the order in which the assessment roll is prepared, except where the council directs an alphabetical order. The definition is, therefore, changed so that it will apply in either case.

SECTION 2—Subsection 1. Under paragraph 9 of section 4 of the present Act property owned by private individuals and leased to a county or municipality is exempt from taxation. This amendment removes the exemption.

Subsection 2. See explanatory note to section 4, subsection 3.

SECTION 3. See explanatory note to section 4, subsection 3.

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. Clause *t* of section 1 of *The Assessment Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 1,
cl. *t*,
re-enacted

(*t*) "voters' list" means the municipal voters' list prepared under *The Voters' Lists Act, 1951*.

1951, c. 93

2.—(1) Paragraph 9 of section 4 of *The Assessment Act*, as amended by subsection 1 of section 1 of *The Assessment Amendment Act, 1952*, is further amended by striking out the words "or leased by" in the second line, so that the paragraph shall read as follows:

Rev. Stat.,
c. 24, s. 4,
par. 9,
amended

9. The property belonging to 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 18*a* of the said section 4, as enacted by subsection 1 of section 1 of *The Assessment Amendment Act, 1953*, is repealed.

Rev. Stat.,
c. 24, s. 4,
par. 18*a*
(1953,
c. 6, s. 1,
subs. 1),
repealed

3. Section 4*b* of *The Assessment Act*, as enacted by section 2 of *The Assessment Amendment Act, 1953*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 4*b*
(1953,
c. 6, s. 2),
re-enacted

4*b*. The council of a town, village or township may by by-law provide that, if any part of a farm exempted under paragraph 18 of section 4 ceases to be used for forestry purposes so as not to come within the purview of the said paragraph, the assessor shall so report to the clerk and that the clerk shall forthwith amend the collector's roll by inserting therein,

Where land
ceases to be
used for
forestry
purposes

- (a) the rates or taxes with which the farm would have been chargeable for the preceding three years if such part of the farm had not been exempt; or
- (b) such portion of such rates or taxes as the by-law may provide or the council may by resolution deem proper,

and such rates or taxes or portion thereof shall be collectable in accordance with such amended roll.

Rev. Stat.,
c. 24, s. 33,
subs. 4a
(1952,
c. 3, s. 8),
amended

4.—(1) Subsection 4a of section 33 of *The Assessment Act*, as enacted by section 8 of *The Assessment Amendment Act, 1952*, is amended by striking out the figures "1951" in the seventh line and inserting in lieu thereof the figures "1954", so that the subsection shall read as follows:

Effect of
tax sale
or tax
certificate
registration

- (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, 1954, 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.

Rev. Stat.,
c. 24, s. 33,
subs. 4b
(1952,
c. 3, s. 8),
amended

(2) Subsection 4b of the said section 33, as enacted by section 8 of *The Assessment Amendment Act, 1952*, is amended by striking out the figures "1951" in the thirteenth line and inserting in lieu thereof the figures "1954", so that the subsection shall read as follows:

before
April 1,
1954

- (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

SECTION 4—Subsections 1 and 2. Subsections 4a and 4b were added to section 33 of *The Assessment Act* by section 8 of *The Assessment Amendment Act, 1952*, which was to come into force on Proclamation. The subsections deal with the effect of a tax sale or tax registration on mining rights and surface rights, and the effects varied with respect to proceedings before and after April 1st, 1951. The amendments in this section change the date concerned to April 1st, 1954, and the provision of the 1952 Act with respect to the Proclamation is rewritten so that subsections 4a and 4b as amended in this section will come into force on April 15th, 1954. (Section 12 of the Bill).

Subsection 3. At the 1953 session, amendments were made with respect to land used as woodlands with the result that both the land and the trees were made exempt from assessment. This amendment, instead of providing an exemption for both the land and trees, provides rather that the land shall not be assessed at a greater value by reason of the presence of the trees nor shall it be assessed at a lesser value when it becomes slashland. The repeal of paragraph 18a of section 4 (section 2 (2) of this Bill) and the re-enactment of section 4b (section 3 of this Bill) are complementary amendments. These amendments are made retroactive to January 1st, 1954, the effective date of the 1953 amendments.

SECTION 5. Paragraph 1 of subsection 2 of section 33a of *The Assessment Act* provides that where a mining municipality receives a payment under the section the portion of the payment computed with reference to the mines profits calculated under section 4 of *The Mining Tax Act* shall be distributed among the bodies that would have received the mines profits if the taxes had been levied in the usual way. The amendment provides that where there are no mines profits subject to tax under *The Mining Tax Act* the whole payment will form part of the general funds of the municipality.

- (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, 1954, 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.

(3) Subsection 13 of the said section 33, as enacted by section 8 of *The Assessment Amendment Act, 1953*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 33,
subs. 13
(1953,
c. 6, s. 8),
re-enacted

(13) Land used as woodlands shall not be assessed at a greater value by reason of the presence of the trees thereon nor shall it be assessed at a lesser value by reason of the removal of the trees.

Woodlands

(14) In subsection 13, "woodlands" means lands having not less than 400 trees per acre of all sizes, or 300 trees measuring over two inches in diameter, or 200 trees measuring over five inches in diameter, or 100 trees measuring over eight inches in diameter (all such measurements to be taken at four and one-half feet from the ground) of one or more of the following kinds: white or Norway pine, white or Norway spruce, hemlock, tamarac, oak, ash, elm, hickory, basswood, tulip (white wood), black cherry, walnut, butternut, chestnut, hard maple, soft maple, cedar, sycamore, beech, black locust, or catalpa, or any other variety which may be designated by Order in Council, and which lands have been set apart by the owner with the object chiefly, but not necessarily solely, of fostering the growth of the trees thereon and which are fenced and not used for grazing purposes.

Interpreta-
tion

5. Section 33a of *The Assessment Act*, as enacted by section 9 of *The Assessment Amendment Act, 1952*, is amended by adding thereto the following subsection:

Rev. Stat.,
c. 24, s. 33a
(1952,
c. 3, s. 9),
amended

(2a) Notwithstanding subsection 2, where there are no mines profits calculated under section 4 of *The Mining Tax Act*, the payment shall form part of the general funds of the municipality.

Idem
Rev. Stat.,
c. 237

Rev. Stat.,
c. 24,
amended

6. *The Assessment Act* is amended by adding thereto the following section:

Taxation on
assessment
roll as
returned

54a.—(1) Notwithstanding subsection 4 of section 54, the council of a municipality may fix and levy the rate of taxation on the assessment taken in the preceding year according to the assessment roll as returned.

Rights of
appeal
preserved

(2) Nothing in this section shall in any way deprive any person of any right of appeal provided for in this Act, and the same may be exercised and the appeal proceeded with in accordance with this Act.

Adjustment
of taxes as
result of
appeal

(3) Where as the result of an appeal any assessment is added, reduced, increased or otherwise amended or altered, the taxes levied and payable with respect to such assessment shall be adjusted accordingly and, if the taxes levied have been paid, any overpayment shall be refunded by the municipality.

Rev. Stat.,
c. 24, s. 69,
subs. 7,
amended

7. Subsection 7 of section 69 of *The Assessment Act* is amended by striking out the words "alphabetical order of the names of the appellants" in the second line and inserting in lieu thereof the words "sequence of the assessment roll numbers", so that the subsection shall read as follows:

Order of
hearing
appeals

(7) The clerk of the court shall enter the appeals on the list in the sequence of the assessment roll numbers, and the court shall proceed with the appeals in the order, as nearly as may be, in which they are so entered, but may grant an adjournment or postponement of any appeal.

Rev. Stat.,
c. 24, s. 80,
subs. 4,
re-enacted

8. Subsection 4 of section 80 of *The Assessment Act*, as amended by subsection 2 of section 8 of *The Assessment Amendment Act, 1951*, is repealed and the following substituted therefor:

Notice of
appeal

(4) A notice of appeal to the Board under this section shall, within twenty-one days after notice of the decision appealed from has been given under subsection 22 of section 69 or subsection 2 of section 79, as the case may be, be sent by the party appealing by registered letter to the secretary of the Board and to the persons to whom notice of the hearing before the court of revision or judge, as the case may be, was given.

Rev. Stat.,
c. 24, s. 124
(1953,
c. 6, s. 13),
subs. 1, cl. a,
amended

9.—(1) Clause *a* of subsection 1 of section 124 of *The Assessment Act*, as re-enacted by section 13 of *The Assessment Amendment Act, 1953*, is amended by striking out the words

SECTION 6. Under section 54 of *The Assessment Act* the rates of taxes for each year shall be fixed and levied on the assessment taken in the preceding year according to the last revised assessment roll. A new section is added to the Act which will authorize the passing of the levy by-law based on the assessment roll as returned. All rights of appeal are preserved.

SECTION 7. Subsection 7 of section 69 now provides that the clerk of the court of revision shall enter the appeals on the list of appeals in alphabetical order of the names of the appellants. The amendment authorizes the entry in the sequence of the assessment roll numbers which will simplify administration and procedure.

SECTION 8. The provisions respecting a notice of an assessment appeal to the Municipal Board from the decision of a court of revision or a county judge are rewritten, with no change in principle, for clarification.

SECTION 9. Clause *a* of subsection 1 of section 124 of *The Assessment Act* authorizes applications to the court of revision for the cancellation, reduction or refund of taxes in respect of "real property" which was vacant three months or more during the year. Subsection 8 of section 124 provides the maximum cancellation, reduction or refund which may be granted in this case. The amendment is to make it clear that the cancellation, reduction or refund is applicable only to the portion of the taxes in respect of the building, and that no cancellation, reduction or refund may be made in respect of the portion of the taxes in respect of the land itself.

SECTION 10. Under subsection 1 of section 157 of *The Assessment Act*, where land is sold for taxes and the whole of the land is sold rather than only a portion, the owner, if he wishes to redeem, must pay a premium of 10% of the purchase price. The subsection is amended to provide that the premium will no longer be 10% of the purchase price but instead will be 10% of the amount of taxes for which the land was offered for sale and 10% of the expenses of sale.

This amendment makes the premium payable the same as in the case where the municipality is the purchaser at the tax sale.

“real property” in the first line and inserting in lieu thereof the words “a building”, so that the clause shall read as follows: --

- (a) in respect of a building which was vacant three months or more during the year; or

.

(2) Subsection 8 of the said section 124 is amended by striking out the words “real property” in the third line and inserting in lieu thereof the word “building”, so that the subsection, exclusive of the paragraphs, shall read as follows:

Rev. Stat.,
c. 24, s. 124
(1953,
c. 6, s. 13),
subs. 8,
amended

- (8) A cancellation, reduction or refund under clause a of subsection 1 shall be made only in respect of taxes levied on the assessed value of the building in accordance with the following:
- Limitations
and
restrictions

.

10. Subsection 1 of section 157 of *The Assessment Act* is amended by inserting after the word “cent” in the twenty-first line the words “of the full amount of the taxes for which the land was offered for sale and of the expenses of sale”, so that the subsection shall read as follows:

Rev. Stat.,
c. 24, s. 157,
subs. 1,
amended

- (1) Notwithstanding section 156, the treasurer shall not be obliged to sell for taxes only a portion of land separately assessed but may sell the whole of such land for the best price offered at the sale, and any money obtained by the treasurer as the price of such land shall be applied, firstly, in paying the full amount of the taxes for which the land was offered for sale, together with the expenses of sale, and, secondly, in payment of the taxes, including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land, and the balance, if any, shall be paid by the treasurer to the owner of the land or to such other person as may be authorized by law to receive the same less such charge and expenses as the treasurer may pay or incur in satisfying himself of the right of such owner or other person to receive the same, and it shall be the duty of the person claiming the balance to produce to the treasurer proof of his right to receive the same; provided that the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the purchase price,
- Mode of
selling land
for taxes

together with ten per cent of the full amount of the taxes for which the land was offered for sale and of the expenses of sale added thereto, and together with the full amount of the charges for searches, postage and notice provided for in subsection 2 of section 174, and the balance, if any, outstanding of the taxes including 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 been liable for taxation, determined as provided in subsection 2 of section 156, but if the purchaser is the municipality redemption as aforesaid may be made upon payment of the full amount of the taxes for which the land was offered for sale, together with the expenses of sale, and together with ten per cent added thereto, and together with the full amount of the charges for searches, postage and notice provided for in subsection 2 of section 174, and together with the taxes including 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 been liable for taxation, determined as provided in subsection 3 of section 156.

1931,
c. 51,
ss. 5, 15,
repealed

11.—(1) Sections 5 and 15 of *The Assessment Amendment Act, 1931* are repealed.

1932,
c. 53, s. 26,
subs. 1,
repealed

(2) Subsection 1 of section 26 of *The Statute Law Amendment Act, 1932* is repealed.

1952,
c. 3, s. 21,
subs. 4,
amended

12. Subsection 4 of section 21 of *The Assessment Amendment Act, 1952* is amended by striking out the words "a day to be named by the Lieutenant-Governor by his Proclamation" in the first and second lines and inserting in lieu thereof the words "the 15th day of April, 1954", so that the subsection shall read as follows:

Idem

(4) Section 8 comes into force on the 15th day of April, 1954.

Commence-
ment

13.—(1) This Act, except sections 2 and 3, subsection 3 of section 4, and sections 6 and 10, comes into force on the 15th day of April, 1954.

Idem

(2) Subsection 2 of section 2, section 3, subsection 3 of section 4 and section 6 shall be deemed to have come into force on the 1st day of January, 1954.

SECTION 11. Section 5 of *The Assessment Amendment Act, 1931* added to *The Assessment Act* certain provisions relating to the assessment of income from rest, reserve or surplus funds established by the owner or operator of a mine or mineral work. Section 15 of the Act provided that these provisions would come into force on Proclamation. Subsection 1 of section 26 of *The Statute Law Amendment Act, 1932* made a slight amendment to the 1931 provisions. No Proclamation has ever been issued bringing the provisions into force.

SECTION 12. See explanatory note to section 4, subsections 1 and 2.



(3) Subsection 1 of section 2 and section 10 come into ^{Idem} force on the 1st day of January, 1955.

14. This Act may be cited as *The Assessment Amend-Short title ment Act, 1954.*

BILL

An Act to amend The Assessment Act

1st Reading

March 18th, 1954

2nd Reading

3rd Reading

MR. DUNBAR

No. 113

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Assessment Act

MR. DUNBAR

(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 NOTE

SECTION 1. The present definition of "voters' list" in *The Assessment Act* refers to the "alphabetical list referred to in *The Voters' Lists Act*". Since the 1951 re-enactment of *The Voters' Lists Act* municipal voters' lists are made up in the order in which the assessment roll is prepared, except where the council directs an alphabetical order. The definition is, therefore, changed so that it will apply in either case.

SECTION 2—Subsection 1. Under paragraph 9 of section 4 of the present Act property owned by private individuals and leased to a county or municipality is exempt from taxation. This amendment removes the exemption.

Subsection 2. See explanatory note to section 4, subsection 3.

SECTION 3. See explanatory note to section 4, subsection 3.

No. 113

1954

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. Clause *t* of section 1 of *The Assessment Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 1,
cl. *t*,
re-enacted

(*t*) "voters' list" means the municipal voters' list prepared under *The Voters' Lists Act, 1951*.

1951, c. 93

2.—(1) Paragraph 9 of section 4 of *The Assessment Act*, as amended by subsection 1 of section 1 of *The Assessment Amendment Act, 1952*, is further amended by striking out the words "or leased by" in the second line, so that the paragraph shall read as follows:

Rev. Stat.,
c. 24, s. 4,
par. 9,
amended

9. The property belonging to 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 18*a* of the said section 4, as enacted by subsection 1 of section 1 of *The Assessment Amendment Act, 1953*, is repealed.

Rev. Stat.,
c. 24, s. 4,
par. 18*a*
(1953,
c. 6, s. 1,
subs. 1),
repealed

3. Section 4*b* of *The Assessment Act*, as enacted by section 2 of *The Assessment Amendment Act, 1953*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 4*b*
(1953,
c. 6, s. 2),
re-enacted

4*b*. The council of a town, village or township may by by-law provide that, if any part of a farm exempted under paragraph 18 of section 4 ceases to be used for forestry purposes so as not to come within the purview of the said paragraph, the assessor shall so report to the clerk and that the clerk shall forthwith amend the collector's roll by inserting therein,

Where land
ceases to be
used for
forestry
purposes

- (a) the rates or taxes with which the farm would have been chargeable for the preceding three years if such part of the farm had not been exempt; or
- (b) such portion of such rates or taxes as the by-law may provide or the council may by resolution deem proper,

and such rates or taxes or portion thereof shall be collectable in accordance with such amended roll.

Rev. Stat.,
c. 24, s. 33,
subs. 4a
(1952,
c. 3, s. 8),
amended

4.—(1) Subsection 4a of section 33 of *The Assessment Act*, as enacted by section 8 of *The Assessment Amendment Act, 1952*, is amended by striking out the figures "1951" in the seventh line and inserting in lieu thereof the figures "1954", so that the subsection shall read as follows:

Effect of
tax sale
or tax
certificate
registration

(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, 1954, 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.

Rev. Stat.,
c. 24, s. 33,
subs. 4b
(1952,
c. 3, s. 8),
amended

(2) Subsection 4b of the said section 33, as enacted by section 8 of *The Assessment Amendment Act, 1952*, is amended by striking out the figures "1951" in the thirteenth line and inserting in lieu thereof the figures "1954", so that the subsection shall read as follows:

before
April 1,
1954

(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

SECTION 4—Subsections 1 and 2. Subsections 4a and 4b were added to section 33 of *The Assessment Act* by section 8 of *The Assessment Amendment Act, 1952*, which was to come into force on Proclamation. The subsections deal with the effect of a tax sale or tax registration on mining rights and surface rights, and the effects varied with respect to proceedings before and after April 1st, 1951. The amendments in this section change the date concerned to April 1st, 1954, and the provision of the 1952 Act with respect to the Proclamation is rewritten so that subsections 4a and 4b as amended in this section will come into force on April 15th, 1954. (Section 12 of the Bill).

Subsection 3. At the 1953 session, amendments were made with respect to land used as woodlands with the result that both the land and the trees were made exempt from assessment. This amendment, instead of providing an exemption for both the land and trees, provides rather that the land shall not be assessed at a greater value by reason of the presence of the trees nor shall it be assessed at a lesser value when it becomes slashland. The repeal of paragraph 18a of section 4 (section 2 (2) of this Bill) and the re-enactment of section 4b (section 3 of this Bill) are complementary amendments. These amendments are made retroactive to January 1st, 1954, the effective date of the 1953 amendments.

SECTION 5. Paragraph 1 of subsection 2 of section 33a of *The Assessment Act* provides that where a mining municipality receives a payment under the section the portion of the payment computed with reference to the mines profits calculated under section 4 of *The Mining Tax Act* shall be distributed among the bodies that would have received the mines profits if the taxes had been levied in the usual way. The amendment provides that where there are no mines profits subject to tax under *The Mining Tax Act* the whole payment will form part of the general funds of the municipality.

(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, 1954, 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.

(3) Subsection 13 of the said section 33, as enacted by section 8 of *The Assessment Amendment Act, 1953*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 33,
subs. 13
(1953,
c. 6, s. 8),
re-enacted

(13) Land used as woodlands shall not be assessed at a greater value by reason of the presence of the trees thereon nor shall it be assessed at a lesser value by reason of the removal of the trees.

Woodlands

(14) In subsection 13, "woodlands" means lands having not less than 400 trees per acre of all sizes, or 300 trees measuring over two inches in diameter, or 200 trees measuring over five inches in diameter, or 100 trees measuring over eight inches in diameter (all such measurements to be taken at four and one-half feet from the ground) of one or more of the following kinds: white or Norway pine, white or Norway spruce, hemlock, tamarac, oak, ash, elm, hickory, basswood, tulip (white wood), black cherry, walnut, butternut, chestnut, hard maple, soft maple, cedar, sycamore, beech, black locust, or catalpa, or any other variety which may be designated by Order in Council, and which lands have been set apart by the owner with the object chiefly, but not necessarily solely, of fostering the growth of the trees thereon and which are fenced and not used for grazing purposes.

Interpreta-
tion

5. Section 33a of *The Assessment Act*, as enacted by section 9 of *The Assessment Amendment Act, 1952*, is amended by adding thereto the following subsection:

Rev. Stat.,
c. 24, s. 33a
(1952,
c. 3, s. 9),
amended

(2a) Notwithstanding subsection 2, where there are no mines profits calculated under section 4 of *The Mining Tax Act*, the payment shall form part of the general funds of the municipality.

Idem
Rev. Stat.,
c. 237

Rev. Stat.
c. 24,
amended

6. *The Assessment Act* is amended by adding thereto the following section:

Taxation on
assessment
roll as
returned

54a.—(1) Notwithstanding subsection 4 of section 54, the council of a municipality may fix and levy the rate of taxation on the assessment taken in the preceding year according to the assessment roll as returned.

Rights of
appeal
preserved

(2) Nothing in this section shall in any way deprive any person of any right of appeal provided for in this Act, and the same may be exercised and the appeal proceeded with in accordance with this Act.

Adjustment
of taxes as
result of
appeal

(3) Where as the result of an appeal any assessment is added, reduced, increased or otherwise amended or altered, the taxes levied and payable with respect to such assessment shall be adjusted accordingly and, if the taxes levied have been paid, any overpayment shall be refunded by the municipality.

Rev. Stat.,
c. 24, s. 69,
subs. 7,
amended

7. Subsection 7 of section 69 of *The Assessment Act* is amended by striking out the words "alphabetical order of the names of the appellants" in the second line and inserting in lieu thereof the words "sequence of the assessment roll numbers", so that the subsection shall read as follows:

Order of
hearing
appeals

(7) The clerk of the court shall enter the appeals on the list in the sequence of the assessment roll numbers, and the court shall proceed with the appeals in the order, as nearly as may be, in which they are so entered, but may grant an adjournment or postponement of any appeal.

Rev. Stat.,
c. 24, s. 80,
subs. 4,
re-enacted

8. Subsection 4 of section 80 of *The Assessment Act*, as amended by subsection 2 of section 8 of *The Assessment Amendment Act, 1951*, is repealed and the following substituted therefor:

Notice of
appeal

(4) A notice of appeal to the Board under this section shall, within twenty-one days after notice of the decision appealed from has been given under subsection 22 of section 69 or subsection 2 of section 79, as the case may be, be sent by the party appealing by registered letter to the secretary of the Board and to the persons to whom notice of the hearing before the court of revision or judge, as the case may be, was given.

Rev. Stat.,
c. 24, s. 124
(1953,
c. 6, s. 13),
subs. 1, cl. a,
amended

9.—(1) Clause *a* of subsection 1 of section 124 of *The Assessment Act*, as re-enacted by section 13 of *The Assessment Amendment Act, 1953*, is amended by striking out the words

SECTION 6. Under section 54 of *The Assessment Act* the rates of taxes for each year shall be fixed and levied on the assessment taken in the preceding year according to the last revised assessment roll. A new section is added to the Act which will authorize the passing of the levy by-law based on the assessment roll as returned. All rights of appeal are preserved.

SECTION 7. Subsection 7 of section 69 now provides that the clerk of the court of revision shall enter the appeals on the list of appeals in alphabetical order of the names of the appellants. The amendment authorizes the entry in the sequence of the assessment roll numbers which will simplify administration and procedure.

SECTION 8. The provisions respecting a notice of an assessment appeal to the Municipal Board from the decision of a court of revision or a county judge are rewritten, with no change in principle, for clarification.

SECTION 9. Clause *a* of subsection 1 of section 124 of *The Assessment Act* authorizes applications to the court of revision for the cancellation, reduction or refund of taxes in respect of "real property" which was vacant three months or more during the year. Subsection 8 of section 124 provides the maximum cancellation, reduction or refund which may be granted in this case. The amendment is to make it clear that the cancellation, reduction or refund is applicable only to the portion of the taxes in respect of the building, and that no cancellation, reduction or refund may be made in respect of the portion of the taxes in respect of the land itself.

SECTION 10. Under subsection 1 of section 157 of *The Assessment Act*, where land is sold for taxes and the whole of the land is sold rather than only a portion, the owner, if he wishes to redeem, must pay a premium of 10% of the purchase price. The subsection is amended to provide that the premium will no longer be 10% of the purchase price but instead will be 10% of the amount of taxes for which the land was offered for sale and 10% of the expenses of sale.

This amendment makes the premium payable the same as in the case where the municipality is the purchaser at the tax sale.

“real property” in the first line and inserting in lieu thereof the words “a building”, so that the clause shall read as follows:

- (a) in respect of a building which was vacant three months or more during the year; or

.

(2) Subsection 8 of the said section 124 is amended by ^{Rev. Stat., c. 24, s. 124} striking out the words “real property” in the third line and ^{(1953, c. 6, s. 13),} inserting in lieu thereof the word “building”, so that the ^{subs. 8,} subsection, exclusive of the paragraphs, shall read as follows: ^{amended}

- (8) A cancellation, reduction or refund under clause *a* ^{Limitations and} of subsection 1 shall be made only in respect of ^{restrictions} taxes levied on the assessed value of the building in accordance with the following:

.

10. Subsection 1 of section 157 of *The Assessment Act* is ^{Rev. Stat., c. 24, s. 157,} amended by inserting after the word “cent” in the twenty- ^{subs. 1,} first line the words “of the full amount of the taxes for which ^{amended} the land was offered for sale and of the expenses of sale”, so that the subsection shall read as follows:

- (1) Notwithstanding section 156, the treasurer shall ^{Mode of} not be obliged to sell for taxes only a portion of ^{selling land} land separately assessed but may sell the whole of ^{for taxes} such land for the best price offered at the sale, and any money obtained by the treasurer as the price of such land shall be applied, firstly, in paying the full amount of the taxes for which the land was offered for sale, together with the expenses of sale, and, secondly, in payment of the taxes, including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land, and the balance, if any, shall be paid by the treasurer to the owner of the land or to such other person as may be authorized by law to receive the same less such charge and expenses as the treasurer may pay or incur in satisfying himself of the right of such owner or other person to receive the same, and it shall be the duty of the person claiming the balance to produce to the treasurer proof of his right to receive the same; provided that the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the purchase price,

together with ten per cent of the full amount of the taxes for which the land was offered for sale and of the expenses of sale added thereto, and together with the full amount of the charges for searches, postage and notice provided for in subsection 2 of section 174, and the balance, if any, outstanding of the taxes including 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 been liable for taxation, determined as provided in subsection 2 of section 156, but if the purchaser is the municipality redemption as aforesaid may be made upon payment of the full amount of the taxes for which the land was offered for sale, together with the expenses of sale, and together with ten per cent added thereto, and together with the full amount of the charges for searches, postage and notice provided for in subsection 2 of section 174, and together with the taxes including 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 been liable for taxation, determined as provided in subsection 3 of section 156.

1931,
c. 51,
ss. 5, 15,
repealed

11.—(1) Sections 5 and 15 of *The Assessment Amendment Act, 1931* are repealed.

1932,
c. 53, s. 26,
subs. 1,
repealed

(2) Subsection 1 of section 26 of *The Statute Law Amendment Act, 1932* is repealed.

1952,
c. 3, s. 21,
subs. 4,
amended

12. Subsection 4 of section 21 of *The Assessment Amendment Act, 1952* is amended by striking out the words “a day to be named by the Lieutenant-Governor by his Proclamation” in the first and second lines and inserting in lieu thereof the words “the 15th day of April, 1954”, so that the subsection shall read as follows:

Idem

(4) Section 8 comes into force on the 15th day of April, 1954.

Assessment—
of veterans’
holdings
under R.S.C.
1952, c. 280

13.—(1) Where, by reason of an annexation or amalgamation or the incorporation of an urban municipality or metropolitan municipality, undue hardship is placed upon veterans holding land in a local municipality under the *Veterans’ Land Act* (Canada), the council of the local municipality may by by-law, subject to the approval of the Ontario

SECTION 11. Section 5 of *The Assessment Amendment Act, 1931* added to *The Assessment Act* certain provisions relating to the assessment of income from rent, reserve or surplus funds established by the owner or operator of a mine or mineral work. Section 15 of the Act provided that these provisions would come into force on Proclamation. Subsection 1 of section 26 of *The Statute Law Amendment Act, 1932* made a slight amendment to the 1931 provisions. No Proclamation has ever been issued bringing the provisions into force.

SECTION 12. See explanatory note to section 4, subsections 1 and 2.



Municipal Board, provide that such lands shall be assessed for such percentage of the actual value as the by-law provides.

(2) A by-law passed under subsection 1,

Application
of by-law

(a) shall apply only to lands held by veterans on the day this Act receives Royal Assent; and

(b) shall cease to apply to any land as soon as the veteran's ownership thereof is established.

14.—(1) This Act, except sections 2 and 3, subsection 3 of section 4, and sections 6 and 10, comes into force on the 15th day of April, 1954. <sup>Commence-
ment</sup>

(2) Subsection 2 of section 2, section 3, subsection 3 of section 4 and section 6 shall be deemed to have come into force on the 1st day of January, 1954. ^{Idem}

(3) Subsection 1 of section 2 and section 10 come into force on the 1st day of January, 1955. ^{Idem}

15. This Act may be cited as *The Assessment Amendment Act, 1954*. ^{Short title}

BILL

An Act to amend The Assessment Act

1st Reading

March 18th, 1954

2nd Reading

March 24th, 1954

3rd Reading

MR. DUNBAR

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

No. 113

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

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



No. 113

1954

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. Clause *t* of section 1 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 24, s. 1, cl. *t*, re-enacted

(*t*) "voters' list" means the municipal voters' list prepared under *The Voters' Lists Act, 1951*. 1951, c. 93

2.—(1) Paragraph 9 of section 4 of *The Assessment Act*, as amended by subsection 1 of section 1 of *The Assessment Amendment Act, 1952*, is further amended by striking out the words "or leased by" in the second line, so that the paragraph shall read as follows: Rev. Stat., c. 24, s. 4, par. 9, amended

9. The property belonging to 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 18*a* of the said section 4, as enacted by subsection 1 of section 1 of *The Assessment Amendment Act, 1953*, is repealed. Rev. Stat., c. 24, s. 4, par. 18*a* (1953, c. 6, s. 1, subs. 1), repealed

3. Section 4*b* of *The Assessment Act*, as enacted by section 2 of *The Assessment Amendment Act, 1953*, is repealed and the following substituted therefor: Rev. Stat., c. 24, s. 4*b* (1953, c. 6, s. 2), re-enacted

4*b*. The council of a town, village or township may by by-law provide that, if any part of a farm exempted under paragraph 18 of section 4 ceases to be used for forestry purposes so as not to come within the purview of the said paragraph, the assessor shall so report to the clerk and that the clerk shall forthwith amend the collector's roll by inserting therein, Where land ceases to be used for forestry purposes

- (a) the rates or taxes with which the farm would have been chargeable for the preceding three years if such part of the farm had not been exempt; or
- (b) such portion of such rates or taxes as the by-law may provide or the council may by resolution deem proper,

and such rates or taxes or portion thereof shall be collectable in accordance with such amended roll.

Rev. Stat.,
c. 24, s. 33,
subs. 4a
(1952,
c. 3, s. 8),
amended

4.—(1) Subsection 4a of section 33 of *The Assessment Act*, as enacted by section 8 of *The Assessment Amendment Act, 1952*, is amended by striking out the figures "1951" in the seventh line and inserting in lieu thereof the figures "1954", so that the subsection shall read as follows:

Effect of
tax sale
or tax
certificate
registration

(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, 1954, 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.

Rev. Stat.,
c. 24, s. 33,
subs. 4b
(1952,
c. 3, s. 8),
amended

(2) Subsection 4b of the said section 33, as enacted by section 8 of *The Assessment Amendment Act, 1952*, is amended by striking out the figures "1951" in the thirteenth line and inserting in lieu thereof the figures "1954", so that the subsection shall read as follows:

before
April 1,
1954

(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, 1954, 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.

(3) Subsection 13 of the said section 33, as enacted by section 8 of *The Assessment Amendment Act, 1953*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 33,
subs. 13
(1953,
c. 6, s. 8),
re-enacted

- (13) Land used as woodlands shall not be assessed at a greater value by reason of the presence of the trees thereon nor shall it be assessed at a lesser value by reason of the removal of the trees.

Woodlands

- (14) In subsection 13, "woodlands" means lands having not less than 400 trees per acre of all sizes, or 300 trees measuring over two inches in diameter, or 200 trees measuring over five inches in diameter, or 100 trees measuring over eight inches in diameter (all such measurements to be taken at four and one-half feet from the ground) of one or more of the following kinds: white or Norway pine, white or Norway spruce, hemlock, tamarac, oak, ash, elm, hickory, basswood, tulip (white wood), black cherry, walnut, butternut, chestnut, hard maple, soft maple, cedar, sycamore, beech, black locust, or catalpa, or any other variety which may be designated by Order in Council, and which lands have been set apart by the owner with the object chiefly, but not necessarily solely, of fostering the growth of the trees thereon and which are fenced and not used for grazing purposes.

Interpreta-
tion

5. Section 33a of *The Assessment Act*, as enacted by section 9 of *The Assessment Amendment Act, 1952*, is amended by adding thereto the following subsection:

Rev. Stat.,
c. 24, s. 33a
(1952,
c. 3, s. 9),
amended

- (2a) Notwithstanding subsection 2, where there are no mines profits calculated under section 4 of *The Mining Tax Act*, the payment shall form part of the general funds of the municipality.

Idem
Rev. Stat.,
c. 237

Rev. Stat.
c. 24,
amended

6. *The Assessment Act* is amended by adding thereto the following section:

Taxation on
assessment
roll as
returned

54a.—(1) Notwithstanding subsection 4 of section 54, the council of a municipality may fix and levy the rate of taxation on the assessment taken in the preceding year according to the assessment roll as returned.

Rights of
appeal
preserved

(2) Nothing in this section shall in any way deprive any person of any right of appeal provided for in this Act, and the same may be exercised and the appeal proceeded with in accordance with this Act.

Adjustment
of taxes as
result of
appeal

(3) Where as the result of an appeal any assessment is added, reduced, increased or otherwise amended or altered, the taxes levied and payable with respect to such assessment shall be adjusted accordingly and, if the taxes levied have been paid, any overpayment shall be refunded by the municipality.

Rev. Stat.,
c. 24, s. 69,
subs. 7,
amended

7. Subsection 7 of section 69 of *The Assessment Act* is amended by striking out the words "alphabetical order of the names of the appellants" in the second line and inserting in lieu thereof the words "sequence of the assessment roll numbers", so that the subsection shall read as follows:

Order of
hearing
appeals

(7) The clerk of the court shall enter the appeals on the list in the sequence of the assessment roll numbers, and the court shall proceed with the appeals in the order, as nearly as may be, in which they are so entered, but may grant an adjournment or postponement of any appeal.

Rev. Stat.,
c. 24, s. 80,
subs. 4,
re-enacted

8. Subsection 4 of section 80 of *The Assessment Act*, as amended by subsection 2 of section 8 of *The Assessment Amendment Act, 1951*, is repealed and the following substituted therefor:

Notice of
appeal

(4) A notice of appeal to the Board under this section shall, within twenty-one days after notice of the decision appealed from has been given under subsection 22 of section 69 or subsection 2 of section 79, as the case may be, be sent by the party appealing by registered letter to the secretary of the Board and to the persons to whom notice of the hearing before the court of revision or judge, as the case may be, was given.

Rev. Stat.,
c. 24, s. 124
(1953,
c. 6, s. 13),
subs. 1, cl. a,
amended

9.—(1) Clause *a* of subsection 1 of section 124 of *The Assessment Act*, as re-enacted by section 13 of *The Assessment Amendment Act, 1953*, is amended by striking out the words

“real property” in the first line and inserting in lieu thereof the words “a building”, so that the clause shall read as follows:

- (a) in respect of a building which was vacant three months or more during the year; or

.

(2) Subsection 8 of the said section 124 is amended by striking out the words “real property” in the third line and inserting in lieu thereof the word “building”, so that the subsection, exclusive of the paragraphs, shall read as follows:

Rev. Stat.,
c. 24, s. 124
(1953,
c. 6, s. 13),
subs. 8,
amended

- (8) A cancellation, reduction or refund under clause a of subsection 1 shall be made only in respect of taxes levied on the assessed value of the building in accordance with the following:

Limitations
and
restrictions

.

10. Subsection 1 of section 157 of *The Assessment Act* is amended by inserting after the word “cent” in the twenty-first line the words “of the full amount of the taxes for which the land was offered for sale and of the expenses of sale”, so that the subsection shall read as follows:

Rev. Stat.,
c. 24, s. 157,
subs. 1,
amended

- (1) Notwithstanding section 156, the treasurer shall not be obliged to sell for taxes only a portion of land separately assessed but may sell the whole of such land for the best price offered at the sale, and any money obtained by the treasurer as the price of such land shall be applied, firstly, in paying the full amount of the taxes for which the land was offered for sale, together with the expenses of sale, and, secondly, in payment of the taxes, including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land, and the balance, if any, shall be paid by the treasurer to the owner of the land or to such other person as may be authorized by law to receive the same less such charge and expenses as the treasurer may pay or incur in satisfying himself of the right of such owner or other person to receive the same, and it shall be the duty of the person claiming the balance to produce to the treasurer proof of his right to receive the same; provided that the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the purchase price,

Mode of
selling land
for taxes

together with ten per cent of the full amount of the taxes for which the land was offered for sale and of the expenses of sale added thereto, and together with the full amount of the charges for searches, postage and notice provided for in subsection 2 of section 174, and the balance, if any, outstanding of the taxes including 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 been liable for taxation, determined as provided in subsection 2 of section 156, but if the purchaser is the municipality redemption as aforesaid may be made upon payment of the full amount of the taxes for which the land was offered for sale, together with the expenses of sale, and together with ten per cent added thereto, and together with the full amount of the charges for searches, postage and notice provided for in subsection 2 of section 174, and together with the taxes including 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 been liable for taxation, determined as provided in subsection 3 of section 156.

1931,
c. 51,
ss. 5, 15,
repealed

11.—(1) Sections 5 and 15 of *The Assessment Amendment Act, 1931* are repealed.

1932,
c. 53, s. 26,
subs. 1,
repealed

(2) Subsection 1 of section 26 of *The Statute Law Amendment Act, 1932* is repealed.

1952,
c. 3, s. 21,
subs. 4,
amended

12. Subsection 4 of section 21 of *The Assessment Amendment Act, 1952* is amended by striking out the words "a day to be named by the Lieutenant-Governor by his Proclamation" in the first and second lines and inserting in lieu thereof the words "the 15th day of April, 1954", so that the subsection shall read as follows:

Idem

(4) Section 8 comes into force on the 15th day of April, 1954.

Assessment—
of veterans'
holdings
under R.S.O.
1952, c. 280

13.—(1) Where, by reason of an annexation or amalgamation or the incorporation of an urban municipality or metropolitan municipality, undue hardship is placed upon veterans holding land in a local municipality under the *Veterans' Land Act* (Canada), the council of the local municipality may by by-law, subject to the approval of the Ontario

Municipal Board, provide that such lands shall be assessed for such percentage of the actual value as the by-law provides.

(2) A by-law passed under subsection 1,

Application
of by-law

(a) shall apply only to lands held by veterans on the day this Act receives Royal Assent; and

(b) shall cease to apply to any land as soon as the veteran's ownership thereof is established.

14.—(1) This Act, except sections 2 and 3, subsection 3 of section 4, and sections 6 and 10, comes into force on the 15th day of April, 1954. <sup>Commence-
ment</sup>

(2) Subsection 2 of section 2, section 3, subsection 3 of section 4 and section 6 shall be deemed to have come into force on the 1st day of January, 1954. ^{Idem}

(3) Subsection 1 of section 2 and section 10 come into force on the 1st day of January, 1955. ^{Idem}

15. This Act may be cited as *The Assessment Amendment Act, 1954*. ^{Short title}





BILL

An Act to amend The Assessment Act

1st Reading

March 18th, 1954

2nd Reading

March 24th, 1954

3rd Reading

April 5th, 1954

MR. DUNBAR

No. 114

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Registry Act

MR. PORTER

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

EXPLANATORY NOTES

SECTIONS 1, 3, 4, 5, 6, 7, 8 and 10. The amendments provide for the making of photographic film reproductions of instruments in the registry offices when so ordered by the Inspector of Legal Offices.

SECTION 2. The new section 20a provides for the destruction of old documents other than documents of title by the registrar when so authorized by the Inspector of Legal Offices.

BILL

An Act to amend The Registry 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 Registry Act* is amended by adding thereto the following clause: Rev. Stat., c. 336, s. 1, amended

(ee) "photographic film" includes any photographic plate, microphotographic film or photocopy negative.

2. *The Registry Act* is amended by adding thereto the following section: Rev. Stat., c. 336, amended

20a. Where mortgages, discharges of mortgages, assignments of mortgages, agreements postponing mortgages, seizures of mortgages by a sheriff and discharges thereof, mechanics' liens, discharges of mechanics' liens, certificates of action, orders vacating certificates of action, certificates of *lis pendens*, orders vacating certificates of *lis pendens*, notices under *The Conditional Sales Act* or claims under section 35 and discharges thereof have been preserved in a registry office for over fifty years, the judge of the county or district court of the county or district in which such registry office is situated may make an order authorizing the Inspector to cause their destruction. Destruction of instruments Rev. Stat., c. 61

3. *The Registry Act* is amended by adding thereto the following section: Rev. Stat., c. 336, amended

21a. Every treasurer of a county or city who is required by this Act to provide and maintain books for use in a registry office shall, when so ordered in writing by the Inspector, Photo-graphic film reproductions

(a) provide and maintain a photographic film reproduction of instruments in place of such books; and

(b) replace existing books with photographic film reproductions,

in such manner and to such extent as the Inspector orders.

Rev. Stat.,
c. 336, s. 22,
re-enacted

4. Section 22 of *The Registry Act* is repealed and the following substituted therefor:

Neglect of
treasurer
to provide
books or
reproductions

22. If a treasurer refuses to furnish any book as required by section 21 or refuses to provide and maintain any photographic film reproductions as the Inspector orders, the registrar may furnish such book or provide and maintain such photographic film reproductions and recover the cost thereof from the corporation of the county or city in default.

Rev. Stat.,
c. 336, s. 24,
subs. 1, cl. a,
amended

5.—(1) Clause *a* of subsection 1 of section 24 of *The Registry Act* is amended by inserting after the word “books” where it occurs the first time in the first line the words “or photographic film reproductions thereof”.

Rev. Stat.,
c. 336, s. 24,
subs. 1, cl. d,
amended

(2) Clause *d* of subsection 1 of the said section 24 is amended by inserting after the word “book” in the first line the words “or photographic film reproduction thereof”.

Rev. Stat.,
c. 336, s. 24,
subs. 1, cl. e,
amended

(3) Clause *e* of subsection 1 of the said section 24 is amended by inserting after the word “book” in the first line the words “or photographic film reproduction thereof”.

Rev. Stat.,
c. 336, s. 24,
subs. 1, cl. f,
amended

(4) Clause *f* of subsection 1 of the said section 24 is amended by inserting after the word “book” in the first line the words “or photographic film reproduction thereof”.

Rev. Stat.,
c. 336, s. 24,
subss. 2-4,
re-enacted;
subss. 5-7,
repealed

(5) Subsections 2, 3, 4, 5, 6 and 7 of the said section 24 are repealed and the following substituted therefor:

Index

(2) Each registry book and photographic film reproduction to be delivered shall have or be accompanied by an alphabetical index of names.

Comparing
of books,
etc.

(3) The registrar shall carefully compare all entries made in the registry books or photographic film reproductions thereof that he is required to deliver with the original entries in the registry book or photographic film reproduction thereof and shall certify in writing that he has done so.

Time for
delivery
of books,
etc.

(4) The registrar shall perform the duties imposed upon him by this section within such time as the Inspector requires.



SECTION 9. Under the amendments made to *The Mortmain and Charitable Uses Act* last session (1953, c. 68, s. 2) land cannot be held, etc., by a corporation otherwise than under the authority of a licence or statute. The new section is designed to ensure that the Act will be complied with.

6. Section 25 of *The Registry Act* is amended by inserting after the word "books" in the second line the words "or photographic film reproductions thereof". Rev. Stat., c. 336, s. 25, amended

7. Subsection 1 of section 47 of *The Registry Act* is amended by inserting after the word "book" in the seventh line the words "or by means of photographic film reproduction". Rev. Stat., c. 336, s. 47, subs. 1, amended

8. Subsection 5 of section 48 of *The Registry Act* is amended by adding at the end thereof the words "or by means of photographic film reproduction". Rev. Stat., c. 336, s. 48, subs. 5, amended

9. *The Registry Act* is amended by adding thereto the following section: Rev. Stat., c. 336, amended

52a.—(1) In this section, "assurance" includes a gift, conveyance, appointment, lease, transfer, settlement, mortgage, charge, encumbrance, devise, bequest and every other assurance by deed, will or other instrument. Interpretation

(2) Where an assurance of land is made to or for the benefit of a corporation, the assurance shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by an officer of the corporation that such assurance is not made contrary to section 2 of *The Mortmain and Charitable Uses Act*. Affidavit of declaration as to corporation's authority to acquire land

(3) Where it is made to appear to the judge of a county or district court that the affidavit or statutory declaration required by subsection 2 cannot be obtained conveniently, the judge may, upon such evidence by affidavit or otherwise as he may deem proper, dispense with the affidavit or declaration, and thereupon shall endorse upon the assurance or securely attach thereto his order directing the registrar to register the assurance notwithstanding the absence of the affidavit or declaration, and the registrar shall thereupon register the assurance. Dispensing with affidavit or declaration

(4) This section does not apply to an assurance made to or for the benefit of a corporation that is licensed or registered under *The Insurance Act* or *The Loan and Trust Corporations Act*. Where section not to apply

10. Subsection 7 of section 60 of *The Registry Act* is amended by striking out the words "in full in the proper registry book" in the fifth and sixth lines and inserting in lieu thereof the words "or reproduced in full". Rev. Stat., c. 336, s. 60, subs. 7, amended

Rev. Stat.,
c. 336, s. 74,
amended

11. Section 74 of *The Registry Act* is amended by adding thereto the following subsection:

Exception as
to certain
by-laws

(3) Subject to section 73, this section does not extend and shall be deemed never to have extended to,

Rev. Stat.,
c. 243

(a) a by-law heretofore passed under section 390 of *The Municipal Act* or a predecessor of that section;

(b) a by-law hereafter passed under section 390 of *The Municipal Act*;

(c) any other municipal by-law, heretofore or hereafter passed, affecting land that does not directly affect the title to land.

Existing
uses
protected

Rev. Stat.,
cc. 336, 243

12.—(1) Notwithstanding anything in *The Registry Act*, where a by-law has been passed before the 19th day of March, 1954, under section 390 of *The Municipal Act* or a predecessor of that section and land to which *The Registry Act* and the by-law applies, or a building or structure thereon, was being used on that day, for a purpose prohibited by the by-law, by a person who purchased the land for valuable consideration without actual notice of the by-law, the by-law does not apply to the land, building or structure so long as it continues to be used for that purpose.

Proviso

(2) Subsection 1 applies only where the purchaser purchased the land,

(a) after the passing of the by-law;

(b) before the 19th day of March, 1954; and

(c) before the registration, if any, of the by-law under *The Registry Act*.

Idem

(3) Subsection 1 does not apply where the land, or a building or structure thereon, was being used, on the 19th day of March, 1954, for a purpose prohibited by the by-law, by virtue of regulation 45 of Ontario Regulations 98/52 or by virtue of a by-law passed under *The Rent Control Act, 1953*.

1953, c. 93

Rev. Stat.,
c. 336, s. 84,
subs. 1,
re-enacted

13.—(1) Subsection 1 of section 84 of *The Registry Act* is repealed and the following substituted therefor:

Registration
of plans
where land
subdivided

(1) Where land is surveyed and subdivided for the purpose of being sold or conveyed in lots by reference to a plan which has not been already registered, the person making the survey and subdivision shall

SECTION 11. In the case of *The Township of Trafalgar v. Hamilton* [1954] O.R. 81, the Court of Appeal held that a restricted area by-law, if not registered under *The Registry Act*, is not binding upon subsequent purchasers and mortgagees for valuable consideration without actual notice of the by-law. This amendment provides that such by-laws do not, and are deemed never to have been, required to be registered in order to bind the land. Persons who have acquired rights under the decision in the above case are protected by section 12 of this Bill.

SECTION 12. This section is designed to protect uses of land legally established before the introduction of this Bill.

SECTION 13—Subsection 1. At present plans may be registered on the scale of not less than one inch to four chains. The amendment provides that plans may be registered on the scale of not less than one hundred feet to the inch or, where the registrar consents, not less than two hundred feet to the inch.

Subsection 2. The amendment is to make it clear that plans larger than 30" x 24" must be made in sections.

SECTION 14. The repealed subsection provides that if at any time the receipts of the registry office for the registry division of Toronto are insufficient for salaries and certain other expenditures of the office, the salaries and other expenditures shall be a charge upon the receipts of the City under *The Mortgage Tax Act*. *The Mortgage Tax Act* was repealed at the 1953 session of the Legislature and this subsection is now meaningless.

within three months thereafter register a plan of the land on a scale not less than 100 feet to the inch and where the registrar consents the plan may be registered on a scale of not less than 200 feet to the inch.

(2) Subsection 7 of the said section 84 is repealed and the following substituted therefor: Rev. Stat., c. 336, s. 84, subs. 7, re-enacted

(7) The plan shall be drawn upon linen and shall not exceed thirty inches in length by twenty-four inches in width, but where necessary the plan may be made in sections provided each section does not exceed thirty inches in length and twenty-four inches in width, and upon registration of every such plan there shall be tendered to the registrar together with the original plan a duplicate original and a true copy made by photographic film or blueprint process approved by the Inspector and mounted on stiff pasteboard of good quality. How plans to be registered

14. Subsection 2 of section 125 of *The Registry Act* is repealed. Rev. Stat., c. 336, s. 125, subs. 2, repealed

15.—(1) Section 9 comes into force on the 30th day of April, 1954. Commencement of section 9

(2) Sections 11 and 12 come into force on the day this Act receives Royal Assent. Commencement of sections 11, 12

16. This Act may be cited as *The Registry Amendment Act, 1954*. Short title

BILL

An Act to amend The Registry Act

1st Reading

March 19th, 1954

2nd Reading

3rd Reading

MR. PORTER

No. 114

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Registry 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

SECTIONS 1, 3, 4, 5, 6, 7, 8 and 10. The amendments provide for the making of photographic film reproductions of instruments in the registry offices when so ordered by the Inspector of Legal Offices.

SECTION 2. The new section 20a provides for the destruction of old documents other than documents of title by the registrar when so authorized by the Inspector of Legal Offices.

BILL

An Act to amend The Registry 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 Registry Act* is amended by adding thereto the following clause: Rev. Stat., c. 336, s. 1, amended

(ee) "photographic film" includes any photographic plate, microphotographic film or photocopy negative.

2. *The Registry Act* is amended by adding thereto the following section: Rev. Stat., c. 336, amended

20a. Where mortgages, discharges of mortgages, assignments of mortgages, agreements postponing mortgages, seizures of mortgages by a sheriff and discharges thereof, mechanics' liens, discharges of mechanics' liens, certificates of action, orders vacating certificates of action, certificates of *lis pendens*, orders vacating certificates of *lis pendens*, notices under *The Conditional Sales Act* or claims under section 35 and discharges thereof have been preserved in a registry office for over fifty years, the judge of the county or district court of the county or district in which such registry office is situated may make an order authorizing the Inspector to cause their destruction. Destruction of instruments

3. *The Registry Act* is amended by adding thereto the following section: Rev. Stat., c. 336, amended

21a. Every treasurer of a county or city who is required by this Act to provide and maintain books for use in a registry office shall, when so ordered in writing by the Inspector, Photographic film reproductions

(a) provide and maintain a photographic film reproduction of instruments in place of such books; and

(b) replace existing books with photographic film reproductions,

in such manner and to such extent as the Inspector orders.

Rev. Stat.,
c. 336, s. 22,
re-enacted

4. Section 22 of *The Registry Act* is repealed and the following substituted therefor:

Neglect of
treasurer
to provide
books or
reproduc-
tions

22. If a treasurer refuses to furnish any book as required by section 21 or refuses to provide and maintain any photographic film reproductions as the Inspector orders, the registrar may furnish such book or provide and maintain such photographic film reproductions and recover the cost thereof from the corporation of the county or city in default.

Rev. Stat.,
c. 336, s. 24,
subs. 1, cl. a,
amended

5.—(1) Clause *a* of subsection 1 of section 24 of *The Registry Act* is amended by inserting after the word “books” where it occurs the first time in the first line the words “or photographic film reproductions thereof”.

Rev. Stat.,
c. 336, s. 24,
subs. 1, cl. d,
amended

(2) Clause *d* of subsection 1 of the said section 24 is amended by inserting after the word “book” in the first line the words “or photographic film reproduction thereof”.

Rev. Stat.,
c. 336, s. 24,
subs. 1, cl. e,
amended

(3) Clause *e* of subsection 1 of the said section 24 is amended by inserting after the word “book” in the first line the words “or photographic film reproduction thereof”.

Rev. Stat.,
c. 336, s. 24,
subs. 1, cl. f,
amended

(4) Clause *f* of subsection 1 of the said section 24 is amended by inserting after the word “book” in the first line the words “or photographic film reproduction thereof”.

Rev. Stat.,
c. 336, s. 24,
subss. 2-4,
re-enacted;
subss. 5-7,
repealed

(5) Subsections 2, 3, 4, 5, 6 and 7 of the said section 24 are repealed and the following substituted therefor:

Index

(2) Each registry book and photographic film reproduction to be delivered shall have or be accompanied by an alphabetical index of names.

Comparing
of books,
etc.

(3) The registrar shall carefully compare all entries made in the registry books or photographic film reproductions thereof that he is required to deliver with the original entries in the registry book or photographic film reproduction thereof and shall certify in writing that he has done so.

Time for
delivery
of books,
etc.

(4) The registrar shall perform the duties imposed upon him by this section within such time as the Inspector requires.



SECTION 9. Under the amendments made to *The Mortmain and Charitable Uses Act* last session (1953, c. 68, s. 2) land cannot be held, etc., by a corporation otherwise than under the authority of a licence or statute. The new section is designed to ensure that the Act will be complied with.

6. Section 25 of *The Registry Act* is amended by inserting after the word "books" in the second line the words "or photographic film reproductions thereof". Rev. Stat., c. 336, s. 25, amended

7. Subsection 1 of section 47 of *The Registry Act* is amended by inserting after the word "book" in the seventh line the words "or by means of photographic film reproduction". Rev. Stat., c. 336, s. 47, subs. 1, amended

8. Subsection 5 of section 48 of *The Registry Act* is amended by adding at the end thereof the words "or by means of photographic film reproduction". Rev. Stat., c. 336, s. 48, subs. 5, amended

9. *The Registry Act* is amended by adding thereto the following section: Rev. Stat., c. 336, amended

52a.—(1) In this section, "assurance" includes a gift, conveyance, appointment, lease, transfer, settlement, mortgage, charge, encumbrance, devise, bequest and every other assurance by deed, will or other instrument. Interpretation

(2) Where an assurance of land is made to or for the benefit of a corporation, the assurance shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by an officer of the corporation that such assurance is not made contrary to section 2 of *The Mortmain and Charitable Uses Act*. Affidavit of declaration as to corporation's authority to acquire land

(3) Where it is made to appear to the judge of a county or district court that the affidavit or statutory declaration required by subsection 2 cannot be obtained conveniently, the judge may, upon such evidence by affidavit or otherwise as he may deem proper, dispense with the affidavit or declaration, and thereupon shall endorse upon the assurance or securely attach thereto his order directing the registrar to register the assurance notwithstanding the absence of the affidavit or declaration, and the registrar shall thereupon register the assurance. Dispensing with affidavit or declaration

(4) This section does not apply to an assurance made to or for the benefit of a corporation that is licensed or registered under *The Insurance Act* or *The Loan and Trust Corporations Act*. Where section not to apply

10. Subsection 7 of section 60 of *The Registry Act* is amended by striking out the words "in full in the proper registry book" in the fifth and sixth lines and inserting in lieu thereof the words "or reproduced in full". Rev. Stat., c. 336, s. 60, subs. 7, amended

Rev. Stat.,
c. 336, s. 74,
amended

11. Section 74 of *The Registry Act* is amended by adding thereto the following subsection:

Exception as
to certain
by-laws

(3) Subject to section 73, this section does not extend and shall be deemed never to have extended to,

Rev. Stat.,
c. 243

(a) a by-law heretofore passed under section 390 of *The Municipal Act* or a predecessor of that section;

(b) a by-law hereafter passed under section 390 of *The Municipal Act*;

(c) any other municipal by-law, heretofore or hereafter passed, affecting land that does not directly affect the title to land.

Existing
uses
protected

Rev. Stat.,
cc. 336, 243

12.—(1) Notwithstanding anything in *The Registry Act*, where a by-law has been passed before the 19th day of March, 1954, under section 390 of *The Municipal Act* or a predecessor of that section and land to which *The Registry Act* and the by-law applies, or a building or structure thereon, was being used on that day, for a purpose prohibited by the by-law, by a person who purchased the land for valuable consideration without actual notice of the by-law, the by-law does not apply to the land, building or structure so long as it continues to be used for that purpose.

Proviso

(2) Subsection 1 applies only where the purchaser purchased the land,

(a) after the passing of the by-law;

(b) before the 19th day of March, 1954; and

(c) before the registration, if any, of the by-law under *The Registry Act*.

Idem

(3) Subsection 1 does not apply where the land, or a building or structure thereon, was being used, on the 19th day of March, 1954, for a purpose prohibited by the by-law, by virtue of regulation 45 of Ontario Regulations 98/52 or by virtue of a by-law passed under *The Rent Control Act, 1953*.

1953, c. 93

Rev. Stat.,
c. 336, s. 84,
subs. 1,
re-enacted

13.—(1) Subsection 1 of section 84 of *The Registry Act* is repealed and the following substituted therefor:

Registration
of plans
where land
subdivided

(1) Where land is surveyed and subdivided for the purpose of being sold or conveyed in lots by reference to a plan which has not been already registered, the person making the survey and subdivision shall

SECTION 11. In the case of *The Township of Trafalgar v. Hamilton* [1954] O.R. 81, the Court of Appeal held that a restricted area by-law, if not registered under *The Registry Act*, is not binding upon subsequent purchasers and mortgagees for valuable consideration without actual notice of the by-law. This amendment provides that such by-laws do not, and are deemed never to have been, required to be registered in order to bind the land. Persons who have acquired rights under the decision in the above case are protected by section 12 of this Bill.

SECTION 12. This section is designed to protect uses of land legally established before the introduction of this Bill.

SECTION 13—Subsection 1. At present plans may be registered on the scale of not less than one inch to four chains. The amendment provides that plans may be registered on the scale of not less than one hundred feet to the inch or, where the registrar consents, not less than two hundred feet to the inch.

Subsection 2. The amendment is to make it clear that plans larger than 30" x 24" must be made in sections.

SECTION 14. Under the present provision, such lists are made up annually, which is impracticable in the case of large cities.

The provision as re-enacted will allow municipalities ample opportunity to secure these lists at appropriate times.

SECTION 15. The repealed subsection provides that if at any time the receipts of the registry office for the registry division of Toronto are insufficient for salaries and certain other expenditures of the office, the salaries and other expenditures shall be a charge upon the receipts of the City under *The Mortgage Tax Act*. *The Mortgage Tax Act* was repealed at the 1953 session of the Legislature and this subsection is now meaningless.

within three months thereafter register a plan of the land on a scale not less than 100 feet to the inch and where the registrar consents the plan may be registered on a scale of not less than 200 feet to the inch.

(2) Subsection 7 of the said section 84 is repealed and the following substituted therefor:

Rev. Stat.,
c. 336, s. 84,
subs. 7,
re-enacted

(7) The plan shall be drawn upon linen and shall not exceed thirty inches in length by twenty-four inches in width, but where necessary the plan may be made in sections provided each section does not exceed thirty inches in length and twenty-four inches in width, and upon registration of every such plan there shall be tendered to the registrar together with the original plan a duplicate original and a true copy made by photographic film or blueprint process approved by the Inspector and mounted on stiff pasteboard of good quality.

How plans
to be
registered

14. Subsection 1 of section 106 of *The Registry Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 330, s. 106,
subs. 1, re-
enacted

(1) Upon the request of the council of a municipality, the registrar shall furnish annually, semi-annually or monthly in accordance with the request a list of all conveyances by which land in the municipality has been transferred, mortgaged or leased that have been registered in his office during the period specified in the request, and the list shall include, in respect of each such conveyance, the names and addresses of the parties, the consideration and a short description of the land.

Registrar
to furnish
municipality
with list of
conveyances

15. Subsection 2 of section 125 of *The Registry Act* is repealed.

Rev. Stat.,
c. 336, s. 125,
subs. 2,
repealed

16.—(1) Section 9 comes into force on the 30th day of April, 1954.

Commence-
ment of
section 9

(2) Sections 11 and 12 come into force on the day this Act receives Royal Assent.

Commence-
ment of
sections
11, 12

17. This Act may be cited as *The Registry Amendment Act, 1954*.

Short title

BILL

An Act to amend The Registry Act

1st Reading

March 19th, 1954

2nd Reading

March 24th, 1954

3rd Reading

MR. PORTER

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

No. 114

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Registry Act

MR. PORTER

(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

SECTIONS 1, 2, 3, 4, 5, 6, 7 and 9. The amendments provide for the making of photographic film reproductions of instruments in the registry offices when so ordered by the Inspector of Legal Offices.

No. 114

1954

BILL

An Act to amend The Registry 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 Registry Act* is amended by adding thereto the following clause: Rev. Stat., c. 336, s. 1, amended

(ee) "photographic film" includes any photographic plate, microphotographic film or photocopy negative.

2. *The Registry Act* is amended by adding thereto the following section: Rev. Stat., c. 336, amended

21a. Every treasurer of a county or city who is required by this Act to provide and maintain books for use in a registry office shall, when so ordered in writing by the Inspector, Photo-graphic film reproductions

(a) provide and maintain a photographic film reproduction of instruments in place of such books; and

(b) replace existing books with photographic film reproductions,

in such manner and to such extent as the Inspector orders.

3. Section 22 of *The Registry Act* is repealed and the following substituted therefor: Rev. Stat., c. 336, s. 22, re-enacted

22. If a treasurer refuses to furnish any book as required by section 21 or refuses to provide and maintain any photographic film reproductions as the Inspector orders, the registrar may furnish such book or provide and maintain such photographic film reproductions and recover the cost thereof from the corporation of the county or city in default. Neglect of treasurer to provide books or reproductions

- Rev. Stat.,
c. 336, s. 24,
subs. 1, cl. a,
amended
- 4.**—(1) Clause *a* of subsection 1 of section 24 of *The Registry Act* is amended by inserting after the word “books” where it occurs the first time in the first line the words “or photographic film reproductions thereof”.
- Rev. Stat.,
c. 336, s. 24,
subs. 1, cl. d,
amended
- (2) Clause *d* of subsection 1 of the said section 24 is amended by inserting after the word “book” in the first line the words “or photographic film reproduction thereof”.
- Rev. Stat.,
c. 336, s. 24,
subs. 1, cl. e,
amended
- (3) Clause *e* of subsection 1 of the said section 24 is amended by inserting after the word “book” in the first line the words “or photographic film reproduction thereof”.
- Rev. Stat.,
c. 336, s. 24,
subs. 1, cl. f,
amended
- (4) Clause *f* of subsection 1 of the said section 24 is amended by inserting after the word “book” in the first line the words “or photographic film reproduction thereof”.
- Rev. Stat.,
c. 336, s. 24,
subs. 2-4,
re-enacted;
subs. 5-7,
repealed
- (5) Subsections 2, 3, 4, 5, 6 and 7 of the said section 24 are repealed and the following substituted therefor:
- Index
- (2) Each registry book and photographic film reproduction to be delivered shall have or be accompanied by an alphabetical index of names.
- Comparing
of books,
etc.
- (3) The registrar shall carefully compare all entries made in the registry books or photographic film reproductions thereof that he is required to deliver with the original entries in the registry book or photographic film reproduction thereof and shall certify in writing that he has done so.
- Time for
delivery
of books,
etc.
- (4) The registrar shall perform the duties imposed upon him by this section within such time as the Inspector requires.
- Rev. Stat.,
c. 336, s. 25,
amended
- 5.** Section 25 of *The Registry Act* is amended by inserting after the word “books” in the second line the words “or photographic film reproductions thereof”.
- Rev. Stat.,
c. 336, s. 47,
subs. 1,
amended
- 6.** Subsection 1 of section 47 of *The Registry Act* is amended by inserting after the word “book” in the seventh line the words “or by means of photographic film reproduction”.
- Rev. Stat.,
c. 336, s. 48,
subs. 5,
amended
- 7.** Subsection 5 of section 48 of *The Registry Act* is amended by adding at the end thereof the words “or by means of photographic film reproduction”.
- Rev. Stat.
c. 336,
amended
- 8.** *The Registry Act* is amended by adding thereto the following section:

SECTION 8. Under the amendments made to *The Mortmain and Charitable Uses Act* last session (1953, c. 68, s. 2) land cannot be held, etc., by a corporation otherwise than under the authority of a licence or statute. The new section is designed to ensure that the Act will be complied with.

SECTION 10. In the case of *The Township of Trafalgar v. Hamilton* [1954] O.R. 81, the Court of Appeal held that a restricted area by-law, if not registered under *The Registry Act*, is not binding upon subsequent purchasers and mortgagees for valuable consideration without actual notice of the by-law. This amendment provides that such by-laws do not, and are deemed never to have been, required to be registered in order to bind the land. Persons who have acquired rights under the decision in the above case are protected by section 11 of this Bill.

52a.—(1) In this section, “assurance” includes a gift, conveyance, appointment, lease, transfer, settlement, mortgage, charge, encumbrance, devise, bequest and every other assurance by deed, will or other instrument. Interpretation

(2) Where an assurance of land is made to or for the benefit of a corporation, the assurance shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by an officer of the corporation or by the attorney appointed for the purpose of executing such assurance on behalf of the corporation under a power of attorney registered in accordance with the provisions of this Act that such assurance is not made contrary to section 2 of *The Mortmain and Charitable Uses Act*. Affidavit of declaration as to corporation's authority to acquire land
Rev. Stat., c. 241

(3) Where it is made to appear to the judge of a county or district court that the affidavit or statutory declaration required by subsection 2 cannot be obtained conveniently, the judge may, upon such evidence by affidavit or otherwise as he may deem proper, dispense with the affidavit or declaration, and thereupon shall endorse upon the assurance or securely attach thereto his order directing the registrar to register the assurance notwithstanding the absence of the affidavit or declaration, and the registrar shall thereupon register the assurance. Dispensing with affidavit or declaration

(4) This section does not apply to an assurance made to or for the benefit of, Where section not to apply

(a) a corporation that is licensed or registered under *The Insurance Act*, *The Investment Contracts Act* or *The Loan and Trust Corporations Act*; or Rev. Stat., cc. 183, 187, 214

(b) a bank to which the *Bank Act* (Canada) applies; or R.S.C. 1952, c. 12

(c) Central Mortgage and Housing Corporation.

9. Subsection 7 of section 60 of *The Registry Act* is amended by striking out the words “in full in the proper registry book” in the fifth and sixth lines and inserting in lieu thereof the words “or reproduced in full”. Rev. Stat., c. 336, s. 60, subs. 7, amended

10. Section 74 of *The Registry Act* is amended by adding thereto the following subsection: Rev. Stat., c. 336, s. 74, amended

Exception as
to certain
by-laws

(3) Subject to section 73, this section does not extend and shall be deemed never to have extended to,

Rev. Stat.,
c. 243

(a) a by-law heretofore passed under section 390 of *The Municipal Act* or a predecessor of that section;

(b) a by-law hereafter passed under section 390 of *The Municipal Act*;

(c) any other municipal by-law, heretofore or hereafter passed, affecting land that does not directly affect the title to land.

Existing
uses
protected

Rev. Stat.,
cc. 336, 243

11.—(1) Notwithstanding anything in *The Registry Act*, where a by-law has been passed before the 19th day of March, 1954, under section 390 of *The Municipal Act* or a predecessor of that section and land to which *The Registry Act* and the by-law applies, or a building or structure thereon, was being used on that day, for a purpose prohibited by the by-law, by a person who purchased the land for valuable consideration without actual notice of the by-law, the by-law does not apply to the land, building or structure so long as it continues to be used for that purpose.

Proviso

(2) Subsection 1 applies only where the purchaser purchased the land,

(a) after the passing of the by-law;

(b) before the 19th day of March, 1954; and

(c) before the registration, if any, of the by-law under *The Registry Act*.

Idem

(3) Subsection 1 does not apply where the land, or a building or structure thereon, was being used, on the 19th day of March, 1954, for a purpose prohibited by the by-law, by virtue of regulation 45 of Ontario Regulations 98/52 or by virtue of a by-law passed under *The Rent Control Act, 1953*.

1953, c. 93

Rev. Stat.,
c. 336, s. 84,
subs. 1,
re-enacted

12.—(1) Subsection 1 of section 84 of *The Registry Act* is repealed and the following substituted therefor:

Registration
of plans
where land
subdivided

(1) Where land is surveyed and subdivided for the purpose of being sold or conveyed in lots by reference to a plan which has not been already registered, the person making the survey and subdivision shall

SECTION 11. This section is designed to protect uses of land legally established before the introduction of this Bill.

SECTION 12—Subsection 1. At present plans may be registered on the scale of not less than one inch to four chains. The amendment provides that plans may be registered on the scale of not less than one hundred feet to the inch or, where the registrar consents, not less than two hundred feet to the inch.

Subsection 2. The amendment is to make it clear that plans larger than 30" x 24" must be made in sections.

SECTION 13. Under the present provision, such lists are made up annually, which is impracticable in the case of large cities.

The provision as re-enacted will allow municipalities ample opportunity to secure these lists at appropriate times.

SECTION 14. The repealed subsection provides that if at any time the receipts of the registry office for the registry division of Toronto are insufficient for salaries and certain other expenditures of the office, the salaries and other expenditures shall be a charge upon the receipts of the City under *The Mortgage Tax Act*. *The Mortgage Tax Act* was repealed at the 1953 session of the Legislature and this subsection is now meaningless.

within three months thereafter register a plan of the land on a scale not less than 100 feet to the inch and where the registrar consents the plan may be registered on a scale of not less than 200 feet to the inch.

(2) Subsection 7 of the said section 84 is repealed and the following substituted therefor: Rev. Stat., c. 336, s. 84, subs. 7, re-enacted

(7) The plan shall be drawn upon linen and shall not exceed thirty inches in length by twenty-four inches in width, but where necessary the plan may be made in sections provided each section does not exceed thirty inches in length and twenty-four inches in width, and upon registration of every such plan there shall be tendered to the registrar together with the original plan a duplicate original and a true copy made by photographic film or blueprint process approved by the Inspector and mounted on stiff pasteboard of good quality. How plans to be registered

13. Subsection 1 of section 106 of *The Registry Act* is repealed and the following substituted therefor: Rev. Stat., c. 330, s. 106, subs. 1, re-enacted

(1) Upon the request of the council of a municipality, the registrar shall furnish annually, semi-annually or monthly in accordance with the request a list of all conveyances by which land in the municipality has been transferred, mortgaged or leased that have been registered in his office during the period specified in the request, and the list shall include, in respect of each such conveyance, the names and addresses of the parties, the consideration and a short description of the land. Registrar to furnish municipality with list of conveyances

14. Subsection 2 of section 125 of *The Registry Act* is repealed. Rev. Stat., c. 336, s. 125, subs. 2, repealed

15.—(1) Section 8 comes into force on the 30th day of April, 1954. Commencement

(2) Sections 10 and 11 come into force on the day this Act receives Royal Assent. Idem

16. This Act may be cited as *The Registry Amendment Act, 1954*. Short title

An Act to amend The Registry Act

1st Reading

March 19th, 1954

2nd Reading

March 24th, 1954

3rd Reading

MR. PORTER

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

No. 114

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Registry Act

MR. PORTER

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



BILL

An Act to amend The Registry 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 Registry Act* is amended by adding thereto the following clause: Rev. Stat., c. 336, s. 1, amended

(e) "photographic film" includes any photographic plate, microphotographic film or photocopy negative.

2. *The Registry Act* is amended by adding thereto the following section: Rev. Stat., c. 336, amended

21a. Every treasurer of a county or city who is required by this Act to provide and maintain books for use in a registry office shall, when so ordered in writing by the Inspector, Photo-graphic film reproductions

(a) provide and maintain a photographic film reproduction of instruments in place of such books; and

(b) replace existing books with photographic film reproductions,

in such manner and to such extent as the Inspector orders.

3. Section 22 of *The Registry Act* is repealed and the following substituted therefor: Rev. Stat., c. 336, s. 22, re-enacted

22. If a treasurer refuses to furnish any book as required by section 21 or refuses to provide and maintain any photographic film reproductions as the Inspector orders, the registrar may furnish such book or provide and maintain such photographic film reproductions and recover the cost thereof from the corporation of the county or city in default. Neglect of treasurer to provide books or reproductions

Rev. Stat.,
c. 336, s. 24,
subs. 1, cl. a,
amended

4.—(1) Clause *a* of subsection 1 of section 24 of *The Registry Act* is amended by inserting after the word “books” where it occurs the first time in the first line the words “or photographic film reproductions thereof”.

Rev. Stat.,
c. 336, s. 24,
subs. 1, cl. d,
amended

(2) Clause *d* of subsection 1 of the said section 24 is amended by inserting after the word “book” in the first line the words “or photographic film reproduction thereof”.

Rev. Stat.,
c. 336, s. 24,
subs. 1, cl. e,
amended

(3) Clause *e* of subsection 1 of the said section 24 is amended by inserting after the word “book” in the first line the words “or photographic film reproduction thereof”.

Rev. Stat.,
c. 336, s. 24,
subs. 1, cl. f,
amended

(4) Clause *f* of subsection 1 of the said section 24 is amended by inserting after the word “book” in the first line the words “or photographic film reproduction thereof”.

Rev. Stat.,
c. 336, s. 24,
subss. 2-4,
re-enacted;
subss. 5-7,
repealed

(5) Subsections 2, 3, 4, 5, 6 and 7 of the said section 24 are repealed and the following substituted therefor:

Index

(2) Each registry book and photographic film reproduction to be delivered shall have or be accompanied by an alphabetical index of names.

Comparing of
books,
etc.

(3) The registrar shall carefully compare all entries made in the registry books or photographic film reproductions thereof that he is required to deliver with the original entries in the registry book or photographic film reproduction thereof and shall certify in writing that he has done so.

Time for
delivery
of books,
etc.

(4) The registrar shall perform the duties imposed upon him by this section within such time as the Inspector requires.

Rev. Stat.,
c. 336, s. 25,
amended

5. Section 25 of *The Registry Act* is amended by inserting after the word “books” in the second line the words “or photographic film reproductions thereof”.

Rev. Stat.,
c. 336, s. 47,
subs. 1,
amended

6. Subsection 1 of section 47 of *The Registry Act* is amended by inserting after the word “book” in the seventh line the words “or by means of photographic film reproduction”.

Rev. Stat.,
c. 336, s. 48
subs. 5,
amended

7. Subsection 5 of section 48 of *The Registry Act* is amended by adding at the end thereof the words “or by means of photographic film reproduction”.

Rev. Stat.
c. 336,
amended

8. *The Registry Act* is amended by adding thereto the following section:

52a.—(1) In this section, “assurance” includes a gift, conveyance, appointment, lease, transfer, settlement, mortgage, charge, encumbrance, devise, bequest and every other assurance by deed, will or other instrument. Interpretation

(2) Where an assurance of land is made to or for the benefit of a corporation, the assurance shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by an officer of the corporation or by the attorney appointed for the purpose of executing such assurance on behalf of the corporation under a power of attorney registered in accordance with the provisions of this Act that such assurance is not made contrary to section 2 of *The Mortmain and Charitable Uses Act*. Affidavit of declaration as to corporation's authority to acquire land
Rev. Stat., c. 241

(3) Where it is made to appear to the judge of a county or district court that the affidavit or statutory declaration required by subsection 2 cannot be obtained conveniently, the judge may, upon such evidence by affidavit or otherwise as he may deem proper, dispense with the affidavit or declaration, and thereupon shall endorse upon the assurance or securely attach thereto his order directing the registrar to register the assurance notwithstanding the absence of the affidavit or declaration, and the registrar shall thereupon register the assurance. Dispensing with affidavit or declaration

(4) This section does not apply to an assurance made to or for the benefit of, Where section not to apply

(a) a corporation that is licensed or registered under *The Insurance Act*, *The Investment Contracts Act* or *The Loan and Trust Corporations Act*; or Rev. Stat., cc. 183, 187, 214

(b) a bank to which the *Bank Act* (Canada) applies; or R.S.C. 1952, c. 12

(c) Central Mortgage and Housing Corporation.

9. Subsection 7 of section 60 of *The Registry Act* is amended by striking out the words “in full in the proper registry book” in the fifth and sixth lines and inserting in lieu thereof the words “or reproduced in full”. Rev. Stat., c. 336, s. 60, subs. 7, amended

10. Section 74 of *The Registry Act* is amended by adding thereto the following subsection: Rev. Stat., c. 336, s. 74, amended

Exception as
to certain
by-laws

(3) Subject to section 73, this section does not extend and shall be deemed never to have extended to,

Rev. Stat.,
c. 243

(a) a by-law heretofore passed under section 390 of *The Municipal Act* or a predecessor of that section;

(b) a by-law hereafter passed under section 390 of *The Municipal Act*;

(c) any other municipal by-law, heretofore or hereafter passed, affecting land that does not directly affect the title to land.

Existing
uses
protected

Rev. Stat.,
cc. 336, 243

11.—(1) Notwithstanding anything in *The Registry Act*, where a by-law has been passed before the 19th day of March, 1954, under section 390 of *The Municipal Act* or a predecessor of that section and land to which *The Registry Act* and the by-law applies, or a building or structure thereon, was being used on that day, for a purpose prohibited by the by-law, by a person who purchased the land for valuable consideration without actual notice of the by-law, the by-law does not apply to the land, building or structure so long as it continues to be used for that purpose.

Proviso

(2) Subsection 1 applies only where the purchaser purchased the land,

(a) after the passing of the by-law;

(b) before the 19th day of March, 1954; and

(c) before the registration, if any, of the by-law under *The Registry Act*.

Idem

(3) Subsection 1 does not apply where the land, or a building or structure thereon, was being used, on the 19th day of March, 1954, for a purpose prohibited by the by-law, by virtue of regulation 45 of Ontario Regulations 98/52 or by virtue of a by-law passed under *The Rent Control Act, 1953*.

1953, c. 93

Rev. Stat.,
c. 336, s. 84,
subs. 1,
re-enacted

12.—(1) Subsection 1 of section 84 of *The Registry Act* is repealed and the following substituted therefor:

Registration
of plans
where land
subdivided

(1) Where land is surveyed and subdivided for the purpose of being sold or conveyed in lots by reference to a plan which has not been already registered, the person making the survey and subdivision shall

within three months thereafter register a plan of the land on a scale not less than 100 feet to the inch and where the registrar consents the plan may be registered on a scale of not less than 200 feet to the inch.

(2) Subsection 7 of the said section 84 is repealed and the following substituted therefor:

Rev. Stat.,
c. 336, s. 84,
subs. 7,
re-enacted

(7) The plan shall be drawn upon linen and shall not exceed thirty inches in length by twenty-four inches in width, but where necessary the plan may be made in sections provided each section does not exceed thirty inches in length and twenty-four inches in width, and upon registration of every such plan there shall be tendered to the registrar together with the original plan a duplicate original and a true copy made by photographic film or blueprint process approved by the Inspector and mounted on stiff pasteboard of good quality.

How plans
to be
registered

13. Subsection 1 of section 106 of *The Registry Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 330, s. 106,
subs. 1, re-
enacted

(1) Upon the request of the council of a municipality, the registrar shall furnish annually, semi-annually or monthly in accordance with the request a list of all conveyances by which land in the municipality has been transferred, mortgaged or leased that have been registered in his office during the period specified in the request, and the list shall include, in respect of each such conveyance, the names and addresses of the parties, the consideration and a short description of the land.

Registrar
to furnish
municipality
with list of
conveyances

14. Subsection 2 of section 125 of *The Registry Act* is repealed.

Rev. Stat.,
c. 336, s. 125,
subs. 2,
repealed

15.—(1) Section 8 comes into force on the 30th day of April, 1954.

Commence-
ment

(2) Sections 10 and 11 come into force on the day this Act receives Royal Assent.

Idem

16. This Act may be cited as *The Registry Amendment Act, 1954*.

Short title

BILL

An Act to amend The Registry Act

1st Reading

March 19th, 1954

2nd Reading

March 24th, 1954

3rd Reading

April 5th, 1954

MR. PORTER

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Land Titles Act

MR. PORTER

EXPLANATORY NOTES

SECTION 1. In the case of *The Township of Trafalgar v. Hamilton*, (1954) O.R. 81, the Court of Appeal held that a restricted area by-law, if not registered under *The Registry Act*, is not binding upon subsequent purchasers and mortgagees for valuable consideration without actual notice of the by-law. This amendment provides that all land under *The Land Titles Act* is subject to the operation of such by-laws. Persons who may have acquired rights under the decision in the above case are protected by section 2 of this Bill.

SECTION 2. This section is designed to protect uses of land legally established before the introduction of this Bill.

SECTION 3. The amendment provides for removal from the register of the name of a deceased joint tenant.

BILL

An Act to amend The Land Titles 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 23 of *The Land Titles Act*, as amended by section 1 of *The Land Titles Amendment Act, 1953*, is further amended by adding thereto the following clause:

Rev. Stat.,
c. 197, s. 23,
subs. 1,
amended

(j) any by-law heretofore passed under section 390 of *The Municipal Act* or a predecessor of that section, and any by-law hereafter passed under that section, and any other municipal by-law, heretofore or hereafter passed, affecting land that does not directly affect the title to land.

Rev. Stat.,
c. 243

2.—(1) Notwithstanding anything in *The Land Titles Act*, where a by-law has been passed before the 19th day of March, 1954, under section 390 of *The Municipal Act* or a predecessor of that section and land to which *The Land Titles Act* and the by-law applies, or a building or structure thereon, was being used on that day, for a purpose prohibited by the by-law, by a person who purchased the land for valuable consideration without actual notice of the by-law, the by-law does not apply to the land, building or structure so long as it continues to be used for that purpose.

Existing
uses
protected
Rev. Stat.,
cc. 197, 243

(2) Subsection 1 applies only where the purchaser purchased the land after the passing of the by-law and before the 19th day of March, 1954.

Proviso

(3) Subsection 1 does not apply where the land, or a building or structure thereon, was being used, on the 19th day of March, 1954, for a purpose prohibited by the by-law, by virtue of regulation 45 of Ontario Regulations 98/52 or by virtue of a by-law passed under *The Rent Control Act, 1953*.

1953, c. 93

3. *The Land Titles Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 197,
amended

Removal
of name of
deceased
joint
tenant

58a. Where two or more persons holding as joint tenants have been entered as owners of any land or charge and one of them dies without the joint tenancy having been severed, an application in the prescribed manner shall be submitted by the survivor or survivors to remove from the register the name of the deceased joint tenant.

Rev. Stat.,
c. 197, s. 61,
re-enacted

4. Section 61 of *The Land Titles Act* is repealed and the following substituted therefor:

Entry of
name of
person
beneficially
entitled as
owner with-
out reference
to debts
Rev. Stat.,
c. 103

61. Where land has been transferred to a person beneficially entitled thereto within three years after the death of the registered owner or has become vested in the person beneficially entitled thereto under *The Devolution of Estates Act*, the proper master of titles upon application and the production of satisfactory evidence showing that all the debts of the deceased registered owner have been paid and that creditors have been notified may,

- (a) where the person beneficially entitled is shown on the register as owner of the land, and the register shows that such land is subject to the unpaid debts of the deceased registered owner, delete the reference to the unpaid debts from the register; or
- (b) register the person beneficially entitled to the land without reference to the unpaid debts of the deceased registered owner.

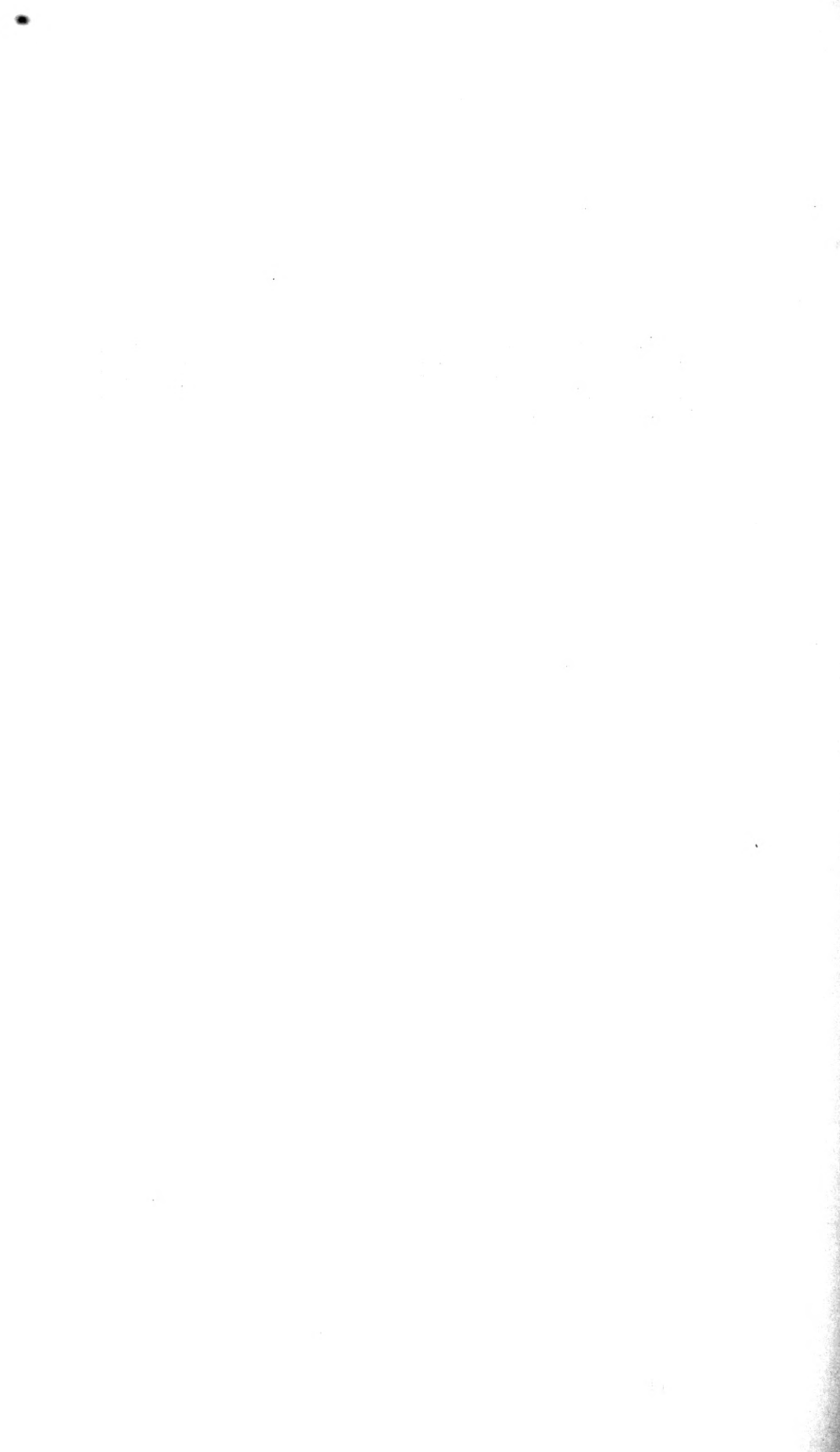
Commence-
ment

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

Short title

6. This Act may be cited as *The Land Titles Amendment Act, 1954*.

SECTION 4. The amendment empowers the proper master of titles to delete from the register reference to unpaid debts of a deceased registered owner or to enter in the register the name of a person beneficially entitled to the land without reference to such unpaid debts when he is satisfied that the debts have been paid.





BILL

An Act to amend The Land Titles Act

1st Reading

March 19th, 1954

2nd Reading

3rd Reading

MR. PORTER

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Land Titles Act

MR. PORTER

(Reprinted as amended by the Committee on Legal Bills)

EXPLANATORY NOTES

SECTION 1. In the case of *The Township of Trafalgar v. Hamilton*, (1954) O.R. 81, the Court of Appeal held that a restricted area by-law, if not registered under *The Registry Act*, is not binding upon subsequent purchasers and mortgagees for valuable consideration without actual notice of the by-law. This amendment provides that all land under *The Land Titles Act* is subject to the operation of such by-laws. Persons who may have acquired rights under the decision in the above case are protected by section 2 of this Bill.

SECTION 2. This section is designed to protect uses of land legally established before the introduction of this Bill.

SECTION 3. Under the present provision, such lists are made up annually, which is impracticable in the case of large cities.

The provision as re-enacted will allow municipalities ample opportunity to secure these lists at appropriate times.

BILL

An Act to amend The Land Titles 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 23 of *The Land Titles Act*, Rev. Stat., c. 197, s. 23, as amended by section 1 of *The Land Titles Amendment Act*, subs. 1, 1953, is further amended by adding thereto the following amended clause:

- (j) any by-law heretofore passed under section 390 of *The Municipal Act* or a predecessor of that section, Rev. Stat., c. 243 and any by-law hereafter passed under that section, and any other municipal by-law, heretofore or hereafter passed, affecting land that does not directly affect the title to land.


2.—(1) Notwithstanding anything in *The Land Titles Act*, Existing uses protected where a by-law has been passed before the 19th day of March, 1954, under section 390 of *The Municipal Act* or a predecessor of that section and land to which *The Land Titles Act* and the by-law applies, or a building or structure thereon, was being used on that day, for a purpose prohibited by the by-law, by a person who purchased the land for valuable consideration without actual notice of the by-law, the by-law does not apply to the land, building or structure so long as it continues to be used for that purpose. Rev. Stat., c. 197, 243

(2) Subsection 1 applies only where the purchaser purchased Proviso the land after the passing of the by-law and before the 19th day of March, 1954.

(3) Subsection 1 does not apply where the land, or a build- Idem ing or structure thereon, was being used, on the 19th day of March, 1954, for a purpose prohibited by the by-law, by virtue of regulation 45 of Ontario Regulations 98/52 or by virtue of a by-law passed under *The Rent Control Act, 1953*. 1953, c. 93

3. Subsection 2 of section 55 of *The Land Titles Act* is Rev. Stat., c. 197, s. 55, repealed and the following substituted therefor: subs. 2, re-enacted

Master to
furnish
municipality
with list of
conveyances

- (2) Upon the request of the council of a municipality, the master of titles shall furnish annually, semi-annually or monthly in accordance with the request a list of all conveyances by which land in the municipality has been transferred, charged or leased that have been registered in his office during the period specified in the request, and the list shall include, in respect of each such conveyance, the names and addresses of the parties, the consideration and a short description of the land. 

Rev. Stat.,
c. 197,
amended

4. *The Land Titles Act* is amended by adding thereto the following section:

Removal
of name of
deceased
joint
tenant

- 58a. Where two or more persons holding as joint tenants have been entered as owners of any land or charge and one of them dies without the joint tenancy having been severed, an application in the prescribed manner shall be submitted by the survivor or survivors to remove from the register the name of the deceased joint tenant.

Rev. Stat.,
c. 197, s. 61,
re-enacted

5. Section 61 of *The Land Titles Act* is repealed and the following substituted therefor:

Entry of
name of
person
beneficially
entitled as
owner with-
out reference
to debts
Rev. Stat.,
c. 103

61. Where land has been transferred to a person beneficially entitled thereto within three years after the death of the registered owner or has become vested in the person beneficially entitled thereto under *The Devolution of Estates Act*, the proper master of titles upon application and the production of satisfactory evidence showing that all the debts of the deceased registered owner have been paid and that creditors have been notified may,

- (a) where the person beneficially entitled is shown on the register as owner of the land, and the register shows that such land is subject to the unpaid debts of the deceased registered owner, delete the reference to the unpaid debts from the register; or
- (b) register the person beneficially entitled to the land without reference to the unpaid debts of the deceased registered owner.

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 Land Titles Amendment Act, 1954*.

SECTION 4. The amendment provides for removal from the register of the name of a deceased joint tenant.

SECTION 5. The amendment empowers the proper master of titles to delete from the register reference to unpaid debts of a deceased registered owner or to enter in the register the name of a person beneficially entitled to the land without reference to such unpaid debts when he is satisfied that the debts have been paid.





BILL

An Act to amend The Land Titles Act

1st Reading

March 19th, 1954

2nd Reading

March 24th, 1954

3rd Reading

MR. PORTER

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

No. 115

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Land Titles Act

MR. PORTER

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



BILL

An Act to amend The Land Titles 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 23 of *The Land Titles Act*, Rev. Stat. c. 197, s. 23, as amended by section 1 of *The Land Titles Amendment Act, 1953*, subs. 1, is further amended by adding thereto the following amended clause:

(j) any by-law heretofore passed under section 390 of *The Municipal Act* or a predecessor of that section, and any by-law hereafter passed under that section, and any other municipal by-law, heretofore or hereafter passed, affecting land that does not directly affect the title to land. Rev. Stat., c. 243

2.—(1) Notwithstanding anything in *The Land Titles Act*, where a by-law has been passed before the 19th day of March, 1954, under section 390 of *The Municipal Act* or a predecessor of that section and land to which *The Land Titles Act* and the by-law applies, or a building or structure thereon, was being used on that day, for a purpose prohibited by the by-law, by a person who purchased the land for valuable consideration without actual notice of the by-law, the by-law does not apply to the land, building or structure so long as it continues to be used for that purpose. Existing uses protected Rev. Stat., cc. 197, 243

(2) Subsection 1 applies only where the purchaser purchased the land after the passing of the by-law and before the 19th day of March, 1954. Proviso

(3) Subsection 1 does not apply where the land, or a building or structure thereon, was being used, on the 19th day of March, 1954, for a purpose prohibited by the by-law, by virtue of regulation 45 of Ontario Regulations 98/52 or by virtue of a by-law passed under *The Rent Control Act, 1953*. Idem 1953, c. 93

3. Subsection 2 of section 55 of *The Land Titles Act* is repealed and the following substituted therefor: Rev. Stat., c. 197, s. 55, subs. 2, re-enacted

Master to furnish municipality with list of conveyances

- (2) Upon the request of the council of a municipality, the master of titles shall furnish annually, semi-annually or monthly in accordance with the request a list of all conveyances by which land in the municipality has been transferred, charged or leased that have been registered in his office during the period specified in the request, and the list shall include, in respect of each such conveyance, the names and addresses of the parties, the consideration and a short description of the land.

Rev. Stat., c. 197, amended

4. *The Land Titles Act* is amended by adding thereto the following section:

Removal of name of deceased joint tenant

- 58a. Where two or more persons holding as joint tenants have been entered as owners of any land or charge and one of them dies without the joint tenancy having been severed, an application in the prescribed manner shall be submitted by the survivor or survivors to remove from the register the name of the deceased joint tenant.

Rev. Stat., c. 197, s. 61, re-enacted

5. Section 61 of *The Land Titles Act* is repealed and the following substituted therefor:

Entry of name of person beneficially entitled as owner without reference to debts
Rev. Stat., c. 103

61. Where land has been transferred to a person beneficially entitled thereto within three years after the death of the registered owner or has become vested in the person beneficially entitled thereto under *The Devolution of Estates Act*, the proper master of titles upon application and the production of satisfactory evidence showing that all the debts of the deceased registered owner have been paid and that creditors have been notified may,

- (a) where the person beneficially entitled is shown on the register as owner of the land, and the register shows that such land is subject to the unpaid debts of the deceased registered owner, delete the reference to the unpaid debts from the register; or
- (b) register the person beneficially entitled to the land without reference to the unpaid debts of the deceased registered owner.

Commencement

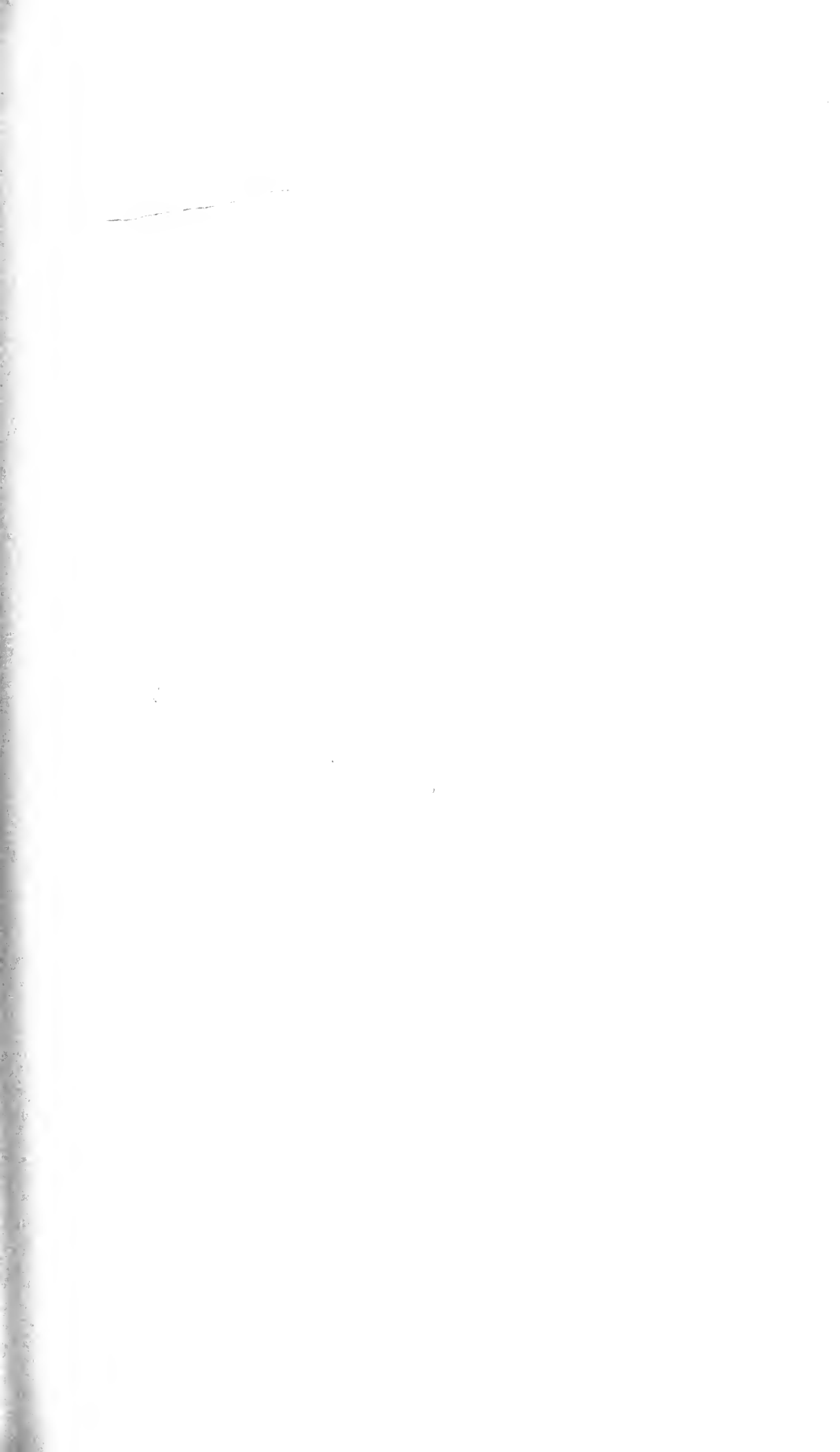
6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Land Titles Amendment Act, 1954*.







BILL

An Act to amend The Land Titles Act

1st Reading

March 19th, 1954

2nd Reading

March 24th, 1954

3rd Reading

April 2nd, 1954

MR. PORTER

No. 116

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Magistrates Act, 1952

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTE

The effect of this amendment is that where the amount of municipal fines in a magistrate's court is insufficient to pay the running expenses of the court, the deficiency is to be made up from provincial fines.

No. 116

1954

BILL

An Act to amend The Magistrates Act, 1952

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

1. Section 19 of *The Magistrates Act, 1952* is amended by adding thereto the following subsection: 1952, c. 53,
s. 19,
amended

(2) Where the total amount of the moneys coming into the hands of a magistrate that would except for subsection 1 accrue to the treasurer of a municipality is insufficient to pay such clerical, stationery, rent and other expenses of his court and office as are approved by the Inspector, the amount of the deficiency shall be made up from any moneys in his hands that would otherwise be payable to the Treasurer of Ontario. Idem

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

3. This Act may be cited as *The Magistrates Amendment Act, 1954 (No. 2)*. Short title

An Act to amend The Magistrates Act,
1952

1st Reading

March 19th, 1954

2nd Reading

3rd Reading

MR. PORTER

No. 116

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Magistrates Act, 1952

MR. PORTER

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



No. 116

1954

BILL

An Act to amend The Magistrates Act, 1952

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

1. Section 19 of *The Magistrates Act, 1952* is amended by ^{1952, c. 53,} adding thereto the following subsection: _{s. 19, amended}

(2) Where the total amount of the moneys coming into ^{Idem} the hands of a magistrate that would except for subsection 1 accrue to the treasurer of a municipality is insufficient to pay such clerical, stationery, rent and other expenses of his court and office as are approved by the Inspector, the amount of the deficiency shall be made up from any moneys in his hands that would otherwise be payable to the Treasurer of Ontario.

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

3. This Act may be cited as *The Magistrates Amendment* ^{Short title} Act, 1954 (No. 2).

BILL

An Act to amend The Magistrates Act,
1952

1st Reading

March 19th, 1954

2nd Reading

March 24th, 1954

3rd Reading

March 31st, 1954

MR. PORTER

No. 117

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Judicature Act

MR. PORTER

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

EXPLANATORY NOTE

The amendment expressly restores a discretion formerly exercised by trial judges which judicial decisions indicate they may not have now.

No. 117

1954

BILL

An Act to amend The Judicature Act

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

1. Section 63 of *The Judicature Act* is amended by adding thereto the following subsection: Rev. Stat., c. 190, s. 63, amended

(1a) In an action, tried by a judge and jury, to which subsection 1 of section 51 of *The Highway Traffic Act* applies, the judge may direct the jury to specify negligent acts or omissions that caused the damages or injuries in respect of which the action is brought. Negligent acts specified by jury Rev. Stat., c. 167

2. This Act may be cited as *The Judicature Amendment Act, 1954 (No. 2)*. Short title

BILL

An Act to amend The Judicature Act

1st Reading

March 19th, 1954

2nd Reading

3rd Reading

MR. PORTER

No. 117

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Judicature Act

MR. PORTER

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



No. 117

1954

BILL

An Act to amend The Judicature Act

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

1. Section 63 of *The Judicature Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 190, s. 63,
amended

(1a) In an action, tried by a judge and jury, to which subsection 1 of section 51 of *The Highway Traffic Act* applies, the judge may direct the jury to specify negligent acts specified by jury negligent acts or omissions that caused the damages or injuries in respect of which the action is brought. Rev. Stat.,
c. 167

2. This Act may be cited as *The Judicature Amendment Act, 1954 (No. 2)*. Short title

BILL

An Act to amend The Judicature Act

1st Reading

March 19th, 1954

2nd Reading

March 24th, 1954

3rd Reading

March 31st, 1954

MR. PORTER

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
**An Act to amend The Security Transfer
Tax Act**

MR. FROST (Victoria)

EXPLANATORY NOTES

SECTION 1. This amendment extends the exemption from the security transfer tax to bonds, etc., guaranteed by Canada or a province of Canada.

SECTION 2. The clause is new. It will enable regulations to be made for the purpose mentioned.

No. 118

1954

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. Clause *a* of subsection 1 of section 5 of *The Security Transfer Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 352, s. 5, subs. 1, cl. *a*, re-enacted

(*a*) the sale, transfer or assignment of any bond, debenture or share of a debenture stock issued by or guaranteed as to principal and interest by Canada or any province of Canada.

2. Section 19 of *The Security Transfer Tax Act* is amended by adding thereto the following clause: Rev. Stat., c. 352, s. 19, amended

(*dd*) providing for the payment of a commission not exceeding 3 per cent to agents of the Treasurer under section 8 who collect the tax in money.

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

4. This Act may be cited as *The Security Transfer Tax Amendment Act, 1954*. Short title

BILL

An Act to amend The Security Transfer
Tax Act

1st Reading

March 22nd, 1954

2nd Reading

3rd Reading

MR. FROST (Victoria)

No. 118

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

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



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. Clause *a* of subsection 1 of section 5 of *The Security Transfer Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 352, s. 5, subs. 1, cl. *a*, re-enacted

- (*a*) the sale, transfer or assignment of any bond, debenture or share of a debenture stock issued by or guaranteed as to principal and interest by Canada or any province of Canada.

2. Section 19 of *The Security Transfer Tax Act* is amended by adding thereto the following clause: Rev. Stat., c. 352, s. 19, amended

- (*dd*) providing for the payment of a commission not exceeding 3 per cent to agents of the Treasurer under section 8 who collect the tax in money.

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

4. This Act may be cited as *The Security Transfer Tax Amendment Act, 1954*. Short title

BILL

An Act to amend The Security Transfer
Tax Act

1st Reading

March 22nd, 1954

2nd Reading

March 24th, 1954

3rd Reading

March 31st, 1954

Mr. Frost (Victoria)

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Succession Duty Act

MR. FROST (Victoria)

EXPLANATORY NOTES

SECTION 1—Subsection 1. Subclause iv is re-enacted in order to clarify the intent. No change in principle is involved.

Subsection 2. Clause s is brought into line with the amendment made to clause p in 1951.

SECTION 2. The purpose of this new section is to clarify the intent by including in the duty levied under clause a of section 5 property which is deemed to pass as well as property which actually passes.

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.—(1) Subclause iv of clause *f* of section 1 of *The Succession Duty Act* is repealed and the following substituted therefor: Rev. Stat., c. 378, s. 1, cl. *f*, subcl. iv, re-enacted

- (iv) any payment during the lifetime of the deceased to any person as a result of the creation of a trust by the deceased, except of such portion of the income paid to such person which is in the same ratio to all the income paid to such person that the amount of the value of the property which by the terms of the trust is or will be paid or transferred to or for the benefit of such person bears to the amount of the value of all the property.

(2) Clause *s* of the said section 1 is amended by inserting after the numeral "viii" in the seventh line the words and numerals "and xii and xiii", so that the clause shall read as follows: Rev. Stat., c. 378, s. 1, cl. *s*, amended

- (s) "transmission" means the passing on the death of any person domiciled in Ontario to any person resident or domiciled in Ontario at the date of death of the deceased, of any personal property situate outside Ontario at the date of such death including such of the personal property mentioned in subclauses i to viii and xii and xiii of clause *p* as is situate outside Ontario at such date.

2. *The Succession Duty Act* is amended by adding thereto the following section: Rev. Stat., c. 378, amended

- 1a. For the purposes of this Act, the property mentioned in subclauses i to xiii inclusive of clause *p* of section 1 shall be deemed to pass on the death of the deceased and accordingly shall be deemed to be property passing on the death of the deceased or which passes Property passing on the death of deceased, meaning of

on his death in addition to any other property passing on the death of the deceased or which passes on his death.

Rev. Stat.,
c. 378, s. 49,
amended **3.**—(1) Section 49 of *The Succession Duty Act* is amended by adding thereto the following subsection:

Idem (2) Subsection 1 shall not apply where the amount of the premiums mentioned in clause g of subsection 2 of section 6 of *The Succession Duty Act, 1934* is equal to or greater than the amount of the moneys received by the Treasurer mentioned in such clause g.

1934, c. 55

Application of Rev. Stat., c. 378, s. 49, subs. 2 (2) Subsection 2 of section 49 of *The Succession Duty Act*, as enacted by subsection 1, applies where the deceased died or dies on or after the 31st day of July, 1953, and where the deceased died before that day and the duty in respect of any policy of insurance mentioned in clause g of subsection 1 of section 6 of *The Succession Duty Act, 1934* has been or is based and calculated as if the said subsection 2 was applicable.

1934, c. 55

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 Succession Duty Amendment Act, 1954*.

SECTION 3—Subsection 1. The purpose of the new subsection is to exclude from taxation the excess of premiums over the amount of the proceeds of insurance made payable in trust for the Treasurer of Ontario for the purpose of paying duty.

Subsection 2. This substantive provision states the case to which subsection 2 of section 49 of the Act applies.





BILL

An Act to amend The Succession
Duty Act

1st Reading

March 22nd, 1954

2nd Reading

3rd Reading

Mr. Frostr (Victoria)

No. 119

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Succession Duty Act

MR. FROST (Victoria)

TORONTO
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PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



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.—(1) Subclause iv of clause *f* of section 1 of *The Succession Duty Act* is repealed and the following substituted therefor: Rev. Stat., c. 378, s. 1, cl. *f*, subcl. iv, re-enacted

- (iv) any payment during the lifetime of the deceased to any person as a result of the creation of a trust by the deceased, except of such portion of the income paid to such person which is in the same ratio to all the income paid to such person that the amount of the value of the property which by the terms of the trust is or will be paid or transferred to or for the benefit of such person bears to the amount of the value of all the property.

(2) Clause *s* of the said section 1 is amended by inserting after the numeral “viii” in the seventh line the words and numerals “and xii and xiii”, so that the clause shall read as follows: Rev. Stat., c. 378, s. 1, cl. *s*, amended

- (*s*) “transmission” means the passing on the death of any person domiciled in Ontario to any person resident or domiciled in Ontario at the date of death of the deceased, of any personal property situate outside Ontario at the date of such death including such of the personal property mentioned in subclauses *i* to *viii* and *xii* and *xiii* of clause *p* as is situate outside Ontario at such date.

2. *The Succession Duty Act* is amended by adding thereto the following section: Rev. Stat., c. 378, amended

- 1a. For the purposes of this Act, the property mentioned in subclauses *i* to *xiii* inclusive of clause *p* of section 1 shall be deemed to pass on the death of the deceased and accordingly shall be deemed to be property passing on the death of the deceased or which passes Property passing on the death of deceased, meaning of

on his death in addition to any other property passing on the death of the deceased or which passes on his death.

Rev. Stat.,
c. 378, s. 49,
amended **3.**—(1) Section 49 of *The Succession Duty Act* is amended by adding thereto the following subsection:

Idem (2) Subsection 1 shall not apply where the amount of the premiums mentioned in clause *g* of subsection 2 of section 6 of *The Succession Duty Act, 1934* is equal to or greater than the amount of the moneys received by the Treasurer mentioned in such clause *g*.

1934, c. 55

Application
of Rev. Stat.,
c. 378, s. 49,
subs. 2 (2) Subsection 2 of section 49 of *The Succession Duty Act*, as enacted by subsection 1, applies where the deceased died or dies on or after the 31st day of July, 1953, and where the deceased died before that day and the duty in respect of any policy of insurance mentioned in clause *g* of subsection 1 of section 6 of *The Succession Duty Act, 1934* has been or is based and calculated as if the said subsection 2 was applicable.

1934, c. 55

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 Succession Duty Amendment Act, 1954*.







An Act to amend The Succession
Duty Act

1st Reading

March 22nd, 1954

2nd Reading

March 24th, 1954

3rd Reading

March 31st, 1954

MR. FROST (Victoria)

No. 120

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Municipal Subsidies
Adjustment Act, 1953

MR. DUNBAR

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

EXPLANATORY NOTE

Self-explanatory.

BILL

An Act to amend The Municipal Subsidies Adjustment Act, 1953

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

1. *The Municipal Subsidies Adjustment Act, 1953* is ^{1953, c. 71,} amended by adding thereto the following sections: ^{amended}

3a.—(1) The Minister of Municipal Affairs shall in each year adjust the payments to municipalities under *The Municipal Unconditional Grants Act, 1953* so that no municipality shall receive less in such year under *The Municipal Unconditional Grants Act, 1953*, *The Fire Departments Act* and *The Police Act* than it received in 1953 in respect of the maintenance and operation of its fire department and police force under *The Fire Departments Act* and *The Police Act* and in respect of the one mill subsidy.

Adjustment of payments under 1953, c. 72

Rev. Stat., cc. 138, 279

(2) This section does not apply to a municipality the population of which, due to a decrease in population, has been redetermined under subsection 3 of section 3 of *The Municipal Unconditional Grants Act, 1953*.

Proviso

3b. Notwithstanding the provisions of *The Municipal Unconditional Grants Act, 1953*, where part of a rural municipality is annexed to an urban municipality, the Minister of Municipal Affairs shall adjust the payments under the said Act for the first five years immediately following the annexation, so that,

Adjustment of payments under 1953, c. 72 on annexations

(a) the assessed population of the annexed area at the time of the annexation shall be included in determining the population of the rural municipality and shall not be included in determining the population of the urban municipality; and

- (b) the urban municipality shall receive a per capita payment under the said Act on the assessed population of the annexed area at the time of the annexation at a per capita rate equal to the amount, if any, by which the per capita rate to which the urban municipality is entitled exceeds the per capita rate to which the rural municipality is entitled.

Commence-
ment

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

Short title

3. This Act may be cited as *The Municipal Subsidies Adjustment Amendment Act, 1954*.







An Act to amend The Municipal
Subsidies Adjustment Act, 1953

1st Reading

March 22nd, 1954

2nd Reading

3rd Reading

MR. DUNBAR

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Municipal Subsidies
Adjustment Act, 1953

MR. DUNBAR

(Reprinted as amended by the Committee on Municipal Law)

EXPLANATORY NOTE

Self-explanatory.

No. 120

1954

BILL

An Act to amend The Municipal Subsidies Adjustment Act, 1953

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

1. *The Municipal Subsidies Adjustment Act, 1953* is ^{1953, c. 71,} amended by adding thereto the following sections: ^{amended}

3a.—(1) The Minister of Municipal Affairs shall in each year adjust the payments to municipalities under *The Municipal Unconditional Grants Act, 1953* so that no municipality shall receive less in such year under *The Municipal Unconditional Grants Act, 1953*, *The Fire Departments Act* and *The Police Act* than it received in 1953 in respect of the maintenance and operation of its fire department and police force under *The Fire Departments Act* and *The Police Act* and in respect of the one mill subsidy.

Adjustment of payments under 1953, c. 72

Rev. Stat., cc. 138, 279

(2) This section does not apply to a municipality the population of which, due to a decrease in population, has been redetermined under subsection 3 of section 3 of *The Municipal Unconditional Grants Act, 1953*.

Proviso

3b. Notwithstanding the provisions of *The Municipal Unconditional Grants Act, 1953*, where part of a rural municipality is annexed to an urban municipality, the Minister of Municipal Affairs shall adjust the payments under the said Act for the first five years immediately following the annexation, so that,

Adjustment of payments under 1953, c. 72 on annexations

(a) the assessed population of the annexed area at the time of the annexation shall be included in determining the population of the rural municipality and shall not be included in determining the population of the urban municipality; and

(b) the urban municipality shall receive a per capita payment under the said Act on the assessed population of the annexed area at the time of the annexation at a per capita rate equal to the amount, if any, by which the per capita rate to which the urban municipality is entitled exceeds the per capita rate to which the rural municipality is entitled.

Commence-
ment

2. This Act shall be deemed to have come into force on the 31st day of December, 1953.

Short title

3. This Act may be cited as *The Municipal Subsidies Adjustment Amendment Act, 1954*.



BILL

An Act to amend The Municipal
Subsidies Adjustment Act, 1953

1st Reading

March 22nd, 1954

2nd Reading

March 24th, 1954

3rd Reading

MR. DUNBAR

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

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Municipal Subsidies
Adjustment Act, 1953

MR. DUNBAR



BILL

An Act to amend The Municipal Subsidies Adjustment Act, 1953

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

1. *The Municipal Subsidies Adjustment Act, 1953* is ^{1953, c. 71,} amended ^{amended} by adding thereto the following sections:

3a.—(1) The Minister of Municipal Affairs shall in each year adjust the payments to municipalities under *The Municipal Unconditional Grants Act, 1953* so that no municipality shall receive less in such year under *The Municipal Unconditional Grants Act, 1953*, *The Fire Departments Act* and *The Police Act* than it received in 1953 in respect of the maintenance and operation of its fire department and police force under *The Fire Departments Act* and *The Police Act* and in respect of the one mill subsidy.

Adjustment of payments under 1953, c. 72
Rev. Stat., c. 138, 279

(2) This section does not apply to a municipality the population of which, due to a decrease in population, has been redetermined under subsection 3 of section 3 of *The Municipal Unconditional Grants Act, 1953*.

Proviso

3b. Notwithstanding the provisions of *The Municipal Unconditional Grants Act, 1953*, where part of a rural municipality is annexed to an urban municipality, the Minister of Municipal Affairs shall adjust the payments under the said Act for the first five years immediately following the annexation, so that,

Adjustment of payments under 1953, c. 72 on annexations

(a) the assessed population of the annexed area at the time of the annexation shall be included in determining the population of the rural municipality and shall not be included in determining the population of the urban municipality; and

(b) the urban municipality shall receive a per capita payment under the said Act on the assessed population of the annexed area at the time of the annexation at a per capita rate equal to the amount, if any, by which the per capita rate to which the urban municipality is entitled exceeds the per capita rate to which the rural municipality is entitled.

Commence-
ment

2. This Act shall be deemed to have come into force on the 31st day of December, 1953.

Short title

3. This Act may be cited as *The Municipal Subsidies Adjustment Amendment Act, 1954.*



BILL

An Act to amend The Municipal
Subsidies Adjustment Act, 1953

1st Reading

March 22nd, 1954

2nd Reading

March 24th, 1954

3rd Reading

April 2nd, 1954

MR. DUNBAR

No. 121

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Homes for the Aged Act

MR. GOODFELLOW

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

EXPLANATORY NOTES

SECTION 1. The purpose of this amendment is to expedite the erection of homes for the aged in the territorial districts. It will enable a city or town and any one or more municipalities in the district (whether or not they are contiguous to the city or town) to erect a joint home.

SECTION 2. This amendment is designed to improve the admittance procedures applicable to persons committed by magistrates. Under the amendment the necessary facts as to the residence and physical condition of the person will be established on his admission to the home.

SECTION 3. This power is new. It will assist in the efficient administration of the Act.

BILL

An Act to amend The Homes for the Aged 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 3a of *The Homes for the Aged Act*, as enacted by section 1 of *The Homes for the Aged Amendment Act, 1951*, is amended by striking out the words "contiguous municipalities" in the fifth line and inserting in lieu thereof the words "municipalities in the same district", so that the subsection shall read as follows:

Rev. Stat.,
c. 168, s. 3a
(1951,
c. 35, s. 1),
subs. 1,
amended

- (1) A city or town having a population of not less than 25,000 in a district may, with the approval of the Minister, establish, erect and maintain a home for the aged, or the councils of any such city or town and of one or more municipalities in the same district may, with the approval of the Minister, enter into an agreement for the establishment, erection and maintenance of, and may establish, erect and maintain a joint home for the aged.

Establish-
ment of
homes by
cities and
towns in
districts

2. Subsection 3 of section 9 of *The Homes for the Aged Act* is amended by adding at the end thereof the words "and where a person is so committed, the magistrate shall determine the municipality to which the person belongs and ensure that the statement mentioned in clause *d* of subsection 4 has been completed", so that the subsection shall read as follows:

Rev. Stat.,
c. 168, s. 9,
subs. 3,
amended

- (3) Any magistrate may, by writing under his hand, commit any person who is over sixty years of age and who is unable to care properly for himself to a home for the aged, and where a person is so committed, the magistrate shall determine the municipality to which the person belongs and ensure that the statement mentioned in clause *d* of subsection 4 has been completed.

Committal
to home by
magistrate

3. *The Homes for the Aged Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 168,
amended

Affidavits
1951
(2nd Sess.),
c. 2

9a. Every local authority within the meaning of *The Old Age Assistance Act, 1951* has power to take affidavits and statutory declarations for the purposes of this Act in the same manner and to the same extent as a commissioner for taking affidavits in Ontario.

Rev. Stat.,
c. 168, s. 13,
re-enacted

4. Section 13 of *The Homes for the Aged Act*, as amended by section 1 of *The Homes for the Aged Amendment Act, 1953*, is repealed and the following substituted therefor:

Interpre-
tation

13. In sections 13a to 13d, "last revised assessment rolls as equalized" means last revised assessment rolls as equalized for the purposes of this Act by the district assessor or, if there is no district assessor, by the Department of Municipal Affairs.

Maintenance
of homes in
districts

13a.—(1) The cost of maintaining a home for the aged in a district shall be defrayed in each year by the municipalities in the district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized.

Estimates
and appor-
tionment

(2) The board shall in each year apportion the amount that it estimates will be required to defray its expenditures for that year among the municipalities in the district, and shall on or before the 25th day of February notify the clerk of each such municipality of the amount to be provided by that municipality.

Levy and
collection

(3) Each such municipality shall include the amount required to be provided by it in its estimates for the then current year and shall levy and collect the amount in like manner as taxes and pay the amount to the board on demand.

Where
assessments
not equal-
ized in time

(4) Where in any year the last revised assessment rolls of the municipalities in the district are not equalized by the district assessor or the Department of Municipal Affairs before the 10th day of February, the board may apportion the amount that it estimates to be required in proportion to the amounts of their assessments according to their assessment rolls as returned, and in that case shall re-apportion the amount and make the necessary adjustments after the equalization is completed.

Capital cost
of homes in
districts

13b.—(1) The cost of establishing and erecting a new home for the aged in a district or of an addition to or extension of an existing home for the aged in a district shall be defrayed by the municipalities in the

SECTION 4. Section 13 of *The Homes for the Aged Act* now provides that the cost of establishing, erecting and maintaining a home for the aged in a territorial district is to be apportioned among the municipalities in the district in accordance with their last revised assessment rolls as equalized by the district assessor or, if there is no district assessor, by the Department of Municipal Affairs.

The section is rewritten to accomplish the following purposes:

1. To provide in one section for the maintenance and operation costs and in two other sections for capital cost.
2. To extend the time for the board to submit its estimates from January 31st to February 25th.
3. To provide that where in any year the equalization is not completed by February 10th, the board may apportion its estimates on the basis of the assessment rolls as returned, in which case a re-apportionment, with the necessary adjustments, shall be made after the equalization.
4. To provide a method whereby, instead of the apportionment for capital cost being finally fixed as of the date of the expenditure (which is now the case under section 13 and is covered in this Bill in section 13*b*) a method whereby the carrying charges on all debentures shall be apportioned among the municipalities in the district in each year during the currency of the debentures in accordance with the equalized assessment for that year. This is provided in section 13*c*.
5. To provide a method whereby a similar plan to that provided in section 13*c* may be applicable in future years in respect of capital costs incurred before April 1st, 1954. This is provided in section 13*d*.



district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized.

- (2) The Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund of such amount, to assist in defraying the cost of establishing and erecting the new home or of the addition to or extension of the existing home, as he may determine in accordance with the regulations and based upon the proportion of such cost that is allocated to the unorganized portions of the district. ^{Provincial subsidy}
- (3) The board shall apportion the amount that it estimates will be required to establish and erect the new home or for the addition to or extension of the existing home among the municipalities in the district and shall notify the clerk of each such municipality of the amount to be provided by that municipality. ^{Apportionment}
- (4) Each such municipality shall, within ninety days after receipt of the notice, determine the method it will use in raising the amount required to be provided by it, and shall take such steps as are necessary to carry the determination into effect and shall raise the amount and pay it over to the board. ^{Raising of funds}

13c.—(1) The Ontario Municipal Board, upon the application of the council of one or more of the municipalities in the district, may by order, ^{Alternative method of raising funds}

- (a) authorize one of the municipalities in the district to raise the whole amount required by the issue of its debentures; or
- (b) authorize two or more of the municipalities in the district to raise the whole amount required by the issue of their debentures in such amounts as the Ontario Municipal Board may order,

and thereupon the municipality or municipalities shall raise the whole amount required by the issue of debentures and shall pay the proceeds to the board, and subsection 4 of section 13b shall not apply.

- (2) Where debentures are issued to provide the whole amount required as provided in subsection 1, the board shall in each year during the currency of the debentures apportion the amount that will be required in that year to pay the amounts of principal ^{Apportionment of carrying charges}

and interest on the debentures among the municipalities in the district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized, and shall include the amount to be provided by each such municipality as a separate item in its estimates submitted to the clerk of the municipality under subsection 2 of section 13a, and subsections 3 and 4 of section 13a shall apply.

Distribution of carrying charges

- (3) The board shall in each year distribute the moneys received under subsection 2 to the municipality which issued the debentures or, where two or more municipalities issued the debentures, to such municipalities in the same proportion as the amount raised by each such municipality bore to the total amount raised.

Capital cost of homes heretofore established or altered

- 13d.—(1) Where, before the 1st day of April, 1954, a new home for the aged has been established and erected in a district, or addition to or extension of an existing home for the aged in a district has been made, the board, upon the request expressed by resolutions of a majority of the councils of the municipalities in the district, shall apply to the Ontario Municipal Board for an order providing that subsections 2 and 3 shall apply in respect of the cost incurred in respect of the new home or the addition or extension.

Idem

- (2) Where the Ontario Municipal Board makes an order under subsection 1,
- (a) the board shall determine the annual amount that would have been required to pay the annual amounts of principal and interest if debentures, payable in annual instalments with interest at 5 per cent per annum for a term of twenty years, had been issued by one municipality to finance the cost of the establishment and erection of the new home or of the addition to or extension of the existing home; and
- (b) the board shall in each year during the remainder of the term of twenty years apportion the annual amount so determined among the municipalities in the district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized, and shall include the amount to be

provided by each such municipality as a separate item in its estimates submitted to the clerk of the municipality under subsection 2 of section 13a, and subsections 3 and 4 of section 13a shall apply.

- (3) The board shall in each year distribute the moneys ^{Distribu-} received to the municipalities in the district that ^{tion} contributed to the cost of the new home or of the addition or extension in the proportion that the contribution of each such municipality to the cost bore to the total of the contributions of all such municipalities to the cost.

5. Section 4 shall be deemed to have come into force on the ^{Commence-} 1st day of January, 1954. ^{ment}

6. This Act may be cited as *The Homes for the Aged Amendment Act, 1954*. ^{Short title}





An Act to amend The Homes for the
Aged Act

1st Reading

March 23rd, 1954

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 121

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Homes for the Aged Act

MR. GOODFELLOW

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



BILL

An Act to amend The Homes for the Aged 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 3a of *The Homes for the Aged Act*, as enacted by section 1 of *The Homes for the Aged Amendment Act, 1951*, is amended by striking out the words "contiguous municipalities" in the fifth line and inserting in lieu thereof the words "municipalities in the same district", so that the subsection shall read as follows:

Rev. Stat.,
c. 168, s. 3a
(1951,
c. 35, s. 1),
subs. 1,
amended

- (1) A city or town having a population of not less than 25,000 in a district may, with the approval of the Minister, establish, erect and maintain a home for the aged, or the councils of any such city or town and of one or more municipalities in the same district may, with the approval of the Minister, enter into an agreement for the establishment, erection and maintenance of, and may establish, erect and maintain a joint home for the aged.

Establishment of homes by cities and towns in districts

2. Subsection 3 of section 9 of *The Homes for the Aged Act* is amended by adding at the end thereof the words "and where a person is so committed, the magistrate shall determine the municipality to which the person belongs and ensure that the statement mentioned in clause *d* of subsection 4 has been completed", so that the subsection shall read as follows:

Rev. Stat.,
c. 168, s. 9,
subs. 3,
amended

- (3) Any magistrate may, by writing under his hand, commit any person who is over sixty years of age and who is unable to care properly for himself to a home for the aged, and where a person is so committed, the magistrate shall determine the municipality to which the person belongs and ensure that the statement mentioned in clause *d* of subsection 4 has been completed.

Committal to home by magistrate

3. *The Homes for the Aged Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 168,
amended

Affidavits

1951
(2nd Sess.),
c. 2

9a. Every local authority within the meaning of *The Old Age Assistance Act, 1951* has power to take affidavits and statutory declarations for the purposes of this Act in the same manner and to the same extent as a commissioner for taking affidavits in Ontario.

Rev. Stat.,
c. 168, s. 13,
re-enacted

4. Section 13 of *The Homes for the Aged Act*, as amended by section 1 of *The Homes for the Aged Amendment Act, 1953*, is repealed and the following substituted therefor:

Interpretation

13. In sections 13a to 13d, "last revised assessment rolls as equalized" means last revised assessment rolls as equalized for the purposes of this Act by the district assessor or, if there is no district assessor, by the Department of Municipal Affairs.

Maintenance of homes in districts

13a.—(1) The cost of maintaining a home for the aged in a district shall be defrayed in each year by the municipalities in the district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized.

Estimates and apportionment

(2) The board shall in each year apportion the amount that it estimates will be required to defray its expenditures for that year among the municipalities in the district, and shall on or before the 25th day of February notify the clerk of each such municipality of the amount to be provided by that municipality.

Levy and collection

(3) Each such municipality shall include the amount required to be provided by it in its estimates for the then current year and shall levy and collect the amount in like manner as taxes and pay the amount to the board on demand.

Where assessments not equalized in time

(4) Where in any year the last revised assessment rolls of the municipalities in the district are not equalized by the district assessor or the Department of Municipal Affairs before the 10th day of February, the board may apportion the amount that it estimates to be required in proportion to the amounts of their assessments according to their assessment rolls as returned, and in that case shall re-apportion the amount and make the necessary adjustments after the equalization is completed.

Capital cost of homes in districts

13b.—(1) The cost of establishing and erecting a new home for the aged in a district or of an addition to or extension of an existing home for the aged in a district shall be defrayed by the municipalities in the

district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized.

- (2) The Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund of such amount, to assist in defraying the cost of establishing and erecting the new home or of the addition to or extension of the existing home, as he may determine in accordance with the regulations and based upon the proportion of such cost that is allocated to the unorganized portions of the district. ^{Provincial subsidy}
- (3) The board shall apportion the amount that it estimates will be required to establish and erect the new home or for the addition to or extension of the existing home among the municipalities in the district and shall notify the clerk of each such municipality of the amount to be provided by that municipality. ^{Apportionment}
- (4) Each such municipality shall, within ninety days after receipt of the notice, determine the method it will use in raising the amount required to be provided by it, and shall take such steps as are necessary to carry the determination into effect and shall raise the amount and pay it over to the board. ^{Raising of funds}
- 13c.—(1) The Ontario Municipal Board, upon the application of the council of one or more of the municipalities in the district, may by order, ^{Alternative method of raising funds}

(a) authorize one of the municipalities in the district to raise the whole amount required by the issue of its debentures; or

(b) authorize two or more of the municipalities in the district to raise the whole amount required by the issue of their debentures in such amounts as the Ontario Municipal Board may order,

and thereupon the municipality or municipalities shall raise the whole amount required by the issue of debentures and shall pay the proceeds to the board, and subsection 4 of section 13b shall not apply.

- (2) Where debentures are issued to provide the whole amount required as provided in subsection 1, the board shall in each year during the currency of the debentures apportion the amount that will be required in that year to pay the amounts of principal ^{Apportionment of carrying charges}

and interest on the debentures among the municipalities in the district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized, and shall include the amount to be provided by each such municipality as a separate item in its estimates submitted to the clerk of the municipality under subsection 2 of section 13a, and subsections 3 and 4 of section 13a shall apply.

Distribu-
tion of
carrying
charges

- (3) The board shall in each year distribute the moneys received under subsection 2 to the municipality which issued the debentures or, where two or more municipalities issued the debentures, to such municipalities in the same proportion as the amount raised by each such municipality bore to the total amount raised.

Capital cost
of homes
heretofore
established
or altered

13d.—(1) Where, before the 1st day of April, 1954, a new home for the aged has been established and erected in a district, or addition to or extension of an existing home for the aged in a district has been made, the board, upon the request expressed by resolutions of a majority of the councils of the municipalities in the district, shall apply to the Ontario Municipal Board for an order providing that subsections 2 and 3 shall apply in respect of the cost incurred in respect of the new home or the addition or extension.

Idem

- (2) Where the Ontario Municipal Board makes an order under subsection 1,

(a) the board shall determine the annual amount that would have been required to pay the annual amounts of principal and interest if debentures, payable in annual instalments with interest at 5 per cent per annum for a term of twenty years, had been issued by one municipality to finance the cost of the establishment and erection of the new home or of the addition to or extension of the existing home; and

(b) the board shall in each year during the remainder of the term of twenty years apportion the annual amount so determined among the municipalities in the district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized, and shall include the amount to be

provided by each such municipality as a separate item in its estimates submitted to the clerk of the municipality under subsection 2 of section 13a, and subsections 3 and 4 of section 13a shall apply.

- (3) The board shall in each year distribute the moneys ^{Distribu-} received to the municipalities in the district that ^{tion} contributed to the cost of the new home or of the addition or extension in the proportion that the contribution of each such municipality to the cost bore to the total of the contributions of all such municipalities to the cost.

5. Section 4 shall be deemed to have come into force on the ^{Commence-} 1st day of January, 1954. ^{ment}

6. This Act may be cited as *The Homes for the Aged Amendment Act, 1954*. ^{Short title}

An Act to amend The Homes for the
Aged Act

1st Reading

March 23rd, 1954

2nd Reading

March 31st, 1954

3rd Reading

April 2nd, 1954

MR. GOODFELLOW

No. 122

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Grand River
Conservation Act, 1938

MR. WARRENDER

EXPLANATORY NOTE

When the Grand River Conservation Commission has apportioned the benefit of a scheme among the participating municipalities, it is required under subsection 1 of section 9 to notify the municipalities and, under subsection 2, any dissatisfied municipality may on ten days notice to the Commission apply to the Municipal Board for a review of the apportionment. Subsection 2 of section 9 is rewritten to require that the application for review be made within one month after the municipality is notified of the apportionment.

BILL

An Act to amend The Grand River Conservation Act, 1938

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

1. Subsection 2 of section 9 of *The Grand River Conservation Act, 1938* is repealed and the following substituted therefor: 1938, c. 15, s. 9, subs. 2, re-enacted
- (2) Any municipal council which is dissatisfied with any such apportionment may, within one month after it receives notice of the apportionment, notify the secretary of the Ontario Municipal Board and the Commission in writing by prepaid registered mail that it applies for a review of the apportionment by the Ontario Municipal Board. Review of apportionment by Municipal Board
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Grand River Conservation Amendment Act, 1954*. Short title

An Act to amend The Grand River
Conservation Act, 1938

1st Reading

March 23rd, 1954

2nd Reading

3rd Reading

MR. WARRENDER

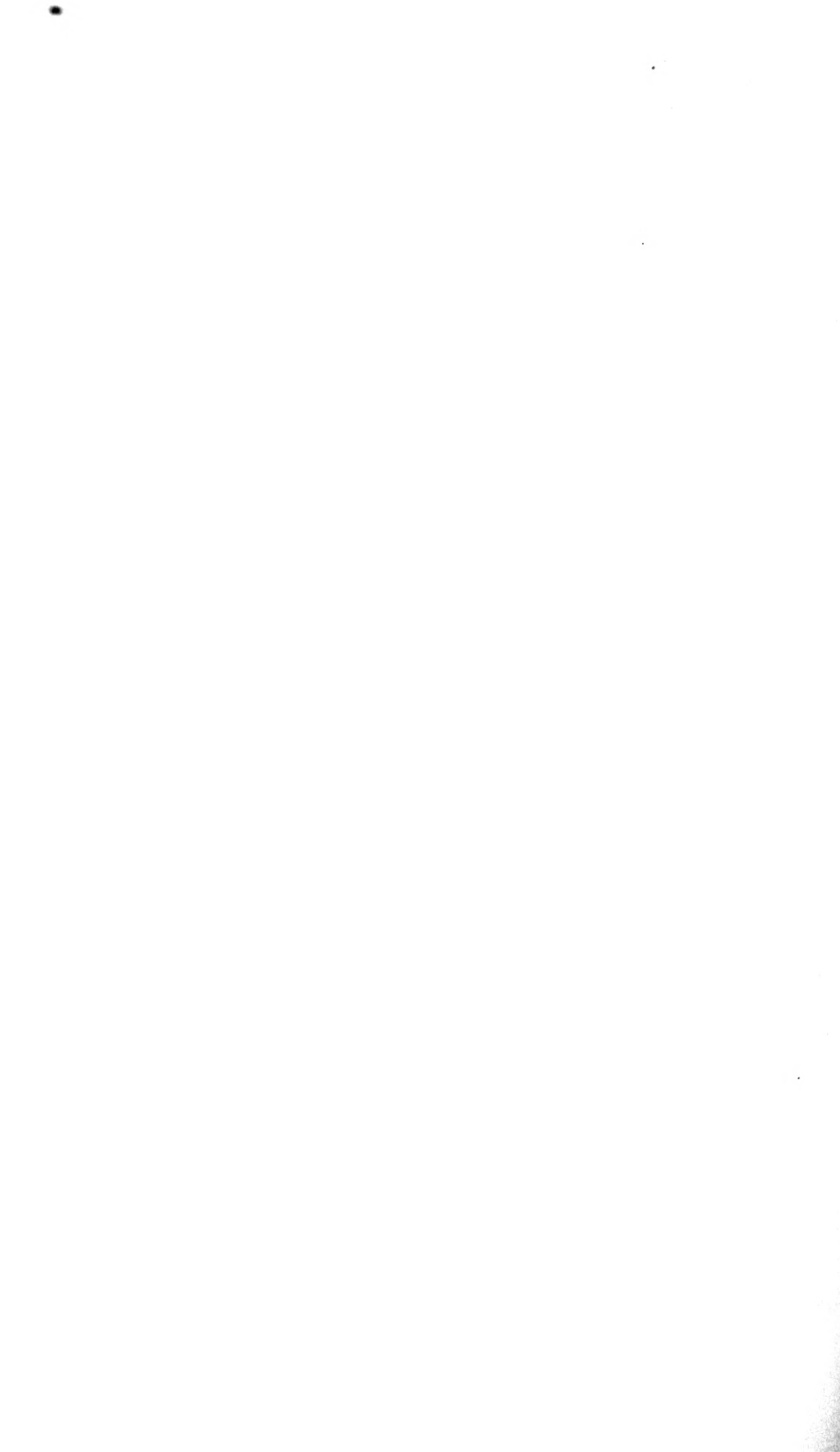
No. 122

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
**An Act to amend The Grand River
Conservation Act, 1938**

MR. WARRENDER

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



No. 122

1954

BILL

An Act to amend The Grand River Conservation Act, 1938

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

1. Subsection 2 of section 9 of *The Grand River Conservation Act, 1938* is repealed and the following substituted therefor: 1938, c. 15, s. 9, subs. 2, re-enacted
- (2) Any municipal council which is dissatisfied with any such apportionment may, within one month after it receives notice of the apportionment, notify the secretary of the Ontario Municipal Board and the Commission in writing by prepaid registered mail that it applies for a review of the apportionment by the Ontario Municipal Board. Review of apportionment by Municipal Board
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Grand River Conservation Amendment Act, 1954*. Short title

An Act to amend The Grand River
Conservation Act, 1938

1st Reading

March 23rd, 1954

2nd Reading

March 31st, 1954

3rd Reading

April 2nd, 1954

MR. WARRENDER

No. 123

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Cemeteries Act

MR. PHILLIPS

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

EXPLANATORY NOTE

The amendments are designed to carry out the recommendations of the Select Committee on *The Cemeteries Act* in respect of administration, perpetual care funds and the sale of cemetery lots.

The amendments provide,

- (a) for the establishment of a Cemeteries Advisory Board;
- (b) for the designation of inspectors;
- (c) for the licensing of persons who sell cemetery lots; and
- (d) for the supervision and investment of perpetual care funds and for the passing of accounts in respect of such funds.

BILL

An Act to amend The Cemeteries Act

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

1.—(1) Section 1 of *The Cemeteries Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses: Rev. Stat., c. 46, s. 1, amended

(a) "Cemeteries Advisory Board" means the advisory board appointed under this Act;

.

(dd) "inspector" means an inspector designated under this Act.

(2) Clause *g* of the said section 1 is repealed and the following substituted therefor: Rev. Stat., c. 46, s. 1, cl. g, re-enacted

(g) "owner" means a person who owns, controls or manages a cemetery, mausoleum or columbarium;

(gg) "perpetual care" means the preservation, improvement, embellishment and maintenance in perpetuity in a proper manner of lots, plots, tombs, monuments or enclosures in a cemetery or of compartments in a mausoleum or columbarium;

(ggg) "perpetual care funds" means funds and property received by an owner for the purpose of providing perpetual care generally of a cemetery, mausoleum or columbarium or of any particular part thereof;

2. *The Cemeteries Act* is amended by adding thereto the following sections: Rev. Stat., c. 46, amended

1a. The Minister may designate one or more officers Inspectors of the Department to be inspectors for the purposes of this Act and the regulations with such powers and duties as the regulations prescribe.

Cemeteries
Advisory
Board

1b. The Lieutenant-Governor in Council may make regulations providing for the establishment of a board to be known as the "Cemeteries Advisory Board" and prescribing its powers and duties.

Conflict with
provisions
in other Acts

1c. Where the provisions of any general or special Act conflict with the provisions of this Act or the regulations, the provisions of this Act and the regulations shall prevail.

.

Licensing
of salesmen

7a.—(1) No person shall offer for sale or sell lots in a cemetery unless,

(a) he is licensed so to do under the regulations; and

(b) the provisions of the sale contracts have been approved by the Minister.

Exemption

(2) This section does not apply in respect of the sale of lots in any cemetery or class of cemetery exempt therefrom under the regulations.

Rev. Stat.,
c. 46, s. 8,
subs. 1,
amended

3. Subsection 1 of section 8 of *The Cemeteries Act*, as amended by section 1 of *The Cemeteries Amendment Act, 1953*, is further amended by adding thereto the following clauses:

(k) prescribing the powers and duties of the Cemeteries Advisory Board and of inspectors;

(l) requiring the licensing of persons who offer for sale or sell lots in a cemetery and prescribing the terms and conditions upon which a licence may be issued, the fees payable therefor, the form and term thereof, and the terms and conditions upon which any such licence may be renewed, suspended or revoked;

(m) exempting any cemetery, mausoleum or columbarium or any class thereof from the application of section 7a, 17c, 17d or 17e, and prescribing the conditions under which such cemetery, mausoleum or columbarium or any class thereof shall be exempt therefrom; and

(n) classifying cemeteries, mausoleums and columbariums.

Rev. Stat.,
c. 46, s. 16a
(1953,
c. 12, s. 2),
re-enacted

4. Section 16a of *The Cemeteries Act*, as enacted by section 2 of *The Cemeteries Amendment Act, 1953*, is repealed and the following substituted therefor:

16a.—(1) Every owner shall set aside for perpetual care Moneys set aside for perpetual care such percentage of all money received on the sale of a lot in a cemetery or a compartment in a mausoleum or columbarium as the regulations may prescribe, and the owner shall invest such money or pay over such money so set aside as provided by section 17c or 17d, as the case may be.

(2) The owner shall, out of the income of such investment, preserve and maintain in a proper manner in perpetuity all lots, tombs, monuments and enclosures in the cemetery, or compartments in the mausoleum or columbarium, as the case may be. Perpetual care required

5. *The Cemeteries Act* is amended by adding thereto the following sections: Rev. Stat., c. 46, amended

17c.—(1) Every owner shall pay over all perpetual care funds that have heretofore and that hereafter come into his possession to the Public Trustee or to a trust company registered under *The Loan and Trust Corporations Act*. Perpetual care funds to trust company, etc. Rev. Stat., c. 214

(2) The Public Trustee or trust company shall invest the perpetual care funds as prescribed by section 17b and pay the income therefrom to the owner for the purposes of perpetual care. Investment

(3) Where the owner has paid over perpetual care funds under subsection 1, all perpetual care funds thereafter received by the owner shall be paid over to the Public Trustee or to the trust company, as the case may be, to be dealt with in like manner. Further funds to be paid over

(4) Where the owner has paid over the perpetual care funds to a trust company in accordance with subsection 1 or 3, the owner, with the approval of the Minister, may direct the trust company to transfer any perpetual care funds to another trust company referred to in subsection 1 or to the Public Trustee. Transfer of funds

(5) Perpetual care funds that have been paid over to the Public Trustee or a trust company under this section shall not be returned to the owner but shall form a trust in the possession of the Public Trustee or the trust company. Held in trust

(6) This section does not apply to perpetual care funds with respect to any cemetery, mausoleum or columbarium or any class thereof exempt therefrom under the regulations. Exemption

Investment
of funds

17d.—(1) Every owner, the Public Trustee or a trust company shall invest perpetual care funds in the same manner as a trustee is authorized to invest trust funds under *The Trustee Act*.

Rev. Stat.,
c. 400

Deposit of
funds in
bank pend-
ing invest-
ment

(2) The owner, Public Trustee or a trust company, pending the investment of any funds for perpetual care, may deposit it during such time as is reasonable in the circumstances in any chartered bank of Canada, or in the Province of Ontario Savings Office, or in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*.

Rev. Stat.,
c. 214

Exemption

(3) This section does not apply to perpetual care funds with respect to any cemetery, mausoleum or columbarium or any class thereof exempt therefrom under the regulations.

Interpreta-
tion

17e.—(1) For the purposes of this section and sections 17f to 17l, "owner" includes a trust company to which perpetual care funds have been paid.

Passing of
accounts

(2) Within two years after this section comes into force, the owner shall submit to be passed, examined and audited by the judge of the surrogate court for the county or district in which the cemetery, mausoleum or columbarium is located, accounts of his dealings with perpetual care funds that have come into his hands since a date three years before this section comes into force.

Idem

(3) On the passing of accounts, the judge may require the owner,

(a) to submit additional accounts or information with respect to the perpetual care funds; and

(b) to make a full disclosure and accounting of all perpetual care funds that have come into the possession of the owner at any time.

Idem

(4) Where a cemetery, mausoleum or columbarium is established after this section comes into force, the owner shall, within five years after the establishment of the cemetery, mausoleum or columbarium, as the case may be, submit to be passed, examined and audited by the judge, accounts of his dealings with perpetual care funds.

- (5) This section does not apply to perpetual care funds with respect to any cemetery, mausoleum or columbarium or any class thereof exempt therefrom under the regulations. Exemption
- 17f.—(1) After the first passing of accounts under section 17e, the owner shall submit his accounts with respect to perpetual care funds to be passed, examined and audited at intervals not exceeding five years from the date of the order made on the last previous passing of accounts. Periodical passing of accounts
- (2) The judge of the surrogate court for the county or district in which a cemetery, mausoleum or columbarium is located may direct a passing of accounts of perpetual care funds at any time. On direction of judge
- 17g. Where for any reason the judge deems it expedient, he may from time to time, after notice has been given to the Public Trustee of an application to extend the time for passing accounts, extend the times prescribed by section 17e or 17f for a period not exceeding two years. Extension of time for passing accounts
- 17h.—(1) Except as provided in subsection 2, the provisions of *The Surrogate Courts Act* and the rules made thereunder and of *The Trustee Act* with respect to the passing of accounts of an executor, administrator or trustee shall apply *mutatis mutandis* to the passing of accounts under this Act. Provisions of Rev. Stat., cc. 380, 400 to apply
- (2) Notice of the passing of accounts shall be served only upon the Public Trustee unless the judge otherwise directs. Notice
- 17i. If, upon the passing of accounts, the judge finds that the owner has been guilty of a breach of trust, or has in his hands perpetual care funds that are not immediately required for perpetual care purposes, he may direct that the funds or a portion thereof be paid to the Public Trustee. Breach of trust
- 17j. An owner shall from time to time furnish the Public Trustee with such information with respect to perpetual care funds as the Public Trustee may require. Information required by Public Trustee
- 17k. The Public Trustee is deemed to be a person having an interest in perpetual care funds. Interest of Public Trustee
- 17l. In addition to the powers, rights and obligations created by this Act, the provisions of general law Law applicable to property for charitable purposes

either statutory or otherwise shall apply to an owner or trust company with respect to any perpetual care funds in his hands to the same extent as the same is applicable to any trustee having funds or property in his hands for charitable purposes.

Commence-
ment

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

Short title

7. This Act may be cited as *The Cemeteries Amendment Act, 1954*.







An Act to amend The Cemeteries Act

1st Reading

March 24th, 1954

2nd Reading

3rd Reading

MR. PHILLIPS

No. 123

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Cemeteries Act

MR. PHILLIPS

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



No. 123

1954

BILL

An Act to amend The Cemeteries Act

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

1.—(1) Section 1 of *The Cemeteries Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses: Rev. Stat., c. 46, s. 1, amended

(a) “Cemeteries Advisory Board” means the advisory board appointed under this Act;

.

(*dd*) “inspector” means an inspector designated under this Act.

(2) Clause *g* of the said section 1 is repealed and the following substituted therefor: Rev. Stat., c. 46, s. 1, cl. *g*, re-enacted

(g) “owner” means a person who owns, controls or manages a cemetery, mausoleum or columbarium;

(*gg*) “perpetual care” means the preservation, improvement, embellishment and maintenance in perpetuity in a proper manner of lots, plots, tombs, monuments or enclosures in a cemetery or of compartments in a mausoleum or columbarium;

(*ggg*) “perpetual care funds” means funds and property received by an owner for the purpose of providing perpetual care generally of a cemetery, mausoleum or columbarium or of any particular part thereof;

2. *The Cemeteries Act* is amended by adding thereto the following sections: Rev. Stat., c. 46, amended

1a. The Minister may designate one or more officers of the Department to be inspectors for the purposes of this Act and the regulations with such powers and duties as the regulations prescribe. Inspectors

Cemeteries
Advisory
Board

1b. The Lieutenant-Governor in Council may make regulations providing for the establishment of a board to be known as the "Cemeteries Advisory Board" and prescribing its powers and duties.

Conflict with
provisions
in other Acts

1c. Where the provisions of any general or special Act conflict with the provisions of this Act or the regulations, the provisions of this Act and the regulations shall prevail.

.

Licensing
of salesmen

7a.—(1) No person shall offer for sale or sell lots in a cemetery unless,

(a) he is licensed so to do under the regulations; and

(b) the provisions of the sale contracts have been approved by the Minister.

Exemption

(2) This section does not apply in respect of the sale of lots in any cemetery or class of cemetery exempt therefrom under the regulations.

Rev. Stat.,
c. 46, s. 8,
subs. 1,
amended

3. Subsection 1 of section 8 of *The Cemeteries Act*, as amended by section 1 of *The Cemeteries Amendment Act, 1953*, is further amended by adding thereto the following clauses:

(k) prescribing the powers and duties of the Cemeteries Advisory Board and of inspectors;

(l) requiring the licensing of persons who offer for sale or sell lots in a cemetery and prescribing the terms and conditions upon which a licence may be issued, the fees payable therefor, the form and term thereof, and the terms and conditions upon which any such licence may be renewed, suspended or revoked;

(m) exempting any cemetery, mausoleum or columbarium or any class thereof from the application of section 7a, 17c, 17d or 17e, and prescribing the conditions under which such cemetery, mausoleum or columbarium or any class thereof shall be exempt therefrom; and

(n) classifying cemeteries, mausoleums and columbariums.

Rev. Stat.,
c. 46, s. 16a
(1953,
c. 12, s. 2),
re-enacted

4. Section 16a of *The Cemeteries Act*, as enacted by section 2 of *The Cemeteries Amendment Act, 1953*, is repealed and the following substituted therefor:

16a.—(1) Every owner shall set aside for perpetual care ^{Moneys set aside for perpetual care} such percentage of all money received on the sale of a lot in a cemetery or a compartment in a mausoleum or columbarium as the regulations may prescribe, and the owner shall invest such money or pay over such money so set aside as provided by section 17c or 17d, as the case may be.

(2) The owner shall, out of the income of such investment, preserve and maintain in a proper manner in perpetuity all lots, tombs, monuments and enclosures in the cemetery, or compartments in the mausoleum or columbarium, as the case may be. ^{Perpetual care required}

5. *The Cemeteries Act* is amended by adding thereto the following sections: ^{Rev. Stat., c. 46, amended}

17c.—(1) Every owner shall pay over all perpetual care ^{Perpetual care funds} funds that have heretofore and that hereafter come to trust ^{to trust company, etc.} into his possession to the Public Trustee or to a trust company registered under *The Loan and Trust Corporations Act*. ^{Rev. Stat., c. 214}

(2) The Public Trustee or trust company shall invest the ^{Investment} perpetual care funds as prescribed by section 17d and pay the income therefrom to the owner for the purposes of perpetual care.

(3) Where the owner has paid over perpetual care funds ^{Further funds to be paid over} under subsection 1, all perpetual care funds thereafter received by the owner shall be paid over to the Public Trustee or to the trust company, as the case may be, to be dealt with in like manner.

(4) Where the owner has paid over the perpetual care ^{Transfer of funds} funds to a trust company in accordance with subsection 1 or 3, the owner, with the approval of the Minister, may direct the trust company to transfer any perpetual care funds to another trust company referred to in subsection 1 or to the Public Trustee.

(5) Perpetual care funds that have been paid over to ^{Held in trust} the Public Trustee or a trust company under this section shall not be returned to the owner but shall form a trust in the possession of the Public Trustee or the trust company.

(6) This section does not apply to perpetual care funds ^{Exemption} with respect to any cemetery, mausoleum or columbarium or any class thereof exempt therefrom under the regulations.

Investment
of funds

17d.—(1) Every owner, the Public Trustee or a trust company shall invest perpetual care funds in the same manner as a trustee is authorized to invest trust funds under *The Trustee Act*.

Rev. Stat.,
c. 400

Deposit of
funds in
bank pending
investment

(2) The owner, Public Trustee or a trust company, pending the investment of any funds for perpetual care, may deposit it during such time as is reasonable in the circumstances in any chartered bank of Canada, or in the Province of Ontario Savings Office, or in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*.

Rev. Stat.,
c. 214

Exemption

(3) This section does not apply to perpetual care funds with respect to any cemetery, mausoleum or columbarium or any class thereof exempt therefrom under the regulations.

Interpreta-
tion

17e.—(1) For the purposes of this section and sections 17f to 17l, "owner" includes a trust company to which perpetual care funds have been paid.

Passing of
accounts

(2) Within two years after this section comes into force, the owner shall submit to be passed, examined and audited by the judge of the surrogate court for the county or district in which the cemetery, mausoleum or columbarium is located, accounts of his dealings with perpetual care funds that have come into his hands since a date three years before this section comes into force.

Idem

(3) On the passing of accounts, the judge may require the owner,

(a) to submit additional accounts or information with respect to the perpetual care funds; and

(b) to make a full disclosure and accounting of all perpetual care funds that have come into the possession of the owner at any time.

Idem

(4) Where a cemetery, mausoleum or columbarium is established after this section comes into force, the owner shall, within five years after the establishment of the cemetery, mausoleum or columbarium, as the case may be, submit to be passed, examined and audited by the judge, accounts of his dealings with perpetual care funds.

- (5) This section does not apply to perpetual care funds with respect to any cemetery, mausoleum or columbarium or any class thereof exempt therefrom under the regulations. Exemption
- 17f.—(1) After the first passing of accounts under section 17e, the owner shall submit his accounts with respect to perpetual care funds to be passed, examined and audited at intervals not exceeding five years from the date of the order made on the last previous passing of accounts. Periodical passing of accounts
- (2) The judge of the surrogate court for the county or district in which a cemetery, mausoleum or columbarium is located may direct a passing of accounts of perpetual care funds at any time. On direction of judge
- 17g. Where for any reason the judge deems it expedient, he may from time to time, after notice has been given to the Public Trustee of an application to extend the time for passing accounts, extend the times prescribed by section 17e or 17f for a period not exceeding two years. Extension of time for passing accounts
- 17h.—(1) Except as provided in subsection 2, the provisions of *The Surrogate Courts Act* and the rules made thereunder and of *The Trustee Act* with respect to the passing of accounts of an executor, administrator or trustee shall apply *mutatis mutandis* to the passing of accounts under this Act. Provisions of Rev. Stat., cc. 380, 400 to apply
- (2) Notice of the passing of accounts shall be served only upon the Public Trustee unless the judge otherwise directs. Notice
- 17i. If, upon the passing of accounts, the judge finds that the owner has been guilty of a breach of trust, or has in his hands perpetual care funds that are not immediately required for perpetual care purposes, he may direct that the funds or a portion thereof be paid to the Public Trustee. Breach of trust
- 17j. An owner shall from time to time furnish the Public Trustee with such information with respect to perpetual care funds as the Public Trustee may require. Information required by Public Trustee
- 17k. The Public Trustee is deemed to be a person having an interest in perpetual care funds. Interest of Public Trustee
- 17l. In addition to the powers, rights and obligations created by this Act, the provisions of general law Law applicable to property for charitable purposes

either statutory or otherwise shall apply to an owner or trust company with respect to any perpetual care funds in his hands to the same extent as the same is applicable to any trustee having funds or property in his hands for charitable purposes.

Commence-
ment

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

Short title

7. This Act may be cited as *The Cemeteries Amendment Act, 1954*.







An Act to amend The Cemeteries Act

1st Reading

March 24th, 1954

2nd Reading

March 31st, 1954

3rd Reading

April 5th, 1954

MR. PHILLIPS

No. 124

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Theatres Act, 1953

MR. NIXON

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

EXPLANATORY NOTE

SECTION 1. The new section 15*a* provides that no drive-in theatre may be licensed in a township without the approval of the council of the township.

SECTION 2. The clause repealed provided that no municipality could refuse to license a theatre when a licence therefor is in force under the Act.

No. 124

1954

BILL

An Act to amend The Theatres Act, 1953

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

1. *The Theatres Act, 1953* is amended by adding thereto the following section: 1953, c. 104,
amended

15a. No Class D theatre shall be licensed in a township Drive-in
theatres in
townships without the approval of the council of the township.

2.—(1) Clause *a* of section 19 of *The Theatres Act, 1953* is amended by adding the word "or" at the end thereof. 1953, c. 104,
s. 19, cl. a,
amended

(2) Clause *b* of the said section 19 is repealed. 1953, c. 104,
s. 19, cl. b,
repealed

3. This Act may be cited as *The Theatres Amendment Act, 1954*. Short title

An Act to amend The Theatres Act, 1953

1st Reading

March 24th, 1954

2nd Reading

3rd Reading

MR. NIXON

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Theatres Act, 1953

MR. NIXON

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



No. 124

1954

BILL

An Act to amend The Theatres Act, 1953

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

1. *The Theatres Act, 1953* is amended by adding thereto the following section: 1953, c. 104, amended

54a. The Director shall not approve the plans for the construction of a Class D theatre unless there is submitted with the application for such approval a copy of a resolution of the council of the local municipality in which such theatre is proposed to be constructed authorizing the construction of such theatre in the municipality, and such approval shall not be deemed to be a licence under section 12. Municipal authorization for Class D theatres

2. This Act may be cited as *The Theatres Amendment Act*, Short title 1954.

An Act to amend The Theatres Act, 1953

1st Reading

March 24th, 1954

2nd Reading

April 1st, 1954

3rd Reading

Mr. NIXON

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

No. 124

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Theatres Act, 1953

MR. NIXON

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

BILL

An Act to amend The Theatres Act, 1953

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

1. *The Theatres Act, 1953* is amended by adding thereto 1953, c. 104, amended the following section:

54a. The Director shall not approve the plans for the construction of a Class D theatre unless there is submitted with the application for such approval a copy of a resolution of the council of the local municipality in which such theatre is proposed to be constructed authorizing the construction of such theatre in the municipality, and such approval shall not be deemed to be a licence under section 12. Municipal authorization for Class D theatres

2. This Act may be cited as *The Theatres Amendment Act*, Short title 1954.

An Act to amend The Theatres Act, 1953

1st Reading

March 24th, 1954

2nd Reading

April 1st, 1954

3rd Reading

April 6th, 1954

MR. NIXON

No. 125

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Disabled Persons'
Allowances Act, 1952

MR. GOODFELLOW

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

EXPLANATORY NOTES

SECTION 1. Under the present Act, any person who receives or is entitled to any benefits paid under *The Workmen's Compensation Act* or the *Pension Act* (Canada) does not qualify for a disabled person's allowance. These classes of persons will be dealt with in regulations to be made under clause *b* of section 8 of the Act in such a way as will make it possible to grant allowances to certain deserving persons in these classes.

SECTION 2. In the event that the Parliament of Canada passes enabling legislation to provide assistance to disabled persons in Canada on a shareable basis with the provinces, this new section will give the Lieutenant-Governor in Council power to secure to the provinces the benefits of the Federal legislation until the provincial legislation can be brought into accord.

BILL

An Act to amend The Disabled Persons' Allowances Act, 1952

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 Disabled Persons' Allowances Act, 1952* is amended by striking out the words "who is receiving compensation under *The Workmen's Compensation Act*, or" in the fourth and fifth lines, by inserting after the word "*Act*" in the sixth line the figures "1952" and by striking out the words "or who is receiving a pension, allowance or other benefit from the Government of Canada in respect of war service" in the eighth, ninth and tenth lines, so that the clause shall read as follows:

(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 a benefit under *The Mothers' Allowances Act, 1952*, or who is receiving an allowance under *The Blind Persons' Allowances Act, 1951*, 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.

2. *The Disabled Persons' Allowances Act, 1952* is amended by adding thereto the following section:

8a. If the Parliament of Canada provides any form of assistance to disabled persons, the Lieutenant-Governor in Council,

(a) may enter into any agreement that he deems advisable for the purpose of securing to Ontario the benefits of such provision; and

(b) may expend or authorize the expenditure of such moneys as he deems advisable to implement or give effect to any such agreement.

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 Disabled Persons' Allowances Amendment Act, 1954*.



An Act to amend 'The Disabled Persons'
Allowances Act, 1952

1st Reading

March 25th, 1954

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 125

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Disabled Persons'
Allowances Act, 1952

MR. GOODFELLOW

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

BILL

An Act to amend The Disabled Persons' Allowances Act, 1952

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 Disabled Persons' Allowances Act, 1952* is amended by striking out the words "who is receiving compensation under *The Workmen's Compensation Act*, or" in the fourth and fifth lines, by inserting after the word "Act" in the sixth line the figures "1952" and by striking out the words "or who is receiving a pension, allowance or other benefit from the Government of Canada in respect of war service" in the eighth, ninth and tenth lines, so that the clause shall read as follows:

- (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 a benefit under *The Mothers' Allowances Act, 1952*, or who is receiving an allowance under *The Blind Persons' Allowances Act, 1951*, 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.

2. *The Disabled Persons' Allowances Act, 1952* is amended by adding thereto the following section:

- 8a. If the Parliament of Canada provides any form of assistance to disabled persons, the Lieutenant-Governor in Council,
- (a) may enter into any agreement that he deems advisable for the purpose of securing to Ontario the benefits of such provision; and
- (b) may expend or authorize the expenditure of such moneys as he deems advisable to implement or give effect to any such agreement.

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 Disabled Persons' Allowances Amendment Act, 1954*.







BILL

An Act to amend 'The Disabled Persons'
Allowances Act, 1952

1st Reading

March 25th, 1954

2nd Reading

March 31st, 1954

3rd Reading

April 2nd, 1954

MR. GOODFELLOW

No. 126

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Community Centres Act

MR. GOODFELLOW

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

EXPLANATORY NOTE

The amendments are designed to bring the composition of boards under this Act into line with boards for community centres and parks established under *The Municipal Act* and *The Public Parks Act*.

BILL

An Act to amend The Community Centres 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 6 of *The Community Centres Act* is repealed and the following substituted therefor: Rev. Stat., c. 58, s. 6, subs. 1, re-enacted

- (1) Every community centre established by a municipality under this Act shall be under the management and control of a board appointed by the council of the municipality composed of not less than three and not more than seven resident ratepayers and where the board is composed of five or more persons at least two shall be members of the council. Composition of board

(2) Subsections 3 and 4 of the said section 6 are repealed and the following substituted therefor: Rev. Stat., c. 58, s. 6, subs. 3, 4, re-enacted

- (3) The members of the board shall be appointed annually by the council. Appointments

- (4) A majority of the members of the board shall be a quorum. Quorum

2. This Act may be cited as *The Community Centres Amendment Act, 1954*. Short title

An Act to amend The Community
Centres Act

1st Reading

March 25th, 1954

2nd Reading

3rd Reading

MR. GODFELLOW

No. 126

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Community Centres Act

MR. GOODFELLOW

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



BILL

An Act to amend The Community Centres Act

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1.—(1) Subsection 1 of section 6 of *The Community Centres Act* is repealed and the following substituted therefor: Rev. Stat., c. 58, s. 6, subs. 1, re-enacted

(1) Every community centre established by a municipality under this Act shall be under the management and control of a board appointed by the council of the municipality composed of not less than three and not more than seven resident ratepayers and where the board is composed of five or more persons at least two shall be members of the council. Composition of board

(2) Subsections 3 and 4 of the said section 6 are repealed and the following substituted therefor: Rev. Stat., c. 58, s. 6, subss. 3, 4, re-enacted

(3) The members of the board shall be appointed annually by the council. Appointments

(4) A majority of the members of the board shall be a quorum. Quorum

2. This Act may be cited as *The Community Centres Amendment Act, 1954*. Short title

An Act to amend The Community
Centres Act

1st Reading

March 25th, 1954

2nd Reading

March 31st, 1954

3rd Reading

April 2nd, 1954

MR. GOODFELLOW

No. 127

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

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 NOTE

These amendments are made necessary by reason of the revision of the Statutes of Canada and by the enactment last week by the Parliament of Canada of a new *National Housing Act*.

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. Subsection 2 of section 133 of *The Loan and Trust Corporations Act* is amended by striking out the words "*The National Housing Act, 1944* (Canada), or any amendments thereto" in the third and fourth lines and inserting in lieu thereof the words "*the National Housing Act* (Canada) or the *National Housing Act, 1954* (Canada) or any amendments thereto" and by striking out the word "Act" in the ninth line and inserting in lieu thereof the word "Acts", so that the subsection shall read as follows:

Rev. Stat.,
c. 214, s. 133,
subs. 2,
amended

(2) In addition to investments it may make by lending on the security of or by purchasing mortgages, charges or hypothecs upon real estate pursuant to the *National Housing Act* (Canada) or the *National Housing Act, 1954* (Canada) or any amendments thereto, a registered loan corporation or a registered loaning land corporation may invest its funds to an aggregate amount not exceeding 5 per cent of its total assets in Canada allowed by the Registrar in any other classes or types of investments pursuant to the said Acts, or any amendments thereto, including the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings.

Investment
in national
housing

R.S.C. 1952,
c. 188

2. Subsection 2 of section 134 of *The Loan and Trust Corporations Act* is amended by striking out the words "*The National Housing Act, 1944* (Canada), or any amendments thereto" in the fourth and fifth lines and inserting in lieu thereof the words "*the National Housing Act* (Canada) or the *National Housing Act, 1954* (Canada) or any amendments thereto" and by striking out the word "Act" in the eleventh line and inserting in lieu thereof the word "Acts", so that the subsection shall read as follows:

Rev. Stat.,
c. 214, s. 134,
subs. 2,
amended

Investment
in national
housing

R.S.C. 1952,
c. 188

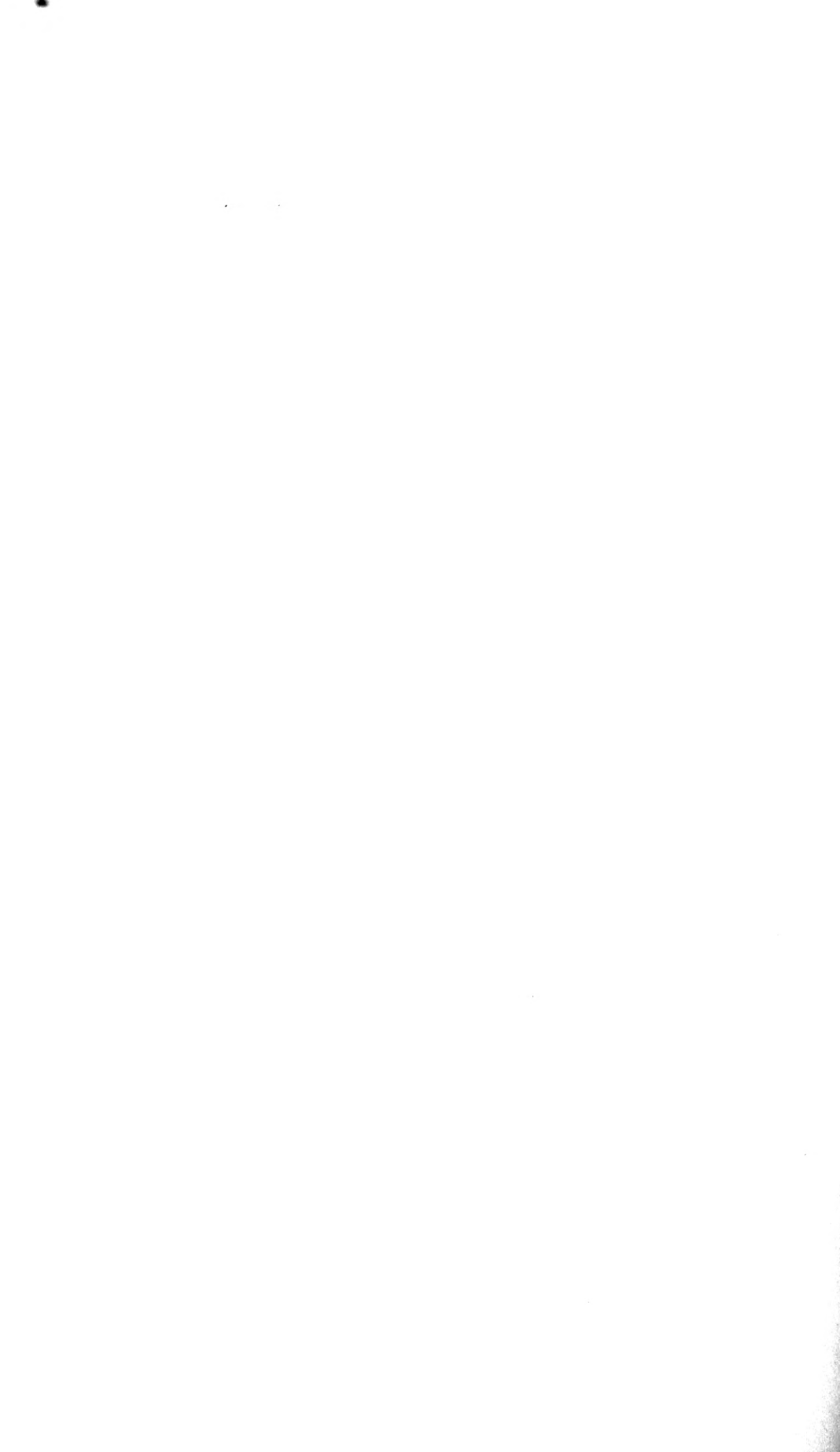
(2) In addition to the investments it may make by lending on the security of or by purchasing mortgages, charges or hypothecs upon real estate pursuant to the provisions of the *National Housing Act* (Canada) or the *National Housing Act, 1954* (Canada) or any amendments thereto, a registered trust company may invest its funds to an aggregate amount not exceeding 5 per cent thereof and may, notwithstanding the provisions of subsection 1, invest moneys received for guaranteed investment or as deposits under sections 80 and 78 to an aggregate amount not exceeding 5 per cent of such moneys, in any other classes or types of investments pursuant to the said Acts, or any amendments thereto, including the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings.

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 Loan and Trust Corporations Amendment Act, 1954*.





An Act to amend The Loan and Trust
Corporations Act

1st Reading

March 25th, 1954

2nd Reading

3rd Reading

MR. PORTER

No. 127

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

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



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. Subsection 2 of section 133 of *The Loan and Trust Corporations Act* is amended by striking out the words "*The National Housing Act, 1944* (Canada), or any amendments thereto" in the third and fourth lines and inserting in lieu thereof the words "the *National Housing Act* (Canada) or the *National Housing Act, 1954* (Canada) or any amendments thereto" and by striking out the word "Act" in the ninth line and inserting in lieu thereof the word "Acts", so that the subsection shall read as follows:

- (2) In addition to investments it may make by lending on the security of or by purchasing mortgages, charges or hypothecs upon real estate pursuant to the *National Housing Act* (Canada) or the *National Housing Act, 1954* (Canada) or any amendments thereto, a registered loan corporation or a registered loaning land corporation may invest its funds to an aggregate amount not exceeding 5 per cent of its total assets in Canada allowed by the Registrar in any other classes or types of investments pursuant to the said Acts, or any amendments thereto, including the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings.

2. Subsection 2 of section 134 of *The Loan and Trust Corporations Act* is amended by striking out the words "*The National Housing Act, 1944* (Canada), or any amendments thereto" in the fourth and fifth lines and inserting in lieu thereof the words "the *National Housing Act* (Canada) or the *National Housing Act, 1954* (Canada) or any amendments thereto" and by striking out the word "Act" in the eleventh line and inserting in lieu thereof the word "Acts", so that the subsection shall read as follows:

Investment
in national
housing

R.S.C. 1952,
c. 188

- (2) In addition to the investments it may make by lending on the security of or by purchasing mortgages, charges or hypothecs upon real estate pursuant to the provisions of the *National Housing Act* (Canada) or the *National Housing Act, 1954* (Canada) or any amendments thereto, a registered trust company may invest its funds to an aggregate amount not exceeding 5 per cent thereof and may, notwithstanding the provisions of subsection 1, invest moneys received for guaranteed investment or as deposits under sections 80 and 78 to an aggregate amount not exceeding 5 per cent of such moneys, in any other classes or types of investments pursuant to the said Acts, or any amendments thereto, including the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings.

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 Loan and Trust Corporations Amendment Act, 1954*.







An Act to amend The Loan and Trust
Corporations Act

1st Reading

March 25th, 1954

2nd Reading

March 31st, 1954

3rd Reading

April 2nd, 1954

MR. PORTER

No. 128

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Fire Marshals Act

MR. PORTER

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

EXPLANATORY NOTE

The new sections put into statutory form the standards for couplings for 1½ and 2½-inch fire hose required by regulations since 1950 and are generally designed to implement the Federal-provincial hose thread standardization programme.

BILL

An Act to amend The Fire Marshals Act

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

1. *The Fire Marshals Act* is amended by adding thereto the following sections: Rev. Stat.,
c. 140,
amended

- 22a. No municipality shall have, and no person shall have in connection with any fire apparatus or fire-fighting equipment that is installed on any premises, couplings for 1½-inch fire hose or other fittings used in connection with such couplings that are not of the iron pipe standard thread of 11½ threads an inch and that do not conform to the standards and specifications for such couplings and fittings contained in the Canadian Standards Association specification for 1½-inch fire hose coupling screw thread and tail piece internal diameters B89—1954 (2nd edition). Coupling
standards
for 1½-inch
fire hose
- 22b. No municipality shall have, and no person shall have in connection with any fire apparatus or fire-fighting equipment that is installed on any premises, couplings for 2½-inch fire hose or other fittings used in connection with such couplings that do not have 5 threads an inch and 3⅛-inch outside diameter of the male coupling and that do not conform to the standards and specifications for such couplings and fittings contained in the Canadian Standards Association specification for 2½-inch fire hose couplings and fittings B89.2—1954 (2nd edition). Coupling
standards
for 2½-inch
fire hose
- 22c. No municipality or body in which is vested the management and control of hydrants shall have, and no person shall have in connection with any fire apparatus or fire-fighting equipment that is installed on any premises, hydrants with 2½-inch nozzles that do not conform to the thread standards and Hydrant
standards

specifications referred to in section 22*b* or operating nuts that are not square in shape with an over-all dimension on each side of $1\frac{1}{4}$ inches and a depth of not less than $1\frac{1}{4}$ inches.

- Penalty** 22*d*. Every person, municipality or body in which is vested the management and control of hydrants that violates any of the provisions of section 22*a*, 22*b* or 22*c* shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$100 for each day upon which the couplings, fittings or hydrants do not conform to the standards and specifications referred to in such sections and in addition the Fire Marshal may take proceedings by way of mandamus to compel such person, municipality or body to comply with such standards and specifications.
- Application** 22*e*. Sections 22*b* and 22*c* apply only to such parts of Ontario as the Lieutenant-Governor in Council may designate from time to time.
- Short title** **2.** This Act may be cited as *The Fire Marshals Amendment Act, 1954*.





An Act to amend The Fire
Marshals Act

1st Reading

March 25th, 1954

2nd Reading

3rd Reading

MR. PORTER

No. 128

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Fire Marshals Act

MR. PORTER

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



BILL

An Act to amend The Fire Marshals Act

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

1. *The Fire Marshals Act* is amended by adding thereto the following sections: Rev. Stat.,
c. 140,
amended

22a. No municipality shall have, and no person shall have in connection with any fire apparatus or fire-fighting equipment that is installed on any premises, couplings for 1½-inch fire hose or other fittings used in connection with such couplings that are not of the iron pipe standard thread of 11½ threads an inch and that do not conform to the standards and specifications for such couplings and fittings contained in the Canadian Standards Association specification for 1½-inch fire hose coupling screw thread and tail piece internal diameters B89—1954 (2nd edition). Coupling
standards
for 1½-inch
fire hose

22b. No municipality shall have, and no person shall have in connection with any fire apparatus or fire-fighting equipment that is installed on any premises, couplings for 2½-inch fire hose or other fittings used in connection with such couplings that do not have 5 threads an inch and 3⅛-inch outside diameter of the male coupling and that do not conform to the standards and specifications for such couplings and fittings contained in the Canadian Standards Association specification for 2½-inch fire hose couplings and fittings B89.2—1954 (2nd edition). Coupling
standards
for 2½-inch
fire hose

22c. No municipality or body in which is vested the management and control of hydrants shall have, and no person shall have in connection with any fire apparatus or fire-fighting equipment that is installed on any premises, hydrants with 2½-inch nozzles that do not conform to the thread standards and Hydrant
standards

specifications referred to in section 22*b* or operating nuts that are not square in shape with an over-all dimension on each side of $1\frac{1}{4}$ inches and a depth of not less than $1\frac{1}{4}$ inches.

- Penalty 22*d*. Every person, municipality or body in which is vested the management and control of hydrants that violates any of the provisions of section 22*a*, 22*b* or 22*c* shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$100 for each day upon which the couplings, fittings or hydrants do not conform to the standards and specifications referred to in such sections and in addition the Fire Marshal may take proceedings by way of mandamus to compel such person, municipality or body to comply with such standards and specifications.
- Application 22*e*. Sections 22*b* and 22*c* apply only to such parts of Ontario as the Lieutenant-Governor in Council may designate from time to time.
- Short title **2.** This Act may be cited as *The Fire Marshals Amendment Act, 1954*.





An Act to amend The Fire
Marshals Act

1st Reading

March 25th, 1954

2nd Reading

March 31st, 1954

3rd Reading

April 2nd, 1954

MR. PORTER

No. 129

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Legislative Assembly Act

MR. PORTER

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

EXPLANATORY NOTES

SECTIONS 1-7. Section 4 of *The Election Act, 1951* deleted the Crown in Chancery and transferred the powers and duties of the Clerk of the Crown in Chancery to the Chief Election Officer.

Wherever the expression "Clerk of the Crown in Chancery" appears in the Statutes, "Chief Election Officer" is being substituted.

SECTIONS 8, 9. Under the present Act certain advances may be made to members and to the Speaker and the Leader of the Opposition. These advances are charged against the accrued indemnity and the accrued expense allowance.

Under this Bill advances of the same total monthly amount may be made but are to be charged against the accrued expense allowance only.

As the Speaker's expense allowance is now the same as that of the Leader of the Opposition (1952, c. 51, s. 2), the Bill provides for the same maximum monthly advance.

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. Section 18 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the ninth line and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 18, amended

2. Subsection 3 of section 19 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the fourth and fifth lines and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 19, subs. 3, amended

3. Section 20 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the eighth line and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 20, amended

4. Subsection 1 of section 22 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the sixth and seventh lines and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 22, subs. 1, amended

5.—(1) Subsection 1 of section 26 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the eighth line and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 26, sub. 1, amended

(2) Subsection 2 of the said section 26 is amended by striking out the words "Clerk of the Crown in Chancery" in the sixth line and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 26, subs. 2, amended

6. Subsection 1 of section 27 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the second line and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 27, subs. 1, amended

Rev. Stat.,
c. 202, s. 28,
amended

7. Section 28 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the third line and inserting in lieu thereof the words "Chief Election Officer".

Rev. Stat.,
c. 202, s. 60,
subs. 4, re-
enacted

8. Subsection 4 of section 60 of *The Legislative Assembly Act* is repealed and the following substituted therefor:

advances

(4) Notwithstanding subsection 3, each member on his request shall be paid by way of advance any part of his allowance for expenses, not exceeding \$90 per month, that has accrued at the time the request is made.

Rev. Stat.,
c. 202, s. 61,
subs. 4, re-
enacted

9. Subsection 4 of section 61 of *The Legislative Assembly Act* is repealed and the following substituted therefor:

advances

(4) Notwithstanding subsection 3, the Speaker or the Leader of the Opposition upon his request shall be paid by way of advance any part of his allowance for expenses, not exceeding \$140 per month, that has accrued at the time the request is made.

Commence-
ment

10. This Act comes into force on the 1st day of April, 1954.

Short title

11. This Act may be cited as *The Legislative Assembly Amendment Act, 1954*.







BILL

An Act to amend The Legislative
Assembly Act

1st Reading

March 25th, 1954

2nd Reading

3rd Reading

MR. PORTER

No. 129

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Legislative Assembly Act

MR. PORTER

(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

SECTIONS 1-7. Section 4 of *The Election Act, 1951* deleted the Crown in Chancery and transferred the powers and duties of the Clerk of the Crown in Chancery to the Chief Election Officer.

Wherever the expression "Clerk of the Crown in Chancery" appears in the Statutes, "Chief Election Officer" is being substituted.

SECTIONS 8, 9. Under the present Act certain advances may be made to members and to the Speaker and the Leader of the Opposition. These advances are charged against the accrued indemnity and the accrued expense allowance.

Under this Bill advances of the same total monthly amount may be made but are to be charged against the accrued expense allowance only.

As the Speaker's expense allowance is now the same as that of the Leader of the Opposition (1952, c. 51, s. 2), the Bill provides for the same maximum monthly advance.

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. Section 18 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the ninth line and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 18, amended

2. Subsection 3 of section 19 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the fourth and fifth lines and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 19, subs. 3, amended

3. Section 20 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the eighth line and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 20, amended

4. Subsection 1 of section 22 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the sixth and seventh lines and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 22, subs. 1, amended

5.—(1) Subsection 1 of section 26 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the eighth line and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 26, sub. 1, amended

(2) Subsection 2 of the said section 26 is amended by striking out the words "Clerk of the Crown in Chancery" in the sixth line and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 26, subs. 2, amended

6. Subsection 1 of section 27 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the second line and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 27, subs. 1, amended

Rev. Stat.,
c. 202, s. 28,
amended

7. Section 28 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the third line and inserting in lieu thereof the words "Chief Election Officer".

Rev. Stat.,
c. 202, s. 60,
subs. 4, re-
enacted

8. Subsection 4 of section 60 of *The Legislative Assembly Act* is repealed and the following substituted therefor:

advances

- (4) Notwithstanding subsection 3, each member on his request shall be paid by way of advance any part of his allowance for expenses, not exceeding \$90 per month, that has accrued at the time the request is made.

Rev. Stat.,
c. 202, s. 61,
subs. 4, re-
enacted

9. Subsection 4 of section 61 of *The Legislative Assembly Act* is repealed and the following substituted therefor:

advances

- (4) Notwithstanding subsection 3, the Speaker or the Leader of the Opposition upon his request shall be paid by way of advance any part of his allowance for expenses, not exceeding \$140 per month, that has accrued at the time the request is made.

Rev. Stat.,
c. 202,
ss. 63, 64,
re-enacted

10. Sections 63 and 64 of *The Legislative Assembly Act* are repealed and the following substituted therefor:

Members
mileage
allowance

63. There shall be allowed to each member of the Assembly in respect of four trips per annum from his place of residence to the seat of government at Toronto 10 cents for every mile of the distance between the place of residence and Toronto, which distance shall be determined and certified by the Speaker.

Members of
committees,
per diem
allowance

- 64.—(1) There shall be paid to each member of a committee of the Assembly, other than the chairman thereof, an allowance for expenses of \$30, and to the chairman thereof an allowance for expenses of \$35, in respect of every day during the interval between sessions of the Assembly,

(a) upon which he attends a meeting of the committee; or

(b) upon which he is absent from home and is engaged on the work of the committee, other than days spent travelling to and from meetings of the committee.

travelling
allowance

- (2) There shall be paid to each member of a committee of the Assembly an allowance for travelling of \$20,

and his actual disbursements for berth, meals and gratuities, for each day spent travelling to and from meetings of the committee.

- (3) In the case of an inspection tour by a committee of the Assembly, there shall be paid to each member thereof his actual disbursements for transportation and sleeping accommodation.

11. This Act comes into force on the 1st day of April, 1954.

Commence-
ment

12. This Act may be cited as *The Legislative Assembly Amendment Act, 1954*.

Short title





BILL

An Act to amend The Legislative
Assembly Act

1st Reading

March 25th, 1954

2nd Reading

April 1st, 1954

3rd Reading

MR. PORTER

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

No. 129

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Legislative Assembly Act

MR. PORTER

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. Section 18 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the ninth line and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 18, amended

2. Subsection 3 of section 19 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the fourth and fifth lines and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 19, subs. 3, amended

3. Section 20 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the eighth line and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 20, amended

4. Subsection 1 of section 22 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the sixth and seventh lines and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 22, subs. 1, amended

5.—(1) Subsection 1 of section 26 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the eighth line and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 26, sub. 1, amended

(2) Subsection 2 of the said section 26 is amended by striking out the words "Clerk of the Crown in Chancery" in the sixth line and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 26, subs. 2, amended

6. Subsection 1 of section 27 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the second line and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 27, subs. 1, amended

Rev. Stat.,
c. 202, s. 28,
amended

7. Section 28 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the third line and inserting in lieu thereof the words "Chief Election Officer".

Rev. Stat.,
c. 202, s. 60,
subs. 4, re-
enacted

8. Subsection 4 of section 60 of *The Legislative Assembly Act* is repealed and the following substituted therefor:

advances

(4) Notwithstanding subsection 3, each member on his request shall be paid by way of advance any part of his allowance for expenses, not exceeding \$90 per month, that has accrued at the time the request is made.

Rev. Stat.,
c. 202, s. 61,
subs. 4, re-
enacted

9. Subsection 4 of section 61 of *The Legislative Assembly Act* is repealed and the following substituted therefor:

advances

(4) Notwithstanding subsection 3, the Speaker or the Leader of the Opposition upon his request shall be paid by way of advance any part of his allowance for expenses, not exceeding \$140 per month, that has accrued at the time the request is made.

Rev. Stat.,
c. 202,
ss. 63, 64,
re-enacted

10. Sections 63 and 64 of *The Legislative Assembly Act* are repealed and the following substituted therefor:

Members
mileage
allowance

63. There shall be allowed to each member of the Assembly in respect of four trips per annum from his place of residence to the seat of government at Toronto 10 cents for every mile of the distance between the place of residence and Toronto, which distance shall be determined and certified by the Speaker.

Members of
committees,
per diem
allowance

64.—(1) There shall be paid to each member of a committee of the Assembly, other than the chairman thereof, an allowance for expenses of \$30, and to the chairman thereof an allowance for expenses of \$35, in respect of every day during the interval between sessions of the Assembly,

(a) upon which he attends a meeting of the committee; or

(b) upon which he is absent from home and is engaged on the work of the committee, other than days spent travelling to and from meetings of the committee.

travelling
allowance

(2) There shall be paid to each member of a committee of the Assembly an allowance for travelling of \$20,

and his actual disbursements for berth, meals and gratuities, for each day spent travelling to and from meetings of the committee.

- (3) In the case of an inspection tour by a committee of the Assembly, there shall be paid to each member thereof his actual disbursements for transportation and sleeping accommodation.

11. This Act comes into force on the 1st day of April, 1954.

Commence-
ment

12. This Act may be cited as *The Legislative Assembly Amendment Act, 1954*.

Short title





An Act to amend The Legislative
Assembly Act

1st Reading

March 25th, 1954

2nd Reading

April 1st, 1954

3rd Reading

April 6th, 1954

MR. PORTER

No. 130

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act respecting Certain Lands in the City of
Port Arthur occupied by the Ontario
Hospital, Port Arthur

MR. PORTER

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

EXPLANATORY NOTE

In 1937 the City of Port Arthur agreed to donate a site for an **Ontario Hospital** and to provide sewage disposal facilities for it and the **Government of Ontario** agreed to erect the hospital.

This Bill will enable these arrangements to be completed.

BILL

An Act respecting Certain Lands in the City of Port Arthur occupied by the Ontario Hospital, Port Arthur

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

1. The agreement dated the 11th day of March, 1954, between Her Majesty the Queen in right of the Province of Ontario as represented therein by the Honourable William Griesinger, Minister of Public Works for the Province of Ontario, and The Corporation of the City of Port Arthur, set forth as Schedule A to this Act, is hereby validated, ratified and confirmed.

2. The Corporation of the City of Port Arthur shall be deemed to have had and has authority to acquire the lands set forth in the schedule to the agreement mentioned in section 1 for the purposes set forth in such agreement.

3. The Corporation of the City of Port Arthur shall be deemed to have had and has authority to make expenditures for the purposes set forth in the agreement mentioned in section 1.

4. By-law No. 2246 of The Corporation of the City of Port Arthur, set forth as Schedule B to this Act, is hereby validated, ratified and confirmed and the certain streets and lanes and portions of streets and lanes mentioned in such by-law are hereby declared to have been closed and to have vested in The Corporation of the City of Port Arthur on the effective date of such by-law.

5. The Corporation of the City of Port Arthur is hereby authorized to convey and assure to Her Majesty the Queen in right of the Province of Ontario in accordance with the agreement mentioned in section 1 the lands described in the schedule to such agreement.

6. This Act may be cited as *The Ontario Hospital, Port Arthur, Act, 1954*.

SCHEDULE A

MEMORANDUM OF AGREEMENT made this 11th day of March, 1954.

BETWEEN:

HER MAJESTY THE QUEEN in right of the Province of Ontario as represented herein by the Honourable William Griesinger, Minister of Public Works for the Province of Ontario, hereinafter called "the Province",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF PORT ARTHUR, hereinafter called "the City,"

OF THE SECOND PART.

WHEREAS the Province and the City are both desirous that a Mental Hospital should be erected at the City of Port Arthur, in the Province of Ontario.

AND WHEREAS the City is desirous of donating to the Province the lands described in the Schedule hereto and delineated and marked in red on the plan annexed and both of which Schedule and plan are signed as relative hereto, for the purpose of construction of a Mental Hospital.

AND WHEREAS the Province has undertaken to construct a Mental Hospital on the said lands provided the said lands are donated to the Province.

AND WHEREAS the City has constructed the sewers aftermentioned for the use of the said Mental Hospital.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the mutual undertakings, covenants and agreements herein, the parties hereto agree as follows:

1. The Province will forthwith construct at its own expense a Mental Hospital upon the lands described in the Schedule hereto.

2. The City will forthwith convey and assure or cause to be conveyed and assured to the Province at the expense of the City the lands described in the Schedule hereto in fee simple with an absolute title and free of encumbrances.

3. The City having constructed a sanitary sewer and a storm sewer originating North of the lands described in the Schedule hereto, then running south through the said lands, then emerging on Algoma Street at Clarke Street and proceeding along Algoma Street to connect up with the Clavet Street sewer for the use of the said Mental Hospital, the City at its own expense will maintain, repair and replace the said sewers and will permit the said Mental Hospital to discharge its storm water and sanitary sewage into such sewers free of all charges forever.

4. The City will have prepared a survey of the lands described in the Schedule hereto and other lands and will register a plan of re-sub-division of the same showing the lands described in the Schedule hereto as one lot and shall convey the lands described in the Schedule hereto to the Province as such, after registration of the said Plan.

5. The Province will make application to the Legislative Assembly of the Province of Ontario forthwith for:

- (i) validation of this Agreement,
- (ii) authorization of the City to acquire the lands described in the Schedule hereto or any part of them, for the purposes herein set forth, by agreement of purchase and sale or by expropriation, or otherwise,
- (iii) validation of any acquisition by the City of any part or parts of the lands described in the Schedule hereto or other expenditure by the City, heretofore carried out for the purposes set forth in this agreement, and
- (iv) validation of By-law Number 2246 of the Corporation of the City of Port Arthur which by-law closed or purported to close certain streets and lanes and a declaration that all streets, lanes and portions of streets and lanes therein mentioned have been stopped up and closed and are vested in the Corporation of the City of Port Arthur.

6. This Agreement shall enure to the benefit of and be binding upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals the day and year first above written.

WITNESS:

(Seal)

(Seal)

W. GRIESINGER,
Minister.

THE CORPORATION OF THE CITY OF
PORT ARTHUR

FRED O. ROBINSON,
Mayor.

ARTHUR H. EVANS,
Clerk.

Schedule

Description of part of the North Subdivision of Section 37, McIntyre, part of Mining Location 1E, part of Registered Plan 59, part of Registered Plan 617, part of Registered Plan 208, and part of Registered Plan 121, City of Port Arthur.

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Port Arthur in the District of Thunder Bay and being composed of parts of Lots "B" and "C", Registered Plan 59; part of Mining Location 1E; part of the North subdivision of Section 37 (McIntyre); Blocks 23 to 27 inclusive, Lots 3 to 11 inclusive, and parts of Lots 12 to 15 inclusive, and lanes in Block 28, Blocks 29 to 35 inclusive, Lots 2 to 26 inclusive, and part of Lot One (1) and lanes in Block 36, parts of Beck, MacDougall, Powley, McCullough, Nelson, Urry, and Douglas Streets, and part of Clarke Street, in Registered Plan 121; Lots 7 to 26 inclusive, Lots 37 to 57 inclusive, Lots 63 to 93 inclusive, Lots 94 to 186 inclusive, and lanes included therein, Registered Plan 617; Lots 79 to 84 inclusive, Lots 125 to 130 inclusive, Lots 131 to 136 inclusive, and lanes included therein, Registered Plan 208; and parts of Milne, Oswald, Vera, Gertrude and Lawrence Avenues and Clarke Street as shown on Registered Plans 208 and 617; more particularly described as follows:

COMMENCING at the most easterly angle of Lot Three (3), Block twenty-eight (28) as shown on plan of subdivision registered in the Registry Office for the Registry Division of Port Arthur as Number 121, to the said point being also in the north west limit of Algoma Street;

Thence south fifty-one (51) degrees and twenty-two (22) minutes west along the said limit of Algoma Street, one thousand and nine hundred and forty-eight and five tenths (1,948.5) feet, more or less, to the most southerly angle of Block twenty-three (23) as shown on the said Plan 121;

Thence north thirty-eight (38) degrees and thirty-eight (38) minutes west along the south westerly limit of the said Block Twenty-three (23) and the production thereof, two hundred and twenty-six and eight tenths (226.8) feet, more or less, to intersect the production easterly of the northerly limit of Alberta Avenue as shown on Registered Plan Number 617;

Thence south eighty-nine (89) degrees, fourteen (14) minutes and thirty (30) seconds west along the said limit of Alberta Avenue and production thereof, three hundred and sixty-three and four tenths (363.4) feet, more or less, to the south east angle of Lot Six (6) as shown on the said Plan Number 617;

Thence north one (1) degree, forty-six (46) minutes and thirty (30) seconds west along the east limit of the said Lot Six (6), one hundred and eighteen (118) feet to the north east angle of the said Lot;

Thence south eighty-nine (89) degrees, fourteen (14) minutes and thirty (30) seconds west along the north limit of the said Lot Thirty-three (33) feet to the north west angle of the said Lot Six (6);

Thence north one (1) degree and forty-six (46) minutes and thirty (30) seconds west along the west limits of Lots Twenty-six (26), Thirty-seven (37) and Fifty-seven (57) and the productions thereof, five hundred and eighteen (518) feet to the south east angle of Lot Sixty-seven (67) as shown on Registered Plan 617, which is also in the north limit of Gertrude Avenue;

Thence south eighty-nine (89) degrees, fourteen (14) minutes and thirty (30) seconds west along the north limit of Gertrude Avenue, one hundred and seventy-one and six tenths (171.6) feet, more or less, to the south west angle of Lot Sixty-three (63) as shown on the said Plan 617;

Thence north one (1) degree, forty-six (46) minutes and thirty (30) seconds west along the west limit of Lots Sixty-three (63) and Ninety-three (93) and their productions, three hundred and eighteen (318) feet, more or less, to the south east angle of Lot Eighty-one (81) as shown on Registered Plan 208; which is also in the north limit of Vera Avenue;

Thence south eighty-nine (89) degrees, fourteen (14) minutes and thirty (30) seconds west along the north limit of Vera Avenue, one hundred and twenty-three and one tenth (123.1) feet, more or less, to the westerly limit of a lane as shown on Registered Plan 208;

Thence north one (1) degree, forty-five (45) minutes and thirty (30) seconds west along the westerly limit of the said lane and the production thereof, nine hundred and fifty-eight and six tenths (958.6) feet, more or less, to the south limit of Lot "C", as shown on Registered Plan Number 59;

Thence north one (1) degree, thirty-one (31) minutes and thirty (30) seconds west and parallel to the west limit of the said Lot "C", one thousand and nine hundred and sixty-five (1,965) feet, more or less, to intersect a line drawn on a bearing of south eighty-nine (89) degrees, ten (10) minutes and thirty (30) seconds east from a point in the east limit of Toledo Street, where it is intersected by the production easterly of the southerly limit of Superior Avenue, as shown on Registered Plan Number 363;

Thence south eighty-nine (89) degrees, ten (10) minutes and thirty (30) seconds east nine hundred and twelve and thirty-eight hundredths (912.38) feet;

Thence south twenty-five (25) degrees and twenty-three (23) minutes east one thousand and two hundred and forty-four and thirty-nine hundredths (1,244.39) feet;

Thence south forty-four (44) degrees and twenty (20) minutes east seven hundred and eighty-four and sixty-three hundredths (784.63) feet;

Thence south nineteen (19) degrees and fifty-nine (59) minutes east one thousand and one hundred (1,100) feet, more or less, to the most northerly angle of Lot Three (3), Block Twenty-eight (28), Registered Plan 121;

Thence south thirty-eight (38) degrees and twenty-five (25) minutes east one hundred and fifty (150) feet, more or less, to the point of commencement.

(PLAN ATTACHED)

SCHEDULE B

BY-LAW NUMBER 2246

A By-law to stop up and close certain streets and lanes and portions of streets and lanes forming part of Registered Plans 59, 121, 208 and 617.

WHEREAS the lands adjacent to the streets and lanes hereinafter stopped up and closed have been or hereafter will be conveyed to the Province of Ontario for the purposes of a Mental Hospital site and the said streets and lanes and portions of streets and lanes hereinafter stopped up and closed are required for purposes of the said Mental Hospital site.

AND WHEREAS for the said purpose it is advisable and expedient that the said streets and lanes and portions of streets and lanes be stopped up and closed.

AND WHEREAS Notice of this By-law and of the intention of the Council to pass the same on the 14th day of March, A.D. 1938 has been published prior to the passing of this By-law for at least four successive weeks in the *News-Chronicle*, a newspaper published daily in the City of Port Arthur.

AND WHEREAS the Council has heard all parties (either in person or by their counsel, solicitor or agent) whose lands might be prejudicially affected and who have petitioned to be so heard.

NOW THEREFORE the Council of the Corporation of the City of Port Arthur enacts as follows:

1. Those streets and lanes and portions of streets and lanes more particularly described as follows, namely:

REGISTERED PLAN 121

Urry Street from Clarke Street to the easterly limit of said plan. Douglas Street from McCullough Street to Beck Street.
 Clarke Street from the production north-westerly of the south-westerly limits of Lots 5 and 6 of Block 23 to Chamberlain Street.
 Nelson Street from Algoma Street to Urry Street.
 McCullough Street from Algoma Street to Clarke Street.
 Powley Street from Algoma Street to Clarke Street.
 MacDougall Street from Algoma Street to Chamberlain Street.
 Beck Street from Algoma Street to Chamberlain Street.

Lanes

All lanes in Blocks Numbers 23 to 36 inclusive according to said Registered Plan 121.

REGISTERED PLAN 617

Lawrence Avenue from the westerly boundary of Clarke Street to the westerly boundary of said plan.

Gertrude Avenue from the westerly boundary of Clarke Street to the easterly boundary of Lot 58 of said plan.
 Vera Avenue from the westerly boundary of Clarke Street to the westerly boundary of said plan.
 Oswald Avenue from the westerly boundary of Clarke Street to the westerly boundary of said plan.
 Milne Avenue (formerly May Avenue) from the westerly boundary of Clarke Street to the westerly boundary of said plan.
 Clarke Street from the production easterly of the southerly limit of Alberta Avenue to Chamberlain Street.

Lanes

All lanes shown on said Registered Plan 617.

REGISTERED PLAN 208

Lawrence Avenue from the easterly boundary of said plan to the easterly limit of Conmee Street.
 Oswald Avenue from the easterly limit of said plan to the easterly limit of Conmee Street.
 Milne Avenue (formerly May Avenue) from the easterly limit of said plan to the easterly limit of Conmee Street.

Lanes

That certain lane on said plan lying easterly of and parallel to Conmee Street and extending from the northerly limit of Alberta Avenue to the southerly limit of Lawrence Avenue; that certain lane on said plan lying easterly of and parallel to Conmee Street and extending from the northerly limit of Lawrence Avenue to the production easterly of the southerly boundary of Lot 35; that certain lane lying easterly of and parallel to Conmee Street and extending from the northerly limit of Vera Avenue to the southerly limit of Oswald Avenue; that certain lane lying easterly of and parallel to Conmee Street and extending northerly from the northerly limit of Oswald Avenue to the southerly limit of Milne Avenue (formerly May Avenue); that certain lane lying easterly of and parallel to Conmee Street and extending from the northerly limit of Milne Avenue (formerly May Avenue) to Chamberlain Street; that certain lane lying immediately north of and adjoining Lots 24, 25 and 26 of said plan; that certain lane lying immediately north of and adjoining Lots 27, 28 and 29 of said plan; that certain lane lying immediately north of and adjoining Lots 79, 80 and 81 of said plan; that certain lane lying immediately north of and adjoining Lots 128, 129 and 130 of said plan; that certain lane lying immediately north of and adjoining Lots 131, 132 and 133 of said plan.

REGISTERED PLAN 59

Chamberlain Street from the easterly boundary of Conmee Street to the easterly boundary of said plan.
 Chamberlain Street from the westerly boundary of Mining Location "1E" and its production southerly to the south-westerly boundary of Lyon Boulevard.

shall be and the same are hereby stopped up and closed.

2. That compensation be made in accordance with the provisions of *The Municipal Act* of the Province of Ontario to any person prejudicially affected by the stopping up and closing of the streets and lanes and portions of streets and lanes aforesaid.

Enacted and Passed this 14th day of March, A.D. 1938.

| | |
|---|-----------------------------------|
| FIRST READING—March 14, 1938. | CHARLES W. COX, <i>Mayor.</i> |
| SECOND READING—March 14, 1938. | ARTHUR H. EVANS, <i>Clerk.</i> |
| THIRD READING—March 14, 1938. | |
| COUNCIL CHAMBER, Port Arthur, Ontario. | |







An Act respecting Certain Lands in the
City of Port Arthur occupied by the
Ontario Hospital, Port Arthur

1st Reading

March 25th, 1954

2nd Reading

3rd Reading

MR. PORTER

No. 130

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

**An Act respecting Certain Lands in the City of
Port Arthur occupied by the Ontario
Hospital, Port Arthur**

MR. PORTER

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



BILL

An Act respecting Certain Lands in the City of Port Arthur occupied by the Ontario Hospital, Port Arthur

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

1. The agreement dated the 11th day of March, 1954, ^{Validation} between Her Majesty the Queen in right of the Province of ^{of agreement} Ontario as represented therein by the Honourable William Griesinger, Minister of Public Works for the Province of Ontario, and The Corporation of the City of Port Arthur, set forth as Schedule A to this Act, is hereby validated, ratified and confirmed.

2. The Corporation of the City of Port Arthur shall be ^{Authority} deemed to have had and has authority to acquire the lands ^{of City to} set forth in the schedule to the agreement mentioned in ^{acquire} section 1 for the purposes set forth in such agreement. ^{lands}

3. The Corporation of the City of Port Arthur shall be ^{Authority} deemed to have had and has authority to make expenditures ^{of City to} for the purposes set forth in the agreement mentioned in ^{make expen-} section 1. ^{ditures}

4. By-law No. 2246 of The Corporation of the City of ^{Validation} Port Arthur, set forth as Schedule B to this Act, is hereby ^{of By-law} validated, ratified and confirmed and the certain streets and ^{No. 2246} lanes and portions of streets and lanes mentioned in such ^{of City} by-law are hereby declared to have been closed and to have vested in The Corporation of the City of Port Arthur on the effective date of such by-law.

5. The Corporation of the City of Port Arthur is hereby ^{Authority} authorized to convey and assure to Her Majesty the Queen ^{of City to} in right of the Province of Ontario in accordance with the ^{convey lands} agreement mentioned in section 1 the lands described in the schedule to such agreement.

6. This Act may be cited as *The Ontario Hospital, Port Arthur, Act, 1954.* ^{Short title}

SCHEDULE A

MEMORANDUM OF AGREEMENT made this 11th day of March, 1954.

BETWEEN:

HER MAJESTY THE QUEEN in right of the Province of Ontario as represented herein by the Honourable William Griesinger, Minister of Public Works for the Province of Ontario, hereinafter called "the Province",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF PORT ARTHUR, hereinafter called "the City,"

OF THE SECOND PART.

WHEREAS the Province and the City are both desirous that a Mental Hospital should be erected at the City of Port Arthur, in the Province of Ontario.

AND WHEREAS the City is desirous of donating to the Province the lands described in the Schedule hereto and delineated and marked in red on the plan annexed and both of which Schedule and plan are signed as relative hereto, for the purpose of construction of a Mental Hospital.

AND WHEREAS the Province has undertaken to construct a Mental Hospital on the said lands provided the said lands are donated to the Province.

AND WHEREAS the City has constructed the sewers aftermentioned for the use of the said Mental Hospital.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the mutual undertakings, covenants and agreements herein, the parties hereto agree as follows:

1. The Province will forthwith construct at its own expense a Mental Hospital upon the lands described in the Schedule hereto.

2. The City will forthwith convey and assure or cause to be conveyed and assured to the Province at the expense of the City the lands described in the Schedule hereto in fee simple with an absolute title and free of encumbrances.

3. The City having constructed a sanitary sewer and a storm sewer originating North of the lands described in the Schedule hereto, then running south through the said lands, then emerging on Algoma Street at Clarke Street and proceeding along Algoma Street to connect up with the Clavet Street sewer for the use of the said Mental Hospital, the City at its own expense will maintain, repair and replace the said sewers and will permit the said Mental Hospital to discharge its storm water and sanitary sewage into such sewers free of all charges forever.

4. The City will have prepared a survey of the lands described in the Schedule hereto and other lands and will register a plan of re-sub-division of the same showing the lands described in the Schedule hereto as one lot and shall convey the lands described in the Schedule hereto to the Province as such, after registration of the said Plan.

5. The Province will make application to the Legislative Assembly of the Province of Ontario forthwith for:

- (i) validation of this Agreement,
- (ii) authorization of the City to acquire the lands described in the Schedule hereto or any part of them, for the purposes herein set forth, by agreement of purchase and sale or by expropriation, or otherwise,
- (iii) validation of any acquisition by the City of any part or parts of the lands described in the Schedule hereto or other expenditure by the City, heretofore carried out for the purposes set forth in this agreement, and
- (iv) validation of By-law Number 2246 of the Corporation of the City of Port Arthur which by-law closed or purported to close certain streets and lanes and a declaration that all streets, lanes and portions of streets and lanes therein mentioned have been stopped up and closed and are vested in the Corporation of the City of Port Arthur.

6. This Agreement shall enure to the benefit of and be binding upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals the day and year first above written.

WITNESS:

(Seal)

(Seal)

W. GRIESINGER,
Minister.

THE CORPORATION OF THE CITY OF
PORT ARTHUR

FRED O. ROBINSON,
Mayor.

ARTHUR H. EVANS,
Clerk.

Schedule

Description of part of the North Subdivision of Section 37, McIntyre, part of Mining Location 1E, part of Registered Plan 59, part of Registered Plan 617, part of Registered Plan 208, and part of Registered Plan 121, City of Port Arthur.

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Port Arthur in the District of Thunder Bay and being composed of parts of Lots "B" and "C", Registered Plan 59; part of Mining Location 1E; part of the North subdivision of Section 37 (McIntyre); Blocks 23 to 27 inclusive, Lots 3 to 11 inclusive, and parts of Lots 12 to 15 inclusive, and lanes in Block 28, Blocks 29 to 35 inclusive, Lots 2 to 26 inclusive, and part of Lot One (1) and lanes in Block 36, parts of Beck, MacDougall, Powley, McCullough, Nelson, Urry, and Douglas Streets, and part of Clarke Street, in Registered Plan 121; Lots 7 to 26 inclusive, Lots 37 to 57 inclusive, Lots 63 to 93 inclusive, Lots 94 to 186 inclusive, and lanes included therein, Registered Plan 617; Lots 79 to 84 inclusive, Lots 125 to 130 inclusive, Lots 131 to 136 inclusive, and lanes included therein, Registered Plan 208; and parts of Milne, Oswald, Vera, Gertrude and Lawrence Avenues and Clarke Street as shown on Registered Plans 208 and 617; more particularly described as follows:

COMMENCING at the most easterly angle of Lot Three (3), Block twenty-eight (28) as shown on plan of subdivision registered in the Registry Office for the Registry Division of Port Arthur as Number 121, to the said point being also in the north west limit of Algoma Street;

Thence south fifty-one (51) degrees and twenty-two (22) minutes west along the said limit of Algoma Street, one thousand and nine hundred and forty-eight and five tenths (1,948.5) feet, more or less, to the most southerly angle of Block twenty-three (23) as shown on the said Plan 121;

Thence north thirty-eight (38) degrees and thirty-eight (38) minutes west along the south westerly limit of the said Block Twenty-three (23) and the production thereof, two hundred and twenty-six and eight tenths (226.8) feet, more or less, to intersect the production easterly of the northerly limit of Alberta Avenue as shown on Registered Plan Number 617;

Thence south eighty-nine (89) degrees, fourteen (14) minutes and thirty (30) seconds west along the said limit of Alberta Avenue and production thereof, three hundred and sixty-three and four tenths (363.4) feet, more or less, to the south east angle of Lot Six (6) as shown on the said Plan Number 617;

Thence north one (1) degree, forty-six (46) minutes and thirty (30) seconds west along the east limit of the said Lot Six (6), one hundred and eighteen (118) feet to the north east angle of the said Lot;

Thence south eighty-nine (89) degrees, fourteen (14) minutes and thirty (30) seconds west along the north limit of the said Lot Thirty-three (33) feet to the north west angle of the said Lot Six (6);

Thence north one (1) degree and forty-six (46) minutes and thirty (30) seconds west along the west limits of Lots Twenty-six (26), Thirty-seven (37) and Fifty-seven (57) and the productions thereof, five hundred and eighteen (518) feet to the south east angle of Lot Sixty-seven (67) as shown on Registered Plan 617, which is also in the north limit of Gertrude Avenue;

Thence south eighty-nine (89) degrees, fourteen (14) minutes and thirty (30) seconds west along the north limit of Gertrude Avenue, one hundred and seventy-one and six tenths (171.6) feet, more or less, to the south west angle of Lot Sixty-three (63) as shown on the said Plan 617;

Thence north one (1) degree, forty-six (46) minutes and thirty (30) seconds west along the west limit of Lots Sixty-three (63) and Ninety-three (93) and their productions, three hundred and eighteen (318) feet, more or less, to the south east angle of Lot Eighty-one (81) as shown on Registered Plan 208; which is also in the north limit of Vera Avenue;

Thence south eighty-nine (89) degrees, fourteen (14) minutes and thirty (30) seconds west along the north limit of Vera Avenue, one hundred and twenty-three and one tenth (123.1) feet, more or less, to the westerly limit of a lane as shown on Registered Plan 208;

Thence north one (1) degree, forty-five (45) minutes and thirty (30) seconds west along the westerly limit of the said lane and the production thereof, nine hundred and fifty-eight and six tenths (958.6) feet, more or less, to the south limit of Lot "C", as shown on Registered Plan Number 59;

Thence north one (1) degree, thirty-one (31) minutes and thirty (30) seconds west and parallel to the west limit of the said Lot "C", one thousand and nine hundred and sixty-five (1,965) feet, more or less, to intersect a line drawn on a bearing of south eighty-nine (89) degrees, ten (10) minutes and thirty (30) seconds east from a point in the east limit of Toledo Street, where it is intersected by the production easterly of the southerly limit of Superior Avenue, as shown on Registered Plan Number 363;

Thence south eighty-nine (89) degrees, ten (10) minutes and thirty (30) seconds east nine hundred and twelve and thirty-eight hundredths (912.38) feet;

Thence south twenty-five (25) degrees and twenty-three (23) minutes east one thousand and two hundred and forty-four and thirty-nine hundredths (1,244.39) feet;

Thence south forty-four (44) degrees and twenty (20) minutes east seven hundred and eighty-four and sixty-three hundredths (784.63) feet;

Thence south nineteen (19) degrees and fifty-nine (59) minutes east one thousand and one hundred (1,100) feet, more or less, to the most northerly angle of Lot Three (3), Block Twenty-eight (28), Registered Plan 121;

Thence south thirty-eight (38) degrees and twenty-five (25) minutes east one hundred and fifty (150) feet, more or less, to the point of commencement.

(PLAN ATTACHED)

SCHEDULE B

BY-LAW NUMBER 2246

A By-law to stop up and close certain streets and lanes and portions of streets and lanes forming part of Registered Plans 59, 121, 208 and 617.

WHEREAS the lands adjacent to the streets and lanes hereinafter stopped up and closed have been or hereafter will be conveyed to the Province of Ontario for the purposes of a Mental Hospital site and the said streets and lanes and portions of streets and lanes hereinafter stopped up and closed are required for purposes of the said Mental Hospital site.

AND WHEREAS for the said purpose it is advisable and expedient that the said streets and lanes and portions of streets and lanes be stopped up and closed.

AND WHEREAS Notice of this By-law and of the intention of the Council to pass the same on the 14th day of March, A.D. 1938 has been published prior to the passing of this By-law for at least four successive weeks in the *News-Chronicle*, a newspaper published daily in the City of Port Arthur.

AND WHEREAS the Council has heard all parties (either in person or by their counsel, solicitor or agent) whose lands might be prejudicially affected and who have petitioned to be so heard.

NOW THEREFORE the Council of the Corporation of the City of Port Arthur enacts as follows:

1. Those streets and lanes and portions of streets and lanes more particularly described as follows, namely:

REGISTERED PLAN 121

Urry Street from Clarke Street to the easterly limit of said plan. Douglas Street from McCullough Street to Beck Street.
 Clarke Street from the production north-westerly of the south-westerly limits of Lots 5 and 6 of Block 23 to Chamberlain Street.
 Nelson Street from Algoma Street to Urry Street.
 McCullough Street from Algoma Street to Clarke Street.
 Powley Street from Algoma Street to Clarke Street.
 MacDougall Street from Algoma Street to Chamberlain Street.
 Beck Street from Algoma Street to Chamberlain Street.

Lanes

All lanes in Blocks Numbers 23 to 36 inclusive according to said Registered Plan 121.

REGISTERED PLAN 617

Lawrence Avenue from the westerly boundary of Clarke Street to the westerly boundary of said plan.

Gertrude Avenue from the westerly boundary of Clarke Street to the easterly boundary of Lot 58 of said plan.
 Vera Avenue from the westerly boundary of Clarke Street to the westerly boundary of said plan.
 Oswald Avenue from the westerly boundary of Clarke Street to the westerly boundary of said plan.
 Milne Avenue (formerly May Avenue) from the westerly boundary of Clarke Street to the westerly boundary of said plan.
 Clarke Street from the production easterly of the southerly limit of Alberta Avenue to Chamberlain Street.

Lanes

All lanes shown on said Registered Plan 617.

REGISTERED PLAN 208

Lawrence Avenue from the easterly boundary of said plan to the easterly limit of Conmee Street.
 Oswald Avenue from the easterly limit of said plan to the easterly limit of Conmee Street.
 Milne Avenue (formerly May Avenue) from the easterly limit of said plan to the easterly limit of Conmee Street.

Lanes

That certain lane on said plan lying easterly of and parallel to Conmee Street and extending from the northerly limit of Alberta Avenue to the southerly limit of Lawrence Avenue; that certain lane on said plan lying easterly of and parallel to Conmee Street and extending from the northerly limit of Lawrence Avenue to the production easterly of the southerly boundary of Lot 35; that certain lane lying easterly of and parallel to Conmee Street and extending from the northerly limit of Vera Avenue to the southerly limit of Oswald Avenue; that certain lane lying easterly of and parallel to Conmee Street and extending northerly from the northerly limit of Oswald Avenue to the southerly limit of Milne Avenue (formerly May Avenue); that certain lane lying easterly of and parallel to Conmee Street and extending from the northerly limit of Milne Avenue (formerly May Avenue) to Chamberlain Street; that certain lane lying immediately north of and adjoining Lots 24, 25 and 26 of said plan; that certain lane lying immediately north of and adjoining Lots 27, 28 and 29 of said plan; that certain lane lying immediately north of and adjoining Lots 79, 80 and 81 of said plan; that certain lane lying immediately north of and adjoining Lots 128, 129 and 130 of said plan; that certain lane lying immediately north of and adjoining Lots 131, 132 and 133 of said plan.

REGISTERED PLAN 59

Chamberlain Street from the easterly boundary of Conmee Street to the easterly boundary of said plan.
 Chamberlain Street from the westerly boundary of Mining Location "1E" and its production southerly to the south-westerly boundary of Lyon Boulevard.

shall be and the same are hereby stopped up and closed.

2. That compensation be made in accordance with the provisions of *The Municipal Act* of the Province of Ontario to any person prejudicially affected by the stopping up and closing of the streets and lanes and portions of streets and lanes aforesaid.

Enacted and Passed this 14th day of March, A.D. 1938.

FIRST READING—March 14, 1938.

CHARLES W. COX,
Mayor.

SECOND READING—March 14, 1938.

ARTHUR H. EVANS,
Clerk.

THIRD READING—March 14, 1938.

COUNCIL CHAMBER,
 Port Arthur, Ontario.



BILL

An Act respecting Certain Lands in the
City of Port Arthur occupied by the
Ontario Hospital, Port Arthur

1st Reading

March 25th, 1954

2nd Reading

March 31st, 1954

3rd Reading

April 2nd, 1954

MR. PORTER

No. 131

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Public Service Act

MR. WELSH

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

EXPLANATORY NOTE

This amendment will enable registrars of deeds and the members of their staffs to receive service credits in respect of past services on the same basis as applies in respect of present services (1953, c. 91, s. 2).

BILL

An Act to amend The Public Service Act

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

1. Section 32a of *The Public Service Act*, as enacted by section 2 of *The Public Service Amendment Act, 1953*, is amended by adding thereto the following subsection: Rev. Stat., c. 317, s. 32a (1953, c. 91, s. 2), amended

(5) Where in any year the registrar of deeds or any of the members of the permanent staff of his office makes payments to the Fund in respect of services performed by them before the 1st day of July, 1953, the registrar shall pay to the Fund from the fees of his office in that year an amount equal to such payments, and if such fees are insufficient to pay the whole of such amount, the balance shall be paid in that year to the Fund from the Consolidated Revenue Fund, and thereupon the registrar and each of such members respectively shall be entitled to credit in the Fund for such period of past service as is fixed by the Board. Past services

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

3. This Act may be cited as *The Public Service Amendment Act, 1954 (No. 2)*. Short title

An Act to amend The Public
Service Act

1st Reading

March 25th, 1954

2nd Reading

3rd Reading

MR. WELSH

No. 131

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Public Service Act

MR. WELSH

(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 NOTE

This amendment will enable registrars of deeds and the members of their staffs to receive service credits in respect of past services on the same basis as applies in respect of present services (1953, c. 91, s. 2).

BILL

An Act to amend The Public Service Act

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

1. Section 32a of *The Public Service Act*, as enacted by section 2 of *The Public Service Amendment Act, 1953*, is amended by adding thereto the following subsection: Rev. Stat., c. 317, s. 32a (1953, c. 91, s. 2), amended

(5) Where the registrar of deeds or any of the members of the permanent staff of his office makes payments to the Fund in respect of services performed by them before the 1st day of July, 1953, the registrar shall pay to the Fund from the fees of his office an amount equal to such payments, and if such fees are insufficient to pay the whole of such amount, the balance shall be paid to the Fund from the Consolidated Revenue Fund, and thereupon the registrar and each of such members respectively shall be entitled to credit in the Fund for such period of past service as is fixed by the Board. Past services

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

3. This Act may be cited as *The Public Service Amendment Act, 1954 (No. 2)*. Short title

An Act to amend The Public
Service Act

1st Reading

March 25th, 1954

2nd Reading

April 1st, 1954

3rd Reading

MR. WELSH

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

No. 131

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Public Service Act

MR. WELSH

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



BILL

An Act to amend The Public Service Act

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

1. Section 32a of *The Public Service Act*, as enacted by section 2 of *The Public Service Amendment Act, 1953*, is amended by adding thereto the following subsection: Rev. Stat., c. 317, s. 32a (1953, c. 91, s. 2), amended

(5) Where the registrar of deeds or any of the members of the permanent staff of his office makes payments to the Fund in respect of services performed by them before the 1st day of July, 1953, the registrar shall pay to the Fund from the fees of his office an amount equal to such payments, and if such fees are insufficient to pay the whole of such amount, the balance shall be paid to the Fund from the Consolidated Revenue Fund, and thereupon the registrar and each of such members respectively shall be entitled to credit in the Fund for such period of past service as is fixed by the Board. Past services

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

3. This Act may be cited as *The Public Service Amendment Act, 1954 (No. 2)*. Short title

An Act to amend The Public
Service Act

1st Reading

March 25th, 1954

2nd Reading

April 1st, 1954

3rd Reading

April 5th, 1954

MR. WELSH

No. 132

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Liquor Licence Act

MR. WELSH

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

EXPLANATORY NOTE

Section 4 of *The Election Act, 1951* deleted the Clerk of the Crown in Chancery and transferred the powers and duties of the Clerk of the Crown in Chancery to the Chief Election Officer.

Wherever the expression "Clerk of the Crown in Chancery" appears in the Statutes, "Chief Election Officer" is being substituted.

No. 132

1954

BILL

An Act to amend The Liquor Licence Act

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

1. Subsection 2 of section 79 of *The Liquor Licence Act* Rev. Stat., c. 211, s. 79, subs. 2, amended is amended by striking out the words "Clerk of the Crown in Chancery" where they occur in the first and second lines and in the fourth and fifth lines, respectively, and inserting in lieu thereof the words "Chief Election Officer".

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

3. This Act may be cited as *The Liquor Licence Amendment* Short title Act, 1954.

An Act to amend The Liquor Licence
Act

1st Reading

March 25th, 1954

2nd Reading

3rd Reading

MR. WELSH

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Liquor Licence Act

MR. WELSH



BILL

An Act to amend The Liquor Licence Act

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

1. Subsection 2 of section 79 of *The Liquor Licence Act* is amended by striking out the words "Clerk of the Crown in Chancery" where they occur in the first and second lines and in the fourth and fifth lines, respectively, and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 211, s. 79 subs. 2, amended

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

3. This Act may be cited as *The Liquor Licence Amendment Act, 1954*. Short title

An Act to amend The Liquor Licence
Act

1st Reading

March 25th, 1954

2nd Reading

March 31st, 1954

3rd Reading

April 2nd, 1954

MR. WELSH

No. 133

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Pharmacy Act, 1953

MR. PHILLIPS

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

EXPLANATORY NOTE

The Bill gives legal recognition to the professional activities of veterinary surgeons in respect of veterinary medicines and provides that the Dean of the Faculty of Pharmacy of the University of Toronto shall be *ex officio* a member of the Council.

BILL

An Act to amend The Pharmacy Act, 1953

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

1.—(1) Subclauses i and ii of clause g of section 1 of *The Pharmacy Act, 1953* are repealed and the following substituted therefor: 1953, c. 79, s. 1, cl. g, subcls. i, ii, re-enacted

- (i) selling by retail poisons or drugs,
- (ii) compounding and dispensing prescriptions of legally qualified medical practitioners and dentists, or
- (iii) compounding and dispensing prescriptions of veterinary surgeons in respect of drugs referred to in Schedule D.

(2) The said section 1 is amended by adding thereto the following clause: 1953, c. 79, s. 1, amended

(kk) “veterinary medicine” means any substance or preparation, other than a substance or preparation referred to in Schedule D, that is used or intended for use for the prevention or treatment of any ailment, disease or physical disorder of animals or birds.

2. Clauses f and g of section 2 of *The Pharmacy Act, 1953* are repealed and the following substituted therefor: 1953, c. 79, s. 2, cls. f, g, re-enacted

- (f) prevents a legally qualified medical practitioner or dentist from compounding, dispensing, selling or supplying such drugs as he may prescribe in the course of the practice of his profession;
- (g) prevents a veterinary surgeon from compounding, dispensing, selling or supplying veterinary medicine.

3. Section 4 of *The Pharmacy Act, 1953* is amended by adding thereto the following subsection: 1953, c. 79, s. 4, amended

Dean
ex officio
member

(1a) The Dean of the Faculty of Pharmacy of the University of Toronto shall be *ex officio* a member of the Council.

1953,
c. 79, s. 36,
subs. 1, cl. c,
re-enacted

4. Clause *c* of subsection 1 of section 36 of *The Pharmacy Act, 1953* is repealed and the following substituted therefor:

(c) compound or dispense prescriptions of,

(i) legally qualified medical practitioners or dentists, or

(ii) veterinary surgeons in respect of any drug referred to in Schedule D.

Commence-
ment

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

Short title

6. This Act may be cited as *The Pharmacy Amendment Act, 1954*.







An Act to amend The Pharmacy
Act, 1953

1st Reading

March 25th, 1954

2nd Reading

3rd Reading

Mr. PHILLIPS

No. 133

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Pharmacy Act, 1953

MR. PHILLIPS

(Reprinted as amended by the Committee on Health)

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

EXPLANATORY NOTE

The Bill gives legal recognition to the professional activities of veterinary surgeons in respect of veterinary medicines and provides that the Dean of the Faculty of Pharmacy of the University of Toronto shall be *ex officio* a member of the Council.

No. 133

1954

BILL

An Act to amend The Pharmacy Act, 1953

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 Pharmacy Act, 1953* is amended by adding thereto the following clause: 1953,
c. 79, s. 1,
amended

(kk) "veterinary medicine" means any substance or preparation, other than a substance or preparation referred to in Schedule D, that is used or intended for use for the prevention or treatment of any ailment, disease or physical disorder of animals or birds.

2. Clauses *f* and *g* of section 2 of *The Pharmacy Act, 1953* are repealed and the following substituted therefor: 1953, c. 79,
s. 2, cls. f, g,
re-enacted

(f) prevents a legally qualified medical practitioner or dentist from compounding, dispensing, selling or supplying such drugs as he may prescribe in the course of the practice of his profession;

(g) prevents a veterinary surgeon or any person designated by him for the purpose from compounding, dispensing, selling or supplying,

(i) veterinary medicine, or

(ii) such substance or preparation referred to in Schedule D as he may prescribe or specify,

in the course of the practice of his profession.

3. Section 4 of *The Pharmacy Act, 1953* is amended by adding thereto the following subsection: 1953,
c. 79, s. 4,
amended

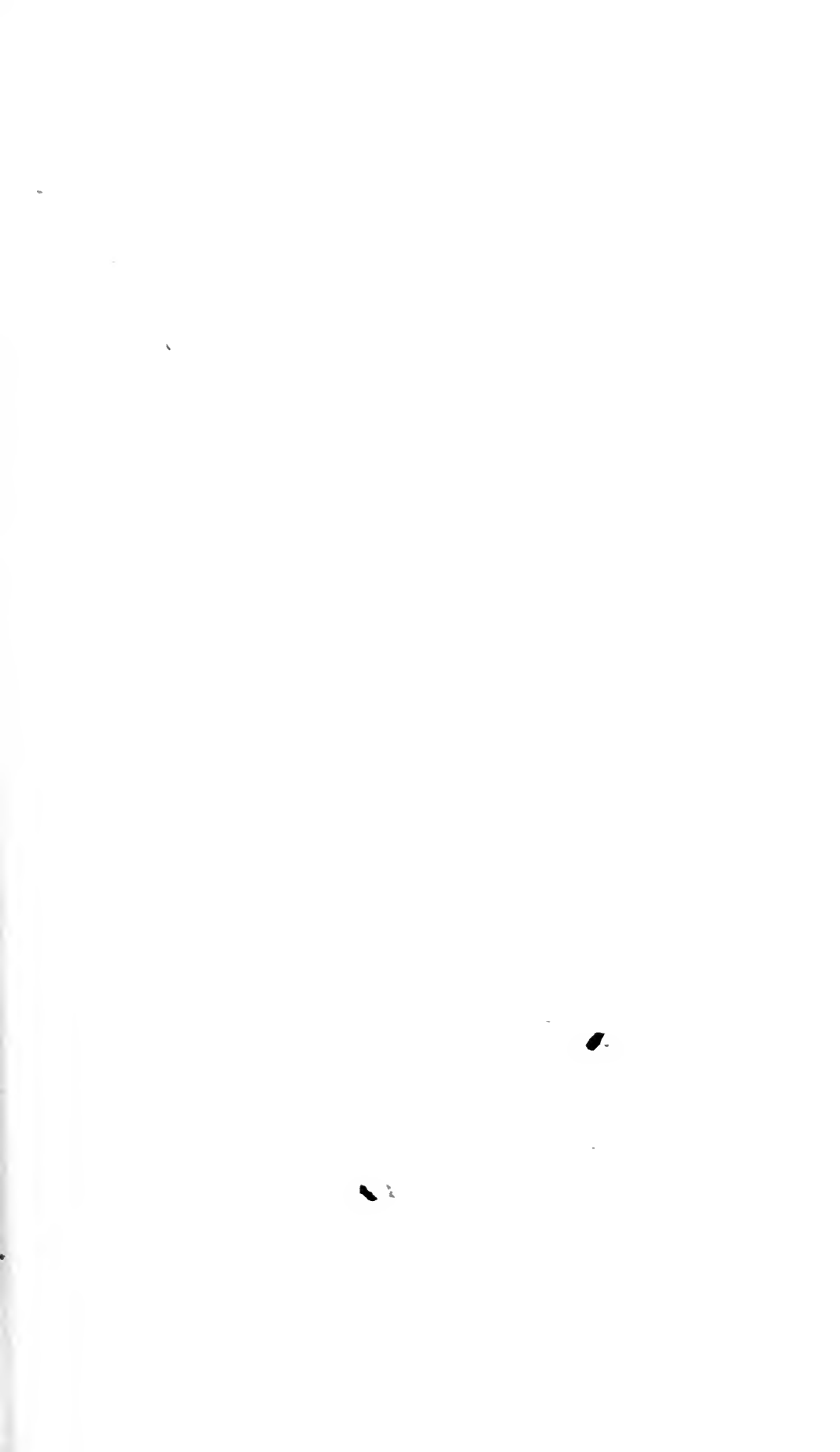
(1a) The Dean of the Faculty of Pharmacy of the University of Toronto shall be *ex officio* a member of the Council. Dean
ex officio
member

Commence-
ment

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

Short title

5. This Act may be cited as *The Pharmacy Amendment Act, 1954*.





An Act to amend The Pharmacy
Act, 1953

1st Reading

March 25th, 1954

2nd Reading

March 31st, 1954

3rd Reading

MR. PHILLIPS

*(Reprinted as amended by the Committee
on Health)*

No. 133

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Pharmacy Act, 1953

MR. PHILLIPS

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



BILL

An Act to amend The Pharmacy Act, 1953

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 Pharmacy Act, 1953* is amended by adding thereto the following clause: 1953, c. 79, s. 1, amended

(kk) "veterinary medicine" means any substance or preparation, other than a substance or preparation referred to in Schedule D, that is used or intended for use for the prevention or treatment of any ailment, disease or physical disorder of animals or birds.

2. Clauses *f* and *g* of section 2 of *The Pharmacy Act, 1953* are repealed and the following substituted therefor: 1953, c. 79, s. 2, cls. f, g, re-enacted

(f) prevents a legally qualified medical practitioner or dentist from compounding, dispensing, selling or supplying such drugs as he may prescribe in the course of the practice of his profession;

(g) prevents a veterinary surgeon or any person designated by him for the purpose from compounding, dispensing, selling or supplying,

(i) veterinary medicine, or

(ii) such substance or preparation referred to in Schedule D as he may prescribe or specify,

in the course of the practice of his profession.

3. Section 4 of *The Pharmacy Act, 1953* is amended by adding thereto the following subsection: 1953, c. 79, s. 4, amended

(1a) The Dean of the Faculty of Pharmacy of the University of Toronto shall be *ex officio* a member of the Council. Dean ex officio member

Commence-
ment **4.** This Act comes into force on a day to be named by the
Lieutenant-Governor by his Proclamation.

Short title **5.** This Act may be cited as *The Pharmacy Amendment
Act, 1954.*







An Act to amend The Pharmacy
Act, 1953

1st Reading

March 25th, 1954

2nd Reading

March 31st, 1954

3rd Reading

April 5th, 1954

Mr. PHILLIPS

No. 134

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Travelling Shows Act

MR. FROST (Victoria)

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

EXPLANATORY NOTES

SECTION 1. The new section provides that where a show is exhibited in a theatre a licence under *The Travelling Shows Act* is not required.

SECTION 2. The provisions of section 3 of the Act are now dealt with by section 3 of the Bill.

SECTION 3. The amendment provides for the making of regulations with respect to the matters set out in clauses *bb* and *bbb*.

BILL

An Act to amend The Travelling Shows Act

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

1. *The Travelling Shows Act* is amended by adding thereto the following section:

| | |
|--|--|
| <ol style="list-style-type: none"> 1a. Where a show is exhibited in a theatre licensed under <i>The Theatres Act, 1953</i>, a licence under this Act is not required in respect of such exhibition. | Rev. Stat., c. 398, amended Show exhibited in theatre 1953, c. 104 |
|--|--|

2. Section 3 of *The Travelling Shows Act*, as re-enacted by section 3 of *The Travelling Shows Amendment Act, 1953*, is repealed.

| | |
|---|---|
| <ol style="list-style-type: none"> 3. Section 6 of <i>The Travelling Shows Act</i>, as re-enacted by section 4 of <i>The Travelling Shows Amendment Act, 1953</i>, is amended by adding thereto the following clauses: <ol style="list-style-type: none"> (bb) exempting any show or class thereof from any provisions of this Act or the regulations with respect to all or any exhibitions thereof; (bbb) providing for the waiving of any licence fee or imposing a nominal fee with respect to any show or class thereof. | Rev. Stat., c. 398, s. 3 (1953, c. 105, s. 3), repealed Rev. Stat., c. 398, s. 6 (1953, c. 105, s. 4), amended |
|---|---|

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

| | |
|--|--------------------------------------|
| <ol style="list-style-type: none"> 5. This Act may be cited as <i>The Travelling Shows Amendment Act, 1954</i>. | Commence- ment Short title |
|--|--------------------------------------|

An Act to amend The Travelling
Shows Act

1st Reading

March 25th, 1954

2nd Reading

3rd Reading

MR. FROSR (Victoria)

No. 134

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Travelling Shows 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 Travelling Shows Act

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

1. *The Travelling Shows Act* is amended by adding thereto the following section:

| | |
|--|-----------------------------------|
| | Rev. Stat., c. 398, amended |
|--|-----------------------------------|

 - 1a. Where a show is exhibited in a theatre licensed under *The Theatres Act, 1953*, a licence under this Act is not required in respect of such exhibition.

| | |
|--|---|
| | Show exhibited in theatre 1953, c. 104 |
|--|---|
2. Section 3 of *The Travelling Shows Act*, as re-enacted by section 3 of *The Travelling Shows Amendment Act, 1953*, is repealed.

| | |
|--|---|
| | Rev. Stat., c. 398, s. 3 (1953, c. 105, s. 3), repealed |
|--|---|
3. Section 6 of *The Travelling Shows Act*, as re-enacted by section 4 of *The Travelling Shows Amendment Act, 1953*, is amended by adding thereto the following clauses:

| | |
|--|--|
| | Rev. Stat., c. 398, s. 6 (1953, c. 105, s. 4), amended |
|--|--|

 - (bb) exempting any show or class thereof from any provisions of this Act or the regulations with respect to all or any exhibitions thereof;
 - (bbb) providing for the waiving of any licence fee or imposing a nominal fee with respect to any show or class thereof.
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 Travelling Shows Amendment Act, 1954*.

| | |
|--|-------------|
| | Short title |
|--|-------------|

An Act to amend The Travelling
Shows Act

1st Reading

March 25th, 1954

2nd Reading

March 31st, 1954

3rd Reading

April 2nd, 1954

MR. FROST (Victoria)

No. 135

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act respecting the Royal Conservatory
of Music of Toronto

MR. DUNLOP

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



BILL

An Act respecting the Royal Conservatory of Music of Toronto

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

1. All property, real and personal, and the undertaking, assets, rights, powers, privileges and immunities vested in, owned, held, possessed or enjoyed by the Royal Conservatory of Music of Toronto, herein referred to as the "Conservatory", are hereby vested in The Governors of the University of Toronto, herein referred to as the "University".

Property of
Conserva-
tory vested
in Uni-
versity

2. Without limiting the generality of the foregoing provisions, all gifts, devises, deeds, conveyances, transfers and leases of real property or of any interest therein and all gifts, bequests, assignments and transfers of personal property or of any interest therein heretofore or hereafter made or intended for the Conservatory are hereby vested in the University as fully and effectually as if the gift, devise, deed, conveyance, transfer, lease, bequest or assignment had been made to the University.

Gifts, etc.,
made to
Conserva-
tory vested
in Uni-
versity

3. So far as the University may in its sole discretion deem it practicable or advisable and in all cases having regard to the expressed intention of the donor in so far as practicable by reason of changed circumstances or conditions, the University shall hold any property, real or personal,

Property
held by
Conserva-
tory for
special
purposes
or trusts

(a) heretofore vested in the Conservatory for any special purposes or trusts of or in any way connected with the Conservatory; and

(b) hereafter given, devised, bequeathed, assigned or transferred to or intended for the Conservatory,

for the purposes and trusts and with, under and subject to the same powers and provisions as are declared under any statute, will, deed or other instrument affecting such property.

Use of names
vested in
University

4. Without limiting the generality of the foregoing provisions, the name "Royal Conservatory of Music of Toronto" and the name "The Toronto Conservatory of Music" and the sole right to the use thereof are hereby vested in the University.

Undertaking
carried on by
University

5. The undertaking heretofore carried on by the Conservatory shall be carried on and managed by the University in such manner as it may from time to time determine.

Conservatory
dissolved

6. The Conservatory shall for all purposes whatsoever be dissolved and its letters patent of incorporation and supplementary letters patent surrendered on the day this Act comes into force, provided that any valid right or claim existing against the Conservatory shall not be prejudiced thereby, but all such rights and claims shall remain and may be enforced against the University.

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 Royal Conservatory of Music of Toronto Act, 1954*.



An Act respecting the Royal Conservatory
of Music of Toronto

1st Reading

March 26th, 1954

2nd Reading

3rd Reading

MR. DUNLOP

No. 135

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act respecting the Royal Conservatory
of Music of Toronto

MR. DUNLOP

TORONTO

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



BILL

An Act respecting the Royal Conservatory of Music of Toronto

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

1. All property, real and personal, and the undertaking, assets, rights, powers, privileges and immunities vested in, owned, held, possessed or enjoyed by the Royal Conservatory of Music of Toronto, herein referred to as the "Conservatory", are hereby vested in The Governors of the University of Toronto, herein referred to as the "University".

2. Without limiting the generality of the foregoing provisions, all gifts, devises, deeds, conveyances, transfers and leases of real property or of any interest therein and all gifts, bequests, assignments and transfers of personal property or of any interest therein heretofore or hereafter made or intended for the Conservatory are hereby vested in the University as fully and effectually as if the gift, devise, deed, conveyance, transfer, lease, bequest or assignment had been made to the University.

3. So far as the University may in its sole discretion deem it practicable or advisable and in all cases having regard to the expressed intention of the donor in so far as practicable by reason of changed circumstances or conditions, the University shall hold any property, real or personal,

(a) heretofore vested in the Conservatory for any special purposes or trusts of or in any way connected with the Conservatory; and

(b) hereafter given, devised, bequeathed, assigned or transferred to or intended for the Conservatory,

for the purposes and trusts and with, under and subject to the same powers and provisions as are declared under any statute, will, deed or other instrument affecting such property.

Use of names
vested in
University

4. Without limiting the generality of the foregoing provisions, the name "Royal Conservatory of Music of Toronto" and the name "The Toronto Conservatory of Music" and the sole right to the use thereof are hereby vested in the University.

Undertaking
carried on by
University

5. The undertaking heretofore carried on by the Conservatory shall be carried on and managed by the University in such manner as it may from time to time determine.

Conservatory
dissolved

6. The Conservatory shall for all purposes whatsoever be dissolved and its letters patent of incorporation and supplementary letters patent surrendered on the day this Act comes into force, provided that any valid right or claim existing against the Conservatory shall not be prejudiced thereby, but all such rights and claims shall remain and may be enforced against the University.

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An Act respecting the Royal Conservatory
of Music of Toronto

1st Reading

March 26th, 1954

2nd Reading

March 31st, 1954

3rd Reading

April 2nd, 1954

MR. DUNLOP

No. 136

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Election Act, 1951

MR. PORTER

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

EXPLANATORY NOTES

SECTION 1. The section repealed reads as follows:

4. Wherever in any Act a duty is imposed or a power conferred upon or a reference is made to the Clerk of the Crown in Chancery, the duty shall be discharged, the power exercised by and the reference be deemed to be a reference to the Chief Election Officer.

This session the expression "Clerk of the Crown in Chancery" is being deleted from all Statutes in which it appears and the expression "Chief Election Officer" substituted. Section 4 is, therefore, no longer necessary.

SECTION 2. The subsections repealed read as follows:

- (2) No person shall be entitled to vote who at any time before or during the election was employed as counsel, agent, solicitor or clerk or in any other capacity by a candidate or by any person at or in reference to the election, or for the purpose of forwarding the same, and who has received or expects to receive, either before, during or after the election, from any candidate or from any person, for acting in such capacity, any sum of money, fee, office, place or employment, or any promise, pledge or security therefor.
- (3) Subsection 2 shall not apply to a person who performs any official duty in connection with the election and who receives the fees to which he is entitled nor shall it apply to a person appointed as an agent by a candidate.

These provisions are difficult to interpret and if interpreted strictly would disenfranchise persons who should be entitled to vote. They are therefore repealed.

SECTION 3. This amendment will enfranchise elderly persons who are receiving institutional care.

SECTION 4. This provision appears now in the Act as subsection 2 of section 21. Section 21 is repealed by section 5 of this Bill.

SECTION 5. The repealed section 20 reads as follows:

20. A person may be resident in a municipality within the meaning of this Act, notwithstanding occasional or temporary absence, or absence as,
 - (a) a member of the Canadian Forces within the meaning of *The National Defence Act* (Canada) or of the armed forces of any part of the British Commonwealth or any ally thereof, or a nurse or nursing sister or in any other capacity with such forces;
 - (b) a student in attendance at an institution of learning in Canada;
 - (c) a mariner within the meaning of this Act,and such absence shall not disentitle him to be entered on any voters' list or to vote.

The section is no longer necessary in view of the definition of the expression "residence" and similar expressions now interpreted in the Act.

The repealed section 21 sets out the circumstances under which a woman is deemed to be a British subject. The repeal of the section will leave the requirement of section 18, that a voter must be a British subject, to stand alone so that the general law of Canada as to who is and who is not a British subject will apply.

SECTION 6. The minimum number of days between the issue of the writs and nomination day is reduced from 30 to 23 where the nomination is held in the months from April to October inclusive. The period between nomination day and polling day will be 14 days regardless of the time of year in which the nomination day occurs.

No. 136

1954

BILL

An Act to amend The Election 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 4 of *The Election Act, 1951* is repealed. 1951,
c. 21, s. 4,
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2. Subsections 2 and 3 of section 16 of *The Election Act, 1951* are repealed. 1951,
c. 21, s. 16,
subss. 2, 3,
repealed

3. Section 17 of *The Election Act, 1951* is amended by striking out the words "or who is maintained in whole or in part as an inmate receiving charitable support or care in a home for the aged or house of industry" in the fourth, fifth and sixth lines, so that the section shall read as follows: 1951,
c. 21, s. 17,
amended

17. No person shall be entitled to be entered on the voters' list, or shall vote, who is a prisoner in a penal or reform institution undergoing punishment for a criminal offence, or who is a patient in a mental hospital. Disqualifica-
tion of
convicts,
mentally ill
persons

4. Section 18 of *The Election Act, 1951* is amended by adding thereto the following subsection: 1951,
c. 21, s. 18,
amended

- (2) For the purposes of this section, a statutory declaration by a person claiming to be a British subject shall be *prima facie* evidence of the facts declared to. Evidence
of facts

5. Sections 20 and 21 of *The Election Act, 1951* are repealed. 1951,
c. 21, ss. 20,
21, repealed

6. Subsections 1 and 2 of section 23 of *The Election Act, 1951* are repealed and the following substituted therefor: 1951,
c. 21, s. 23,
subss. 1, 2,
re-enacted

- (1) Where an election is to be held, the Lieutenant-Governor in Council may appoint a day for the nomination of candidates, which day shall be, Nomination
day

- (a) not more than sixty and not less than twenty-three days after the date of the writs of election where the nomination day appointed is in the months from April to October inclusive; or
- (b) not more than sixty and not less than thirty days after the date of the writs of election where the nomination day appointed is in the months from November to March inclusive.

Polling day

- (2) The fourteenth day after nomination day shall be the day on which polling shall take place where a poll is granted.

1951, c. 21, s. 24, repealed

7. Section 24 of *The Election Act, 1951* is repealed.

1951, c. 21, s. 28, re-enacted; ss. 29-31, repealed

8. Sections 28, 29, 30 and 31 of *The Election Act, 1951* are repealed and the following substituted therefor:

Appointment of R.O.'s

- 28.—(1) The Lieutenant-Governor in Council may at any time appoint a returning officer for any electoral district who shall hold office until he has completed the work of the general election next following his appointment.

Idem

- (2) Every person appointed a returning officer under subsection 1 shall be a British subject, of the full age of twenty-one years, and resident in Ontario.

Refusal or incapacity to act

- (3) If the person appointed returning officer under subsection 1 dies, or refuses to act, or is absent or incapacitated, or is unable from any cause to act, the Lieutenant-Governor in Council may appoint some other person to be returning officer.

Notification of appointment

- (4) The Chief Election Officer shall notify every person appointed as returning officer of his appointment, and thereupon such person shall enter upon his duties under this Act and *The Voters' Lists Act, 1951*.

1951, c. 93

Oath of R.O.

- (5) Every returning officer immediately upon receiving notice of his appointment shall take and subscribe the oath (Form 6), and every returning officer who refuses or neglects to take and subscribe the oath shall incur a penalty of \$40.

Endorsement on writ

- (6) Every returning officer on receiving a writ for an election shall endorse thereon the date of its receipt.

Where appointment is subsequently superseded

- (7) If a writ for an election has been issued to a person in whose stead a returning officer has been appointed under subsection 3, a new writ may be issued or the new returning officer may act under the writ already

SECTION 7. The section repealed reads as follows:

24. Notwithstanding any of the provisions of this Act, the Chief Election Officer may, immediately after the direction of a writ of election to a person named therein as returning officer, notify him by telegram that a writ of election has been directed to him, and thereupon such person may perform any of his duties under this Act or *The Voters' Lists Act, 1951* although he has not actually received the writ.

SECTION 8. Sections 28, 29, 30 and 31 of the present Act deal with the appointment, etc., of returning officers. The chief feature of the new section 28, which will take the place of the above-mentioned sections, is that it will permit the appointment of returning officers at any time.

SECTION 9. The sections repealed read as follows:

35. The returning officer shall on receiving the writ endorse thereon the date of its receipt.
36. The returning officer shall before the nomination day take and subscribe the oath (Form 6), and every returning officer who refuses or neglects to take and subscribe the oath shall incur a penalty of \$40.

Section 35 appears as subsection 6 of the new section 28.

Section 36 appears as subsection 5 of the new section 28.

SECTION 10. The words added refer the reader to section 58 of the Act which deals with nomination proceedings.

SECTION 11. This amendment brings the subsection into line with section 23 of the Act as amended by section 6 of this Bill.

SECTION 12. The section is re-enacted in order to make it clear that a returning officer may, in his discretion, adopt municipal polling subdivisions in establishing the polling subdivisions of his electoral district.

SECTION 13—Subsection 1. The subsection as re-enacted gives a longer period during which nomination papers may be filed.

issued as if the same had been addressed to him, and the validity of the proceedings had or taken under the first appointment shall not be affected by the new appointment; but the new returning officer may appoint a new election clerk and new deputy returning officers, if he thinks fit, in the place of the persons, if any, appointed to such offices by the person previously named returning officer.

9. Sections 35 and 36 of *The Election Act, 1951* are repealed. 1951, c. 21, ss. 35, 36, repealed

10. Section 38 of *The Election Act, 1951* is amended by adding at the end thereof the words "and such nomination shall be subject to and be conducted in accordance with section 58", so that the section shall read as follows: 1951, c. 21, s. 38, amended

38. The place for the nomination of candidates shall be the court house, municipal hall or some other public or private building in the most central or the most convenient place for the majority of the voters of the electoral district, and the time appointed for the nomination of candidates shall be from 1 p.m. until 2 p.m. of the day fixed for that purpose, and such nomination shall be subject to and be conducted in accordance with section 58. Place and time of nomination

11. Subsection 3 of section 41 of *The Election Act, 1951* is amended by striking out the word "seventh" in the first line and inserting in lieu thereof the word "fourteenth", so that the subsection shall read as follows: 1951, c. 21, s. 41, subs. 3, amended

(3) The polling day shall be the fourteenth day after nomination day. Polling day

12. Section 53 of *The Election Act, 1951* is repealed and the following substituted therefor: 1951, c. 21, s. 53, re-enacted

53.—(1) The returning officer shall divide his electoral district into polling subdivisions. Polling subdivisions

(2) Where the council of a municipality has divided the municipality into polling subdivisions, the returning officer, in dividing his electoral district into polling subdivisions, may adopt the municipal polling subdivisions. Idem

13.—(1) Subsection 4 of section 58 of *The Election Act, 1951* is repealed and the following substituted therefor: 1951, c. 21, s. 58, subs. 4, re-enacted

When to
be filed

- (4) The nomination paper shall be produced to and filed with the returning officer at any time during the ten days immediately preceding nomination day or at any time up to the close of nominations on nomination day.

1951, c. 21,
s. 58, subss.
6, 7,
re-enacted

- (2) Subsections 6 and 7 of the said section 58 are repealed and the following substituted therefor:

Certificate
of R.O. as
to regularity

- (6) Where the nomination paper is filed with the returning officer during the ten days next preceding nomination day or not later than 11 a.m. on nomination day, the returning officer shall then and there examine the paper and if he is satisfied of the regularity thereof he shall so certify in writing, and his certificate shall be final and the validity of the nomination shall not be open to question upon any ground whatsoever, and where such a certificate is issued it shall not be necessary for the candidate or his agent to be present at the nomination meeting.

Nomination
paper,

- (7) Where the nomination paper is filed with the returning officer after 11 a.m. on nomination day and before the time fixed for the close of nominations,

acceptance,

- (a) the returning officer shall accept the nomination paper and announce the name of the candidate;

rejection

- (b) if, on examination of the nomination paper, it appears to the returning officer that the nomination is invalid for any reason, he shall communicate the facts to the Chief Election Officer, and he shall not reject the nomination unless the Chief Election Officer authorizes the rejection not later than 2 p.m. on the day next following nomination day in which case the returning officer shall give notice of the rejection immediately by registered mail to the rejected candidate and all other candidates.

1951, c. 21,
s. 65, subss. 2,
re-enacted

- 14.** Subsection 2 of section 65 of *The Election Act, 1951* is repealed and the following substituted therefor:

D.R.O. to
be voter

- (2) No person shall be appointed a deputy returning officer who is not qualified to vote at the election.

1951, c. 21,
ss. 76, 77,
repealed

- 15.** Sections 76 and 77 of *The Election Act, 1951* are repealed.

Subsection 2. Subsection 6 of section 58 is re-enacted in order to clarify its intent and to provide that in order to get a certificate the nomination paper must be filed before 11 a.m. on nomination day rather than 1.30 p.m.

Subsection 7 of section 58, which at present is ambiguous, is rewritten for clarification and substitutes for the present requirement that the meeting be adjourned, the requirement that the rejection of a nomination must be made not later than 2 p.m. on the day after nomination day and that the rejected candidate and all other candidates be notified.

SECTION 14. The subsection is rewritten to remove the requirement that the deputy returning officer must be a voter in the area in which he acts.

SECTION 15. Under the present *Voters' Lists Act*, the voters' lists in all polling subdivisions are prepared by enumeration. The sections repealed are therefore unnecessary.

SECTION 16. The subsection is rewritten to remove the requirement that the poll clerk must be a voter in the area in which he acts.

SECTION 17. Self-explanatory.

SECTION 18. Under the section as re-enacted a vouched-for voter will take only one oath instead of three and a form of oath is prescribed for the voucher.

16. Subsection 3 of section 78 of *The Election Act, 1951* is repealed and the following substituted therefor: 1951, c. 21, s. 78, subs. 3, re-enacted

- (3) No person shall be appointed a poll clerk who is not qualified to vote at the election. Poll clerk to be voter

17.—(1) Subsection 1 of section 88 of *The Election Act, 1951* is amended by striking out the words "will be absent in the ordinary course of their business or employment" in the fourth and fifth lines and inserting in lieu thereof the words "expect to be absent", so that the subsection shall read as follows: 1951, c. 21, s. 88, subs. 1, amended

- (1) The returning officer, with the approval of the board in each electoral district in which the necessity for such action arises, shall provide polls for the purpose of receiving the votes of voters who expect to be absent from the electoral district on the day fixed for polling. Advance polls

(2) Subsection 5 of the said section 88 is amended by striking out the words "will be absent in the ordinary course of my business or employment" in the first and second lines of the declaration and inserting in lieu thereof the words "expect to be absent", so that the subsection shall read as follows: 1951, c. 21, s. 88, subs. 5, amended

- (5) 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: Declaration by voter

I,, declare that I expect to be absent from the electoral district of..... where I am ordinarily resident on the day for holding the poll at the coming election.

Dated at this day of, 19...

..... (Signature of Voter)

Witness:

..... Deputy Returning Officer

18. Section 95 of *The Election Act, 1951* is repealed and the following substituted therefor: 1951, c. 21, s. 95, re-enacted

- 95.—(1) In rural polling subdivisions the deputy returning officer, if required by a person whose name has been omitted in error from the polling list and who is vouched for by a voter whose name is on the polling Vouching in rural polling subdivisions

list and who is resident in the polling subdivision, shall administer to such person an oath in the following form:

You swear that your name is (*full name of applicant*), that you reside at (*give street, number, lot, concession, etc.*), that your name as you believe has been omitted in error from the polling list, and that you are a British subject and qualified to vote at this election. So help you God.

Vouching
in urban
polling sub-
divisions

- (2) In urban polling subdivisions the deputy returning officer, if requested by a person whose name has been omitted in error from the polling list but whose name appears on the municipal voters' list for the polling subdivision in which he resides as being entitled to vote at provincial elections, and who is vouched for by a voter whose name is on the polling list and who is resident in the polling subdivision, shall administer to such person an oath in the following form:

You swear that your name is (*full name of applicant*), that you reside at (*give street, number, lot, concession, etc.*), that your name appears on the municipal voters' list for the polling subdivision in which you reside as being entitled to vote at provincial elections, that your name as you believe has been omitted in error from the polling list, and that you are a British subject and qualified to vote at this election. So help you God.

Oath of
voter vouch-
ing for
person
omitted from
polling list

- (3) To the voter vouching for a person under subsection 1 or 2 of this section, the deputy returning officer shall administer an oath in the following form:

You swear that your name is (*full name of voter*), that you reside at (*give street, number, lot, concession, etc.*), that you are the person named by the said name in the polling list, that you well know (*insert name of applicant*), and that he is as you believe duly qualified to be entered on the polling list and to vote at this election. So help you God.

Name to be
entered on
list

- (4) The deputy returning officer, after administering the prescribed oaths, shall cause the applicant's name to be added to the polling list with the word "sworn" written thereafter.

Right to
vote

- (5) The applicant, upon taking the oath and being vouched for, shall be entitled to vote.

1951,
c. 21, s. 108,
subs. 2,
repealed

19. Subsection 2 of section 108 of *The Election Act, 1951* is repealed.

1951,
c. 21, s. 114,
cl. c,
amended

20. Clause *c* of section 114 of *The Election Act, 1951* is amended by striking out the words "other than the number placed thereon by the deputy returning officer in the case provided for by section 108" in the second, third and fourth lines, so that the clause shall read as follows:

SECTION 19. The subsection is repealed in order to preserve the secrecy of the ballot in the cases covered by the section.

SECTION 20. Complementary to section 19 of this Bill.

SECTION 21. See note to section 19 of this Bill.

SECTION 22. The subsection is broadened.

SECTION 23. The amendment brings the subsection into line with section 201 of the Act.

SECTION 24. Form 37 is simplified and made to conform with that in use at federal elections.

- (c) upon which there is any writing or mark by which the voter can be identified.

21. Section 160 of *The Election Act, 1951* is repealed.

1951,
c. 21, s. 160,
repealed

22. Subsection 3 of section 165 of *The Election Act, 1951* is repealed and the following substituted therefor:

1951,
c. 21, s. 165,
subs. 3,
re-enacted

- (3) The dissemination at any time by any means, by a candidate or his agent, of political information or material or other information or material of public interest shall not be deemed to be a corrupt or illegal act or a contravention of this Act.

Dissemination
of
political
information,
etc.

23. Subsection 1 of section 203 of *The Election Act, 1951* is amended by striking out the word "two" where it occurs in the sixth and eighth lines respectively and inserting in lieu thereof the word "three", so that the subsection shall read as follows:

1951,
c. 21, s. 203,
subs. 1,
amended

- (1) A detailed statement of all money or its equivalent received as an election contribution, payment, loan, gift, advance or deposit and exceeding in amount or value \$50 and a detailed statement of all election expenses incurred by or on behalf of a candidate, including payments in respect of his personal expenses, shall within three months after the election, or where, by reason of the death of the creditor, no claim has been sent in within such period of three months, then within one month after the claim has been sent in, be made out and signed by the official agent who has paid the same or by the candidate in case of payments made by him, and delivered, with the bills and vouchers relating thereto, to the returning officer.

Statement
of election
expenses,
etc., to be
sent to
R.O.

24. Form 37 of *The Election Act, 1951* is repealed and the following substituted therefor:

1951, c. 21,
Form 37,
re-enacted

FORM 37

The Election Act, 1951

Section 145 (1)

Statement by Returning Officer respecting Votes Polled and Ballot Papers rejected at the Polling Places of the Electoral District of at the Election held on the day of 19..

| Electoral District | Number of polling places | Names of Candidates and number of votes polled for each | Voters at each Polling Place | | | Rejected ballot papers |
|--------------------|--------------------------|---|------------------------------|------------------------------------|--------------------------------------|------------------------|
| | | | Total number of votes polled | Number of votes remaining unpolled | Number of names on the polling lists | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Totals | | | | | | |
| Plurality | | | | | | |

Returning Officer for the Electoral District of

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

26. This Act may be cited as *The Election Amendment* ^{Short title} Act, 1954.



An Act to amend The Election Act, 1951

1st Reading

March 26th, 1954

2nd Reading

3rd Reading

MR. PORTER

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
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MR. PORTER

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

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SECTION 1. The section repealed reads as follows:

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- (2) No person shall be entitled to vote who at any time before or during the election was employed as counsel, agent, solicitor or clerk or in any other capacity by a candidate or by any person at or in reference to the election, or for the purpose of forwarding the same, and who has received or expects to receive, either before, during or after the election, from any candidate or from any person, for acting in such capacity, any sum of money, fee, office, place or employment, or any promise, pledge or security therefor.
- (3) Subsection 2 shall not apply to a person who performs any official duty in connection with the election and who receives the fees to which he is entitled nor shall it apply to a person appointed as an agent by a candidate.

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20. A person may be resident in a municipality within the meaning of this Act, notwithstanding occasional or temporary absence, or absence as,
 - (a) a member of the Canadian Forces within the meaning of *The National Defence Act* (Canada) or of the armed forces of any part of the British Commonwealth or any ally thereof, or a nurse or nursing sister or in any other capacity with such forces;
 - (b) a student in attendance at an institution of learning in Canada;
 - (c) a mariner within the meaning of this Act,

and such absence shall not disentitle him to be entered on any voters' list or to vote.

The section is no longer necessary in view of the definition of the expression "residence" and similar expressions now interpreted in the Act.

The repealed section 21 sets out the circumstances under which a woman is deemed to be a British subject. The repeal of the section will leave the requirement of section 18, that a voter must be a British subject, to stand alone so that the general law of Canada as to who is and who is not a British subject will apply.

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amended
17. No person shall be entitled to be entered on the voters' list, or shall vote, who is a prisoner in a penal or reform institution undergoing punishment for a criminal offence, or who is a patient in a mental hospital. Disqualifica-
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amended
 - (2) For the purposes of this section, a statutory declaration by a person claiming to be a British subject shall be *prima facie* evidence of the facts declared to. Evidence
of facts
5. Sections 20 and 21 of *The Election Act, 1951* are repealed. 1951,
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21, repealed
6. Subsections 1 and 2 of section 23 of *The Election Act, 1951* are repealed and the following substituted therefor: 1951,
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subss. 1, 2,
re-enacted
 - (1) Where an election is to be held, the Lieutenant-Governor in Council may appoint a day for the nomination of candidates, which day shall be, Nomination
day

- (a) not more than sixty and not less than twenty-three days after the date of the writs of election where the nomination day appointed is in the months from April to October inclusive; or
- (b) not more than sixty and not less than thirty days after the date of the writs of election where the nomination day appointed is in the months from November to March inclusive.

Polling day

- (2) The fourteenth day after nomination day shall be the day on which polling shall take place where a poll is granted.

1951, c. 21, s. 24, repealed

7. Section 24 of *The Election Act, 1951* is repealed.

1951, c. 21, s. 28, re-enacted; ss. 29-31, repealed

8. Sections 28, 29, 30 and 31 of *The Election Act, 1951* are repealed and the following substituted therefor:

Appointment of R.O.'s

- 28.—(1) The Lieutenant-Governor in Council may at any time appoint a returning officer for any electoral district who shall hold office until he has completed the work of the general election next following his appointment.

Idem

- (2) Every person appointed a returning officer under subsection 1 shall be a British subject, of the full age of twenty-one years, and resident in Ontario.

Refusal or incapacity to act

- (3) If the person appointed returning officer under subsection 1 dies, or refuses to act, or is absent or incapacitated, or is unable from any cause to act, the Lieutenant-Governor in Council may appoint some other person to be returning officer.

Notification of appointment

- (4) The Chief Election Officer shall notify every person appointed as returning officer of his appointment, and thereupon such person shall enter upon his duties under this Act and *The Voters' Lists Act, 1951*.

1951, c. 93

Oath of R.O.

- (5) Every returning officer immediately upon receiving notice of his appointment shall take and subscribe the oath (Form 6), and every returning officer who refuses or neglects to take and subscribe the oath shall incur a penalty of \$40.

Endorsement on writ

- (6) Every returning officer on receiving a writ for an election shall endorse thereon the date of its receipt.

Where appointment is subsequently superseded

- (7) If a writ for an election has been issued to a person in whose stead a returning officer has been appointed under subsection 3, a new writ may be issued or the new returning officer may act under the writ already

SECTION 7. The section repealed reads as follows:

24. Notwithstanding any of the provisions of this Act, the Chief Election Officer may, immediately after the direction of a writ of election to a person named therein as returning officer, notify him by telegram that a writ of election has been directed to him, and thereupon such person may perform any of his duties under this Act or *The Voters' Lists Act, 1951* although he has not actually received the writ.

SECTION 8. Sections 28, 29, 30 and 31 of the present Act deal with the appointment, etc., of returning officers. The chief feature of the new section 28, which will take the place of the above-mentioned sections, is that it will permit the appointment of returning officers at any time.

SECTION 9. The sections repealed read as follows:

35. The returning officer shall on receiving the writ endorse thereon the date of its receipt.
36. The returning officer shall before the nomination day take and subscribe the oath (Form 6), and every returning officer who refuses or neglects to take and subscribe the oath shall incur a penalty of \$40.

Section 35 appears as subsection 6 of the new section 28.

Section 36 appears as subsection 5 of the new section 28.

SECTION 10. The words added refer the reader to section 58 of the Act which deals with nomination proceedings.

SECTION 11. This amendment brings the subsection into line with section 23 of the Act as amended by section 6 of this Bill.

SECTION 12. The section is re-enacted in order to make it clear that a returning officer may, in his discretion, adopt municipal polling subdivisions in establishing the polling subdivisions of his electoral district.

SECTION 13—Subsection 1. The subsection as re-enacted gives a longer period during which nomination papers may be filed.

issued as if the same had been addressed to him, and the validity of the proceedings had or taken under the first appointment shall not be affected by the new appointment; but the new returning officer may appoint a new election clerk and new deputy returning officers, if he thinks fit, in the place of the persons, if any, appointed to such offices by the person previously named returning officer.

9. Sections 35 and 36 of *The Election Act, 1951* are re-^{1951, c. 21,}
pealed.^{ss. 35, 36,}
^{repealed}

10. Section 38 of *The Election Act, 1951* is amended by^{1951, c. 21,}
adding at the end thereof the words “and such nomination^{s. 38,}
shall be subject to and be conducted in accordance with^{amended}
section 58”, so that the section shall read as follows:

38. The place for the nomination of candidates shall^{Place and}
be the court house, municipal hall or some other^{time of}
public or private building in the most central or^{nomination}
the most convenient place for the majority of the
voters of the electoral district, and the time appointed
for the nomination of candidates shall be from 1
p.m. until 2 p.m. of the day fixed for that purpose,
and such nomination shall be subject to and be
conducted in accordance with section 58.

11. Subsection 3 of section 41 of *The Election Act, 1951*^{1951, c. 21,}
is amended by striking out the word “seventh” in the first^{s. 41, subs. 3,}
line and inserting in lieu thereof the word “fourteenth”, so^{amended}
that the subsection shall read as follows:

(3) The polling day shall be the fourteenth day after^{Polling}
nomination day.^{day}

12. Section 53 of *The Election Act, 1951* is repealed and^{1951, c. 21,}
the following substituted therefor:^{s. 53, re-}
^{enacted}

53.—(1) The returning officer shall divide his electoral^{Polling}
district into polling subdivisions.^{subdivisions}

(2) Where the council of a municipality has divided the^{Idem}
municipality into polling subdivisions, the returning
officer, in dividing his electoral district into polling
subdivisions, may adopt the municipal polling
subdivisions.

13.—(1) Subsection 4 of section 58 of *The Election Act,*^{1951, c. 21,}
1951 is repealed and the following substituted therefor:^{s. 58, subs. 4,}
^{re-enacted}

When to
be filed

- (4) The nomination paper shall be produced to and filed with the returning officer at any time during the ten days immediately preceding nomination day or at any time up to the close of nominations on nomination day.

1951, c. 21,
s. 53, subss.
6, 7,
re-enacted

- (2) Subsections 6 and 7 of the said section 58 are repealed and the following substituted therefor:

Certificate
of R.O. as
to regularity

- (6) Where the nomination paper is filed with the returning officer during the ten days next preceding nomination day or not later than 11 a.m. on nomination day, the returning officer shall then and there examine the paper and if he is satisfied of the regularity thereof he shall so certify in writing, and his certificate shall be final and the validity of the nomination shall not be open to question upon any ground whatsoever, and where such a certificate is issued it shall not be necessary for the candidate or his agent to be present at the nomination meeting.

Nomination
paper,

- (7) Where the nomination paper is filed with the returning officer after 11 a.m. on nomination day and before the time fixed for the close of nominations,

acceptance,

- (a) the returning officer shall accept the nomination paper and announce the name of the candidate;

rejection

- (b) if, on examination of the nomination paper, it appears to the returning officer that the nomination is invalid for any reason, he shall communicate the facts to the Chief Election Officer, and he shall not reject the nomination unless the Chief Election Officer authorizes the rejection not later than 2 p.m. on the day next following nomination day in which case the returning officer shall give notice of the rejection immediately by registered mail to the rejected candidate and all other candidates.

1951, c. 21,
s. 65, subss. 2,
re-enacted

- 14.** Subsection 2 of section 65 of *The Election Act, 1951* is repealed and the following substituted therefor:

D.R.O. to
be voter

- (2) No person shall be appointed a deputy returning officer who is not qualified to vote at the election.

1951, c. 21,
ss. 76, 77,
repealed

- 15.** Sections 76 and 77 of *The Election Act, 1951* are repealed.

Subsection 2. Subsection 6 of section 58 is re-enacted in order to clarify its intent and to provide that in order to get a certificate the nomination paper must be filed before 11 a.m. on nomination day rather than 1.30 p.m.

Subsection 7 of section 58, which at present is ambiguous, is rewritten for clarification and substitutes for the present requirement that the meeting be adjourned, the requirement that the rejection of a nomination must be made not later than 2 p.m. on the day after nomination day and that the rejected candidate and all other candidates be notified.

SECTION 14. The subsection is rewritten to remove the requirement that the deputy returning officer must be a voter in the area in which he acts.

SECTION 15. Under the present *Voters' Lists Act*, the voters' lists in all polling subdivisions are prepared by enumeration. The sections repealed are therefore unnecessary.

SECTION 16. The subsection is rewritten to remove the requirement that the poll clerk must be a voter in the area in which he acts.

SECTION 17. Self-explanatory.

SECTION 18. Under the section as re-enacted a vouched-for voter will take only one oath instead of three and a form of oath is prescribed for the voucher.

16. Subsection 3 of section 78 of *The Election Act, 1951* is repealed and the following substituted therefor: 1951, c. 21, s. 78, subs. 3, re-enacted

(3) No person shall be appointed a poll clerk who is not qualified to vote at the election. Poll clerk to be voter

17.—(1) Subsection 1 of section 88 of *The Election Act, 1951* is amended by striking out the words “will be absent in the ordinary course of their business or employment” in the fourth and fifth lines and inserting in lieu thereof the words “expect to be absent”, so that the subsection shall read as follows: 1951, c. 21, s. 88, subs. 1, amended

(1) The returning officer, with the approval of the board in each electoral district in which the necessity for such action arises, shall provide polls for the purpose of receiving the votes of voters who expect to be absent from the electoral district on the day fixed for polling. Advance polls

(2) Subsection 5 of the said section 88 is amended by striking out the words “will be absent in the ordinary course of my business or employment” in the first and second lines of the declaration and inserting in lieu thereof the words “expect to be absent”, so that the subsection shall read as follows: 1951, c. 21, s. 88, subs. 5, amended

(5) 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: Declaration by voter

I,, declare that I expect to be absent from the electoral district of where I am ordinarily resident on the day for holding the poll at the coming election.

Dated at this day of, 19....

.....
(Signature of Voter)

Witness:

.....
Deputy Returning Officer

18. Section 95 of *The Election Act, 1951* is repealed and the following substituted therefor: 1951, c. 21, s. 95, re-enacted

95.—(1) In rural polling subdivisions the deputy returning officer, if required by a person whose name has been omitted in error from the polling list and who is vouched for by a voter whose name is on the polling Vouching in rural polling subdivisions

list and who is resident in the polling subdivision, shall administer to such person an oath in the following form:

You swear that your name is (*full name of applicant*), that you reside at (*give street, number, lot, concession, etc.*), that your name as you believe has been omitted in error from the polling list, and that you are a British subject and qualified to vote at this election. So help you God.

Vouching
in urban
polling sub-
divisions

- (2) In urban polling subdivisions the deputy returning officer, if requested by a person whose name has been omitted in error from the polling list but whose name appears on the municipal voters' list for the polling subdivision in which he resides as being entitled to vote at provincial elections, and who is vouched for by a voter whose name is on the polling list and who is resident in the polling subdivision, shall administer to such person an oath in the following form:

You swear that your name is (*full name of applicant*), that you reside at (*give street, number, lot, concession, etc.*), that your name appears on the municipal voters' list for the polling subdivision in which you reside as being entitled to vote at provincial elections, that your name as you believe has been omitted in error from the polling list, and that you are a British subject and qualified to vote at this election. So help you God.

Oath of
voter vouch-
ing for
person
omitted from
polling list

- (3) To the voter vouching for a person under subsection 1 or 2 of this section, the deputy returning officer shall administer an oath in the following form:

You swear that your name is (*full name of voter*), that you reside at (*give street, number, lot, concession, etc.*), that you are the person named by the said name in the polling list, that you well know (*insert name of applicant*), and that he is as you believe duly qualified to be entered on the polling list and to vote at this election. So help you God.

Name to be
entered on
list

- (4) The deputy returning officer, after administering the prescribed oaths, shall cause the applicant's name to be added to the polling list with the word "sworn" written thereafter.

Right to
vote

- (5) The applicant, upon taking the oath and being vouched for, shall be entitled to vote.

1951,
c. 21, s. 108,
subs. 2,
repealed

19. Subsection 2 of section 108 of *The Election Act, 1951* is repealed.

1951,
c. 21, s. 114,
cl. c,
amended

20. Clause *c* of section 114 of *The Election Act, 1951* is amended by striking out the words "other than the number placed thereon by the deputy returning officer in the case provided for by section 108" in the second, third and fourth lines, so that the clause shall read as follows:

SECTION 19. The subsection is repealed in order to preserve the secrecy of the ballot in the cases covered by the section.

SECTION 20. Complementary to section 19 of this Bill.

SECTION 21. See note to section 19 of this Bill.

SECTION 22. The subsection is broadened.

SECTION 23. The amendment brings the subsection into line with section 201 of the Act.

SECTION 24. Form 37 is simplified and made to conform with that in use at federal elections.

(c) upon which there is any writing or mark by which the voter can be identified.

21. Section 160 of *The Election Act, 1951* is repealed. 1951,
c. 21, s. 160,
repealed

22. Subsection 3 of section 165 of *The Election Act, 1951* is repealed and the following substituted therefor: 1951,
c. 21, s. 165,
subs. 3,
re-enacted

(3) The dissemination at any time by any means, by a candidate or his agent, of political information or material or other information or material of public interest shall not be deemed to be a corrupt or illegal act or a contravention of this Act. Dissemina-
tion of
political
information,
etc.

23. Subsection 1 of section 203 of *The Election Act, 1951* is amended by striking out the word "two" where it occurs in the sixth and eighth lines respectively and inserting in lieu thereof the word "three", so that the subsection shall read as follows: 1951,
c. 21, s. 203,
subs. 1,
amended

(1) A detailed statement of all money or its equivalent received as an election contribution, payment, loan, gift, advance or deposit and exceeding in amount or value \$50 and a detailed statement of all election expenses incurred by or on behalf of a candidate, including payments in respect of his personal expenses, shall within three months after the election, or where, by reason of the death of the creditor, no claim has been sent in within such period of three months, then within one month after the claim has been sent in, be made out and signed by the official agent who has paid the same or by the candidate in case of payments made by him, and delivered, with the bills and vouchers relating thereto, to the returning officer. Statement
of election
expenses,
etc., to be
sent to
R.O.

24. Form 37 of *The Election Act, 1951* is repealed and the following substituted therefor: 1951, c. 21,
Form 37,
re-enacted

FORM 37
The Election Act, 1951
 Section 145 (1)

Statement by Returning Officer respecting Votes Polled and Ballot Papers rejected at the Polling Places of the Electoral District of at the Election held on the day of 19.....

| Electoral District | Number of polling places | Names of Candidates and number of votes polled for each | Voters at each Polling Place | | | Rejected ballot papers |
|--------------------|--------------------------|---|------------------------------|------------------------------------|--------------------------------------|------------------------|
| | | | Total number of votes polled | Number of votes remaining unpolled | Number of names on the polling lists | |
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| | | | | | | |
| | | | | | | |
| | | | | | | |
| Totals | | | | | | |
| Plurality | | | | | | |

Returning Officer for the Electoral District of

SECTION 25. The amendment of this paragraph is complementary to the repeal of section 22 of the Act. See note to section 26 of this Bill.

SECTION 26. Section 22 of the Act disqualifies certain classes of Indians from voting at provincial elections.

The effect of the repeal of the section will be to place all Indians on the same basis as other persons with respect to the right to vote at provincial elections.

25. Paragraph 2 of section 18 of *The Election Act, 1951* is amended by striking out the words "whether he or she is or is not an Indian, enfranchised or unenfranchised, or of whole or part Indian blood, and" in the seventh, eighth and ninth lines.

1951,
c. 21, s. 18,
par. 2,
amended

26. Section 22 of *The Election Act, 1951* is repealed.

1951,
c. 21, s. 22,
repealed

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

Royal
Commence-
ment

28. This Act may be cited as *The Election Amendment Act, 1954*.

Short title

An Act to amend The Election Act, 1951

1st Reading

March 26th, 1954

2nd Reading

March 31st, 1954

3rd Reading

MR. PORTER

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

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Election Act, 1951

MR. PORTER



BILL

An Act to amend The Election 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 4 of *The Election Act, 1951* is repealed. 1951,
c. 21, s. 4,
repealed
2. Subsections 2 and 3 of section 16 of *The Election Act, 1951* are repealed. 1951,
c. 21, s. 16,
subss. 2, 3,
repealed
3. Section 17 of *The Election Act, 1951* is amended by striking out the words "or who is maintained in whole or in part as an inmate receiving charitable support or care in a home for the aged or house of industry" in the fourth, fifth and sixth lines, so that the section shall read as follows:
 17. No person shall be entitled to be entered on the voters' list, or shall vote, who is a prisoner in a penal or reform institution undergoing punishment for a criminal offence, or who is a patient in a mental hospital.Disqualifica-
tion of
convicts,
mentally ill
persons
- 4.—(1) Paragraph 2 of section 18 of *The Election Act, 1951* is amended by striking out the words "whether he or she is or is not an Indian, enfranchised or unenfranchised, or of whole or part Indian blood, and" in the seventh, eighth and ninth lines. 1951,
c. 21, s. 18,
par. 2,
amended
 - (2) The said section 18 is amended by adding thereto the following subsection: 1951,
c. 21, s. 18,
amended
 - (2) For the purposes of this section, a statutory declaration by a person claiming to be a British subject shall be *prima facie* evidence of the facts declared to. Evidence
of facts
5. Sections 20, 21 and 22 of *The Election Act, 1951* are repealed. 1951,
c. 21, ss. 20,
21, 22,
repealed
6. Subsections 1 and 2 of section 23 of *The Election Act, 1951* are repealed and the following substituted therefor: 1951,
c. 21, s. 23,
subss. 1, 2,
re-enacted
 - (1) Where an election is to be held, the Lieutenant-Governor in Council may appoint a day for the nomination of candidates, which day shall be, Nomination
day

- (a) not more than sixty and not less than twenty-three days after the date of the writs of election where the nomination day appointed is in the months from April to October inclusive; or
- (b) not more than sixty and not less than thirty days after the date of the writs of election where the nomination day appointed is in the months from November to March inclusive.

Polling day

- (2) The fourteenth day after nomination day shall be the day on which polling shall take place where a poll is granted.

1951, c. 21, s. 24, repealed

7. Section 24 of *The Election Act, 1951* is repealed.

1951, c. 21, s. 28, re-enacted; ss. 29-31, repealed

8. Sections 28, 29, 30 and 31 of *The Election Act, 1951* are repealed and the following substituted therefor:

Appointment of R.O.'s

28.—(1) The Lieutenant-Governor in Council may at any time appoint a returning officer for any electoral district who shall hold office until he has completed the work of the general election next following his appointment.

Idem

(2) Every person appointed a returning officer under subsection 1 shall be a British subject, of the full age of twenty-one years, and resident in Ontario.

Refusal or incapacity to act

(3) If the person appointed returning officer under subsection 1 dies, or refuses to act, or is absent or incapacitated, or is unable from any cause to act, the Lieutenant-Governor in Council may appoint some other person to be returning officer.

Notification of appointment

(4) The Chief Election Officer shall notify every person appointed as returning officer of his appointment, and thereupon such person shall enter upon his duties under this Act and *The Voters' Lists Act, 1951*.

1951, c. 93

Oath of R.O.

(5) Every returning officer immediately upon receiving notice of his appointment shall take and subscribe the oath (Form 6), and every returning officer who refuses or neglects to take and subscribe the oath shall incur a penalty of \$40.

Endorsement on writ

(6) Every returning officer on receiving a writ for an election shall endorse thereon the date of its receipt.

Where appointment is subsequently superseded

(7) If a writ for an election has been issued to a person in whose stead a returning officer has been appointed under subsection 3, a new writ may be issued or the new returning officer may act under the writ already

issued as if the same had been addressed to him, and the validity of the proceedings had or taken under the first appointment shall not be affected by the new appointment; but the new returning officer may appoint a new election clerk and new deputy returning officers, if he thinks fit, in the place of the persons, if any, appointed to such offices by the person previously named returning officer.

9. Sections 35 and 36 of *The Election Act, 1951* are re-^{1951, c. 21,}
pealed.^{ss. 35, 36,}
^{repealed}

10. Section 38 of *The Election Act, 1951* is amended by^{1951, c. 21,}
adding at the end thereof the words “and such nomination^{s. 38,}
shall be subject to and be conducted in accordance with^{amended}
section 58”, so that the section shall read as follows:

38. The place for the nomination of candidates shall^{Place and}
be the court house, municipal hall or some other^{time of}
public or private building in the most central or^{nomination}
the most convenient place for the majority of the
voters of the electoral district, and the time appointed
for the nomination of candidates shall be from 1
p.m. until 2 p.m. of the day fixed for that purpose,
and such nomination shall be subject to and be
conducted in accordance with section 58.

11. Subsection 3 of section 41 of *The Election Act, 1951*^{1951, c. 21,}
is amended by striking out the word “seventh” in the first^{s. 41, subs. 3,}
line and inserting in lieu thereof the word “fourteenth”, so^{amended}
that the subsection shall read as follows:

(3) The polling day shall be the fourteenth day after^{Polling}
nomination day.^{day}

12. Section 53 of *The Election Act, 1951* is repealed and^{1951, c. 21,}
the following substituted therefor:^{s. 53, re-}
^{enacted}

53.—(1) The returning officer shall divide his electoral^{Polling}
district into polling subdivisions.^{subdivisions}

(2) Where the council of a municipality has divided the^{Idem}
municipality into polling subdivisions, the returning
officer, in dividing his electoral district into polling
subdivisions, may adopt the municipal polling
subdivisions.

13.—(1) Subsection 4 of section 58 of *The Election Act,*^{1951, c. 21,}
1951 is repealed and the following substituted therefor:^{s. 58, subs. 4,}
^{re-enacted}

When to
be filed

- (4) The nomination paper shall be produced to and filed with the returning officer at any time during the ten days immediately preceding nomination day or at any time up to the close of nominations on nomination day.

1951, c. 21,
s. 58, subss.
6, 7,
re-enacted

- (2) Subsections 6 and 7 of the said section 58 are repealed and the following substituted therefor:

Certificate
of R.O. as
to regularity

- (6) Where the nomination paper is filed with the returning officer during the ten days next preceding nomination day or not later than 11 a.m. on nomination day, the returning officer shall then and there examine the paper and if he is satisfied of the regularity thereof he shall so certify in writing, and his certificate shall be final and the validity of the nomination shall not be open to question upon any ground whatsoever, and where such a certificate is issued it shall not be necessary for the candidate or his agent to be present at the nomination meeting.

Nomination
paper,

- (7) Where the nomination paper is filed with the returning officer after 11 a.m. on nomination day and before the time fixed for the close of nominations,

acceptance,

- (a) the returning officer shall accept the nomination paper and announce the name of the candidate;

rejection

- (b) if, on examination of the nomination paper, it appears to the returning officer that the nomination is invalid for any reason, he shall communicate the facts to the Chief Election Officer, and he shall not reject the nomination unless the Chief Election Officer authorizes the rejection not later than 2 p.m. on the day next following nomination day in which case the returning officer shall give notice of the rejection immediately by registered mail to the rejected candidate and all other candidates.

1951, c. 21,
s. 65, subss. 2,
re-enacted

- 14.** Subsection 2 of section 65 of *The Election Act, 1951* is repealed and the following substituted therefor:

D.R.O. to
be voter

- (2) No person shall be appointed a deputy returning officer who is not qualified to vote at the election.

1951, c. 21,
ss. 76, 77,
repealed

- 15.** Sections 76 and 77 of *The Election Act, 1951* are repealed.

16. Subsection 3 of section 78 of *The Election Act, 1951* is repealed and the following substituted therefor: 1951, c. 21, s. 78, subs. 3, re-enacted

(3) No person shall be appointed a poll clerk who is not qualified to vote at the election. Poll clerk to be voter

17.—(1) Subsection 1 of section 88 of *The Election Act, 1951* is amended by striking out the words "will be absent in the ordinary course of their business or employment" in the fourth and fifth lines and inserting in lieu thereof the words "expect to be absent", so that the subsection shall read as follows: 1951, c. 21, s. 88, subs. 1, amended

(1) The returning officer, with the approval of the board in each electoral district in which the necessity for such action arises, shall provide polls for the purpose of receiving the votes of voters who expect to be absent from the electoral district on the day fixed for polling. Advance polls

(2) Subsection 5 of the said section 88 is amended by striking out the words "will be absent in the ordinary course of my business or employment" in the first and second lines of the declaration and inserting in lieu thereof the words "expect to be absent", so that the subsection shall read as follows: 1951, c. 21, s. 88, subs. 5, amended

(5) 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: Declaration by voter

I,, declare that I expect to be absent from the electoral district of..... where I am ordinarily resident on the day for holding the poll at the coming election.

Dated at this day of, 19....

.....
(Signature of Voter)

Witness:
.....
Deputy Returning Officer

18. Section 95 of *The Election Act, 1951* is repealed and the following substituted therefor: 1951, c. 21, s. 95, re-enacted

95.—(1) In rural polling subdivisions the deputy returning officer, if required by a person whose name has been omitted in error from the polling list and who is vouched for by a voter whose name is on the polling Vouching in rural polling subdivisions

list and who is resident in the polling subdivision, shall administer to such person an oath in the following form:

You swear that your name is (*full name of applicant*), that you reside at (*give street, number, lot, concession, etc.*), that your name as you believe has been omitted in error from the polling list, and that you are a British subject and qualified to vote at this election. So help you God.

Vouching
in urban
polling sub-
divisions

- (2) In urban polling subdivisions the deputy returning officer, if requested by a person whose name has been omitted in error from the polling list but whose name appears on the municipal voters' list for the polling subdivision in which he resides as being entitled to vote at provincial elections, and who is vouched for by a voter whose name is on the polling list and who is resident in the polling subdivision, shall administer to such person an oath in the following form:

You swear that your name is (*full name of applicant*), that you reside at (*give street, number, lot, concession, etc.*), that your name appears on the municipal voters' list for the polling subdivision in which you reside as being entitled to vote at provincial elections, that your name as you believe has been omitted in error from the polling list, and that you are a British subject and qualified to vote at this election. So help you God.

Oath of
voter vouch-
ing for
person
omitted from
polling list

- (3) To the voter vouching for a person under subsection 1 or 2 of this section, the deputy returning officer shall administer an oath in the following form:

You swear that your name is (*full name of voter*), that you reside at (*give street, number, lot, concession, etc.*), that you are the person named by the said name in the polling list, that you well know (*insert name of applicant*), and that he is as you believe duly qualified to be entered on the polling list and to vote at this election. So help you God.

Name to be
entered on
list

- (4) The deputy returning officer, after administering the prescribed oaths, shall cause the applicant's name to be added to the polling list with the word "sworn" written thereafter.

Right to
vote

- (5) The applicant, upon taking the oath and being vouched for, shall be entitled to vote.

1951,
c. 21, s. 108,
subs. 2,
repealed

19. Subsection 2 of section 108 of *The Election Act, 1951* is repealed.

1951,
c. 21, s. 114,
cl. c,
amended

20. Clause *c* of section 114 of *The Election Act, 1951* is amended by striking out the words "other than the number placed thereon by the deputy returning officer in the case provided for by section 108" in the second, third and fourth lines, so that the clause shall read as follows:

(c) upon which there is any writing or mark by which the voter can be identified.

21. Section 160 of *The Election Act, 1951* is repealed.

1951,
c. 21, s. 160,
repealed

22. Subsection 3 of section 165 of *The Election Act, 1951* is repealed and the following substituted therefor:

1951,
c. 21, s. 165,
subs. 3,
re-enacted

(3) The dissemination at any time by any means, by a candidate or his agent, of political information or material or other information or material of public interest shall not be deemed to be a corrupt or illegal act or a contravention of this Act.

Dissemination of political information, etc.

23. Subsection 1 of section 203 of *The Election Act, 1951* is amended by striking out the word "two" where it occurs in the sixth and eighth lines respectively and inserting in lieu thereof the word "three", so that the subsection shall read as follows:

1951,
c. 21, s. 203,
subs. 1,
amended

(1) A detailed statement of all money or its equivalent received as an election contribution, payment, loan, gift, advance or deposit and exceeding in amount or value \$50 and a detailed statement of all election expenses incurred by or on behalf of a candidate, including payments in respect of his personal expenses, shall within three months after the election, or where, by reason of the death of the creditor, no claim has been sent in within such period of three months, then within one month after the claim has been sent in, be made out and signed by the official agent who has paid the same or by the candidate in case of payments made by him, and delivered, with the bills and vouchers relating thereto, to the returning officer.

Statement of election expenses, etc., to be sent to R.O.

24. Form 37 of *The Election Act, 1951* is repealed and the following substituted therefor:

1951, c. 21,
Form 37,
re-enacted

FORM 37
The Election Act, 1951
 Section 145 (1)

Statement by Returning Officer respecting Votes Polled and Ballot Papers rejected at the Polling Places of the Electoral District of at the Election held on the day of 19..

| Electoral District | Number of polling places | Names of Candidates and number of votes polled for each | | | Voters at each Polling Place | | | Rejected ballot papers |
|---------------------|--------------------------|---|--|--|------------------------------|------------------------------------|--------------------------------------|------------------------|
| | | | | | Total number of votes polled | Number of votes remaining unpolled | Number of names on the polling lists | |
| | | | | | | | | |
| Totals Plurality | | | | | | | | |

Returning Officer for the Electoral District of

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

26. This Act may be cited as *The Election Amendment* ^{Short title}
Act, 1954.

An Act to amend The Election Act, 1951

1st Reading

March 26th, 1954

2nd Reading

March 31st, 1954

3rd Reading

April 6th, 1954

MR. PORTER

No. 137

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

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

SECTIONS 1 to 10. These sections of the Bill carry out three changes with respect to the preparation of municipal voters' lists:

1. A municipality which has adopted the straight two-year term for its council and elected local boards will not be required to prepare a voters' list in the year in which there is no election. (See subsection 3 of section 7 in subsection 2 of section 1 of the Bill.)
2. Under section 54 (2) of *The Municipal Act*, a person who is entered on the voters' list as a farmer's daughter or farmer's sister or a farmer's son's wife is not to be counted for the purpose of determining representation in the county council. Subsection 7 of section 7 of *The Voters' Lists Act, 1951* requires the clerk to insert the letters "M.F.N.C." opposite the name of certain persons who are not to be counted for the purpose of determining representation in the county council. The subsection is amended to make the two Acts consistent. (See section 1 (4) of the Bill.)
3. All the remaining amendments are to carry out a change whereby the municipal list will be made in future in one part rather than two parts as required heretofore. The present Act requires Part I to show persons who are entitled to vote at provincial and municipal elections, and Part II to show the persons who are entitled to vote at municipal elections only. In future the list will be prepared in one part and the names of persons who are entitled to vote at municipal elections only will be distinguished by the notation "M.E."

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.—(1) Subsection 1 of section 7 of *The Voters' Lists Act, 1951*, 1951, c. 93, s. 7, subs. 1, amended is amended by striking out the words "in two parts" in the fourth line.
- (2) Subsections 3 and 4 of the said section 7 are repealed and the following substituted therefor: 1951, c. 93, s. 7, subs. 3, 4, re-enacted
- (3) Notwithstanding anything in this Act, the clerk of the municipality is not required to prepare a voters' list in any year in which a municipal election is not to be held. Where biennial elections
- (4) In the case of a person appearing by the assessment roll to be a voter at municipal elections but not at provincial elections, the clerk shall insert in the proper column opposite the name of such person the letters "M.E.". Municipal electors only
- (3) Subsection 5 of the said section 7 is amended by striking out the words "the first or second part of" in the second line. 1951, c. 93, s. 7, subs. 5, amended
- (4) Subsection 7 of the said section 7 is amended by inserting after the word "daughter" in the fourth line the words "farmer's sister or farmer's son's wife", so that the subsection shall read as follows: 1951, c. 93, s. 7, subs. 7, amended
- (7) In the case of a person who is a municipal elector by reason of being the wife or husband of the person rated or entitled to be rated for land as provided by *The Municipal Act*, or by reason of being a farmer's daughter, farmer's sister or farmer's son's wife, the clerk shall insert the letters "M.F.N.C." opposite the name of such person in the proper column, meaning that such person is entitled to vote at municipal elections, but is not to be counted for the purpose of determining representation in the county council. Entering name of husband or wife of person rated Rev. Stat., c. 243

1951,
c. 93, s. 7,
subs. 13,
amended

(5) Subsection 13 of the said section 7 is amended by striking out the words "of the second part" in the sixth line and inserting in lieu thereof the word "thereof", so that the subsection shall read as follows:

Entries of
those
qualified
as jurors

- (13) The clerk in making out the list shall, in a separate column provided for the purpose, insert the letter "J" in the list opposite the name of every person over twenty-one and under seventy years of age who by the roll appears to be qualified and liable to serve as a juror, and the list shall show at or near the end thereof the aggregate number of names of persons upon the list qualified to serve on juries, and in the case of municipalities divided into wards the list shall give the same information for each ward.

1951,
c. 93, s. 9,
subs. 1,
amended

2. Subsection 1 of section 9 of *The Voters' Lists Act, 1951* is amended by striking out the words "the first and second parts of" in the third and fourth lines.

1951,
c. 93, s. 10,
subs. 1,
re-enacted

3. Subsection 1 of section 10 of *The Voters' Lists Act, 1951* is repealed and the following substituted therefor:

Certificate
of clerk

- (1) Upon each of the copies of the list so delivered or mailed there shall be a certificate of the clerk (Form 2) stating that the list is a correct list of all persons appearing by the assessment roll to be voters at provincial and municipal elections and of all persons appearing by the assessment roll to be voters at municipal elections only, and that the letters "M.E." have been inserted in the proper column opposite the names of all persons appearing by the assessment roll to be voters at municipal elections only, and the certificate shall contain a clause calling upon all voters to examine the lists and to take immediate proceedings to have omissions or errors corrected according to law.

1951,
c. 93, s. 13,
subs. 1,
re-enacted

4. Subsection 1 of section 13 of *The Voters' Lists Act, 1951* is repealed and the following substituted therefor:

Revision
of list
by judge

- (1) The list shall be subject to revision by the judge at the instance of any voter who complains that the names of voters have been omitted from the list or wrongly stated therein, or that the names of persons who are not entitled to be voters have been entered in the list, and the following provisions of this Part and of Part II, so far as they are applicable, apply to the revision of the list.



SECTION 11. The effect of the re-enactment of section 61 is to shorten the appointment procedures applicable to the enumerators.

5. Subsection 3 of section 14 of *The Voters' Lists Act, 1951* is amended by striking out the words "the first or second part of" in the first and second lines. 1951, c. 93, s. 14, subs. 3, amended

6. Section 15 of *The Voters' Lists Act, 1951* is amended by striking out the words "the first or second part of" in the third line. 1951, c. 93, s. 15, amended

7. Section 18 of *The Voters' Lists Act, 1951* is amended by striking out all the words after the word "may" in the eighth line and inserting in lieu thereof the words "if the letters "M.E." have been incorrectly inserted or omitted opposite the name, correct the error", so that the section shall read as follows: 1951, c. 93, s. 18, amended

18. If on complaint or appeal to strike off the name of a person on the list it appears that the qualification of the person is incorrectly set forth therein but that he has the qualification necessary to entitle his name to be entered on the list, the judge shall not strike off the name of the person but shall make such alterations in the list as are necessary to set forth the proper qualifications of the person, and in so doing may, if the letters "M.E." have been incorrectly inserted or omitted opposite the name, correct the error. When qualification incorrectly stated

8. Section 19 of *The Voters' Lists Act, 1951* is amended by striking out the words "the first and second parts of" in the third line. 1951, c. 93, s. 19, amended

9. Subsection 1 of section 20 of *The Voters' Lists Act, 1951* is amended by striking out the words "the first and second parts of" in the fifth and sixth lines. 1951, c. 93, s. 20, subs. 1, amended

10. Section 52 of *The Voters' Lists Act, 1951* is amended by striking out the words "the first and second parts of" in the sixth line. 1951, c. 93, s. 52, amended

11. Section 61 of *The Voters' Lists Act, 1951* is repealed and the following substituted therefor: 1951, c. 93, s. 61, re-enacted

61.—(1) Forthwith after the issue of the writ for an election, Nomination of enumerators

- (a) the person who apparently will be the candidate at the election of the political interest represented by the government of the day; and

- (b) the person who apparently will be the candidate at the election of a different and opposed political interest, the candidate for which, at the next preceding provincial election, received the highest number of votes or the next highest number of votes, as the case may be,

shall furnish to the returning officer lists of nominations for appointment as enumerators, but such lists may be furnished to the returning officer at any time after his appointment and may be revised from time to time up to twenty-four hours before the enumeration is to begin.

Failure to
make nom-
inations

- (2) If twenty-four hours before the enumeration is to begin the returning officer has received insufficient nominations to provide two enumerators representing two different and opposed political interests for each polling subdivision, he shall make such additional appointments as he deems necessary to enumerate the electoral district.

1951,
c. 93, s. 62,
subs. 1, cl. a,
amended

12.—(1) Clause *a* of subsection 1 of section 62 of *The Voters' Lists Act, 1951* is amended by striking out the words "the first part of" in the first line.

1951,
c. 93, s. 62,
subs. 2, cl. b,
amended

(2) Clause *b* of subsection 2 of the said section 62 is amended by striking out the words "the first part of" in the first line.

1951,
c. 93, s. 78,
amended

13. Section 78 of *The Voters' Lists Act, 1951* is amended by adding thereto the following clause:

- (*bb*) of objections to the addition to the lists of the names of voters enumerated under subsection 6 of section 75.

1951,
c. 93, s. 93,
repealed

14. Section 93 of *The Voters' Lists Act, 1951* is repealed.

1951,
c. 93, s. 94,
subs. 1,
amended

15.—(1) Subsection 1 of section 94 of *The Voters' Lists Act, 1951* is amended by striking out the words "immediately after posting up the notice as required by section 93, proceed to" in the second and third lines and by striking out the word "preliminary" in the third line so that the subsection shall read as follows:

Preparation
of list

- (1) The enumerator of each rural polling subdivision shall prepare a list (Form 25) under headings of names of streets where possible and in order of street numbers in subdivisions where street number-

SECTION 12. Self-explanatory. See note to section 1 of this Bill.

SECTION 13. The addition of the clause clarifies the intent of subsection 6 of section 75.

SECTION 14. This section, which deals with the notice of revision of lists in rural polling subdivisions, is repealed as such lists will no longer be revised.

SECTION 15—Subsection 1. See note to section 14 of this Bill. These amendments are complementary.

Subsection 2. This amendment is complementary to the changes effected by this Bill whereby the municipal list will be made in one part rather than in two parts.

SECTION 16. See note to section 14 of this Bill. These amendments are complementary.

SECTION 17. These sections, which provide for the revision of rural lists, are repealed as it is considered that the revision of such lists is unnecessary in view of the provisions of section 95 of *The Election Act, 1951*.

SECTION 18. The Forms are amended or repealed, as the case may be, to bring them into line with the changes made in the Act by this Bill.

ing is in effect, and in alphabetical order in all other subdivisions, of all persons in the polling subdivision who are qualified to vote at the election.

(2) Clause *b* of subsection 2 of the said section 94 is amended by striking out the words "the first part of" in the first line.

1951, c. 93, s. 94, subs. 2, cl. b. amended

16. Subsection 1 of section 96 of *The Voters' Lists Act, 1951* is amended by striking out the word "preliminary" in the second and fourth lines respectively and by striking out the words "and one copy at the place within the polling subdivision at which he may be found pursuant to section 93" in the seventh, eighth and ninth lines, so that the subsection shall read as follows:

1951, c. 93, s. 96, subs. 1, amended

(1) The enumerator of each rural polling subdivision, immediately after the completion of the list and not later than four days from the date of his appointment, shall certify such list on oath and deliver it to the returning officer, and shall prepare at least six copies thereof so certified and shall forthwith post up one copy in the office of the returning officer for public inspection, and the returning officer shall distribute one copy to each candidate.

Certification and posting up of list

17. Sections 97, 98, 99, 100, 101, 102, 103 and 104 of *The Voters' Lists Act, 1951* are repealed.

1951, c. 93, ss. 97-104, repealed

18.—(1) Forms 1, 2 and 3 in the Schedule to *The Voters' Lists Act, 1951* are repealed and the following substituted therefor:

1951, c. 93, Forms 1, 2, re-enacted; Form 3, repealed

FORM 2

*The Voters' Lists Act, 1951**Section 10 (1)*

CERTIFICATE TO BE ENDORSED ON THE VOTERS' LIST

I, A.B., Clerk of the of, in the County of, certify that the within (or above) list is a correct list of all persons appearing by the assessment roll to be entitled to vote at provincial and municipal elections in this municipality and of all persons appearing by the assessment roll to be entitled to vote at municipal elections only in this municipality, and that the letters "M.E." have been inserted in the proper column opposite the names of all persons appearing by the assessment roll to be voters at municipal elections only, and I hereby call upon all voters to take immediate proceedings to have any omissions or errors corrected according to law.

Dated this day of, 19...

A.B.,
Clerk of

(2) Form 8 in the said Schedule is amended by striking ^{1951, c. 93,} out the words "the first and second parts of" in the fifth line. _{Form 8, amended}

(3) Form 9 in the said Schedule is amended by striking ^{1951, c. 93,} out the words "the first and second parts of" in the fourth _{Form 9, amended} line.

(4) Form 10 in the said Schedule, as amended by sub-^{1951, c. 93,} section 1 of section 3 of *The Voters' Lists Amendment Act, 1952*, _{Form 10, amended} is further amended by striking out the words "the first and second parts of" in the first and second lines.

(5) Form 11 in the said Schedule, as amended by sub-^{1951, c. 93,} section 2 of section 3 of *The Voters' Lists Amendment Act, 1952*, _{Form 11, amended} is further amended by striking out the words "the first and second parts of" in the first and second lines.

(6) Form 13 in the said Schedule is amended by striking ^{1951, c. 93,} out the words "the first and second part of" in the seventh _{Form 13, amended} line.

(7) Form 14 in the said Schedule is amended by striking ^{1951, c. 93,} out the words "the first or second parts of" in the second _{Form 14, amended} and third lines, by striking out the words "the first and second parts of" in the eighth line and by striking out the words "that the second part of the said annexed list is the last revised list" in the twelfth and thirteenth lines.

(8) Form 16 in the said Schedule is amended by striking ^{1951, c. 93,} out the words "the first and second parts of" in the sixth line. _{Form 16, amended}

FORM 26

The Voters' Lists Act, 1951

Section 62 (4)

NOTICE OF INABILITY TO OBTAIN INFORMATION
FOR PURPOSES OF REGISTRATION

Take notice that an enumerator attended at the premises known as between 9 a.m. and 6 p.m. on, the day of, and between 7 p.m. and 10 p.m. on the day of, but was unable to secure all the information necessary to ensure that he has obtained the names of all persons residing therein who may be qualified to vote at the forthcoming election of a member of the Assembly.

Information relating to the sittings of the revising officer at which any complaint that the name of a voter has been omitted from the voters' list will be heard may be obtained at

| | |
|----------------------------------|----------------------------------|
| <i>Enumerator</i> | <i>Enumerator</i> |
| <i>Address</i> | <i>Address</i> |
| <i>Telephone Number</i> | <i>Telephone Number</i> |

(14) Form 34 in the said Schedule is repealed.

1951, c. 93,
Form 34,
repealed

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

20. This Act may be cited as *The Voters' Lists Amendment Act, 1954*. Short title

BILL

An Act to amend 'The Voters' Lists
Act, 1951

1st Reading

March 26th, 1954

2nd Reading

3rd Reading

MR. PORTER

No. 137

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to amend The Voters' Lists Act, 1951

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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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.—(1) Subsection 1 of section 7 of *The Voters' Lists Act, 1951* is amended by striking out the words "in two parts" in the fourth line. 1951, c. 93, s. 7, subs. 1, amended
- (2) Subsections 3 and 4 of the said section 7 are repealed and the following substituted therefor: 1951, c. 93, s. 7, subs. 3, 4, re-enacted
- (3) Notwithstanding anything in this Act, the clerk of the municipality is not required to prepare a voters' list in any year in which a municipal election is not to be held. Where biennial elections
- (4) In the case of a person appearing by the assessment roll to be a voter at municipal elections but not at provincial elections, the clerk shall insert in the proper column opposite the name of such person the letters "M.E.". Municipal electors only
- (3) Subsection 5 of the said section 7 is amended by striking out the words "the first or second part of" in the second line. 1951, c. 93, s. 7, subs. 5, amended
- (4) Subsection 7 of the said section 7 is amended by inserting after the word "daughter" in the fourth line the words "farmer's sister or farmer's son's wife", so that the subsection shall read as follows: 1951, c. 93, s. 7, subs. 7, amended
- (7) In the case of a person who is a municipal elector by reason of being the wife or husband of the person rated or entitled to be rated for land as provided by *The Municipal Act*, or by reason of being a farmer's daughter, farmer's sister or farmer's son's wife, the clerk shall insert the letters "M.F.N.C." opposite the name of such person in the proper column, meaning that such person is entitled to vote at municipal elections, but is not to be counted for the purpose of determining representation in the county council. Entering name of husband or wife of person rated Rev. Stat., c. 243

1951,
c. 93, s. 7,
subs. 13,
amended

(5) Subsection 13 of the said section 7 is amended by striking out the words "of the second part" in the sixth line and inserting in lieu thereof the word "thereof", so that the subsection shall read as follows:

Entries of
those
qualified
as jurors

- (13) The clerk in making out the list shall, in a separate column provided for the purpose, insert the letter "J" in the list opposite the name of every person over twenty-one and under seventy years of age who by the roll appears to be qualified and liable to serve as a juror, and the list shall show at or near the end thereof the aggregate number of names of persons upon the list qualified to serve on juries, and in the case of municipalities divided into wards the list shall give the same information for each ward.

1951,
c. 93, s. 9,
subs. 1,
amended

2. Subsection 1 of section 9 of *The Voters' Lists Act, 1951* is amended by striking out the words "the first and second parts of" in the third and fourth lines.

1951,
c. 93, s. 10,
subs. 1,
re-enacted

3. Subsection 1 of section 10 of *The Voters' Lists Act, 1951* is repealed and the following substituted therefor:

Certificate
of clerk

- (1) Upon each of the copies of the list so delivered or mailed there shall be a certificate of the clerk (Form 2) stating that the list is a correct list of all persons appearing by the assessment roll to be voters at provincial and municipal elections and of all persons appearing by the assessment roll to be voters at municipal elections only, and that the letters "M.E." have been inserted in the proper column opposite the names of all persons appearing by the assessment roll to be voters at municipal elections only, and the certificate shall contain a clause calling upon all voters to examine the lists and to take immediate proceedings to have omissions or errors corrected according to law.

1951,
c. 93, s. 13,
subs. 1,
re-enacted

4. Subsection 1 of section 13 of *The Voters' Lists Act, 1951* is repealed and the following substituted therefor:

Revision
of list
by judge

- (1) The list shall be subject to revision by the judge at the instance of any voter who complains that the names of voters have been omitted from the list or wrongly stated therein, or that the names of persons who are not entitled to be voters have been entered in the list, and the following provisions of this Part and of Part II, so far as they are applicable, apply to the revision of the list.

5. Subsection 3 of section 14 of *The Voters' Lists Act, 1951* ^{1951, c. 93, s. 14, subs. 3, amended} is amended by striking out the words "the first or second part of" in the first and second lines.

6. Section 15 of *The Voters' Lists Act, 1951* is amended ^{1951, c. 93, s. 15, amended} by striking out the words "the first or second part of" in the third line.

7. Section 18 of *The Voters' Lists Act, 1951* is amended ^{1951, c. 93, s. 18, amended} by striking out all the words after the word "may" in the eighth line and inserting in lieu thereof the words "if the letters "M.E." have been incorrectly inserted or omitted opposite the name, correct the error", so that the section shall read as follows:

18. If on complaint or appeal to strike off the name ^{When qualification incorrectly stated} of a person on the list it appears that the qualification of the person is incorrectly set forth therein but that he has the qualification necessary to entitle his name to be entered on the list, the judge shall not strike off the name of the person but shall make such alterations in the list as are necessary to set forth the proper qualifications of the person, and in so doing may, if the letters "M.E." have been incorrectly inserted or omitted opposite the name, correct the error.

8. Section 19 of *The Voters' Lists Act, 1951* is amended ^{1951, c. 93, s. 19, amended} by striking out the words "the first and second parts of" in the third line.

9. Subsection 1 of section 20 of *The Voters' Lists Act, 1951* ^{1951, c. 93, s. 20, subs. 1, amended} is amended by striking out the words "the first and second parts of" in the fifth and sixth lines.

10. Section 52 of *The Voters' Lists Act, 1951* is amended ^{1951, c. 93, s. 52, amended} by striking out the words "the first and second parts of" in the sixth line.

11. Section 61 of *The Voters' Lists Act, 1951* is repealed ^{1951, c. 93, s. 61, re-enacted} and the following substituted therefor:

61.—(1) Forthwith after the issue of the writ for an election, ^{Nomination of enumerators}

(a) the person who apparently will be the candidate at the election of the political interest represented by the government of the day; and

- (b) the person who apparently will be the candidate at the election of a different and opposed political interest, the candidate for which, at the next preceding provincial election, received the highest number of votes or the next highest number of votes, as the case may be,

shall furnish to the returning officer lists of nominations for appointment as enumerators, but such lists may be furnished to the returning officer at any time after his appointment and may be revised from time to time up to twenty-four hours before the enumeration is to begin.

Failure to
make nom-
inations

- (2) If twenty-four hours before the enumeration is to begin the returning officer has received insufficient nominations to provide two enumerators representing two different and opposed political interests for each polling subdivision, he shall make such additional appointments as he deems necessary to enumerate the electoral district.

1951,
c. 93, s. 62,
subs. 1, cl. a,
amended

12.—(1) Clause *a* of subsection 1 of section 62 of *The Voters' Lists Act, 1951* is amended by striking out the words "the first part of" in the first line.

1951,
c. 93, s. 62,
subs. 2, cl. b,
amended

(2) Clause *b* of subsection 2 of the said section 62 is amended by striking out the words "the first part of" in the first line.

1951,
c. 93, s. 78,
amended

13. Section 78 of *The Voters' Lists Act, 1951* is amended by adding thereto the following clause:

- (bb) of objections to the addition to the lists of the names of voters enumerated under subsection 6 of section 75.

1951,
c. 93, s. 93,
repealed

14. Section 93 of *The Voters' Lists Act, 1951* is repealed.

1951,
c. 93, s. 94,
subs. 1,
amended

15.—(1) Subsection 1 of section 94 of *The Voters' Lists Act, 1951* is amended by striking out the words "immediately after posting up the notice as required by section 93, proceed to" in the second and third lines and by striking out the word "preliminary" in the third line so that the subsection shall read as follows:

Preparation
of list

- (1) The enumerator of each rural polling subdivision shall prepare a list (Form 25) under headings of names of streets where possible and in order of street numbers in subdivisions where street number-

ing is in effect, and in alphabetical order in all other subdivisions, of all persons in the polling subdivision who are qualified to vote at the election.

(2) Clause *b* of subsection 2 of the said section 94 is amended ^{1951, c. 93, s. 94, subs. 2, cl. b,} by striking out the words "the first part of" in the first line. _{amended}

16. Subsection 1 of section 96 of *The Voters' Lists Act, 1951* is amended by striking out the word "preliminary" in the second and fourth lines respectively and by striking out the words "and one copy at the place within the polling subdivision at which he may be found pursuant to section 93" in the seventh, eighth and ninth lines, so that the subsection shall read as follows:

- (1) The enumerator of each rural polling subdivision, immediately after the completion of the list and not later than four days from the date of his appointment, shall certify such list on oath and deliver it to the returning officer, and shall prepare at least six copies thereof so certified and shall forthwith post up one copy in the office of the returning officer for public inspection, and the returning officer shall distribute one copy to each candidate. ^{Certification and posting up of list}

17. Sections 97, 98, 99, 100, 101, 102, 103 and 104 of *The Voters' Lists Act, 1951* are repealed. ^{1951, c. 93, ss. 97-104, repealed}

18.—(1) Forms 1, 2 and 3 in the Schedule to *The Voters' Lists Act, 1951* are repealed and the following substituted therefor: ^{1951, c. 93, Forms 1, 2, re-enacted; Form 3, repealed}

FORM 2

*The Voters' Lists Act, 1951**Section 10 (1)*

CERTIFICATE TO BE ENDORSED ON THE VOTERS' LIST

I, A.B., Clerk of the of, in the County of, certify that the within (or above) list is a correct list of all persons appearing by the assessment roll to be entitled to vote at provincial and municipal elections in this municipality and of all persons appearing by the assessment roll to be entitled to vote at municipal elections only in this municipality, and that the letters "M.E." have been inserted in the proper column opposite the names of all persons appearing by the assessment roll to be voters at municipal elections only, and I hereby call upon all voters to take immediate proceedings to have any omissions or errors corrected according to law.

Dated this day of, 19...

A.B.,
Clerk of

(2) Form 8 in the said Schedule is amended by striking ^{1951, c. 93,} out the words "the first and second parts of" in the fifth line. _{Form 8, amended}

(3) Form 9 in the said Schedule is amended by striking ^{1951, c. 93,} out the words "the first and second parts of" in the fourth _{Form 9, amended} line.

(4) Form 10 in the said Schedule, as amended by sub-^{1951, c. 93,} section 1 of section 3 of *The Voters' Lists Amendment Act, 1952*, _{Form 10, amended} is further amended by striking out the words "the first and second parts of" in the first and second lines.

(5) Form 11 in the said Schedule, as amended by sub-^{1951, c. 93,} section 2 of section 3 of *The Voters' Lists Amendment Act, 1952*, _{Form 11, amended} is further amended by striking out the words "the first and second parts of" in the first and second lines.

(6) Form 13 in the said Schedule is amended by striking ^{1951, c. 93,} out the words "the first and second part of" in the seventh _{Form 13, amended} line.

(7) Form 14 in the said Schedule is amended by striking ^{1951, c. 93,} out the words "the first or second parts of" in the second _{Form 14, amended} and third lines, by striking out the words "the first and second parts of" in the eighth line and by striking out the words "that the second part of the said annexed list is the last revised list" in the twelfth and thirteenth lines.

(8) Form 16 in the said Schedule is amended by striking ^{1951, c. 93,} out the words "the first and second parts of" in the sixth line. _{Form 16, amended}

1951, c. 93,
Form 17,
amended

(9) Form 17 in the said Schedule is amended by striking out the words "the first and second parts of" in the third and fourth lines.

1951, c. 93,
Form 22,
amended

(10) Form 22 in the said Schedule is amended by striking out the words "one of the enumerators" in the seventh line and inserting in lieu thereof the words "an enumerator".

1951, c. 93,
Form 23,
amended

(11) Form 23 in the said Schedule is amended by striking out the words "one of the enumerators" in the first and second lines and inserting in lieu thereof the words "an enumerator".

1951, c. 93,
Form 24,
re-enacted

(12) Form 24 in the said Schedule is repealed and the following substituted therefor:

FORM 24

The Voters' Lists Act, 1951

Section 62 (1)

ENUMERATORS' RECORD FORM

The following name will appear on the list of persons entitled to vote at the forthcoming election of a member to the Assembly in Polling Subdivision No..... of the Electoral District of.....

Name.....

Address.....

Occupation.....

| | |
|-------------------|-------------------|
| | |
| <i>Enumerator</i> | <i>Enumerator</i> |

| | |
|----------------|----------------|
| | |
| <i>Address</i> | <i>Address</i> |

| | |
|-------------------------|-------------------------|
| | |
| <i>Telephone Number</i> | <i>Telephone Number</i> |

1951, c. 93,
Form 26,
re-enacted

(13) Form 26 in the said Schedule is repealed and the following substituted therefor:

BILL

An Act to amend 'The Voters' Lists
Act, 1951

1st Reading

March 26th, 1954

2nd Reading

March 31st, 1954

3rd Reading

April 6th, 1954

MR. PORTER

No. 138

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Controverted
Elections Act

MR. PORTER

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

EXPLANATORY NOTE

Section 4 of *The Election Act, 1951* deleted the Clerk of the Crown in Chancery and transferred the powers and duties of the Clerk of the Crown in Chancery to the Chief Election Officer.

Wherever the expression "Clerk of the Crown in Chancery" appears in the Statutes, "Chief Election Officer" is being substituted.

No. 138

1954

BILL

An Act to amend The Controverted Elections 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 14 of *The Controverted Elections Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the second line and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 67, s. 14, subs. 3, amended

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

3. This Act may be cited as *The Controverted Elections Amendment Act, 1954*. Short title

An Act to amend The Controverted
Elections Act

1st Reading

March 26th, 1954

2nd Reading

3rd Reading

MR. PORTER

No. 138

4TH SESSION, 24TH LEGISLATURE, ONTARIO
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No. 138

1954

BILL

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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 14 of *The Controverted Elections Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the second line and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 67, s. 14, subs. 3, amended
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Controverted Elections Amendment Act, 1954*. Short title

An Act to amend The Controverted
Elections Act

1st Reading

March 26th, 1954

2nd Reading

March 31st, 1954

3rd Reading

April 6th, 1954

MR. PORTER

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to promote
Fair Accommodation Practices in Ontario

MR. FROST (Victoria)

EXPLANATORY NOTE

This new Act will replace *The Racial Discrimination Act* which was passed in 1944. Section 3 of this Bill contains the substance of that Act. Section 2 of this Bill is new. The succeeding sections of this Bill adopt the procedures of *The Fair Employment Practices Act, 1951* as to complaints and offences.

BILL

An Act to promote Fair Accommodation Practices in Ontario

WHEREAS it is public policy in Ontario that places to Preamble which the public is customarily admitted be open to all without regard to race, creed, colour, nationality, ancestry or place of origin; whereas it is desirable to enact a measure to promote observance of this principle; and whereas to do so is in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations;

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) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council;
- (b) "officer" means the officer in the public service who is designated by the Lieutenant-Governor in Council to enforce this Act. *New.*

2. No person shall deny to any person or class of persons the accommodation, services or facilities available in any place to which the public is customarily admitted because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons. *New.*

Discrimina-
tion pro-
hibited

3.—(1) No person shall,

- (a) publish or display or cause to be published or displayed; or
- (b) permit to be published or displayed on lands or premises or in a newspaper, through a radio broadcasting station or by means of any other medium which he owns or controls, any notice, sign,

Publishing or
displaying
discrimina-
tory signs,
etc., pro-
hibited

symbol, emblem or other representation indicating discrimination or an intention to discriminate against any person or any class of persons for any purpose because of the race or creed of such person or class of persons.

Free speech
not affected

(2) Nothing in this section shall be deemed to interfere with the free expression of opinions upon any subject by speech or in writing and shall not confer any protection to or benefit upon enemy aliens. R.S.O. 1950, c. 328, ss. 1, 2.

Action on
complaints

4.—(1) The Minister may require the officer to inquire into the complaint of any person that a contravention of this Act has taken place.

Form of
complaint

(2) Every such complaint shall be in writing on the form prescribed by the Minister and shall be mailed or delivered to him at his office.

Inquiry

(3) When directed so to do, the officer shall forthwith inquire into the complaint and endeavour to effect a settlement of the matter complained of.

Report

(4) The officer shall report the results of his inquiry and endeavours to the Minister. *New.*

Commis-
sion, ap-
pointment

5.—(1) If the officer is unable to effect a settlement of the matter complained of, the Minister may appoint a commission composed of one or more persons and shall forthwith communicate the names of the members to the parties and thereupon it shall be presumed conclusively that the commission was appointed in accordance with this Act, and no order shall be made or process entered or proceeding taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto or otherwise to question the appointment of the commission, or to review, prohibit or restrain any of its proceedings.

powers
Rev. Stat.,
c. 194

(2) The commission shall have all the powers of a conciliation board under section 26 of *The Labour Relations Act*.

duties

(3) The commission shall give the parties full opportunity to present evidence and to make submissions and if it finds that the complaint is supported by the evidence it shall recommend to the Minister the course that ought to be taken with respect to the complaint.

Majority
recom-
mendations
to prevail

(4) If the commission is composed of more than one person, the recommendations of the majority shall be the recommendations of the commission.

(5) After a commission has made its recommendations, the Minister may direct it to clarify or amplify any of its recommendations and they shall not be deemed to have been received by the Minister until they have been so clarified or amplified. Clarification of recommendations

(6) The Minister may issue whatever order he deems necessary to carry the recommendations of the commission into effect and the order shall be final and shall be complied with in accordance with its terms. *New.* Minister's order

6.—(1) Every person who fails to comply with any provisions of this Act or with any order made under this Act is guilty of an offence and on summary conviction is liable, Offences and penalties

(a) if an individual, to a penalty of not more than \$50; or

(b) if a corporation, to a penalty of not more than \$100.

(2) The penalties recovered for offences against this Act shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1950, c. 328, s. 3, *amended.* Disposition of penalties

7. No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister. *New.* Consent to prosecution

8.—(1) Where a person has been convicted of a violation of section 3, the Minister may apply by way of originating notice to a judge of the Supreme Court for an order enjoining such person from continuing such violation. Injunction proceedings

(2) The judge in his discretion may make such order and the order may be enforced in the same manner as any other order or judgment of the Supreme Court. R.S.O. 1950, c. 328, s. 4 (2, 3), *amended.* Idem

9. *The Racial Discrimination Act* is repealed.

Rev. Stat.,
c. 328,
repealed

10. This Act may be cited as *The Fair Accommodation Practices Act, 1954.* Short title

An Act to promote Fair Accommodation
Practices in Ontario

1st Reading

March 29th, 1954

2nd Reading

3rd Reading

Mr. FROST (Victoria)

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL
An Act to promote
Fair Accommodation Practices in Ontario

Mr. FROST (Victoria)

BILL

An Act to promote Fair Accommodation Practices in Ontario

WHEREAS it is public policy in Ontario that places to Preamble
which the public is customarily admitted be open to all
without regard to race, creed, colour, nationality, ancestry or
place of origin; whereas it is desirable to enact a measure to
promote observance of this principle; and whereas to do so is in
accord with the Universal Declaration of Human Rights as
proclaimed by the United Nations;

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-
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- (a) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council;
- (b) "officer" means the officer in the public service who is designated by the Lieutenant-Governor in Council to enforce this Act. *New.*

2. No person shall deny to any person or class of persons the accommodation, services or facilities available in any place to which the public is customarily admitted because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons. *New.*

Discrimina-
tion pro-
hibited

3.—(1) No person shall,

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displaying
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(2) Every such complaint shall be in writing on the form prescribed by the Minister and shall be mailed or delivered to him at his office.

Inquiry

(3) When directed so to do, the officer shall forthwith inquire into the complaint and endeavour to effect a settlement of the matter complained of.

Report

(4) The officer shall report the results of his inquiry and endeavours to the Minister. *New.*

Commis-
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powers

(2) The commission shall have all the powers of a conciliation board under section 26 of *The Labour Relations Act*.

Rev. Stat.,
c. 194

duties

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Majority
recom-
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(4) If the commission is composed of more than one person, the recommendations of the majority shall be the recommendations of the commission.

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(a) if an individual, to a penalty of not more than \$50; or

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(2) The penalties recovered for offences against this Act shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1950, c. 328, s. 3, *amended.* Disposition of penalties

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8.—(1) Where a person has been convicted of a violation of section 3, the Minister may apply by way of originating notice to a judge of the Supreme Court for an order enjoining such person from continuing such violation. Injunction proceedings

(2) The judge in his discretion may make such order and the order may be enforced in the same manner as any other order or judgment of the Supreme Court. R.S.O. 1950, c. 328, s. 4 (2, 3), *amended.* Idem

9. *The Racial Discrimination Act* is repealed.

Rev. Stat.,
c. 328,
repealed

10. This Act may be cited as *The Fair Accommodation Practices Act, 1954.* Short title



An Act to promote Fair Accommodation
Practices in Ontario

1st Reading

March 29th, 1954

2nd Reading

April 1st, 1954

3rd Reading

April 6th, 1954

MR. FROST (Victoria)

No. 140

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

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

EXPLANATORY NOTES

This Bill authorizes the Municipal Board, in an annexation or amalgamation order, to make provision for the payment of grants by the annexing or amalgamated municipality to compensate a local municipality or county for loss of assessment resulting from the annexation or amalgamation.

The present provision whereby an annexation or amalgamation order, if objected to, does not come into force until confirmed by special Act of the Legislature, is removed and provisions are substituted under which an objection to a decision providing for an annexation or amalgamation may be filed with the Clerk of the Executive Council. Upon the filing of such objection the Lieutenant-Governor in Council is authorized either to confirm the decision of the Municipal Board or to order a re-hearing of the application by such members of the Board as the Lieutenant-Governor in Council may designate.

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.—(1) Clause *i* of subsection 10 of section 14 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 243, s. 14
(1954,
c. . ., s. 1),
subs. 10,
cl. *i*, re-
enacted

- (i) where by reason of any annexation order made under this section the taxable assessment of a local municipality is reduced by not less than 15 per cent as shown by the last revised assessment roll prior to the effective date of such annexation, authorize and direct the payment to such municipality by the annexing municipality, to relieve such municipality from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the annexation in such amounts and manner as may be agreed upon between the municipalities and approved by the Board or, failing agreement, as the Board may deem equitable;
- (j) where by reason of any annexation or amalgamation order made under this section a county will be deprived of not less than 15 per cent of its equalized assessment, authorize and direct the payment to such county by the annexing or amalgamated municipality, to relieve such county from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the annexation or amalgamation in such amounts and manner as may be agreed upon between the county and the annexing or amalgamated municipality and approved by the Board or, failing agreement, as the Board may deem equitable;

- (k) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the amalgamation or annexation provided for in such order.

Rev. Stat.,
c. 243, s. 14
(1954,
c. . . . s. 1),
subs. 14-17,
re-enacted

- (2) Subsections 14 to 17 of the said section 14, are repealed and the following substituted therefor:

Decision
granting
annexation
or amal-
gamation
Rev. Stat.,
c. 262

- (14) Section 97 of *The Ontario Municipal Board Act* shall not apply to a decision of the Municipal Board providing for an annexation or amalgamation and such decision,

(a) shall be in writing;

(b) shall identify the area to be annexed or amalgamated; and

(c) shall fix the date when the annexation or amalgamation shall be effective,

and a copy of the decision shall be sent by the secretary of the Board by registered letter to the clerk of every municipality, including every county, affected by the decision, and to such other persons as the Board may direct.

Notice of
objection

- (15) No order shall be made under subsection 2 until the expiration of twenty-eight days after the mailing of the copies of the decision under subsection 14 and, within such period of twenty-eight days, notice of objection to the decision may be filed with the Clerk of the Executive Council.

Idem

- (16) For the purposes of subsection 15, the notice of objection means an objection in writing, giving reasons therefor, that, according to the certificate of the clerk of the municipality, is signed by not less than 10 per cent of the persons qualified to vote on money by-laws who are resident in,

(a) the municipality that has applied for the order; or

(b) the area which by the decision is to be annexed to or amalgamated with the applicant municipality,

and includes, where there are no persons qualified to vote on money by-laws who are resident in the

area to be annexed, an objection in writing, giving reasons therefor, authorized by by-law of the council of the municipality in which such area is situated.

- (17) An objection filed under subsection 15 may be withdrawn by the filing with the Clerk of the Executive Council, at any time before the Lieutenant-Governor in Council has made an order under subsection 18, of a notice in writing of such withdrawal signed by one-third or more of the objectors or, where the objection was authorized by the council of a municipality, of a certified copy of a by-law repealing the authorizing by-law. ^{Withdrawal of objection}
- (18) Where an objection is filed in accordance with subsections 15 and 16 and is not withdrawn, the Lieutenant-Governor in Council may by order, ^{Powers of Lieutenant-Governor in Council}
- (a) confirm the decision of the Municipal Board; or
 - (b) require the Municipal Board to hold a new public hearing of the annexation or amalgamation application before such members of the Board as the Lieutenant-Governor in Council may designate.
- (19) The decision of the Municipal Board, ^{Finality of decision}
- (a) where no objection is filed in accordance with subsections 15 and 16 or where the objections thereto are withdrawn in accordance with subsection 17; or
 - (b) when confirmed by the Lieutenant-Governor in Council; or
 - (c) after a new public hearing ordered by the Lieutenant-Governor in Council,
- shall be final and not open to appeal, and the Board may thereupon make an order under subsection 2.
- (20) Nothing in this section affects the application of section 98 of *The Ontario Municipal Board Act*. ^{Application of Rev. Stat., c. 262, s. 98}
- (21) Where part of a local municipality becomes part of a local municipality in another county, it shall thereafter form part of that county except for the purpose of representation in the Assembly. ^{Adding territory to municipality in another county}

Rev. Stat.,
c. 243, s. 15
(1954,
c. . . , s. 1),
subs. 3,
amended

2. Subsection 3 of section 15 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by striking out the word and figures "14, 15 and 16" in the first and second lines and inserting in lieu thereof the words and figures "and 14 to 20", so that the subsection shall read as follows:

Application
of section 14

(3) The provisions of section 14, except subsections 4 and 14 to 20, shall apply *mutatis mutandis* to an application under this section.

Rev. Stat.,
c. 243, s. 16
(1954,
c. . . , s. 1),
subs. 5,
amended

3. Subsection 5 of section 16 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by striking out the word and figures "14, 15 and 16" in the first and second lines and inserting in lieu thereof the word and figures "14 to 20", so that the subsection shall read as follows:

Application
of s. 14

(5) The provisions of section 14, except subsections 14 to 20, shall apply *mutatis mutandis* to an application under subsection 3.

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 Municipal Amendment Act, 1954 (No. 3)*.

An Act to amend The Municipal Act

1st Reading

March 29th, 1954

2nd Reading

3rd Reading

MR. DUNBAR

No. 140

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Municipal Act

MR. DUNBAR

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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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.—(1) Clause *i* of subsection 10 of section 14 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is repealed and the following substituted therefor: Rev. Stat., c. 243, s. 14 (1954, c. . ., s. 1), subs. 10, cl. i, re-enacted

- (i) where by reason of any annexation order made under this section the taxable assessment of a local municipality is reduced by not less than 15 per cent as shown by the last revised assessment roll prior to the effective date of such annexation, authorize and direct the payment to such municipality by the annexing municipality, to relieve such municipality from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the annexation in such amounts and manner as may be agreed upon between the municipalities and approved by the Board or, failing agreement, as the Board may deem equitable;
- (j) where by reason of any annexation or amalgamation order made under this section a county will be deprived of not less than 15 per cent of its equalized assessment, authorize and direct the payment to such county by the annexing or amalgamated municipality, to relieve such county from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the annexation or amalgamation in such amounts and manner as may be agreed upon between the county and the annexing or amalgamated municipality and approved by the Board or, failing agreement, as the Board may deem equitable;

- (k) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the amalgamation or annexation provided for in such order.

Rev. Stat.,
c. 243, s. 14
(1954,
c. . . , s. 1),
subss. 14-17,
re-enacted

(2) Subsections 14 to 17 of the said section 14, are repealed and the following substituted therefor:

Decision
granting
annexation
or amal-
gamation
Rev. Stat.,
c. 262

- (14) Section 97 of *The Ontario Municipal Board Act* shall not apply to a decision of the Municipal Board providing for an annexation or amalgamation and such decision,

(a) shall be in writing;

(b) shall identify the area to be annexed or amalgamated; and

(c) shall fix the date when the annexation or amalgamation shall be effective,

and a copy of the decision shall be sent by the secretary of the Board by registered letter to the clerk of every municipality, including every county, affected by the decision, and to such other persons as the Board may direct.

Notice of
objection

- (15) No order shall be made under subsection 2 until the expiration of twenty-eight days after the mailing of the copies of the decision under subsection 14 and, within such period of twenty-eight days, notice of objection to the decision may be filed with the Clerk of the Executive Council.

Idem

- (16) For the purposes of subsection 15, the notice of objection means an objection in writing, giving reasons therefor, that, according to the certificate of the clerk of the municipality, is signed by not less than 10 per cent of the persons qualified to vote on money by-laws who are resident in,

(a) the municipality that has applied for the order; or

(b) the area which by the decision is to be annexed to or amalgamated with the applicant municipality,

and includes, where there are no persons qualified to vote on money by-laws who are resident in the

area to be annexed, an objection in writing, giving reasons therefor, authorized by by-law of the council of the municipality in which such area is situated.

- (17) An objection filed under subsection 15 may be withdrawn by the filing with the Clerk of the Executive Council, at any time before the Lieutenant-Governor in Council has made an order under subsection 18, of a notice in writing of such withdrawal signed by one-third or more of the objectors or, where the objection was authorized by the council of a municipality, of a certified copy of a by-law repealing the authorizing by-law. Withdrawal of objection
- (18) Where an objection is filed in accordance with subsections 15 and 16 and is not withdrawn, the Lieutenant-Governor in Council may by order, Powers of Lieutenant-Governor in Council
- (a) confirm the decision of the Municipal Board; or
 - (b) require the Municipal Board to hold a new public hearing of the annexation or amalgamation application before such members of the Board as the Lieutenant-Governor in Council may designate.
- (19) The decision of the Municipal Board, Finality of decision
- (a) where no objection is filed in accordance with subsections 15 and 16 or where the objections thereto are withdrawn in accordance with subsection 17; or
 - (b) when confirmed by the Lieutenant-Governor in Council; or
 - (c) after a new public hearing ordered by the Lieutenant-Governor in Council,
- shall be final and not open to appeal, and the Board may thereupon make an order under subsection 2.
- (20) Nothing in this section affects the application of section 98 of *The Ontario Municipal Board Act*. Application of Rev. Stat., c. 262, s. 98
- (21) Where part of a local municipality becomes part of a local municipality in another county, it shall thereafter form part of that county except for the purpose of representation in the Assembly. Adding territory to municipality in another county

Rev. Stat.,
c. 243, s. 15
(1954,
c. . . , s. 1),
subs. 3,
amended

2. Subsection 3 of section 15 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by striking out the word and figures "14, 15 and 16" in the first and second lines and inserting in lieu thereof the words and figures "and 14 to 20", so that the subsection shall read as follows:

Application
of section 14

(3) The provisions of section 14, except subsections 4 and 14 to 20, shall apply *mutatis mutandis* to an application under this section.

Rev. Stat.,
c. 243, s. 16
(1954,
c. . . , s. 1),
subs. 5,
amended

3. Subsection 5 of section 16 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by striking out the word and figures "14, 15 and 16" in the first and second lines and inserting in lieu thereof the word and figures "14 to 20", so that the subsection shall read as follows:

Application
of s. 14

(5) The provisions of section 14, except subsections 14 to 20, shall apply *mutatis mutandis* to an application under subsection 3.

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 Municipal Amendment Act, 1954 (No. 3)*.

BILL

An Act to amend The Municipal Act

1st Reading

March 29th, 1954

2nd Reading

April 1st, 1954

3rd Reading

April 6th, 1954

MR. DUNBAR

No. 141

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Ontario Cancer
Treatment and Research Foundation Act, 1943

MR. PHILLIPS

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

EXPLANATORY NOTE

The section now provides a maximum of 10 members. The amendment repeals the maximum.

No. 141

1954

BILL

An Act to amend The Ontario Cancer Treatment and Research Foundation Act, 1943

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 Ontario Cancer Treatment and Research Foundation Act, 1943* is amended by striking out the words ^{c. 19, s. 1. amended} "and not more than ten" in the fourth and fifth lines, so that the section shall read as follows:

1. There shall be established a corporation to be known as The Ontario Cancer Treatment and Research Foundation, herein referred to as "the Foundation", which shall be a body corporate and shall consist of not less than seven members who shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure.

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

3. This Act may be cited as *The Ontario Cancer Treatment and Research Foundation Amendment Act, 1954*.

An Act to amend The Ontario Cancer
Treatment and Research Foundation
Act, 1943

1st Reading

April 1st, 1954

2nd Reading

3rd Reading

MR. PHILLIPS

No. 141

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to amend The Ontario Cancer
Treatment and Research Foundation Act, 1943

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An Act to amend The Ontario Cancer Treatment and Research Foundation Act, 1943

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 Ontario Cancer Treatment and Research Foundation Act, 1943* is amended by striking out the words "and not more than ten" in the fourth and fifth lines, so that the section shall read as follows: 1943, c. 19, s. 1, amended

1. There shall be established a corporation to be known as The Ontario Cancer Treatment and Research Foundation, herein referred to as "the Foundation", which shall be a body corporate and shall consist of not less than seven members who shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure. The Ontario Cancer Treatment and Research Foundation, establishment of

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

3. This Act may be cited as *The Ontario Cancer Treatment and Research Foundation Amendment Act, 1954*. Short title

An Act to amend The Ontario Cancer
Treatment and Research Foundation
Act, 1943

1st Reading

April 1st, 1954

2nd Reading

April 2nd, 1954

3rd Reading

April 6th, 1954

MR. PHILLIPS

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

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 sold for the purpose of raising any loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold for the purpose of such payment, shall not exceed in the whole \$100,000,000.

Loans up to \$100,000,000 authorized

2. Any such sum or sums may be raised in any manner provided by *The Provincial Loans Act* or *The Financial Administration Act, 1954*, and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon.

Rev. Stat., c. 299; 1954, c. ...

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

Commencement

4. This Act may be cited as *The Ontario Loan Act, 1954*.

Short title

An Act to authorize the Raising of Money
on the Credit of the Consolidated
Revenue Fund.

1st Reading

April 1st, 1954

2nd Reading

April 2nd, 1954

3rd Reading

April 6th, 1954

MR. FROST (Victoria)

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

BILL

An Act to authorize the Raising of Money on
the Credit of the Consolidated Revenue Fund

MR. FROST (Victoria)

TORONTO

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



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 sold for the purpose of raising any loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold for the purpose of such payment, shall not exceed in the whole \$100,000,000.

Loans up to \$100,000,000 authorized

2. Any such sum or sums may be raised in any manner provided by *The Provincial Loans Act* or *The Financial Administration Act, 1954*, and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon.

Rev. Stat., c. 299; 1954, c. ...

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

Commencement

4. This Act may be cited as *The Ontario Loan Act, 1954*.

Short title

An Act to authorize the Raising of Money
on the Credit of the Consolidated
Revenue Fund

1st Reading

April 1st, 1954

2nd Reading

3rd Reading

MR. FROST (Victoria)

4TH SESSION, 24TH LEGISLATURE, ONTARIO
3 ELIZABETH II, 1954

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, 1954, and for the Public Service for the fiscal year ending the 31st day of March, 1955

MR. FROST (Victoria)

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, 1954, and for the Public Service for the fiscal year ending the 31st day of March, 1955

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, 1954, and for the fiscal year ending the 31st day of March, 1955, 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. In addition to the sum of \$368,463,650 granted by *The Supply Act, 1953*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$30,850,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1953, to the 31st day of March, 1954, 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 supplementary estimates upon which such Schedule is based. \$30,850,000 granted for fiscal year 1953-54

2. There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$370,892,100 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1954, to the 31st day of March, 1955, 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. \$370,892,100 granted for fiscal year 1954-55

Accounting
for expen-
diture

3. The due application of all moneys expended under this Act out of the Consolidated Revenue Fund shall be accounted for to Her Majesty.

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 Supply Act, 1954*.

SCHEDULE A

| | |
|---|--------------|
| Education Department..... | \$ 4,350,000 |
| Health Department..... | 8,000,000 |
| Highways Department..... | 17,500,000 |
| Provincial Treasurer's Department..... | 1,000,000 |
| <hr/> | |
| Total supplementary estimate of expenditure for the fiscal year 1953-54..... | \$30,850,000 |

SCHEDULE B

| | |
|---|---------------|
| Agriculture Department..... | \$ 9,365,000 |
| Attorney-General's Department..... | 11,804,500 |
| Education Department..... | 77,775,000 |
| Health Department..... | 48,773,000 |
| Highways Department..... | 111,525,000 |
| Insurance Department..... | 190,000 |
| Labour Department..... | 12,229,000 |
| Lands and Forests Department..... | 13,050,000 |
| Lieutenant-Governor's Office..... | 20,000 |
| Mines Department..... | 2,122,900 |
| Municipal Affairs Department..... | 3,244,500 |
| Planning and Development Department..... | 1,184,000 |
| Prime Minister's Office..... | 105,000 |
| Provincial Auditor's Office..... | 272,700 |
| Provincial Secretary's Department..... | 1,355,000 |
| Provincial Treasurer's Department..... | 4,807,800 |
| Public Welfare Department..... | 27,926,700 |
| Public Works Department..... | 35,040,000 |
| Reform Institutions Department..... | 8,967,000 |
| Travel and Publicity Department..... | 885,000 |
| Miscellaneous..... | 250,000 |
| <hr/> | |
| Total estimate of expenditure for the fiscal year 1954-55..... | \$370,892,100 |

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, 1954, and for the Public Service for the fiscal year ending the 31st day of March, 1955

1st Reading

April 6th, 1954

2nd Reading

April 6th, 1954

3rd Reading

April 6th, 1954

MR. FROST (Victoria)
